STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 25, 2017 - 9:09 a.m.    DAY 39
49 Donovan Street       MORNING Session ONLY
Concord, New Hampshire

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

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

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

Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Resources &
Economic Development
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby        Public Member

ALSO PRESENT FOR THE SEC:
Michael J. Iacopino, Esq., Counsel to the SEC
Iryna Dore, Esquire
(Brennan, Caron, Lenehan & Iacopino)

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

COURT REPORTER:  Susan J. Robidas, NH LCR No. 44
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CHAIRMAN HONIGBERG: Good morning, everyone. It's Day 39. We're continuing with Mr. Varney this morning.

Ms. Crane, you may continue.

CROSS-EXAMINATION

BY MS. CRANE:

Q. When we began last Friday -- can you hear me now?

    Okay. I am Charlotte Crane. Good morning, Mr. Varney.

A. Good morning.

Q. When we began on Friday, I think we had established Bridgewater would like to market itself as a place in which, quote, "Its residents and property owners value the rural qualities of the town and value the forest, pastoral scenes, open spaces and water bodies, its location for outdoor recreation and for the scenic beauty they provide." I'm quoting from their web site.

MS. CRANE: Are we up somewhere? Anything? Unless somebody's got the Bare Earth visibility screening maps that I have asked
Counsel for the Public to try to be able to project for me, when I tried to project them last week everybody complained that the resolution wasn't good enough.

CHAIRMAN HONIGBERG: All right. Let's go off the record.

(Discussion off the record)

CHAIRMAN HONIGBERG: We're back on the record.

MS. CRANE: Thank you.

BY MS. CRANE:

Q. We had also talked about the fact that Bridgewater --

MS. CRANE: I'd like to be on the record. I have tried to get a map with the proper resolution projected. That's what we're waiting for. I don't know whether we've found it yet.

CHAIRMAN HONIGBERG: I was happy to wait for this -- stop talking. We can get that up. If there's something you can do without it, that's fine, too. But just figure out what you want and then let's do it.

MS. CRANE: Okay.
BY MS. CRANE:

Q. So we had also established that Bridgewater has one of the lowest tax rates in the state, and it's quite proud of it. That's what we see when we look at this web page from a realtor in the Lakes Region area.

And this is another screen capture from the Bridgewater town web page. It offers visitors to the page instead of photographs to view.

In the course of preparing your report about the effect of the Northern Pass Project on orderly development in Bridgewater, did you have -- did you look at this web page?

A. Did I look at the town's web page?

Q. Yes.

A. Yes.

Q. Did you look -- did you scroll through these photos?

A. I believe so. It's been quite some time since I looked at their web page.

Q. I'm sorry. This is still the wrong section.

MS. CRANE: I need... that's the only one we have? Then we'll make do without
it. Okay. If as I get near the end it's available, what I need is the section that includes Ashland and Bridgewater. Thank you.

BY MS. CRANE:

Q. Okay. So I know that we're not talking about particular properties here, but I wanted to talk about trends in property transactions and, in general, what the folks on Bridgewater Hill think of their properties. And that's the kind of topic that's covered in your report.

A. No, Dr. James Chalmers covered property values --

Q. But you relied on his --

A. -- in his testimony.

Q. But you relied on his report about property values to make assumptions about how anything -- about the run-on effects of those changes in value perhaps in orderly development; is that fair?

A. I reviewed his prefilled testimony and report very carefully and feel that it was a very informative, balanced report that was of significant value in terms of understanding
Q. Okay. And I actually don't want to talk about anything more than to use this as an example of a property and talk about why it's as valuable as it is.

This house was purchased in 1994 or so for $235,000. It is listed on the Bridgewater tax list now at about $406,000, but an assessed base, reduced to $326,000 as a result of recreational current use. Does that seem plausible to you?

A. Perhaps. I don't have those statistics in front of me.

Q. Okay. And are you aware that in Bridgewater, the town does not maintain all of the roads during the winter? It does not plow many miles of road?

A. That's very common in communities across New Hampshire.

Q. And so you'll accept when I suggest that this house is on an unplowed portion of a road called Poole Hill Road? Indeed, this is the Poole Hill Farm on Poole Hill Road.

A. Okay.
Q. Okay. So why would someone pay this much money for a house which is inaccessible except by snowshoe, snowmobile and maybe a little bit of trudging?


CHAIRMAN HONIGBERG: Ms. Crane, why is this relevant and why does this not call for speculation?

MS. CRANE: It may call for speculation, so I suppose I will withdraw the question. But I'd like -- I'll continue.

BY MS. CRANE:

Q. Is it possible that this view is part of what the purchaser of a home like this on Bridgewater Hill is looking for and --

MS. CRANE: I'm sorry. I don't know what you all can see. And when you flip back --

MR. PAPPAS: Whatever is on that --

MS. CRANE: I have never seen anything on this.

MR. OLDENBURG: Neither have we.
MS. CRANE: All right. Sorry.

CHAIRMAN HONIGBERG: Ms. Crane, stop for just a second, please. Let's go off the record for a minute, okay.

(Discussion off the record)

MS. CRANE: My apologies. I just wanted to get my bearings about the terrain that we are talking about when we talk about the community of Bridgewater and what's important to its real estate development and to its community in general when they go about their regular economic activity.

BY MS. CRANE:

Q. So, finally we are looking at Bridgewater. Is everybody looking at Bridgewater? And do you see, Mr. Varney, where it says Bridgewater?

A. Yes.

Q. And do you see why you might not quite be able to see Bridgewater?

A. I see it clearly.

Q. Okay. This is the Bare Earth Study that was prepared as one of the screening tests in connection with Mr. DeWan's study. I was
told, and I believe that it is a -- and I read in his report that it is done by taking the topographical data and not putting any overlay of vegetation on it. And if there is a dark place, it means there would be a view of the Project. This is Applicant's No. 93. And that doesn't mean anything about whether it's a bad view or a good view. It just means there is a view. It's a view that might be evaluated if Bare Earth were relevant. Is that your understanding of this map?

A. Yes, but I didn't rely on this mapping for my assessment of prevailing land uses along the right-of-way.

Q. But you relied on Mr. DeWan's assessment of prevailing land uses; is that correct?

MR. NEEDLEMAN: Objection. He already testified he did not.

MS. CRANE: He didn't rely on Mr. DeWan's reliance on this map? I thought he said he did.

A. No, I indicated that it was not within the scope of my review, that Mr. DeWan reviewed
visual issues subject to and consistent with
the SEC requirements.

**BY MS. CRANE:**

**Q.** And I understand that. But you relied on Mr. DeWan's conclusions, which were in turn based on this -- or you relied on the information that he gleaned and included in his report in part by relying on this map.

**MR. NEEDLEMAN:** Same objection.

**CHAIRMAN HONIGBERG:** Ms. Crane.

**MS. CRANE:** I don't think it's worth pursuing, so I'll keep going.

**BY MS. CRANE:**

**Q.** And this is the map that is much more useful to rely on because what it shows is what Mr. DeWan's techniques revealed were the increased visibility as a result of the change, as I understand it, from the existing transmission system to the proposed transmission system. I don't suppose it really matters whether that's your understanding. But is it your understanding?

**A.** Yes, I can see the map here.

**MS. DORE:** Ms. Crane, what
exhibit number is this?

MS. MERRIGAN: That's Applicant's Exhibit 2, Attachment 6.

MS. DORE: Thank you.

MS. CRANE: Thank you. And if I could have it blown up just a little bit more above where it says Bridgewater. No, way smaller. The inner circle, but the smaller section -- whatever the inside cloud is what I need. Yeah, that's good enough.

BY MS. CRANE:

Q. So I want to talk in particular today about the places that are north of the line that begins where there's a kink in the transmission line, where it's as close as it gets to the Pemi, in the middle of orange there at the Pemi. And my --

A. Hmm-hmm.

Q. And there is a gray line which doesn't need to be known. It's known to me as Cass Road. That comes from where the road and the river is down to what is the top of Bridgewater Mountain. Can you see that?

A. Not clearly, no.
Q. And can you see that there are no markings, either purple or orange, in the area to the left of that squiggle that's identified as Cass Road?

MS. CRANE: Is there a way to have a pointer on this at all?

BY MS. CRANE:

Q. Okay. So the spot that is orange to the right... so, now that we have a better point of reference, the arrow is pointing at an orange spot that is south of Cass Road and identified increased visibility spot. But there is nothing to the north of Cass Road that I can see. Is there anything on your map that you can see?

A. No, I don't even see the road labeled on what's --

Q. It isn't labeled. I know that it's Cass Road because, for better or worse, I guess I have to confess I own about two thirds of the length of that road. Yeah, I guess I have to admit I do. But I don't own the entire top of the mountain and I don't own the entire length of the river, which is what I'm going
to be talking about today, okay.

So I want to talk about what the views
actually are from the locations where no
views are identified -- or where views are
identified but have not been considered
significant. I have -- my questioning will
proceed not as if it were important that they
be significant, but that it's important that
they be considered. So let's...

MS. CRANE: I can go back to my
slides now.

BY MS. CRANE:

Q. This is the slide I'll start with. This is
the house that I was mentioning, the Poole
Hill Farm, that there was a transaction in
1994. And this is the view from Poole Hill
Farm. There is no view of the Project in
this. The point is how significant in the
way they use their lands these views are to
the people on Bridgewater Hill.

MR. NEEDLEMAN: Objection.

Relevance.

CHAIRMAN HONIGBERG: There isn't
a question yet. What's the question?
BY MS. CRANE:

Q. The question is: Mr. Varney, would a view like this and an effect on a view like this ever make any difference in your evaluation of local land uses and economic development?

A. I looked at the totality of information that is along the route and --

Q. I think I asked a "Yes" or "No" question.

CHAIRMAN HONIGBERG: Can you answer the question "Yes" or "No," Mr. Varney?

WITNESS VARNEY: Yes, to a limited extent. Yes.

BY MS. CRANE:

Q. Okay. And I am talking about things that should be considered, not talking about what the conclusion ought to be. Thank you.

And this is a Google Earth map of the top of Bridgewater Hill. The property that we just looked at, if I can assert, is to the west of the red line that may be a little too faint, but I hope you can make it out, where there's a fork in the road and to the north of the other red line across the road where there is a fork up at the top. And that's --
I wasn't sure where the line is. As you come down, they've changed it a couple times in the last few years. But everything to the west of the line to the top of the screen and to the north of the line in the middle of the screen. And this is Ashland to Deerfield Non-Abutters Slide 54, Page 6 -- Exhibit 54, Page 6.

So the fields there that we can -- I'm sorry. Do you recognize the topography for the areas along the roadside in this aerial view?

A. Hmm-hmm.

Q. And what would you assume they were?

A. I can't assume anything based on what I see before me.

Q. So you've never tried to read a Google map before?

A. Yes, I have. I'm looking at this map which is -- I'm having difficulty understanding the relevance of this map.

Q. This is the land owned by people in Bridgewater at the top of Bridgewater Mountain, and we are talking about how they
use that land.

CHAIRMAN HONIGBERG: I think the only question was are you familiar with this map and this area.

WITNESS VARNEY: No, I'm not.

BY MS. CRANE:

Q. Actually, that's not what I asked. I asked if you could identify any of the topographical features.

CHAIRMAN HONIGBERG: And since he's not familiar with the map, the answer to that is "No." So let's take the next question.

BY MS. CRANE:

Q. In general, would you able to identify a hay field on a Google Earth map?

A. Generally speaking, yes, depending on the level of clarity. I can see some open areas. I can see some areas where there appears to be some sand and gravel extraction. I see some areas that are heavily forested. I see areas that indicate some wetland areas. And that's about all --

Q. Okay. That's fine.

A. -- I can see for now based on --
Q. That's fine. That will work for me.

If we assume that the clearings that we see, or what appear to be clearings -- okay.
Running diagonally in the middle of this map are clearings. Would it be logical to assume there are houses next to those clearings?

A. Yes, there appear to be some houses at some of the clearings.

Q. And the ones that are to the west and north of the red lines are all on roads where an automobile can't travel in the winter, when there's snow in the winter. We established that. Okay. Thank you.

I don't have the transcript yet, but I think in our short exchange on Friday morning you indicated that a lot of towns want to market themselves as scenic and pastoral; did you not?

A. Yes, almost every master plan in New Hampshire talks about their rural, scenic qualities as a general guiding statement.

Q. And Bridgewater does as well. Is that --

A. Yes.

Q. Okay. So is it appropriate for me to infer
from your remarks that there's nothing special about Bridgewater?

A. No. I feel that each town is unique and has unique attributes, which is something that I greatly appreciate about New Hampshire.

Q. Okay. Well, let's figure out what Bridgewater's are. Thank you.

This house is one that is on the photo tour. It was constructed by its current owner and is now appraised at something over a million dollars. It is on the plowed part of Bridgewater Hill Road. I will skip the pretty slides and simply ask you to -- well, that's not fair, either. I'll assert that there's a view from this building. If you want to agree, fine. If you don't want to agree, that's fine, too.

MR. NEEDLEMAN: Objection. It's testimony.

CHAIRMAN HONIGBERG: Is there a question associated with this?

BY MS. CRANE:

Q. Mr. Varney, if someone is willing to build a house for more than a million dollars at the
end of a dirt road, he is plowed, but it a
dirt road where there's very unreliable cell
reception, no town water, no town sewer, can
you suggest a few reasons why someone might
be wanting to pay that much for a house like
this?

A. I can't speculate the circumstances of this
owner's motivations.

Q. Okay. Getting you to agree with this is not
a make or break for me, so let's keep going.

Oh, there's a slide I never found. So
let's go back down the hill away from those
fancy houses to where some of the features we
identified last Friday are. Do you recall
looking at this area last Friday?

A. Yes.

Q. And in terms of the overall transmission
project, do you recall what features are
present here?

A. Yes, I believe we were speaking about the
industrial nature of the area in which the
transition station is proposed to be
constructed.

Q. And I think you made reference to those ugly
storage containers; right?

A. I simply indicated they were a bright orange color.

Q. Oh, wait. It was me that said they were ugly. Sorry.

Okay. And what other industrial features are here?

A. There are at least two or three manufacturing facilities between -- to the west of Route 3. There's the Bridgewater power plant.

Q. And what is Bridgewater power plant?

A. It's an energy facility that burns biomass. It's a biomass facility.

Q. And what is your understanding of what "biomass" is when you use it in that sense?

A. Typically burning of wood chips.

Q. Wood chips. Okay. And do you have any idea where wood chips might be acquired? What's their origin?

A. They typically come from various logging operations, timber harvesting operations, and typically is low-value wood that is taken for energy production.

Q. And so it's your understanding that being
able to make use of a byproduct of lumbering by selling low-energy -- sorry -- low-quality wood to some -- to a facility like a biomass plant actually increases the likelihood that any particular place would be logged and any particular logger would be asked to log. Is that -- let's stop with place. Any particular -- if you've got a market for your byproduct, you're more likely to go after the main product. Does that sound correct?

A. It's viewed as a positive from the standpoint of loggers who are trying to increase their profitability by harvesting high-value wood, as well as having a market for low-value wood as well.

Q. So it means that the people who are loggers relatively close, because transportation is everybody's biggest cost in this industry at least, I'll assume, unless I'm wrong, and you can correct me, the closer you are to a facility like this, the more profitable your logging is going to be.

A. I think -- I don't have information in front of me that looks at the distances that they
travel. But I would simply note that this facility is just off the interstate highway, I-93, with an interchange in Ashland just south of the plant, which I'm sure was a factor in the siting of that facility.

Q. And when lots of people use it, it means that it's more likely to be profitable for the people who are maintaining the plant and for all the people who are using it, you would assume, right, until it reaches capacity?

A. Yeah, I can't comment on the profitability. There are many factors involved in that. But I'm very aware of the facility. It's been there for about -- a long time.

Q. Do you remember how long?

A. Pardon me?

Q. Do you know how long?

A. Very long time. I can't remember the date. But it's been there for a long time.

Q. So you said you were on the Lakes Region Planning Commission. Was it from that era?

A. Yes.

Q. Okay. Do you remember my uncle, Jack Townsend? He was one of the big promoters of
it.

A. Yes --

Q. Oh, okay.

A. -- I remember Jack.

Q. Okay. You remember Jack.

A. Great guy.

Q. He only died last year.

A. Sorry to hear that.

Q. So this is another map of essentially the same region. Maybe a little bit less is actually showing. This is Page 10 of Non-abutters Ashland to Deerfield Exhibit 54. And the only thing that is added here is a better label for the biomass plant, a green square, which we're not concerned with today; a yellow square, which I guess I'm never supposed to be concerned with, and an arrow pointing to a road. Can you tell me what the name of that road is, the red arrow pointing --

A. John Jenness Road.

Q. John Jenness Road. Okay. And John Jenness Road starts at River Road. Can you find the fork in the road where it starts at River
Road?

A. Yes.

Q. Are you familiar with this area?

A. Generally speaking, although most of my travel has been on Route 3 or North Ashland Road.

Q. Okay. So, John Jenness Road comes on over to Route 3 pretty -- or without much distance being traveled; right? It's not more than half a mile by the scale to me. Is that probably right?

A. Yeah, I'm not sure.

Q. Okay. And then John Jenness Road crosses Route 3. Can you see that?

A. Yes.

Q. And John Jenness Road crosses the railroad tracks that are located there.

A. Yes.

Q. Yes. And do you know what railroad tracks those are?

A. They are the line that runs from Concord eventually up to Lincoln, New Hampshire.

Q. From Concord to Lincoln. And do you happen to know whether it's used much these days?
A. I don't know the current use, but I'm very familiar with the rail line and actually was involved in a study of that rail line many years ago.

Q. And what was the result of that study many years ago?

A. It found that there was a limited market for the rail line north of the Meredith area.

Q. And was this when Peter Gould was trying to resuscitate the rail in Lincoln?

A. Yes.

Q. Okay. And do you know what happened when Peter Gould was not successful in resuscitating the rail in Lincoln?

A. No.

Q. Okay.

CHAIRMAN HONIGBERG: Ms. Crane, what was the point of all that? What exactly are you doing here?

MS. CRANE: Well, I would like to try to establish that that is the tracks upon which the Hobo Railroad now makes its foliage trips.

CHAIRMAN HONIGBERG: So that's a
tourism concern. You're worried about the people not enjoying the Hobo Railroad because of new power lines?

MS. CRANE: Actually, I think they'll probably be fine. I just think that it wasn't ever put in the record.

CHAIRMAN HONIGBERG: I don't -- Ms. Crane, I have to be honest with you. I don't think you have a plan here. I don't think you prepared a cross-examination of this witness, and I think that you're winging it.

MS. CRANE: Would you -- I'll give you my notes when I'm done.

CHAIRMAN HONIGBERG: Here's what we're going to do. We're going to take a ten-minute break, and you're going to organize your notes. And when we come back, you're going to put on the record what you hope to accomplish with this witness, if you're allowed to continue an examination. There's a rule. It's a common rule throughout state administrative law allowing an administrative body to limit an intervenor's participation to avoid undue delay. I've forgotten exactly the
wording, but we can pull it up. And I suspect that's what you're trying to do. You're trying to delay us here this morning, for whatever reason. Now, maybe I'm wrong. Maybe I'm being unfair. And what we're going to do is give you an opportunity in about 15 minutes to come back and explain what it is you would like to accomplish with this witness, the three, four or five points you think are most important for you to make on cross-examination. And if it all makes sense, then we'll allow you to do that. If not, we'll suspend your cross-examination and have the Committee ask its questions of Mr. Varney. And then we may give you a second chance after that to clean it up if 15 minutes wasn't enough. But we're just wasting everyone's time right now.

MS. CRANE: Okay. I do not need --

CHAIRMAN HONIGBERG: So we're going to go off the record and adjourn for ten minutes.

MS. CRANE: Thank you. I'll be back before that.
(Recess was taken at 9:51 a.m., and the hearing resumed at 10:05 a.m.)

(Mr. Iacopino joins proceedings.)

CHAIRMAN HONIGBERG: All right.

Ms. Crane, what can you tell us?

MS. CRANE: I intend to ask the witness about construction impact, primarily at the transition station location that we've been looking at, the impact on traffic and on the local economy, whether he considered that. I am going to return to the importance of views and the way people use their land and make decisions within their greater family units about when and how to dispose of that land. That is doubling back a little bit where I was, but these are all places where the towers are already visible. Okay. The existing --

CHAIRMAN HONIGBERG: So you've got construction impact, and you've got views and their effect on people's use or potential sale of their land. What other topics do you want to cover with this witness?

MS. CRANE: Very briefly, he reported on the overall terrain in Bridgewater,
and that's part of the views. So I was going
to spend just a second on where in his report
he talks about terrain.

CHAIRMAN HONIGBERG: Okay. So
you're going to have him look at his report,
and you're going to ask him a question or two
related to that section of the report.

MS. CRANE: I am.

CHAIRMAN HONIGBERG: Okay.

MS. CRANE: And again, this is
all about the importance of views in this
particular part of Grafton County. And then
I'm going to ask him, and this may have been
covered adequately already, about Bridgewater's
position on renewable fuels. I don't know.

Some people talked about what the Lakes Region
Planning Commission's Report on renewable fuels
meant. I can skip that if Bridgewater's views
aren't appropriately brought separately. And I
also was going to talk about the impacts on
agriculture. There are several working farms
along the -- no, I shouldn't say working farms.
There are agricultural activities along the
underground route as it approaches the location
we've been talking about, and there are several.

CHAIRMAN HONIGBERG: Okay. Is there anything else?

MS. CRANE: I did want to talk a little bit more about his approach to proper planning in corridors and what these corridors meant to him and how these corridors might end up being defined and redefined over time.

CHAIRMAN HONIGBERG: Okay. That it?

MS. CRANE: Yeah.

CHAIRMAN HONIGBERG: So every question that you ask should be to one of those topics that you just outlined for us, and they don't need a lot of introduction. They don't need a lot of commentary from you, frankly. If you need to set the scene for him, you can do that. But every question you ask needs to be directed at one of those topics.

MS. CRANE: Yes, sir.

CHAIRMAN HONIGBERG: And I just want to put on the record the language from RSA 541-A:32,III(b). And it's language that's
repeated in Site Evaluation Committee Rule 202.11, which is that intervenors can be limited in their use of cross-examination "so as to promote the orderly and prompt conduct of the proceedings." And that's what we're doing here, okay, "orderly and prompt." And hitting the topics that you just outlined can be done in an orderly and prompt fashion, and we'll be looking for you to do that. Okay?

MS. CRANE: Am I entitled to put a response into the record?

CHAIRMAN HONIGBERG: I have no idea what you mean. What would you like to say?

MS. CRANE: I would like to say that I haven't sat through everything you folks have heard, but I do believe there is more new content in the way I spent the last half-hour, in terms of new places that have not been brought to your attention because they haven't been included in any of the experts' reports.

CHAIRMAN HONIGBERG: Oh,

Ms. Crane, you don't want to read this transcript. Trust me. I think in the 40
minutes or so that you were questioning, you
may have asked six questions, at least one of
which was about your uncle. So I don't think
you want to go there. But you've put your
statement on the record. Why don't you ask
your next question.

BY MS. CRANE:

Q. If someone were trying to gain -- I'm sorry.

Are you aware that there is or at least
was an equipment rental shop along Jenness
Road coming toward the transition station?

A. Coming, traveling east or west?

Q. If you were traveling southwest towards the
where the transition station site is -- I'm
sorry. I don't know exactly where it's going
to be. There is a place called Pemi Rental
currently. Are you familiar with that?

A. Yes.

Q. Did you take into account what might happen
to it as a result? And I know your job is
not to take into account every business. But
if you didn't this particular one, then in
general?

A. No. I reviewed the land uses along the
corridor in the vicinity of where the Project
is located. And my conclusion is that there
would not be any impact, any significant
impact post-construction of -- on those land
uses. And during the construction phase
there may be some temporary, short-term
impacts, but beyond that there's no long-term
adverse effect.

Q. Did you take into account how long it might
take to build a transition station when you
were thinking about the construction aspect
of the disruption?

A. There are many construction projects across
the state of New Hampshire, building
construction, utility construction, that can
be done in one year, or sometimes they may
take two years.

Q. Okay. And this is not a particularly easy
traveled road. I am assuming this is the
view we were looking at last Friday. This is
the speed-reduction zone that was mentioned,
but you weren't sure you remembered. Do you
remember that?

A. Generally speaking, yes.
Q. And this speed-reduction zone is as you come off the bridge traveling toward Plymouth on Route 3 from Ashland. Does that look right?
A. Yes.
Q. And from this picture there appears to be very little choice about extra shoulder or -- you got what's there in the picture between the two guardrails and not much other flexibility for large equipment or for safety when the construction is happening immediately around the corner. Would you agree with me about that?
A. Yes. It will need to have careful engineering design, and they will need to develop a traffic control plan and traffic management plan subject to DOT approval for that effort.
Q. Okay. And I'm going to skip through some slides and then ask you to agree with me that they all represent things that will need to be taken into account with particular caution as you suggest.
So here's the turn coming the other way. At this point in time there's no barrier and
kind of a soft-looking shoulder. Here is another place where there's no extra room between the roadway and the interval level of the land, I don't know, 25, 30 feet below. This is the view coming the other way, a sign indicating that the road could be a little bit treacherous. I think that's what that sign means. Do you agree that all of these things are things that might need to be taken into account?

A. When there are bridges, and particularly bridges with a curve, they can -- during the wintertime there can be icy conditions. And that appears to be a sign that indicates caution while following that curve.

Q. Particularly when this bridge is being negotiated by those trucks carrying chips that you were mentioning that just got off I-93. And there's a lot of construction equipment going the other way as well, a lot of commuters going from Plymouth to Ashland and Ashland to Plymouth, and people going to their storage units, not to mention all the tourists that are trying to get off I-93 and
get to Plymouth.

A. Again, yesterday I indicated I'm very familiar with this roadway. I've traveled it many, many times. And I've never seen a significant amount of traffic on this roadway that would be cause for concern. It needs to be -- the traffic needs to be taken into account, the nature of the traffic, truck traffic, automobile traffic, et cetera. But that's all part of the traffic control plan and traffic management plan that will be developed and eventually approved by New Hampshire DOT according to the way that they want it done.

Q. Okay. And this is Page 20. This is a news release from 2007 when the Department of Transportation is warning the commuters in Ashland and Plymouth who use the bridge on a regular basis that the bridge is going to be painted, and there's going to be a meeting to learn of the problems when the bridge is going to be painted. I don't want to ask you to compare the construction traffic problems with the problems involved in painting. All
I want to know is has Northern Pass had such
a meeting with these affected individuals?
Or would it plan to have such a meeting with
these -- two questions. Has it had such a
meeting?

A. Yes, and I believe the construction panel
could elaborate further when they return for
follow-up testimony in front of the
Committee. But as I previously stated with
others, the outreach effort includes
involvement of local citizens, the local
governing body, any interested property
owners or business owners along the route to
ensure that their input is taken into account
and to ensure that they're aware that there
will be some temporary work done on that
highway. It's a sound practice to do that,
and it's typically done across the state.

Q. Was the prior meeting done when the route was
well-enough defined that the audience could
know where the transmission stations -- or
where the transition station was going to be
and where the towers were in fact going to
be?
A. This exhibit was simply about a bridge painting and to make people aware that there would be some activity on the bridge. When this project is approved, and with the many conditions involved not only by the SEC, but DOT or others, they will need to adhere to all of those conditions as they carry out the Project. And the Applicant has indicated that they will be developing these traffic control plans that are required and the traffic management plans which, by their very nature and definition, involve involvement -- have community involvement and outreach to minimize impacts and to ensure that local citizens are well informed before the construction takes place.

Q. Well, I'm glad that Eversource has those plans. My question was about what the people who attended the meeting you said already occurred knew about the transition stations and the towers.

A. There have been numerous open houses in local communities, as well as informational meetings prior to submission of the
Application, and public hearings held by the
SEC throughout this proceeding. And the
Applicant will continue its effort to have
public involvement going forward.

Q. Again, my question was how much information
did they have so that they could make some
kind of a determination. I mean, most of
these people -- sorry. How much information
did they have?

A. Again, any information that's been provided
at public meetings, as well as on the web
site and, finally, any direct mailing or
interactions with local property owners or
local business owners that has occurred.

Q. So I gather you don't know whether they were
told very much about where the transition
stations and the towers are because you
haven't answered when I've asked that
question.

MR. NEEDLEMAN: Objection.

Asking and answered.

CHAIRMAN HONIGBERG: Sustained.

Next question.

BY MS. CRANE:
Q. Okay. This is a view from the road on Route 3. Have you happened to be up Route 3 in the last two weeks? This is not something you should have taken into account. But do you recognize it?
A. Is it the restaurant?
Q. It is. It is the new wedding pavilion that -- I shouldn't be testifying. Sorry.

So tell me what you know about this site.

MR. NEEDLEMAN: Objection.

Relevance. Ms. Crane just testified he should not have taken this into account.

MS. CRANE: He should not have taken it into account in his report. My point is, in order to fully anticipate, you need to be able to understand things like this. It also goes to the importance of views and land uses. So if he even --

CHAIRMAN HONIGBERG: So the specific question for him is what does he know about this site and this building? Is that the question?

MS. CRANE: That's the question.
CHAIRMAN HONIGBERG: You can answer, Mr. Varney.

A. Yes, I'm familiar with this property. And it is a restaurant. It has been a restaurant used for many years. And I'm also aware that Eversource's consultant, Louis Kanno Company, has reached out to them to sit down and interview them, discussing the Project and soliciting feedback on things that they can do to ensure that they minimize disruption, the temporary disruption of that business.

BY MS. CRANE:

Q. Okay. And actually, that was only one of the points that I wanted to bring up this particular venue for because -- no reason you would know about destination weddings, so I'll keep going.

This is the view from the back of that structure. And I just... would it be likely -- how important -- was this view likely to be important in locating this particular new facility in this particular place?

A. I didn't conduct a visual impact assessment
Q. And I didn't ask whether you had. I asked whether it was likely that the views would be important in picking a site.

A. I can't answer that. I simply know that it's a restaurant south of downtown Plymouth on the east side of the road, and I don't know anything about any future plans beyond.

CHAIRMAN HONIGBERG: Mr. Varney, sounds like the answer is "I don't know"; right?

WITNESS VARNEY: I don't know.

Yes.

CHAIRMAN HONIGBERG: Then I think just stick with "I don't know" on that one.

BY MS. CRANE:

Q. So I want to ask a more generalized question. Would this appear to be evidence of the importance of views and land use in this region along the Pemi?

A. No.

Q. No? Okay.

I'm going to read from Page A-60 of your
report. I've lost track of what the proper
appendix number for his report is.

MS. CRANE: Is that

Applicant's --

MR. NEEDLEMAN: Applicant's 1,
Appendix 41.

MS. CRANE: Thank you.

BY MS. CRANE:

Q. So it reads, "Most of Bridgewater is
forested, and only a small portion of the
town is agricultural. About 65 percent" --

CHAIRMAN HONIGBERG: Slow down
just a little.

MS. CRANE: Sorry.

BY MS. CRANE:

Q. "About 65 percent of Bridgewater's land area
is in current use. Nearly 20 percent of the
forested and undeveloped land is steep with
slopes 25 percent or greater. Nearly
10 percent of the land area is estimated to
be wetlands."

So this is a picture looking east from
the top of Bridgewater Mountain. Is that
consistent with your description of the
terrain in Bridgewater?

A. Much of Bridgewater is forested, except for areas where there's industrial development.

Q. And I don't want to reopen the "current use" can of worms. But under your understanding of current use, if you knew where this view was and you knew it was in recreational current use, given your understanding of what "recreational current use" means, would you have a legal right to walk to this view spot?

A. I don't know.

MR. NEEDLEMAN: Objection.

Calls for legal speculation.

MS. CRANE: It calls for his understanding.

CHAIRMAN HONIGBERG: Mr. Varney, do you have an understanding?

WITNESS VARNEY: No.

BY MS. CRANE:

Q. Too bad. You're missing a lot of good views.

CHAIRMAN HONIGBERG: Please, Ms. Crane, resist the temptation.

MS. CRANE: I have, except for...
BY MS. CRANE:

Q. And this is a similar view from lower down the hillside. Is this still consistent with your impression of views and the landscape in Bridgewater?

A. I don't know.

Q. Okay. This was Ashland to Deerfield Non-Abutters Exhibit 54, Page 28. It's a picture looking across at Ashland. There's a cell tower in the way. And we're going back up to the top of the hill. This was the hay field that we started to look at earlier.

Do you -- from this topographical map, can you distinguish what might be happening within the blue circle?

A. No.

Q. If I represented that it was recently cleared land, would you have any reason to disagree?

A. Perhaps one side of it to the left of the tree ROW.

Q. Yes, to the left of the tree ROW. I'm sorry. The blue circle is a bit too big. It goes into the hay field. You were right. Thank you.
And are these photographs consistent with what you would imagine you would see if you were on those clearings?

A. Perhaps. These are photos that could be almost anywhere in New Hampshire.

Q. They are in fact those fields on the top of Bridgewater Hill, and they're not particularly spectacular unless you turn around, because that's what they look like when you turn around. You are looking over -- this view is looking over the stone wall separating the hay field from the newly cleared lot. Is that consistent with what you would expect to see?

A. Again, I'm not -- I don't -- I don't know if I can answer your question. So I guess I'll say no because I don't know enough about this site.

Q. And that's fine. This is, again, at the top of Bridgewater Hill. This view happens to be looking northeast.

I'm going to go quickly now. This is a view from the end of Bridgewater Hill Road looking across a slight clearing to Ashland.
And changing the topic, moving on, this is Page 14 from your report about Bridgewater. I'm reading you the sentence that begins where the blue arrow starts.

CHAIRMAN HONIGBERG: And you'll read it slowly enough so that the stenographer can keep up with you.

BY MS. CRANE:

Q. "A related strategy is to assist the Lakes Region in adjusting to the need for lower-cost and renewable fuels, while considering the impacts of these potential developments on the natural environment. Effectively protect or enhance natural resources through conservation efforts."

I want to focus on the need for lower-cost and renewable fuels and their relationship to enhancing natural resources. I'll go quickly.

Do you recognize the structure on the left?

A. Yes.

Q. And it is?

A. Appears to be Bridgewater Power.
Q. And are you aware that the town has actually had to invest considerably from time to time in keeping it operating?

A. I'm not familiar with that. No, I don't know.

Q. Okay. And what do you see on the right-hand side of the screen?

A. Appears to be a solar array on the right-hand side of the photograph.

Q. And do you have any reason to believe that when Bridgewater endorses renewable energy, this is not the kind of renewable energy that Bridgewater is endorsing?

A. I don't know.

Q. Okay. Moving on in your report, we are at Page 7, the agricultural effect. And your report says the Project will not have an adverse impact on agricultural uses and will not interfere with ongoing operations. A large portion of the Project is located within or along an established right-of-way, ROW, I should say -- that's what it says -- that it is routinely maintained. And the Applicant has indicated that it will continue
to coordinate corridor maintenance with agricultural landowners, minimize or mitigate temporary impacts during construction.

A. Yes.

Q. That's what's your -- okay. This is a hay field. It is not in the right-of-way. It's only affected to the extent that the people it sees do see, but we'll skip that.

This is a hay field that does have towers, currently has transmission lines. And these transmission lines are the wooden pole kind. And somebody can get their mowing equipment pretty close, probably, to these poles. And except to the extent you have to waste your passes on the mowing machine because you can't quite mow where you would otherwise, it's not that big a deal. You don't lose a very big percentage of your crop. Is that your understanding of what happens?

A. Yes, I do have an understanding. And there are many agricultural uses that are located within electric utility rights-of-way, as well as alongside them.
Q. Okay. Have you ever been involved in trying to figure out, not necessarily with respect to this particular field because that's not your job, this particular field, but in general, when this kind of tower has an additional set of towers with substantially larger bases, what the impact can be on the farmer and his ability to hay?

A. As indicated in the report, my assessment is that there's very little, if any, effect on the farmer. And there are many examples of agricultural uses within electric transmission lines across the state of New Hampshire. And as indicated in the report, the Applicant will work with these agricultural interests to minimize any temporary disruption during construction and make sure that it's restored to its original condition.

Q. So let's start at the top. Have you ever tried to figure out what percentage of a field is going to be lost after the construction is over? So, try to compute how big the footprint is and how much you're
actually -- there isn't going to be grass there -- and how much less able to mow what there is there because the base of the tower is there?

A. It would be only the area where the base is constructed.

Q. It wouldn't affect the way he could mow his field?

A. Not in any significant way.

Q. He wouldn't have to change the path that he would usually do because the tower is now there. And, you know, he can get close to the tower. When he gets close to the tower, he's got to make a different pattern that's going to be less efficient.

A. I don't know.

Q. You don't mow your own lawn? Withdraw the question.

And then during construction, I don't know where the access roads are in any of these particular hay fields. But did you take into account where the access roads were going to be when you made your assessment that there would be no impact?
A. The environmental panel addressed the access roads.

Q. You addressed the effects on agriculture. So you didn't consider how much, what percentage of a field would be lost.

A. Again, there are some potential short-term impacts associated with construction. But there are many, many examples across New Hampshire of agricultural activities occurring with transmission lines crossing the agricultural area. There are many rights-of-way that have agricultural uses, whether it's pasture land or cultivation of crops or even fruit trees that are within the right-of-way and co-exist with the transmission line.

Q. And indeed, this particular field and the other fields that now have rights-of-way on them do seem to have sort of found a new equilibrium, and the owner of the field made the decision to keep it a field because it was still worth doing. But that doesn't mean that that same equilibrium will be possible after the construction, does it?
MR. NEEDLEMAN: Objection.

Asked and answered.

MS. CRANE: That question was not answered.

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

WITNESS VARNEY: Yes. I have not seen any information to suggest that this would have any significant adverse effect on the agricultural owner.

BY MS. CRANE:

Q. Okay. So, no matter how much less hay he's going to get, he's probably going to keep haying?

A. If that's what he's doing there, yes.

Q. Okay. Right about now is when a farmer who is growing hay for his own beef is deciding how much to slaughter, how much to keep alive for next year. Would the owner of this field know right now where he has to decide how many head he's going to keep through the summer, how many to keep given what he knows about what's going to happen to his hay field?
A. As indicated in the report, the Applicant will work with the agricultural owner and operator to coordinate activities with a goal of minimizing any effect on that continuing agricultural operation.

Q. But only after he's made the decision that may turn out to be wrong about how many to slaughter right now.

A. I can't speculate.

Q. Okay. And this is another field that is hayed on the right-of-way. I actually don't think there's anything about the right-of-way that's going to affect the use of the field where the horse in the picture is. This is Non-abutters Exhibit 54, Page 41.

And this is just another hay field, but it's on the underground part of the route. Did you think about the impact of the underground part of the route on the ability to maintain a hay field?

A. Yes, and I have determined that there would be no impact on the continued use of this parcel for a hay field.

Q. Did you take into account the kinds of
chemicals that might spill or seep through
the ditches and find their way into the hay
field?
A. No.
Q. And did you take into account where the
trenching systems were going to have to be
put and how much footage was going to be lost
because of the trenching equipment and the
disruption, probably for more than a season,
that the trenching equipment would leave in a
hay field that was this close to the road?
A. Yes, I did consider the short-term, temporary
impacts associated with construction.
Q. And what about long term at a place where
there's trenches? Is this farmer going to be
able to maintain the line of his field the
same as it is now after a trench has been put
in?
A. I'm sure that the existing use will be able
to continue as we currently see it.
Q. But do you have an opinion about whether it's
likely to be a smaller area that will be
available?
A. I don't know.
Q. And back to those hay fields in the
out-of-ground -- above-ground part of the
right-of-way. What happens to a hay field,
would you imagine -- or I'm sorry. Is the
large equipment being used to construct the
towers likely to compress the earth in a way
that will make it difficult to restore the
hay field immediately?

A. I don't know. But I do know that the
Applicant is committed to restoration of land
along the right-of-way.

Q. But you didn't study in any detail not any
particular field, but just in general, what
the effect of the techniques that the
Applicant was planning to use for the access
roads over these hay fields and how quickly
they would be restored. I understand that
the Applicant will work with the farmer. But
the farmer needs to plan.

A. Answer is "No." But the construction panel
may know more about soil compaction along
this stretch of roadway, if that's important.

Q. Okay. This is another one of those pictures
that had a dual purpose. If you can't make
it out, tell me. But on the hillside across
the valley, is there anything to be noted
besides the forest?

A. Are you suggesting the hills that are off in
the distance?

Q. Yes. Do you see anything besides forest?

A. I see forest, I see hills, I see what could
be a house up there. I'm not sure.

Q. Thank you. It's a little easier to see in
this one. Sorry. And this is a little bit
further down the road on Route 3. Are you
familiar with this establishment?

A. It appears to be the deer-raising area.

Q. And did you consider the impacts of putting
an underground trench across or in the
roadway at Route 3 on this enterprise?

A. I'm well aware of this enterprise. And there
would not be any impact on the continued use
of this property as it's currently being
used.

Q. So is that during construction or after?

A. Both.

Q. So the deer are right there; right?

A. Yes.
Q. And the picture was taken from Route 3. So I'm not going to guess, but I'll give you maybe they're 300 yards away. Did you take into account what might happen when the deer have activities that they're not really accustomed to going on in the road right beside them there?

A. No, I didn't do a study on the deer specifically. But I'm well aware of this enterprise which is located on a state highway with traffic on the roadway and a rail line as well. So they're accustomed to noise. They're accustomed to disruption. They're accustomed to truck traffic and other noises associated with commerce and transportation in the area.

Q. So if this trenching goes on on this side of the road, he's going to have to move his fence?

A. If there are any temporary needs to change the fencing, temporarily change the fencing, the Applicant would do that. Again, it's consistent with the principle of working with an agricultural landowner or operator to
minimize any short-term impacts during the
construction process.

Q. Okay. And if the deer got considerably more
skittish because of the difference between
the traffic that they've become accustomed to
and the construction equipment and jump the
fence?

A. I can't speculate.

Q. Okay. Do you see what's in the blue circle?

A. Appears to be an empty kiosk or something
that contains a brochure perhaps.

Q. And so what would your conclusion be about
the owner of the establishment's expectations
with respect to whether his customers can
appreciate his facility as they drive down
the road?

A. There are many people that see the deer as
they're driving up and down Route 3. And I'm
sure that occasionally there are people who
stop to look at the deer, especially those
who are interested in seeing deer that are
raised for the purposes as we see here.

Q. And will the ability for this sort of thing
to happen change during the construction
phase?

A. Again, I don't know exactly how they will -- how the property owner would like to work through partnering, work through the process of working with the Applicant to minimize temporary disruptions.

Q. Okay. But the guy raising this venison has got to be able to predict what his market's going to be, and he's got to know how many deer to keep over the season. And if he does -- if he maintains too many and he hasn't got any new customers because nobody can see this sign, that would be an impact, wouldn't it?

A. As I've indicated, the Applicant has already been conducting outreach to businesses along the route, and they are committed to working with each landowner and each agricultural interest to ensure that they come up with a plan that minimizes any impacts to that property. And they are committed to full restoration once construction is completed.

Q. So these last two instances, and I agree it might not be fair with the deer farm because
that is a unique business -- indeed, it's kind of an asset in the touristy nature of this part of the country. Would you agree?

A. It's unusual to see deer raised for venison in this kind of a setting.

Q. But the hay fields, there's enough of those, that somebody who is worried about the impact of the Project on economic development might actually have tried to present, oh, I don't know what I'd call it, maybe a term sheet, maybe a standard, this is what we will do if our Project affects you in this way; correct?

It would be possible to standardize that for some of these fields?

A. Again, my understanding is that the Applicant intends to work with each of the agricultural interests along the route to minimize any potential impacts during construction, to ensure full restoration and to have good communication with those landowners along the route.

Q. But you have not made -- and I don't mean a specific offer, started specific negotiation. But there's no term sheet. There's no we're
going to try to help you with this and this, but this is part of what our rights are because we paid for our rights, too. And there's no this is the way that negotiation might proceed with any of these people. Or is there?

A. I'm not sure whether any written agreement has been made with this property owner.

Q. That wasn't my question.

A. Okay. I'm not aware of any term sheets. That would be a question for the Applicant.

Q. Okay. Or anything like a term sheet. Just a couple pages explaining how they'll approach it, approach the problem with the farmer. You're unaware of any such document?

A. Only that they're -- I'm unaware of anything specific. But generally I know that they have been preparing an outreach plan with very detailed information about reaching out to property owners along the right-of-way and working cooperatively and collaboratively with them to make this a successful project.

Q. But that's generically with the people whose driveways and shrubs are going to be
affected. There's nothing more particular
for these people whose commercial operations
are going to be affected.

MR. NEEDLEMAN: Objection. Mr.
Johnson already testified about outreach
issues. I think with respect to all these
questions, they should have properly been
directed to him.

CHAIRMAN HONIGBERG: Ms. Crane.

MS. CRANE: I was hoping that he
could assure me that the impacts on these
farmers were not going to be adverse because
they were able to predict. And the less they
can predict, the more adverse the impact is
going to be.

CHAIRMAN HONIGBERG: Mr. Varney,
can you offer her any assurance on this topic
beyond what you've already said?

WITNESS VARNEY: No.

MS. CRANE: I'm done then,
thanks. This was just in case we couldn't
figure out where it was.

BY MS. CRANE:

Q. Okay. This is going to be quick, I think.
But you relied on Mr. DeWan to some extent in identifying the commercial enterprises that were tied to the visual aspects of things; is that correct?

A. No, I did not rely on him for my testimony, but I am aware that he conducted a Visual Impact Assessment consistent with the SEC rules.

Q. And there was a separate expert on tourism; is that correct?

A. Yes.

Q. Is it your understanding that both of those reports relied fairly heavily on a road or route or whatever being a designated scenic byway or designated scenic road? And I don't need to -- I'm not worried about what those classifications actually are. I just want your understanding of whether there was a threshold below which they didn't look, because if you weren't designated, you weren't scenic or important to tourism. Is that -- am I summarizing that methodology correctly?

A. I don't know.
Q. Okay. That's fine. Although, you did take their conclusions into account, and their conclusions were based on that methodology.

A. Yes.

Q. Okay. So we're going to go on a real quick road trip down River Road. This is the road that runs right along the Pemi, as it's called the River Road, from, well, it was roughly where we left off with our discussion about construction, and it ends down as it comes into Bristol at Peaked Hill Road. Actually, you're in Bristol by the time you get to Peaked Hill Road. Does that appear to be the route I'm talking about?

A. I see River Road, yes.

Q. Okay. And will you accept that it is not designated in any way that would make it get onto any of the special treatment parts of the methodologies, either for tourism or for visual impact?

A. I don't know.

Q. Okay. And I'm just going to show you a bunch of slides and ask you, yes or no, whether what you see in the slide might be taken into
account in determining whether a particular route ought to be designated, or you would expect it to be part of the process by which it would be designated to take into account what's in my slides.

MR. NEEDLEMAN: I don't understand.

CHAIRMAN HONIGBERG: No, I don't understand. What is it you want him to say about each of the next slides?

MS. CRANE: I want him -- I should have laid a better foundation.

BY MS. CRANE:

Q. Have you ever been involved in determining whether any particular route ought to be designated?

A. No.

Q. When you were part of the Lakes Region Planning Commission, you were never a party to any discussions about whether the turkey farm was just a mess and -- well, anyway.

So you have never been party to a discussion about what it means to be a designated byway.
A. I'm aware of the state's designation and designation process for scenic and cultural byways. And the only designated byway that I recall that I may have been somewhat involved in, but not in any great detail, would be the Connecticut River Byway.

Q. So you were involved in assessing the merits of designating --

A. No, I wasn't involved in the merits of assessing, but I recall working with the organization that was involved in the designations. But I had no direct involvement in that process.

Q. So the environmental department that you were part of was never involved in those designations -- or you weren't.

A. It's a process that is eventually taken to the New Hampshire DOT for consideration, their consideration for designation.

MR. NEEDLEMAN: Mr. Chairman,

I'm sorry to interrupt. Can I raise a procedural concern?

CHAIRMAN HONIGBERG: Sure.

MR. NEEDLEMAN: We have a number
of witnesses who are here to testify later
today, and my understanding is that some of
them can only be here today. And based on the
schedule that Ms. Monroe put out, we are well
behind at this point, and I'm just worried
about managing this day so that they will be
able to testify.

CHAIRMAN HONIGBERG: Ms. Crane,
how much more do you have?

MS. CRANE: Actually, not that
much, particularly given his answers here.

CHAIRMAN HONIGBERG: Define "not
that much."

MS. CRANE: I believe that
except -- no. These slides are only about the
scenic qualities of River Road. I will flash
through them as quickly as I can just to get to
the next ones.

CHAIRMAN HONIGBERG: And then
how much do you have?

MS. CRANE: I think it's
actually only four or five.

CHAIRMAN HONIGBERG: All right.

MS. CRANE: When I get there.
CHAIRMAN HONIGBERG: Mr. Needleman, I hear you, and we're going to move as quickly as we can.

BY MS. CRANE:

Q. So I take it you have no expertise about the qualities of a roadway that might make it appropriate to be designated as scenic.

A. No.

Q. Okay. Oh, I'm sorry. Well, we're going down River Road. We've got another bad construction site. I assume that your answers are the same. This is the River Road as it meets John Jenness Road. And we have logging trucks entering. I'm not going to go back and point out where on the maps this is. But this spot is the corner of a triangle, the hypotenuse of which is Route 3, and the short sides are River Road and John Jenness Road. If one were to look at a map that did not have topographical features, one would think that this was a good place to put a construction detour.

In taking into account the effect on development and commerce in this area, did
you ever look at the available detour routes?
A. No.
Q. Okay. But you can assure me that when the appropriate detour routes are taken into account, they will take into account the topography and the road uses here along this stretch of River Road and John Jenness Road.
A. They will consider several factors, yes.
Q. Okay. This is a picture of the existing right-of-way; is it not?
A. It appears to be, yes.
Q. And the owner seems to be excavating?
A. Yes.
Q. I don't expect you to have any expertise about when Eversource is going to tell him he's dug too far. But did you take into account when you were analyzing the impacts of what an excavator like this might end up doing, knowing that the towers are coming and he might -- sorry. Did you ever try to anticipate how he might behave?
A. What was the last question?
Q. Did you ever try to anticipate how he might behave when he knows the towers are coming?
A. If this activity is occurring within the right-of-way with Eversource, then there would likely be a Joint Use Agreement which would ensure and provide information about the activities that are within the right-of-way, and ensure that any activities will not hamper or affect the ability of Eversource to transmit power along that right-of-way. And it's also common even with other types of uses as well.

Q. And he probably hasn't done anything that Eversource is actually going to complain about yet, I would assume, because looks like he's still doing it.

But if he knows Eversource is coming, and he knows that after the tower construction begins his agreement with Eversource is going to keep him from excavating, is it possible that he might start excavating faster than he otherwise would have if towers weren't coming?

MR. NEEDLEMAN: Objection.

Calls for speculation.

MS. CRANE: Well, but it's
precisely the kind of speculation that his
expertise on making predictions about the
economic effects of the right-of-way will be.

CHAIRMAN HONIGBERG: Mr. Varney,

have an opinion on that?

WITNESS VARNEY: Yes, I do. I
don't see any effect at all on the continued
use of this property, subject to the use
agreement that they have -- he has with
Eversource.

BY MS. CRANE:

Q. Actually, that wasn't my question. My
question was: Is he likely to be digging out
more on this, which I will have to assert,
because everybody's tired of my pictures, is
in fact the New Hampton right-of-way where
we've seen lots of pictures of the other side
of the bank?

A. No.

Q. All right. Thank you.

So this is also the existing
right-of-way; correct?

A. Yes.

Q. And in case you hadn't recognized it, the red
circles are identifying existing towers; correct? And this excavation has been going on for quite a while.

Given your history -- no, I won't make you guess. Does it seem right that this excavation started at the time I-93 was -- the construction of I-93 began?

A. I don't know.

Q. Okay. And no reason you would. But they've dug a lot of sand out of here; right?

A. Sand and gravel operations are apparent in the photo. I have no idea how much has been excavated.

Q. And thank you for reminding. This is Photo 66, or Slide 66, Page 66.

And as much as some people might wish they didn't have to look at places like this, once the excavation stops, what happens to the land use when the excavation stops?

A. In most communities there's a restoration requirement.

Q. And so, as ugly as this might be to some eyes, obviously not all, when it's over, when there's no more sand or when nobody needs
sand or when the price of transportation is too high, this will revert to the natural, or something as close as we can get it to, or as close as the regulators want it to be to the natural state; is that correct?

A. It would be done consistent with town requirements on restoration.

Q. Okay. That's fine. And maybe, maybe not, we could get down the existing transmission poles; correct?

A. I don't know.

Q. Don't know. I don't know either.

I believe that the testimony in this docket has suggested that we should be expecting the new towers to last effectively forever. You may not have heard that. What is your understanding about how long the Applicant is predicting these towers will remain in place?

A. I assume that they will be in place for their useful life, whatever that happens to be.

Q. And so should we or should we not be worried about -- I'm sorry. Should we be worried about whether we're going to be able to take
the towers down? You said they have a useful life. Should we worry about whether we're going to be able to take them down at the end of their useful life?

A. The structures and the entire project right-of-way is subject to a decommissioning plan which is submitted to the Site Evaluation Committee and is part of their overall evaluation for orderly development.

Q. And do you know how far out they expect to need a decommissioning plan?

A. I forget the exact number of years.

Q. Okay. Enough on decommissioning. But if the towers aren't taken down when they are no longer used, whether people decide it just isn't worth paying for it and the deal gets renegotiated or whether Eversource and Hydro-Québec are both bankrupt and whatever financial arrangements there might be --

A. Again, my assumption -- well, not even an assumption. The decommissioning plan is part of the process here and will be reviewed by the Site Evaluation Committee. So the requirements will be subject to that plan
that's been prepared and any conditions that
the Committee may impose upon it.

Q. Okay. Moving slightly to changing the frame
of the question. Would you agree that it's
probably going to be a whole lot harder to
restore this land to the way it was before
when the transmission towers are put here and
the concrete bases and whatever excavation?

A. No.

Q. Okay. So this was my last topic.

This is what the Pemi looks like from
just north of the railroad bridge. The
railroad bridge isn't in there. And some of
the things that we've been talking about
appear on this map. Starting from the left,
do you see the existing right-of-way?

A. Yes.

Q. And can you make out I-93? My arrow is
actually in not quite the right place. It
comes in a little bit.

A. Yes, I see it.

Q. And this is Non-abutters Exhibit 54,
Slide 68. And coming down the other side,
there's the headquarters for -- the power
company is still on the river side. And

Construx -- do you know what Construx is?

A. It's a business in that area.

Q. Yeah, a large construction company. I think

you said things that make me think you knew

the nature of its business.

And then there's the line running down

the middle appears to be what?

A. Are you referring to the rail line?

Q. The rail line. Okay. And so would you --

you were alive when the river was polluted?

Were you aware of how polluted it was?

A. Generally, yes.

Q. And is it possible that it was fairly -- and

you're frequently called upon to give your

expert testimony about things like placement

of corridors and linear corridors and putting

things in the same place as the other

corridors already are. And so it's pretty --

can I ask you whether it makes sense to have

I-93 built along this river, particularly

when it's polluted?

A. Could you repeat the question? You said a

lot leading up to the question.
Q. Sure. Does it make sense to have I-93 located along the river when the river is polluted?

A. I don't think water quality was a major factor when the highway was constructed.

Q. I don't want to talk about water quality. I want to talk about land use because this land is going to be cheaper because the river is polluted, isn't it?

A. I haven't reviewed land values along the river going back to the '50s, so I don't know if it had any effect or not.

Q. Okay. Well, it hasn't been clean that long. It's only been clean since the late '70s, maybe early '80s in some places. But that's okay. I didn't ask you to identify the dates.

MS. CRANE: I'm getting there.

BY MS. CRANE:

Q. And the rail line is there. Can you imagine, in your capacity as a land use planner, can you imagine why the railroad is there?

A. The railroad is part of the Concord to Lincoln rail line.
Q. And why would they have put it where they've put it on the interval?
A. I don't know the detailed siting decisions that they made, but it follows somewhat along the river in this stretch of I-93.
Q. And might it have anything to do with the fact that everywhere else it's 25-percent grades?
A. The contours of the land is one of the factors that they consider in addition to prospective users whose needs are met by having the rail line there.
Q. And what do you see in the lower left-hand corner of this view?
A. I assume you're referring to the golf course on the other side of the river?
Q. Okay. And the arrow that doesn't have a label, do you happen to be familiar with that?
A. Yes. Those are condos.
Q. Those are condos.

And we've already talked about it, but there's the Italian Village just outside the yellow circle that is defining the interval.
A. Yes.

Q. Okay. And these are all relatively new features of this landscape. Would you agree?

A. Well, the condos have been there for a long period of time, as has the golf course. And some of the agricultural uses have been here for a long time, as has I-93 and 3 and the rail line been there for a very long time.

Q. Well, the only one I want to ask about again is do you imagine that the golf course and the condos post-dated or predated the cleaning up of the river?

A. I don't know. And I'm not sure how you characterize "cleaning up" of the river, so I really can't give you a precise answer.

Q. Okay. Then let me ask: The forested nature of this river corridor might be attributable to how unattractive it would have been to build along the river when the Lincoln Mill was still running, when the Ashland treatment plan wasn't in yet, when Plymouth had an inadequate sewerage supply. And that's what I mean by the river, you didn't want to be there. Do you think somebody would have...
built condos right there if that were still
the state of the river?

A. I don't know.

Q. Okay. Thank you.

CHAIRMAN HONIGBERG: All right.

That, I believe, is the full list of
intervenors with questions for Mr. Varney.
Let's go off the record for a minute.

(Discussion off the record.)

CHAIRMAN HONIGBERG: So what
we're going to do is take a short break. We
are not going to do the Committee questions of
Mr. Varney or redirect. Instead, we're going
to move on to the witnesses who are also
scheduled for today and circle back to Mr.
Varney probably first thing tomorrow morning,
and we'll break now for ten minutes.

(Recess was taken at 11:20 a.m.,
and the hearing resumed at 11:32 a.m.)

CHAIRMAN HONIGBERG: I think
we're ready to hear from the next witness. Mr.
Boldt, who is your witness?

MR. BOLDT: Mr. Chairman, I have
the mayor of the City of Berlin, Paul Grenier.
(WHEREUPON, PAUL GRENIER was duly sworn and cautioned by the Court Reporter.)

CHAIRMAN HONIGBERG: Mr. Boldt,

you may proceed.

MR. BOLDT: Thank you, Mr. Chairman.

DIRECT EXAMINATION

BY MR. BOLDT:

Q. Mr. Mayor, I'm over here. Would you please state your full name for the record.

A. Paul R. Grenier.

Q. And Mr. Mayor, in what capacity are you here testifying in the Northern Pass case?

A. I'm representing the City Council of the City of Berlin as its mayor.

Q. And you have in front of you what has previously been tendered to this body as Franklin-Berlin Exhibit 1. Do you have a copy of that in front of you?

A. I do.

Q. Is that your prefiled testimony as filed in this case?

A. It is.

Q. Do you have any corrections, changes or
additions to make to that testimony at this time?

A. I do not.

MR. BOLDT: I tender the witness for cross-examination.

CHAIRMAN HONIGBERG: According to my list, Mr. Pappas, Counsel for the Public, you are up.

MR. PAPPAS: Thank you, Mr. Chairman.

CROSS-EXAMINATION

BY MR. PAPPAS:

Q. Good morning, Mayor Grenier. My name's Tom Pappas. I represent Counsel for the Public in this proceeding.

Am I correct that the City of Berlin supports the Northern Pass Project?

A. Conditionally.

Q. And I understand that the City's support is conditioned on a few things. It's conditioned on Northern Pass and PSNH making certain upgrades to the Coos Loop; is that correct?

A. Yes.
Q. And it's also conditioned on Northern Pass Transmission and PSNH making certain upgrades to the Berlin Substation; correct?
A. Yes.

Q. And finally, it's conditioned on the City of Berlin and Coos County receiving benefits under the Forward NH Fund and the North Country Jobs Creation Fund; correct?
A. Yes.

Q. And are those the three conditions upon which the City of Berlin's support rests?
A. Yes.

Q. Okay. So let me ask you a few questions about each of these conditions.

Now, the improvements to the Coos Loop are intended to cure the current restraints on the loop; correct?
A. Yes.

Q. And that's to allow more energy generators on the loop to generate more power?
A. It's to allow the current generators to continue operating with less impedance to their production.

Q. And would it also allow them to export some
power outside the Coos Loop?

A. Yes.

Q. Okay. Now, in your prefiled testimony, you indicated that it remains unclear whether the proposed improvements to the Coos Loop will accommodate expanded or new energy generation on the loop. Do you recall that?

A. Yes.

Q. Okay. Now, am I correct that the City's support of the Northern Pass Project is conditioned on the Coos Loop improvements being capable of accommodating expanded or new generation on the Coos Loop? Is that correct?

A. That's correct.

Q. Okay. Let me ask you just few questions regarding the Forward NH Fund and the North Country Jobs Creation Fund.

Now, I understand that the City believes that spending from these funds in Coos County will maximize economic benefits to an area that the City believes experiences the greatest impact from the Project; is that right?
A. Yes.

Q. And the City of Berlin believes that Coos County will experience the most or the greatest impacts, adverse impacts from the Project; is that right?

A. Yes.

Q. Okay. And would I be correct in saying the City of Berlin believes these impacts to be potential adverse visual impacts? Is that one of them?

A. Yes.

Q. And impacts to tourism industry, is that another impact?

A. No.

Q. No. Okay. How about potential adverse impacts to real estate values? Is that one of the impacts that you'd consider?

A. No.

Q. No. And how about -- well, let me ask it this way: Why don't you list for me what potential adverse impacts the City of Berlin considered.

A. The City looked at this project as a whole.

And there are some areas that could have some
visual impacts, but that was the only impact that any of the people in the city council had talked about.

Q. Okay. Now, am I also correct that the City would like NPT, Northern Pass Transmission, to use a different -- to be taxed in a different method than NPT proposes?

A. Yes.

Q. And is that also a condition of the City's support of the Project?

A. I believe it is not.

Q. Okay. It is something that you, the City, would like to see done, but it's not a condition.

A. Correct.

Q. Fair enough. So let me ask you this, Mayor Grenier: Would you agree with me that in determining the position the City of Berlin took on the Northern Pass Project, the City balanced the benefits of the Project to the City of Berlin versus any visual impacts the Project may have?

A. Well, the City has taken no position on the route of the Project.
Q. I'm not referring to the route. I'm referring to your support of the Project itself.

A. Yes.

Q. In determining to conditionally support the Project, did the City balance the benefits that the City may receive from the Project versus any potential adverse impacts from the Project?

A. It did.

Q. And presumably the City believes that with the conditions, if the conditions are met, the City of Berlin believes that the benefits outweigh any adverse impacts to the City of Berlin; correct?

A. That's correct.

Q. Now, would you agree with me that each of the cities and towns along the 192-mile route can do their own balancing like Berlin did, balance the potential benefits and balance the potential adverse impacts, and determine whether they should support or oppose the Project?

A. I would suppose that each community has their
own right of determination.

Q. Would you agree with me that to determine
whether the benefits either outweigh or don't
outweigh the adverse impacts, it's really a
town-by-town analysis?

A. Yes.

Q. And would you also agree with me that the
Project may benefit one town differently than
it may benefit another town?

A. That's fair to say.

Q. And would you also agree with me that the
Project may adversely impact one town
differently than another town?

A. Yes.

Q. And if I understand your testimony correctly,
what the City of Berlin did is for the City
of Berlin itself. It did this balancing and
made a determination based on what it
believed was best for the City of Berlin;
correct?

A. That's correct.

Q. And the City of Berlin didn't make that
determination of what would be best for any
of the other towns along the route; is that
correct?

A. That's correct.

Q. Okay. Thank you, Mayor Grenier. I have no other questions.

A. Thank you.

CHAIRMAN HONIGBERG: Next up I have the municipal groups. Who's going to be asking questions? Anyone?

MS. PACIK: We have no questions for this witness.

CHAIRMAN HONIGBERG: Then Ms. Menard. And the only other one I have listed is Ms. Crane, just so people know. Ms. Crane?

MS. CRANE: I'm sorry not to have reported in. I believe if anyone from the Ashland to Deerfield Non-abutters has questions, it would be Maureen or Jeanne to be using that time.

CHAIRMAN HONIGBERG: Okay. Does anyone from that group have questions? No? I'm seeing shaking heads. I know, I see you, Ms. Menard. You're from a different group, and I'm ready to have you go. I'm just making sure we know what's happening next.
All right. Ms. Menard, you may proceed.

CROSS-EXAMINATION

BY MS. MENARD:

Q. Good morning. Jeanne Menard from Deerfield Abutter group. And I apologize. I missed the Counsel for the Public's beginning line of questions, so if this is a repeated question, you can defer and I'll read the transcript.

I just have one question as it relates to Berlin's position on the Northern Pass Project. I had the sense from reading your testimony that you would be in favor of the Northern Pass if there were upgrades to the Coos Loop. Is that correct?

A. That's correct.

Q. And it leads me to question, if there are necessary upgrades for generation in your North Country area, the responsibility might be in Eversource's and the shareholders' best interest to perform those upgrades irrelevantly of the Northern Pass. So my specific question is: It seems that if you
vote in favor of Northern Pass, what is there
to gain from not -- what are you receiving in
return by defaulting to a neutral position if
they do not upgrade the Coos Loop?

A. Could you repeat the question, please?

Q. Yes. I apologize. Let me rephrase that.

You are in favor of the Northern Pass if
they were to upgrade the Coos Loop; correct?

A. That's correct.

Q. And if they choose not to upgrade the Coos
Loop, you defer to a neutral position --

A. Yes --

Q. -- is that correct?

A. -- that's in my prefilled testimony.

Q. Yes. Have you demanded anything in exchange
for a neutral position on Northern Pass?

A. No.

Q. Thank you. I have no further questions.

CHAIRMAN HONIGBERG: All right.

According to my list, there are no other
intervenor groups that have questions for the
mayor; is that correct?

[No verbal response]

CHAIRMAN HONIGBERG: All right.
Committee Members, questions for the mayor?
Why don't you start, Commissioner Bailey.

INTERROGATORIES BY SEC MEMBERS AND SEC COUNSEL:

BY COMMISSIONER BAILEY:

Q. Good morning, Mr. Mayor.
A. Good morning.

Q. I'm Kate Bailey from the Public Utilities Commission, and I just have a couple questions for you.
A. Sure.

Q. On Page 4 in your testimony, you say that the City requested, but PSNH has not yet agreed, to make thermal upgrades to the remaining eastern portion of the Coos Loop.
A. Yes.

Q. Has there been any update on that?
A. There has been nothing of substance to upgrade the eastern portion of the Loop as yet.

Q. And that's not the part that you're talking about as a condition.
A. No, that is not.

Q. That's just a wish that you have.
A. That would be a wish, yes.
Q. Okay. And what would that get you in addition to -- what would that do? What would that provide?

A. It would probably provide us with the ability to add generation to our tax base, although there are some downfield constraints that would need to be dealt with as well.

Q. Can you tell me, are there visual impacts from this project if it were built as proposed on the City of Berlin?

A. There would not be.

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

CHAIRMAN HONIGBERG: Mr. Wright.

BY DIR. WRIGHT:

Q. Thank you, Mayor Grenier. Craig Wright with the Department of Environmental Services.

A. Good morning.

Q. Good morning. I just have one quick question. In your testimony on Page 3, Lines 12 and 13, you make a statement that PSNH further represented that it will install a static VAR compensator SVC at the Berlin Substation. I thought I heard testimony that that was something they were going to study.
and potentially do. Is that your understanding?

A. Yes.

Q. Okay. So when you say "will," you're recognizing that that particular action may not occur, depending on their study.

A. That may not occur, yes.

Q. Okay. Thank you.

CHAIRMAN HONIGBERG: Mr. Way.

BY MR. WAY:

Q. Good morning, Mayor.

A. Good morning.

Q. Just a quick question. So, in terms of your involvement with the Project, whether it's with regards to the Coos Loop or the Northern Pass Project, were you or your staff contacted throughout the process to get your opinions? Were people on your staff contacted for their opinions?

A. Yes.

Q. They were.

A. Yes, and primarily on the North Country Job Creation Fund.

Q. On the North Country Job Creation Fund?
A. Yes.

Q. And have those communications been ongoing? Are they still ongoing or --

A. Since the SEC process started, I have not had any conversation with anybody from the developer.

Q. Have they been working with members of your staff, whether it be your city clerk's office, tax assessment office or anything like that?

A. No.

Q. All right. Thank you.

CHAIRMAN HONIGBERG: Anyone else on the Committee have questions for the mayor?

[No verbal response]

CHAIRMAN HONIGBERG: Mr. Boldt, do you have any redirect for your witness?

MR. BOLDT: We do not.

CHAIRMAN HONIGBERG: Thank you, Mayor Grenier.

THE WITNESS: Thank you.

CHAIRMAN HONIGBERG: Mr. Raff, are your witnesses ready? And why don't you identify them for the record.
MR. RAFF: Would you state your names --

CHAIRMAN HONIGBERG: We're going to have them sworn in in a second, and then you can ask them that question. But why don't you tell us who you are calling for witnesses.

MR. RAFF: Joe Casey, IBEW 490, and Tiler Eaton, IBEW 104.

CHAIRMAN HONIGBERG: All right. Let's have them sworn in.

(WHEREUPON, TILER F. EATON and JOSEPH M. CASEY were duly sworn and cautioned by the Court Reporter.)

CHAIRMAN HONIGBERG: Mr. Rath, you may proceed.

DIRECT EXAMINATION

BY MR. RAFF:

Q. So can you both give your full name for the record, please.

A. (Eaton) My name is Tiler Franklin Eaton from Nottingham, New Hampshire.


Q. And I've given you both exhibits, and I want
to identify those.

Mr. Casey, Business Intervenor Group

Exhibit 10 is your prefiled direct testimony.

Mr. Eaton, Business Intervenor Group Exhibit

11 is your prefiled direct testimony. In

regards to the prefiled testimony, do you

have any changes or corrections you'd like to

make?

A. (Eaton) None.

Q. And do you both swear and affirm the prefiled

direct testimony that you submitted?

A. (Casey) Yes.

MR. RAFF: Thank you. All

yours.

CHAIRMAN HONIGBERG: According

to my list, Mr. Pappas, you are up.

MR. PAPPAS: Thank you, Mr.

Chairman.

CROSS-EXAMINATION

BY MR. PAPPAS:

Q. Good morning, gentlemen. I'm Tom Pappas. I

represent Counsel for the Public in this

proceeding.

Mr. Casey, let me start by asking a few
questions to you. I understand that you're
the international business development
representative for the New England region for
the local -- for IBEW Local 490; is that
right?

A. (Casey) No, that's not correct.

Q. Okay. Tell me what your position is.

A. (Casey) So I am a member of Local Union 490,
which is the authority from the IBEW
representing the state of New Hampshire.

Business development rep, there are ten
locals throughout the New England area that I
represent other than Local 490.

Q. Okay. So you're a member of 490. And you
represent 10 locals, and one of them is 490.

A. (Casey) Correct. Thank you.

Q. And as I understand it, Local 490 members do
inside electrical construction and
maintenance work; is that correct?

A. (Casey) Yes.

Q. Okay. For instance, if this project were
built, they could work on the Franklin
converter station?

A. (Casey) Yes.
Q. Okay. How many Local 490 members live in New Hampshire?

A. (Casey) I believe at least 95 percent.

Q. No, no. My question is numerically how many? Approximately how many Local 490 members live in New Hampshire?

A. (Casey) So, Local 490 has about 300 members, and I would say about 290 of them. You're required to live in the jurisdiction that you work in, in the local that you belong to.

Q. Does that mean if you belong to the Local 490 in New Hampshire, you're required to live in New Hampshire?

A. (Casey) Correct.

Q. Okay. So, for those 10 or so out of 300 that don't live in New Hampshire, they're still members of the Local 490?

A. (Casey) Correct. We can't keep somebody from moving out of state.

Q. So they can maintain their membership even if they move out of state once they're a member?

A. (Casey) Right.

Q. Okay. Now, as I understand it, if the Northern Pass Project is built, that would
provide your members with jobs in New Hampshire; correct?

A. (Casey) Correct.

Q. And that would avoid the need for them to travel outside New Hampshire in order to have employment; correct?

A. (Casey) Correct.

Q. And is it your understanding that it would provide jobs in New Hampshire for about two years, or during the two-year construction period?

A. (Casey) Yes.

Q. Okay. Now, out of the approximately 290 or 300 Local 490 members, what percentage would you anticipate would work on the Northern Pass Project?

A. (Casey) Probably upwards of 50 percent.

Q. Okay. So you anticipate somewhere in the neighborhood of 145 to 150 local members working on the Project?

A. (Casey) Correct.

Q. And I assume the other members are working on other projects because you've got projects going on constantly.
A. (Casey) Right. So the number of employees is adjusted to the amount of construction that we have.

Q. Okay. Now, would you expect those 145 to 150 members to work throughout the two-year construction project, or at least at some point during it?

A. (Casey) At some point during it, yes.

Q. So that at any given time, it's likely that the number of Local 490 members actually working on the Project would be less than 145 to 150; correct?

A. (Casey) Correct.

Q. Do you have a sense of how low that number may go, for instance, at the lowest point, perhaps, how many 490 members might be working on the Project?

A. (Casey) So, I mean, we do large-scale substation work all the time. And the manpower needs that the contractor will have during the Project varies significantly. So you would start off with a small group, and the demand would peak, you know, a couple of times during the project, doing large wire
poles and equipment showing up. And then at
the end of the Project it certainly dwindles
off when you're doing terminations and
clean-up of the Project.

Q. Okay.

A. (Casey) So it's always different, you know.

Q. Okay. And when you say you start with a
small crew, give me some sense of what that
might be in terms of numbers.

A. (Casey) Oh, so I would imagine that half a
dozens guys would start a project.

Q. And for about how long would that period go
until it ramps up?

A. (Casey) Not very long. They would
familiarize themselves with the Project
within three to four weeks, and then most of
those guys would be what we call the foremen,
and then they would take on a crew of 10 guys
each and off they go.

Q. And then during construction you have these
two peak periods when most of the work is
being done?

A. (Casey) Right. I mean, it could be
throughout the whole project. They could
need more people, they could need twice as many people. An example, for instance, when we built Newington Station down in Newington, the contractor told me they were going to need about 80 guys. After the 330 that we sent, we had to reassess where they were at.

Q. And presumably those 330 came from more than the Local 490.

A. (Casey) They came from more than Local 490. We were able to offer twice as many apprentice opportunities to people throughout the state.

Q. Okay. And in your experience, for instance, along a two-year construction period, at what point does it start to wind down along that two-year path?

A. (Casey) So, probably when the job has about a month left.

Q. Okay. All right. Mr. Eaton, let me ask you a few questions.

Now, I understand you're from IBEW Local 104; is that correct?

A. (Eaton) That's correct.

Q. And would I be correct in saying you're the
international business development
representative for the eastern U.S.?

A. (Eaton) Yes, I am.

Q. Now, am I also correct that the Local 104 members do outside electrical work? Is that right?

A. (Eaton) That's correct.

Q. And they do -- they would work on, in terms of the Northern Pass Project, they would work on parts of the overhead section and parts of the underground section; is that right?

A. (Eaton) Yes.

Q. So, for instance, for the overhead section, they would do things like hauling material to the right-of-way? Is that one of the items?

A. (Eaton) Yes.

Q. And they would do site work on the right-of-way?

A. (Eaton) That's correct.

Q. And they would do some foundation work?

A. (Eaton) Yes.

Q. And they would set some towers and install some wires?

A. (Eaton) Yeah.
Q. For the underground section, what type of work would the Local 104 workers perform?

A. (Eaton) We believe that the Local 104 members would install the cable.

Q. They wouldn't do HDD drilling, for instance?

A. (Eaton) They wouldn't do -- well, I can't say they wouldn't. It all depends on the manufacturer of the cable. But the only thing I know they probably wouldn't do would be the splicing of the cable.

Q. Splicing is more of a specialty?

A. (Eaton) Yes.

Q. But you're familiar with the HDD drilling that's proposed to be done on the Project?

A. (Eaton) Yeah.

Q. Okay. Would you agree with me that the actual drilling operation is also specialty work?

A. (Eaton) It is, but we do have people that actually do that. Some of our contractors specialize in that.

Q. Okay. And how about installing splice boxes?

A. (Eaton) The splice boxes themselves, yes, that could be done by our people, either 104
or 490.

Q. Okay. How many members of the Local 104 live in New Hampshire?

A. (Eaton) Probably 500–plus, and seems to be growing monthly.

Q. Okay. Are there members of the Local 104 that live outside New Hampshire?

A. (Eaton) Yes.

Q. About how many of those workers are there?

A. (Eaton) I would say Local 104's jurisdiction is New Hampshire, Maine, Vermont, Massachusetts and Rhode Island is what we cover.

Q. Okay. So are there more members of the Local 104 that live outside New Hampshire in those jurisdictions rather than live inside New Hampshire?

A. (Eaton) I would say Massachusetts would be the state that probably carries most of members.

Q. And Massachusetts would have more than 500 members?

A. (Eaton) Yes.

Q. Do you have sense of how many members live in
Massachusetts?

A. (Eaton) Oh, just off the top of my head, I'll say 700.

Q. Of the approximately 500 members of the Local 104 that live in New Hampshire, what percentage of those workers would you anticipate working on the Northern Pass Project?

A. (Eaton) I would say probably 75 to 85 percent.

Q. And would that be throughout the two-year period, or would that be -- when would that be?

A. (Eaton) I would say, yeah, as soon as they could get to -- a lot of New Hampshire members are working in Massachusetts, Maine and some in Vermont that would prefer to be home. I would say as soon as they get the call they would come.

Q. And if they weren't working on ongoing projects in those other states, who would do their work in the other states?

A. (Eaton) I'm not sure. They probably -- I mean, we are a referral hall. So there would
be people that are on different books. We have Book 1, 2 and 3 and 4. And it happens a lot. I mean, if you work elsewhere, the contractor and the customer understands that you're looking to get closer to home. So...

Q. So would the process be that, if some of your workers who live in New Hampshire but are currently working outside the state, the union would attempt to get substitute workers for them outside the state so they could work on the Northern Pass Project?

A. (Eaton) Yes.

Q. And that would depend on whether or not those referrals could be filled; correct?

A. (Eaton) Correct. But the individuals, they do have the right to give a notice to the company. So, again, if they want to come home and work on Northern Pass or any projects in New Hampshire, they have the right to come home, and the contractor will have to wait until those positions are refilled that they've left.

Q. How much notice do they have to give?

A. (Eaton) Well, we used to have to give a
48-hour notice. In negotiations they had taken that away, so there's no notice for either side now. It could be a ten-minute notice.

Q. Okay. I want to ask both you gentlemen some questions about the Project Labor Agreement. And perhaps, Mr. Casey, I'll start with you. And Mr. Eaton, you can certainly chime in if you have a different answer or want to expand on the answer.

On the screen in front of you gentlemen, can you see -- is there something on the screen in front of both of you?

A. (Casey) Yes.

Q. On the screen in front of you is Counsel for the Public's Exhibit 488 which is a copy of the Project Labor Agreement for the Northern Pass Transmission Project, dated July 21, 2017. Do you see that?

A. (Casey) Yes.

Q. And am I correct that both of you signed this Project Labor Agreement?

A. (Casey) Yes.

Q. Mr. Eaton, did you sign this as well?
A. (Eaton) This is... this one is signed by...
Q. Yeah, we're going to help you. I don't want
to test your memory. This is Page 23 of that
July 2017 Project Labor Agreement, which is
the signature page.
A. (Eaton) Yes.
Q. And you see your signature?
A. (Eaton) Yes.
A. (Casey) I don't see mine.
Q. Yeah, I'm looking. Well, let me ask this
question 'cause some of these are hard to
read: Do you recognize any of the other
signatures besides Mr. Eaton's? I see Mr.
Murphy.
A. (Casey) I recognize all the signatures,
but...
Q. Could you just tell us who is who?
A. (Casey) Pardon me?
Q. Could you go down the signatures and identify
them and tell us who they are and what their
position is, if you know it?
A. (Casey) So I can't really make out the one on
the top far left.
Q. Okay. Looks like that's from an electrical
company, if you look at it really carefully

but --

A. (Casey) So that would be M.J. Electric. Is that what it says? So that gentleman is the representative from M.J. Electric who will be doing the converter station.

Q. Okay.

A. (Casey) Next to him on the right is Lance Clute. He is a representative from PAR Electric.

Q. Thank you.

A. (Casey) Eugene... yeah, I can't... can you give me clue on the --

Q. I was hoping you'd be able to do that. But the first name looks to be Eugene. I think you're right. We can move to the next one then.

A. (Casey) Brian T. Murphy, he is the business manager of Local Union 104, the line local.

Q. Okay.

A. (Casey) Denis Beaudoin is the business manager now of Local 490 here in New Hampshire. He has my old position. And when I signed in 2013, that's the position I held.
Q. Okay.
A. (Casey) Tiler Eaton, of course, sitting right here to my right.
Q. Okay. All right. Now, you mentioned a moment ago the 2013 Project Labor Agreement. That would be the first Project Labor Agreement for the Northern Pass Project; correct?
A. (Casey) The one we submitted with our testimony, yes.
Q. Yes. This exhibit, Counsel for the Public 488, replaced that 2013 Project Labor Agreement; correct?
A. (Casey) Correct.
Q. Okay. Now, would I be correct in saying that the Project Labor Agreement was changed at Northern Pass's request?
A. (Casey) Was the Project Labor Agreement changed at Northern Pass's request?
Q. Yes.
A. (Casey) It was changed mutually between the two parties.
Q. Okay. And it was changed shortly before Northern Pass submitted its bid into the
Massachusetts RFP; correct?

A. (Casey) I'm not sure when they submitted or if they submitted an RFP to Massachusetts.

Q. Okay. On the screen now is Joint Muni Exhibit 294. Do you see that?

A. (Casey) Yes.

Q. And this is the public version of the Northern Pass joint submission to the Massachusetts RFP. And if you look, it's dated July 27, 2017. Do you see that?

A. (Casey) Yes.

Q. Okay. And that's six days before the second Project Labor Agreement that we just saw a minute ago; correct?

A. (Casey) Are you talking the June 2017?

Q. July 21, 2017, that we had on the screen before. It's right -- this came right after, correct, the RFP?

A. (Casey) All right. Yes.

Q. Did you discuss with Northern Pass representatives their submission to the Massachusetts RFP?

A. (Casey) Is this part of our testimony that you're asking this?
Q. Well, the Project Labor Agreement that we put on the screen, dated July 21, 2017, is the second Project Labor Agreement; correct?

A. (Casey) Correct.

Q. Okay. And I'm going to ask you some questions about moving from the first Project Labor Agreement to the second Project Labor Agreement. And my first question is: Were you involved in any discussions on the changes that were made from the first Project Labor Agreement to the second Project Labor Agreement?

A. (Casey) Yes.

Q. Okay. And who on the Northern Pass side did you have those discussions with?

A. (Casey) Who did we talk to?

Q. Yes.

A. (Casey) We negotiated with the president of Eversource, Bill Quinlan.

Q. Okay.

A. (Eaton) I'd like to add to that.

Q. Oh, you may.

A. (Eaton) And one of the reasons, so everybody understands, this first PLA was, again, 2013.
And again, the wages, conditions, a lot of that stuff changed yearly. So we had been -- I mean, originally, the first one was signed by the business manager of 104, Gary Stacy, who has since passed away. So we were trying to, you know, get all this stuff updated.

Q. Okay. That's fine.

A. (Casey) And also since we negotiated our first Project Labor Agreement, conditions in construction have changed. So we had to -- from the IBEW perspective, we had to deal with wages and benefits, as far as part of how to get people to the Project.

Q. Understood. I appreciate that. What I think what I'll do is I'm going to point to a few sections of the PLA and ask you about the changes to those specific sections.

On the screen in front of you is Page 2 of the current 2017 PLA. And if you look at Page 2, this is a Project Labor Agreement for the Northern Pass Transmission Project, by and between, and there's a blank for contractor, and then on the other side is your two locals, Local 104 and Local 490. Do
you see that?

A. (Eaton) Yes.

A. (Casey) Yes.

Q. And as I understand it, you would enter into this contract, for instance, or this agreement, with PAR Electric or any of the other contractors for whom you would do work; is that right?

A. (Casey) Correct.

A. (Eaton) Correct.

Q. Okay. And if you look at the next highlighted sentence, it refers to Eversource Energy Service Company, as agent for Northern Pass Transmission, LLC, hereinafter owner. Do you see that?

A. (Casey) Yes.

A. (Eaton) Yes.

Q. Okay. And then if you look at the third highlighted section, it states, quote, "The Parties understand that the Owner, at its sole option, may terminate, delay and/or suspend any or all portions of the Project at any time," close quote. Do you see that?

A. (Eaton) Yes.
Q. And that's Northern Pass's ability to suspend, delay or terminate the Northern Pass Project; correct?

A. (Eaton) Correct.

Q. On the screen in front of you now is Page 3 of the 2017 Project Labor Agreement. And this lists the prioritization of labor sources. Do you see that in the highlighted section?

A. (Casey) Yes.

A. (Eaton) Yes.

Q. So I'm going to ask you a few questions about the priority of labor.

If you look under Priority No. 1, it provides that all work specifically bid under the agreement will use New Hampshire-based union workers, and after the supply of those workers are exhausted, use Massachusetts-based union workers as the primary source for the non-excluded workers. Do you see that?

A. (Casey) Yes.

A. (Eaton) Yes.

Q. So the priority under this agreement is to
first use New Hampshire-based union workers
and then use Massachusetts-based union
workers; correct?

Q. If you look under Priority No. 2, it provides
that after the qualified New Hampshire and
Massachusetts union-based workers are
exhausted, the next priority is non-union New
Hampshire companies or non-union companies
outside of New Hampshire, using predominantly
New Hampshire labor. Do you see that?

A. (Casey) Yes.

Q. So in the pecking order, the number three
priority after New Hampshire-based union
workers and Massachusetts-based union workers
is non-union New Hampshire companies either
located in New Hampshire or located outside
New Hampshire, using predominantly New
Hampshire labor. Do you agree?

A. (Casey) Yes.

A. (Eaton) Yes.

Q. Now, that is a change from the first Project
Labor Agreement; is it not?
Q. And we can bring it up. But correct me if I'm -- let me know if I'm correct. Under the first Project Labor Agreement, the order was, first, New Hampshire union workers; correct?

A. (Casey) Correct.

Q. And then the second priority was New Hampshire non-union workers; correct?

A. (Casey) Correct.

Q. And then the third priority was out-of-state union workers from neighboring states, and those neighboring states were Maine, Vermont, and Massachusetts; correct?

A. (Casey) Correct.

Q. So, under the current Project Labor Agreement, the Massachusetts union workers have, if you will, jumped priority over the New Hampshire non-union workers, and the union workers from neighboring states. Massachusetts union workers have jumped into second position.

A. (Casey) That's correct.
Q. Okay. And is it your understanding that, from the Eversource side, Eversource was interested in making that change as part of its bid into the Massachusetts RFP?

A. (Casey) That's correct.

Q. Okay.

A. (Casey) We were also interested in making that change.

Q. Sure, because it jumped your union members ahead of the non-union members; correct?

A. (Casey) Right. That's the way our referral system works on a regular basis.

A. (Eaton) I mean, again, we have two different entities here. We have the people that do the inside electrical and the people that do the outside. So, in 104's case, again, the largest non-union contractor in New Hampshire that could provide this service is now bought by the contractor that has the bid for this project. So that's the reason why we went to Massachusetts again saying they had 700 members of 104 that live in Massachusetts, you know. And when we talk about who's going to go to the Project, it's just not somebody
that isn't qualified or has never been on a right-of-way or never climbed a pole. So I want to make that clear that that's the reason why we said we would reach to Massachusetts first, because they had the most numbers. But again, with the purchase of the largest non-union company, that has gained us anywhere from 100 to 150 people that will fall into Priority 1.

Q. Yeah.

A. (Casey) It's our responsibility to make sure they have qualified people, and we know that our training gives these people qualifications.

Q. Yeah. And I assume it's your responsibility to try to get your union members, whether they live in New Hampshire or outside New Hampshire, priority in terms of jobs.

A. (Eaton) Yes.

A. (Casey) Correct.

Q. Yeah. Okay.

A. (Eaton) Again, I would add to that, too. I mean, I look at Local 104, our members, we have a stake in every state that we own
property, operate out of. And again, the members of Massachusetts, Maine, Vermont, Rhode Island, they own property in Barrington, New Hampshire. We have a facility there. It's the members' building. So they do have a stake, as far as we operate and own a facility in New Hampshire because of them.

Q. And I'd be correct in saying that the more union members you can get to work on the Northern Pass Project, the more revenue it'll generate for your local union; correct?

A. (Eaton) Correct.

Q. And the more you'll get in not only wages for the employees, but things for your pension plan and for your training program and for your insurances and other items.

A. (Casey) Which is for the employees.

A. (Eaton) Yes.

Q. Yeah, ultimately to their benefit; correct?

A. (Casey) Correct.

A. (Eaton) Yeah.

Q. Yeah. Understood.

So what's on the screen in front of you
gentleman is Page 22 of the July 21, 2017 Project Labor Agreement. And this contains a definition, and it provides, quote, "New Hampshire-based union workers as used herein shall mean: 1) union member whose primary residence is in New Hampshire; 2) union member whose primary residence is outside of New Hampshire, but who is a member of a New Hampshire union," close quote. Do you see that?

A. (Eaton) Yes.

Q. So under this Project Labor Agreement, for that first category of workers, the first priority of workers, that can be either a union member who lives in New Hampshire or a Local 104 or Local 490 union member who lives outside New Hampshire; correct?

A. (Eaton) Correct.

A. (Casey) Correct. If I can give an example?

Q. Sure.

A. (Casey) So, for the inside, the Boston local is covered by Local Union 103, which is exactly what Local 490 does for the state of New Hampshire. Local 103 has more members
that reside in New Hampshire than they do in Massachusetts -- I'm sorry. They have more members that reside in New Hampshire than Local 490 has members. There's over 500 103 members that reside in the state of New Hampshire.

Q. Okay. And are they also members of Local 490?

A. (Casey) No.

Q. No. Or I take that back. I should say 104 because they're outside; right?

A. (Casey) Yeah, this is inside.

Q. Inside folks?

A. (Casey) Right. 103 has over 6,000 members; 500 of them reside in the state of New Hampshire.

Q. And Local 103, are they inside workers?

A. (Casey) Yes.

Q. And for those --

A. (Casey) We would hope to utilize them as part of the Northern Pass group.

Q. Got it. And for those folks that live in New Hampshire, but they choose to be members of 103 rather than 490 --
A. (Casey) Correct, they commute to the city.
Q. Or wherever their work takes them.
A. (Casey) Well, that's their jurisdiction, Boston.
Q. So they only work in the Boston area if they're --
A. (Casey) If they're working in their home jurisdiction.
Q. Okay. And presumably they also work outside their home jurisdiction.
A. (Casey) Correct.
Q. And that's the same for, I assume, Local 490 as well?
A. (Casey) Right now, Local 490 has numerous members working down in the city of Boston.
Q. Okay. Fair enough. Thank you, gentlemen. I have no other questions.

CHAIRMAN HONIGBERG: Do the municipal groups have questions? They do according to my list.

MS. PACIK: I just have a few questions, thank you.

Could we get the ELMO, please -- sorry, the Apple TV.
CROSS-EXAMINATION

BY MS. PACIK:

Q. Good afternoon I think it is at this point. My name's Danielle Pacik. I'm the attorney for the City of Concord, and I'm also the spokesperson for Municipal Group 3 South. I just have a couple questions.

What we're looking at right now is the Project Labor Agreement that was marked by Counsel for the Public as Exhibit 488. And I just want to turn to Page 3. And this is the new PLA that was entered into in July.

Under Priority A -- well, it's letter A, Priority 1, there's a sentence in this which says, and we're going to highlight it for you if we can, or at least we have the cursor near it -- well, I'll read it.

"It is understood that the supply of New Hampshire-based union workers is limited and that Massachusetts-based union workers will be necessary for the work." Do you see that?

A. (Eaton) Yes.

Q. And do you agree with that sentence?

A. (Eaton) Yes.
Q. Okay.

A. (Casey) Yes.

Q. In terms of the amount of New Hampshire-based workers -- and we've already established with Counsel for the Public that New Hampshire-based workers are those individuals who are members of a New Hampshire union but may also live in Massachusetts; is that correct?

A. (Casey) Correct.

Q. Okay. So, in terms of the supply of New Hampshire-based workers, I understand that you went over some math with Attorney Pappas as to how many people living in New Hampshire would be working on this project from your two unions; is that correct?

A. (Eaton) Correct.

Q. So I understood from Mr. Casey that in Local 490 there's 290 members living in New Hampshire; is that correct?

A. (Casey) That's an estimate, okay.

Q. Okay. And then from Mr. Eaton, I understood for Local 104 there were an estimate of about 500 members living in New Hampshire?
A. (Eaton) Yes.

Q. Okay. And so out of those approximate 790, I understood that 50 percent of Local 490, or about 145, might potentially be working on this project. Is that correct?

A. (Casey) That's what I -- yeah.

Q. I understood that was an estimate. And then out of the 500 in Local 104, I think the estimate was about 75 percent; is that right?

A. (Eaton) 75 to 85 percent, yes.

Q. So, around 400, potentially?

A. (Eaton) Yes.

Q. So that to me is 400 plus 145 is 545, roughly; correct?

A. (Eaton) Those are the -- now, those are skilled workers. We're not having any of the numbers again for the new people that would come in to our apprenticeship, which we have a list right now of about 500 to 600 that are waiting to get called, entry-level positions.

Q. I understand. I'm talking about current members, not apprentices.

A. (Eaton) Yes.

Q. Okay. So I just wanted a little
clarification. Because if we turn to what's been marked as Joint Muni 294, and you went over this with Attorney Pappas, but this is the response to the RFP submitted by Northern Pass and Hydro-Quebec. And in the response there's information about how many individuals living in New Hampshire would be working on this project. And if we turn to the last page, and this is just an excerpt because the actual response would be several hundred pages, but for Joint Muni 294, the very last page -- there we go -- some of it's redacted, so we don't know what it says. But the last sentence of this page says, "Based on the current full IBEW membership of those locals, New Hampshire has approximately 250 union members, with another approximate 600 in Massachusetts."

Could you just explain the discrepancy in Joint Muni 294, where Eversource is representing there's about 250 potential union members living in New Hampshire versus the number that you just provided to the Subcommittee?
MR. RAFF: Objection. They stated these were estimates. And that was not part of their prepared testimony. They did not submit this, nor did they work on this enough to have exact answers to those questions.

CHAIRMAN HONIGBERG: Ms. Pacik.

MS. PACIK: I think it's an appropriate question. I'm asking if they can explain the discrepancy.

CHAIRMAN HONIGBERG: Overruled.

You can answer.

A. (Eaton) Again, I would say that I had nothing to do with submitting this proposal to the Massachusetts Clean Energy RFP or whatever it may be. So it may be there's 250 members in New Hampshire that are currently not working. I have no idea.

A. (Casey) So where these numbers came from is beyond me. I mean, no one asked us our estimates for the proposal to Massachusetts. Why would they? And where these numbers came from, I have no idea.

Q. Okay. But you understand this is the estimate that Northern Pass and Hydro-Quebec
provided to Massachusetts, was that there
would be about 250 New Hampshire union
workers?

A. (Casey) This is the first I've seen it. So
if you're telling me it is, then yes.

Q. Okay. All right. Thank you. I have nothing
further.

CHAIRMAN HONIGBERG: The next
person I have on my list is Mr. Reimers. But
wait. It seems like it's going to make sense
to break right now for lunch 'cause you're not
the last one, Mr. Reimers. There's a couple of
others. All right. So what we're going to do
is break for lunch, and we'll be back at 1:30.

(Lunch recess taken at 12:28 p.m., and
concludes the Day 39 Morning Session.
Hearing continues under separate cover
in the transcript noted as Day 39 Afternoon Session.)
CERTIFICATE

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

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

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