STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

October 2, 2017 - 1:45 p.m. 
49 Donovan Street 
Concord, New Hampshire

DAY 43
Afternoon Session ONLY

IN RE: SEC DOCKET NO. 2015-06
NORTHERN PASS TRANSMISSION – EVERSOURCE; Joint Application of Northern Pass Transmission LLC and Public Service 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:

Chmn. Martin Honigberg
(Presiding Officer) 
Public Utilities Comm.

Cmsr. Kathryn M. Bailey
Public Utilities Comm.

Dir. Craig Wright, Desigee
Dept. of Environ. Serv.

Christopher Way, Desigee
Dept. of Business & Economic Affairs

William Oldenburg, Desigee
Dept. of Transportation

Patricia Weathersby
Public Member

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14
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QUESTIONS BY MR. OLDENBURG:

Q: Good afternoon.

A: Afternoon.

Q: I have a few questions, and they're not as organized as I would like, but I'll start. I think it was Mr. Bowes, he came up with, he relayed sort of a general process that a typical Project like this goes through, and I think you just reiterated it with Ms. Saffo. So if I understand it right, a typical project, you do a preliminary design. That preliminary design is submitted to like the PUC as an Application. You get a Certificate, and as part of that Certificate the SEC delegates certain things to maybe some other agencies. So the DOT might get the roads, DES might get the environmental, SHPO might get the cultural so there's a delegation
process. So these preliminary plan issues and right-of-way issues and traffic control issues, all this that we're going through right now, I think you said are all typical things faced for a Project for this; is that correct?

A (Bowes) Yes and, the sequence you laid out usually happens, much of the detailed design work happens after a Certificate is issued. It's usually for public need and environmental compatibility, something like that. So you've met a burden of proof for is there a need for the Project, can it be done in an environmentally conscious way, and is the cost of it, usually cost is a factor because they're most often Reliability Projects, cost is a concern because the ratepayers ultimately have to pay that.

So the siting board would balance all of those things, and then look to the other regulators to follow up on, if it's a cost issue, it would be, as you say, the cost regulator, either FERC or the PUCs. If it's environmental it would be DEP or DES. And then the DOTs would have jurisdiction if it were
crossing a road or within a road.

Q So in a normal typical Project, these, UAM Exception Requests typically aren't seen by anybody except the DOT? It's behind the scenes after the Certificate is issued that all of this usually happens? So is it, do you say that it's odd to be airing these Exception Requests in public like it is?

A (Bowes) I would say it is unique here in New Hampshire under this process. Yes.

Q All right. One of the things when we talk about delegation, I want to go to I think Mr. Baker asked the question and Ms. Saffo asked the question about delegation on the town roads. And you had mentioned having the DOT delegate the town road issues and Exception Requests and things like that to the DOT. Is that what the intent is?

A (Bowes) So the intent would be to have the SEC exert its jurisdiction to allow use of local roads and then probably delegate, most likely I think I said, to the DOT because they have the expertise to review that 3 or 4 miles of local roads. We would follow the same process using
the same type of documentation and ultimately get approval from the DOT for that limited use of the local roads.

Q But you haven't submitted anything on the local roads to the DOT to see whether or not they'll bite at that?

A (Bowes) So we've submitted packages to the DOT, the original package, and they have not ruled on it. They have said until we've been authorized to do that, we're going to just put it off to the side at this point. Our designs continue to evolve and become more refined, our Exception Requests are understood, but you're right. They have not actually acted on the local road issues to date.

Q So what if the DOT doesn't want that responsibility or could be a liability issue?

A (Bowes) So under the stipulations that we have with the State DOT, I think we talked a little bit this morning with one of the attorneys about that type of indemnification, providing the wording was similar, could extend as well, and we would indemnify both the DOT and the towns for use of those roads. So I think there's
a way to --

Q Well -- I'm sorry.

A I think there's a way to manage through that process.

Q I was thinking of it more, in your Exception Reports you want, multiple times you want nothing to do with moving guardrail because then it would seem to be like you would take responsibility or liability for putting that guardrail back and that's a liability or a responsibility Eversource doesn't want.

So I guess my question is, if DOT takes on that responsibility of making decisions on a local road, doesn't the DOT take that responsibility on for making those decisions? And why wouldn't you just pass or ask that delegation to be passed on to the town instead of the DOT?

A (Bowes) For one thing there would be resource issues I'm sure with the town. So probably involve hiring a third party to do that for the town. You could have inconsistent means and methods as well as construction techniques be approved for the Project.
If the New Hampshire DOT does that, it will be consistent all the way through the entire life cycle, and if a town decided I don't want to play, then they could delay the Project unduly.

Q Okay.

MR. WAY: Quick question? Bill? May I?

MR. OLDENBURG: Sure.

MR. WAY: So is it fair to say that DOT is well aware of this intent? That it isn't just buried in a submittal, that they understand that you want to have the delegation to them from the SEC?

A (Bowes) That is correct. Yes.

MR. WAY: Thanks.

BY MR. OLDENBURG:

Q So when we talk about this, the Exception Request. In a perfect world, you'd come up with a design, you would check with the folks about wetlands and archeology and historic impacts and geotechnical ramifications, and you'd check with right-of-way folks to make sure everything was okay. Then you'd check with the DOT or submit that plan to the DOT and have it finalized.
Correct? Is that --

A (Johnson) That's a fair statement of the process, yes.

Q So I guess I, I'm a little confused because I've heard the answers all morning and all of yesterday. So when do the abutters get involved? So you have a final plan, an abutter objects to it, and you want to move it, so you start the process all over again to move it?

A (Johnson) In effect, that's what would happen. Yes.

Q So one of the things that we also heard sort of consistently from the folks on wetlands and archeology and history is that they knew the design was changing, but they hadn't been involved in any of the decision making. So I guess the question is these design changes as they're happening, some of these folks that did the wetlands and archeology still aren't under contract. So I guess are you really checking with folks on those different aspects?

A (Johnson) So all three of the aspects that you discussed, the environmental, the archeological and the historic all have provided their
background mapping, if you will, so we know the locations of all of those items when we do our alignment layouts and when we prepare our Exception Requests. So we're already as a Project avoiding as much as possible any impacts. The one that I will say is potentially outstanding would be the environmental impacts, and there is certainly a do loop to go back to the DES should there been any changes whether it's temporary or permanent impacts. We'd have to update those calculations across the board.

Q So if it's a wetland impact, you have information to know whether that's a high level stream or a wetland or not?

A (Johnson) Agreed.

Q So you can make that assessment.

A (Bowes) And we wouldn't propose an exception that made that a problem with the new alignment.

Q Okay. Originally sort of qualified this question as a chicken and the egg thing. Which comes first, the design or the abutter information. And it seems to be if we call it an iterative process that seems to be the way you propose it is you do a design, then somehow
yet to be determined there's public outreach on
what that design is, and then if there's
feedback that we need to change that design or
the exception, you go back through and start all
over again.

A (Johnson) Agreed. I think part of the issue
with us sort of putting the abutters later in
the process is you want to be able to show them
something, and you want to be able to show them
something that's more common concrete, if you
will, from both the design and the DOT saying
yeah, that makes sense for where it would go.
I've had some of the very early-on
conversations, and it's very difficult to sit in
someone's living room saying well, we think it's
going to be out here somewhere. So it's much
more productive if you actually have a line on a
map that's got some science behind it.

Q You have to do some sort of design that you can
show them to say where it's going to be. And
then if you adjust it, then it could, so one of
the, you know, take any of the examples where
somebody showed you a picture, it's in
somebody's driveway. So you move it and it
might be on an abutter's driveway so that whole conversation with that abutter sort of goes away and you create a new conversation with a different abutter.

A (Johnson) Correct. It's no different than the overhead if we have to move that structure from property to the next.

Q Sort of like chasing your tail to some degree, trying to find the optimal location for some of this.

A (Johnson) Agreed.

Q So you had mentioned that the UAM Exceptions that you had submitted that hadn't been approved, you sort of have withdrawn them, but you're going to resubmit them once the survey report is done.

A (Johnson) Correct.

Q Do you envision major changes due to that survey report?

A (Johnson) Ultimately, the Exception Requests are to put facilities into the roads so by definition we're away from the edges of the right-of-way. So for the most part the Exception Requests I don't believe will change
significantly, other than defining where those boundaries are now. If we made a mistake and we need to go from a four-rod layout to a three-rod layout, that potentially could align more of the offroad alignments and splice vault locations, and we'd have to go back and review those and determine whether those changes would instigate an Exception Request.

Q So of the Exception Requests you've put in, have you put in Exception Requests specifically to avoid historic buildings? Like we see the barn all the time. Pictures.

A (Johnson) So there may be a request in to go from one side of the road to the other, and that would be crossing the alignment, crossing the pavement, that would be the Exception Request. But it might not detail specifically why we asked to do that, meaning that there's a 500 feet up the road that there's a historical location.

Q So what about --

A (Johnson) So, again, as part of the design we're aware of where those historic places are, and to the greatest extent we've tried to avoid impacts
Q So what about some of these, we saw pictures of the big trees in people's front yards, the big shade trees or border trees. Have you put in Exception Requests to specifically avoid those type of trees?

A (Johnson) So for trees specifically, no. No, we have not. That's the next layer, if you will, of Exception Requests.

Q So the historic, the Exception Requests to avoid historic properties or the trees, you don't know whether the DOT is going to accept those or not.

A (Johnson) So if we're basing it on the approvals that we had to date, if we're crossing over a right-of-way to avoid some future obstacle meaning from one side of the road to the other, they have approved at least one. So if we can demonstrate that's a viable reason, then we hope that they would continue that process or at least consider it as part of their approval process.

A (Bowes) We've also had the discussion around mature trees, and they seem very receptive to it at this point. We haven't put the specific in...
front of them, but they understand the issue very well because they operate and maintain these roads. They have not taken these trees over the years for various reasons, even though they're fairly close to the highway. So they're very sensitive to the issue.

Q So I guess if there's a mature tree that you show hitting and don't file Exception Requests, the DOT isn't going to stand up and say hey, don't hit that tree. They're just going to assume that you're going to take that tree.

So if there's no Exception Request for it, the property owner isn't going to know -- I'm trying to juggle this whole discussion about property owner impact and they're supposed to be able to review the exception reports, but if there's not an Exception Report, you know, how does someone know?

A (Bowes) So one of the ways that the public could be assured of that is for a condition to be placed upon Northern Pass to deal with that issue. Say any mature tree within ten feet of the pavement. So it could be a condition that thou shall not remove it, it could be a
condition that you shall go back to the SEC or the DOT for consultation. So I think we can find a way to alleviate that public concern. And we have done that with other Projects. I just sited an underground project that had a stipulation through a public park, there will be no tree removals. Zero tree removals. Regardless of the size. You shall not remove a tree. You shall trim a tree with consultation with the town arborist. So they know they have to maintain -- some of the trees have actually been damaged by large trucks. They're going to have us actually clear the envelope for them as part of our construction. So there's a heighth requirement that meets the town guideline and zero tree removals for that section of the Project.

Q Because I think one of the comments was is that the DOT would be in charge of the aesthetic review or something like that or reviewing the aesthetics on some of these Exception Reports, and I just, knowing the people at the DOT, some of them think construction is beautiful and wouldn't recognize a nice tree if it fell on
them. So I just was curious on how that was going to work.

A (Bowes) So a condition might be a way to deal with that issue.

Q Okay. Thank you. One of the things that I noticed in the Exception Reports, and I think it was one of the Intervenors brought it up. Dawn, could you bring up the one Exception Report? There was actually, it's number 4 Revision 3. Would you go to the second paragraph on page 3 where it says finally. And that paragraph appears in a number of Exception Reports, and it appears in Revision 3 of this one but not in Revision 2 so it seems to be something new that's been added.

This goes to a discussion that I had with the Environmental Panel about the Draft or the Draft EIS submission and the APE calculation. So if I have this right, let me follow through and see. I might be off with some of the dates, but this is generally how this occurred. So in July of 2015, you submitted the Draft EIS to Department of Energy. And that permit or that statement only had six miles of underground.
Then October of 2015, you submitted the PUC Application for the Project, and then a month later, November of 2015, you submitted a Supplemental EIS information which changed the preferred alternative to add the 53 miles of underground from Bethlehem to Bridgewater. And that Supplemental EIS set the APE at 20 feet off the edge of pavement.

And if I understand this wording right, this is where the, that decision of setting the APE at 20 feet off the edge of pavement is where this wording comes from. So midway down it says this study area limits the design area available to Northern Pass Transmission to 20 feet off the edge of pavement. And the Final EIS was approved in August. Just two months ago. And it kept that APE.

So the whole Supplemental EIS to Draft EIS made the assumption that the Project was going down under the roadway, and now it's not. So you're using sort of this, the APE that was set for a Project that you don't plan on building as justification of not going outside that 20 feet. Have I got that right?
A (Bowes) So I would say the dates are accurate. I think the original one actually had 8 miles, not 6 miles, but take that aside. The 20-foot issue, I think we always thought it would be within disturbed areas for the underground construction, maybe with one or two Exceptions where we owned the property and it was going into or out of a Transition Station. But we assumed in the public way we would always go through an area that had been previously disturbed. That was the base assumption made. So I would agree with that.

What we're doing now is seeking to stay within that 20 feet, we still don't want to go outside of that 20 feet, but to do that with the condition number 12, I think, from the DOT we now have to manage within pavement plus or minus that 20 feet. So it is another requirement that we have to fulfill. And in this case we have documented it saying please don't make us go outside the 20 feet unless there's a very good reason. No adverse environmental impacts is really the issue.

There may be areas where it's on DOT
property, for example, where we could go out 30
or 40 feet with no aesthetic impacts, no
environmental impacts, and that will be
something we could work through very easily.
But if it's going to put us into a stream or a
brook, we heard the example this morning of
working between a very sharp slope and a stream,
that would give us some problems to meet a
design that doesn't have adverse environmental
impacts.

Q It just seems funny that you get approval for a
design that you don't plan to use, and you're
now using that whole design decision to set the
APE as an excuse for not going and meeting the
UAM requirement.

A (Bowes) It wasn't made to be an excuse. It was
made to limit the environmental impacts.

Q Okay. So in the Exception Reports, some of the
ones that were rejected and need to be
addressed, I mean, some of them were covered
about putting the splice vault in a driveway or
blocking like the entrance to the mobile home
parks and stuff like that. Trees. Drainage. I
mean, it seems like those things should have
been ironed out before they were submitted. That, I mean, that should have been looked at. And I guess are you okay with the DOT making those type of determinations, you need to move this outside of the driveway. And you seem to be complying. So it's almost like it's the reverse is the DOT is making some of these design decisions for you, and I'm hoping that you're going to say no, we can't do that if you really can't do that.

A (Johnson) So there are definitely reasons why things were placed that may look awkward. The one I recall yesterday is or from Friday is when we put it across from a driveway on a very narrow roadway, put a splice vault in. It may be because to maintain traffic you might need to use a foot of that driveway to get by. Again, I don't know the right answer to that, but there certainly are engineering reasons to do that.

We have had a couple of iterations on particular requests where we as the Project have gone back to the DOT and said here's our rationale behind why something is there. And then we have that engineering dialogue back and
forth so that they understand where we are. We then talk about it not only from a pure design perspective but from an operations perspective. You know, once the road is returned back to the DOT postconstruction and often come up with a better solution that's neither what they proposed or what we proposed. Something in between.

Q Okay. Little bit about the, going back to the trees. Are you also analyzing or looking at trees from a, I mean, when you are going to directly hit a tree, that's a known. That tree is going to be taken. But there's also the root system underneath it. And are you, you know, we've, I've always heard that if you are underneath the canopy, you're hitting the roots, and a tree can only live if you hit so much of the root system as well. So is that part of the tree impacts that you're looking at is impacts to the root system?

A (Johnson) So typically yes, that the way that our design engineers are viewing it is from the canopy perspective and seeing where there's room. I'm certain that there are certain
instances where they're going to have to go more
inside that canopy, and in those cases, we have
to be very cognizant of the health of the tree
that remains and do our best not to impact them.
I believe that we've discussed the last time we
were here that should a tree be impacted
postconstruction that we would then go through a
process of either replanting or trying to figure
out the right way to deal with that situation.
I believe on Friday it was determined that it's
hard to value, you know, a 150-year-old tree in
those aspects, but certainly, it would be, it is
part of the design.

A  (Bowes) One of the things you saw the picture
this morning was it was so definitive on what we
would do there is go back into the roadway.
Historic home with several evergreen trees in
front. If you went off the pavement there, you
would clearly be into the root system. So it
was very easy for me to make the call saying no,
we'd want to be in the pavement there.

The one other, in the DOT you probably
recognize as well is that the roots don't like
to migrate underneath the paved area. So that
becomes at some point a stopping area for that root system. So to stay right on the edge of the pavement or even in the pavement usually you can avoid the root system even of a mature tree that's very close to the road.

Q So one of the other things that was talked about was the cranes. So have you looked at having to limb trees to be able to get cranes in to lift the vaults and things like that? You might not have to cut the tree, but when you look up and the tree is over the roadway, you know, 20 or 30 feet up and the crane isn't going to operate without cutting trees off, have you looked at that?

A (Bowes) So we're aware of it. We haven't done a site-by-site analysis yet because we haven't finalized the splice locations, but there definitely will be tree trimming as part of this effort, even to do the duct bank trenching just off the right-of-way or off the road paved area there will be some tree trimming needed. We've had discussions with the constructor already about what type of equipment they can use for the trenching operations that will minimize the
vertical impact for tree trimming. Usually it's similar to what you'd see for utility roadside trimming for distribution. I don't think it will be in addition or over that except for maybe some select locations for the cranes and the vaults.

Q Earlier last week, I think it was one of the Intervenors, Mr. Ahern from Plymouth, talked to you about Exception Report number 1, Revision 2, and about a water line that was under Route 3 from, went from I think his, maybe his house side to his barn. I didn't see that on the plan. Do you know where that water line is?

A (Johnson) We are aware of that, and the next iteration of plans will definitely have that on it.

Q So you know where it is and you've talked to him and you know how to miss it or mitigate for it.

A (Johnson) Correct.

Q Okay. So on the survey information, the main consultant is BL Companies? Is that Meridian?

A (Johnson) So BL Companies was hired by PAR Electric to do the survey, and they subconsultant to Meridian and to Arago Land...
Services.

Q Is BL Companies, do they have a New Hampshire licensed land surveyor?
A (Bowes) I believe they do, yes. Mr. Bob Roper, I believe is his name.

Q So in the report it talked about all pertinent research, and to me that means like title research, all the information that you gather to see who owns that property, not necessarily ground survey. I think someone stated that was complete? You have all that information?
A (Johnson) Correct. Arago Land Services, that was their primary function to do that.

Q The rest of the survey is going to take, is it 6 to 8 weeks?
A Yeah. Now 5 to 7.

Q And that's for the 50 miles or for the whole 60 mile underground?
A (Johnson) The whole 60.

Q Ten miles a week? Wow.
A (Johnson) They have a lot of people out there right now.

Q Holy cow.
A (Johnson) Now, again, it's not a hundred percent
survey. They've got the base survey that was already done. So it is just enhancing that product and to make it better.

Q So some of the information that they're looking at, so you saw I think it was Mr. Palmer who had I guess what I would consider like a historic layout from the 1800s?

A (Johnson) Yes.

Q That might have been the first layout of that road. But since the 1800s things could have happened along that road so the surveyors, if they start with that historic layout, the first one, they really have to piece everything together, correct? So there could have been, before the 1900s a town could have changed what the right-of-way width was or a DOT Project, once the DOT was created in the 1900s, could have had a Project that changed that width?

A (Johnson) Correct. So typically what Arago is doing is preparing on a section by section historic layouts, multiple historic layouts, if you will. Those that have superseded others. And if there are areas where they can pin to monuments or not or other features, then the
surveyors are made aware of that type of
information as they go out into the field so
they kind of know what they're looking for, if
you will, and know the locations.

Coupled with that are the property boundary
surveys of the private landowners which have the
same types of monuments and things so they're
pre-prepared as they go out into the field to
find whatever they're looking for.

Q Because any time anybody subdivides a property,
you have to have a survey, and that's recorded
and deeds are created. So at some point
surveyors along for the last 200 years have
created a documentation of where that
right-of-way is.

A (Johnson) Sure.

Q Not necessarily just the DOT.

A (Johnson) Correct. And as you can imagine,
there's conflicting information everywhere.
That's part of the process.

Q I think we're heard that, right?

A (Johnson) Yes.

Q So you've obviously talked about all the survey
issues with the DOT, and you understand what has
to be done to comply with their requests?
A  (Johnson) Correct.
Q  And you're able to meet all those requirements, you believe?
A  (Johnson) We are. Yes.
Q  One of the other, one of the things that was discussed and I think it was part of Mr. Varney's, actually a redirect of Mr. Varney's testimony about an MOU with the town of Plymouth Sewer and Water.
A  (Johnson) Um-hum.
Q  I wanted to just make sure that in the, it was mentioned that the sewer and water would be redone at the same time the Northern Pass was put in downtown Plymouth so it would only be ripped up once. But when you were originally here, I asked that question and you had, Mr. Johnson specifically said that the transmission line would be done one summer and then the water and sewer and any of the road work would be done the next summer to avoid impacting when the college kids were there. Could you just confirm what your plan is there?
A  (Johnson) Sure. So Plymouth Village Water and
Sewer has future plans to do work, and, obviously, it would make sense for us to open up the roads once as opposed to multiple times. I believe my reference at that point was in the fact that the final restoration or the final paving of the roads. So we may be working on one side of the road, they may be working on the other side of the road, but before we came through and did our final full restoration or the restoration of our lane that we would coordinate our Projects so that we would only be impacting the final restoration once as opposed to us fully completing our Project and then Plymouth Water & Sewer coming back.

If there is an opportunity to install both of our products at the same time, then certainly we would entertain that. We have to be careful because we're mixing crews and mixing installations. But those are the exact kind of coordinations that the MOU basically discusses and working together from this point going forward to ensure that when there are synergies that we're using them.

Q But you don't have a plan, you haven't finalized
a plan of you're going to do this, you're going
to put your transmission line in this time and
then Water & Sewer is going to follow a week
later. And the lane restoration, I have to
believe one of the requirements was if you
impact the lane, you have to rebuild the entire
lane. That was a DOT requirement so your lane
restoration is rebuilding half the road, if I'm
reading into it right.

A (Johnson) Absolutely correct. Like I said,
we're at the MOU stage so we're in that
preliminary evaluation of both of our design
requirements, and we will be working with them
going forward.

Q So the commitment of doing this work in downtown
Plymouth when the college is out might not be
the case anymore. You might have to do this
when -- because that's only two months and are
you going to be able to do all of that work in
two months or is it --

A (Johnson) Good question.

Q You haven't quite figured that out.

A (Johnson) We have not, no.

Q Chris?
MR. WAY: Mr. Johnson, did you say that that MOU is currently being drafted or is that something that's already in place and if it is in place have we seen it?

A (Johnson) It has been executed. I'll defer to Mr. Needleman.

MR. NEEDLEMAN: Yes. It's an exhibit. I can't tell you, 209, 208, right around there, I think.

MR. WAY: Thank you.

MR. IACOPINO: Could you make sure that all of the MOUs are submitted as well?

MR. NEEDLEMAN: Every one that has been executed is submitted at that point. There are five of them.

MR. IACOPINO: Thank you.

A (Johnson) Just for clarification, that particular one is with the Village Water & Sewer, not necessarily the town because they're a separate entity.

BY MR. OLDENBURG:

Q One of the other things that was mentioned. We touched on it a little bit with the Exceptions is working with property owners and time of day,
seasonal restrictions, and things like that for their impacts. So if you have a restaurant that doesn't open, it's a lunch and dinner restaurant, you try to do the work in the morning before they even open in front of their property. And I know in Mr. Varney's redirect there was a list of already commitments that Mr. Karno had developed, and I know you were working with Mr. Karno to do public outreach. So we have all these little chess pieces of you can work here then, but you can't work here, all the way up and down the road so how do you logically work this Project without jumping all over the place and meet all those commitments? Have you figured that one out?

A (Johnson) Certainly when you have conflicting wants and needs by your neighbors as you continually go down the right-of-way causes or potentially could cause issues of skipping construction and going back and basically the inefficiencies involved. What we really try to do is listen to everybody and then come up with the best solution that fits everyone in that area.
So there may be areas where we choose to do night construction with permission because it's better for the businesses in that particular area. There may be areas where we close up the streets at five p.m. instead of 7 p.m. because they're more night-orientated type activities. So all of that needs to be weighed and judged, and certainly we're not going to appease everybody but we're going to try our best to do what we can.

Q Yes, because it goes beyond just the property owners. I mean, since you were here the first time, we've learned about the Karner blue butterfly, we're talked about doing a lot of the wetland impacts in winter so you can get on frozen ground and doing all that. It just seems like this is a revolving chess board of restrictions, and it's like when are you ever going to build it with all the restrictions?

A (Bowes) So the overhead portion that's well under way of all of those seasonal restrictions, customer abutter issues, endangered and threatened species, those periods of work. So that already has all been laid out. That was
something the federal government asked us for. All that matrix, if you want to call it, of when we can do certain things along the right-of-way. Now we're starting to look at the underground portion and do the same thing. Mostly driven by the business impacts that we're now going through with this consulting firm.

Q So one of the things that was mentioned that I think you qualified as this is the only utility in New Hampshire that's doing it is the concrete that you're pouring underneath the conduit is being reinforced so that a utility or a drainage pipe underneath could be open-trenched? And that would be used to support, basically span any trench that went underneath your line? And that seemed to be a unique thing to New Hampshire.

A (Bowes) Unique thing to us being a utility in New Hampshire. I believe that's the first time that that's been worked out as a requirement. I may be incorrect, but it's clearly something that may make state or municipal work in the future much easier to do.

Q I would envision that the reason for that is the
cost of relocating your line, and you also
don't, you wouldn't want to relocate it. I
mean, one of the things that I went through was
I think it was Mr. Varney was the whole idea of,
you know, it's easier to keep your line where it
is and allow people to work under it, and this
isn't what I asked Mr. Varney, but I'm thinking
the whole reasoning for allowing that is that
someone could actually, whether it be the DOT or
municipality could actually put a pipe
underneath your line without having to make it
move. The point I sort of made with Mr. Varney
was having, at what point can the DOT say, you
know, you need to move your line. I mean, if we
put in a stop sign over your line, we're not
going to make you move that line for a $500 stop
sign because it's a multi-million dollar move.

So at what point does it become a reason to
make you move the line, and to put a pipe
underneath your line, it seems like that's one
of the major reasons to do that is where else is
there a utility that's going to cost us
multi-million dollars to make you move.

A (Bowes) That's certainly one of the issues.
I'll also say that having that self-supporting structure makes any work in the future much more reliable for our facility as well. That's more than likely when a failure of our line would occur would be during excavation in and around our structure. So in some regards we're making it a more reliable line. At the same time we're reducing future costs.

Q  We talked about that, the previous time you were here we talked about the HDD drilling sites and some of the requirements with those and the amount of time that that pit would be open, and there were a number of things, my memory is, is that during the, I'm sorry, was it HDD? Yes, it was the drilling that had, actually it might have been the splice vaults. Because of the depth of the hole it could require Jersey barrier to protect that overnight and it would, that would, you'd have signal operations, alternate, one lane with signal operations. Ms. Frazer, am I remembering this right?

A  (Frazier) Yes.

Q  So now I hear this whole plating thing. What operations are you going to use the plating for
versus the signals. Is the plan still to use the signals and the Jersey barrier for the splice vault operations?

A (Johnson) So splice vaults, there is a detail in the new set of plans that has plating that's put over it every night, whether it's in the road or just off of the road. And that, it's supported and basically built flush so that the roadway can be maintained and operated in a safe manner.

The one caveat I will say is for the HDD is where we have a drill rig that is stationary because it's continuing the boring and reaming as it goes through, that is the location where we might have Jersey barriers overnight with alternating traffic signals for those locations where we would be in the road. Because that piece of machinery has to stay there while it's continuing the drilling operation.

Q So clarify something about the HDD. And we heard it here today was the 30-foot width. And I guess I'm confused like some of the other questioners were is if you have a, if you only can take one lane and so you have a 12-foot lane and a 4-foot shoulder, that's 16 feet. So 14
feet of the operation is going to be outside of
the pavement so keep that lane open. Is that
correct?
A  (Johnson) So the answer is that every drilling
area will be unique. There are ways to put all
of the equipment in series so basically one
piece of equipment behind each other where we
could limit it to typically the 12-foot plus the
4-foot so we don't need 16 feet. Ideally, if we
had 30 feet by 300 feet that's the best solution
because it gives the contractor the most room or
the most area to move things, but clearly, if
there are a mature tree line that's four foot
off of the edge of right-of-way, we're just not
going to take those trees down. We'll have to
come up with a construction solution as far as
methodologies to allow us to operate in
something less than that 30 feet wide.
Q  So your optimal is, so your wish is 30 feet.
That will give you all the room you need. But
if there's some restriction, trees?
A  (Johnson) Exactly.
Q  Historic buildings, something that limits you,
you're going to work around that.
A (Johnson) Correct.

Q And lessen that 30 feet.

A (Johnson) Correct. And the same thing on the other side on the pulling end where we're laying out all that conduit that gets pulled back in, the conduit is on something of that nature so we only need about five feet, and I think we've asked for 20. Again, to give the maximum room for the contractor to work in. Clearly, if there's restrictions because of whatever reason then, they'll just have to make it work as far as the construction zone.

Q Okay. We talked about road closures, and I know there's a road closure planned in the Pittsburg/Clarksville, that whole segment up there, North Road and those areas. But through the underground route, Plymouth to Bridgewater, there's no road closures planned. There might be short-term for like equipment delivery or something like that where you might have to close the road for five minutes as you offload equipment or something like that, but nothing major, correct?

A (Frazier) Plymouth we did have to have some
detour area because of the --

Q  The roundabout?
A  (Frazier) Yes.

Q  But there's, for the overhead line when you string wires across the road, you would close that road while that operation goes on as well?
A  (Bowes) We typically ask for, usually it's up to an hour, and if everything goes well it's usually around five to ten minutes. We typically schedule an hour for interstates only. In the regular roads we put structures up, bracing structures and just pull over those so if the line were to fall, it's supported on those temporary structures. Interstates, we take the extra precaution and ask for the road to be closed for that period of time. Usually two a.m. in the morning on a selected day.

Q  How about tower construction. Some of the towers are really close to the road. Do you do those in sections and lift them into place with a crane and then bolt them together or is that typically, you don't do it piece by piece?
A  (Johnson) Depends on the location.
A  (Bowes) Correct. But typically the monopoles
will come in 2 or 3 sections, be bolted together a piece at a time. The lattice, usually smaller structures, smaller components, and then sometimes a top will be lifted on as a single piece. But that's probably a much longer duration process and much smaller pieces for the lattice structures.

Q All right. But would you close the road during like if you were lifting that with a crane? Would you close the road just in case while that operation was being done?

A (Bowes) The way we've designed it, there's a work pad for each one that would work from, but there could be a situation for one next to a road where we look at the construction, and having to get the crane to that location, it's less impactful to do it from the side of the road. I don't know of any specific locations today, but that's a possibility. And we, again, go back to the DOT, ask for a variance or an exception for that process that we had originally filed and work through that. That's something we do today. I think we have 35 active transmission line projects in New
Hampshire right now. So we're doing this on a daily basis of crossing roads. Same process would be used for Northern Pass.

Q So one of the things that went through it with Mr. Varney and he sort of made a commitment and I think you reiterated that commitment at the beginning of your testimony this time was about the impacts to future DOT Projects. And sort of if the line impacted a future DOT Project that Eversource would reimburse or make whole that extra cost.

A (Bowes) Only nuance I would say is that it would be Northern Pass that would indemnify the state and also we would pay for any future costs. We're also relocating some of the PSNH lines. They would be responsible for reimbursing the DOT for those costs. I'm thinking of an area, for example, in Concord that crosses a bridge abutment. The design is as presented to the DOT. We will not be putting up 160-foot structures in Concord. It's exactly what's in the SEC Application. But because of that, we own, Northern pass owns, and PSNH owns the future costs of relocating that if the bridge
were to be either a major repair or replacement. Q So that's fine for the DOT. When I really presented it though, I presented it as a, everybody is impacted by that. So one of the examples I gave was the Profile School. And if they ever expanded and had to add a turn lane to Route 116, that the line could impact that design and have a final financial impact on the School District because they had to work around your line. And another one that came up was when we did our first site review, I'm not sure what town it's in but it's North Hill Road. It was right near Creampoke Road. A (Johnson) Stewartstown. Q Stewartstown. There's an 8-foot CMP culvert under North Hill Road that -- let me ask you this first just to verify. That's a town road? A (Johnson) Correct, sir. Q Okay. Good. Because I wouldn't go on if it wasn't. At some point before the 50-year life of this Project is up, that culvert's going to rust and fail. We see it all over the State. And they're going to have to replace that. So in both those situations, in this one the town
is going to have to work around the line so the same reasoning follows that the town is going to have the same issue that DOT does with this culvert is more than likely due to stream crossing rules that's going to be a bridge when it's done so they're going to be building a bridge instead of replacing the culvert so it's almost the same issue. And I didn't bring it up really, I used the DOT example because I know that, but it was more of a global question of how, everybody's going to have to deal with the fact that this line is there. It's too expensive to have someone just say move it. And everybody's going to have to pay the price in the future just because it's there.

A (Bowes) So I'll take the last one first. I think that's an easy condition that for use of the local roads, if the road had to be changed or altered, then the Project would be responsible, same as we are for the State roads and the State drainage system, and we would go forward and put the same type of preventive structure around the duct bank that would allow that to occur in the future at a reasonable
cost.

The school, again, is a town facility. Not quite sure I understand the nuance there of why they wouldn't just go over our duct bank with another lane. I don't think there's any reason that would prohibit that. It would be just the same as going over any other utility that's out there today. So I don't think there would be any additional cost in that case.

There could be a circumstance, and I think we could probably make that some sort of condition. I just don't know how to word it or how to commit to that today without understanding all of the potential nuances of that.

Q I'm just thinking of drainage and things like that but other utilities. If you hit a water or sewer line, I mean, it's tens of thousands of dollars to move. It's not millions of dollars like the Northern Pass line is going to being, and I'm assuming that a town doesn't have the same rights as the DOT does. The line isn't there by sufferance of the town, it's sufferance of the State. So you don't have to move, I
would have to believe that you wouldn't have to move at your own cost if the town said move.

A (Bowes) I don't know the answer to that. Never faced that particular issue in the past.

Q That's a fair answer. I understand.

One of the things -- it's my last sticky note you'll be happy to know. One of the things that seems to be on both sides is how is this going to be built. How is the -- especially the underground. There's a lot of pictures being shown. It's going to look like this. No, it's going to look like that. We see a lot of that. And I can imagine once you guys step aside and the Intervenors get to go, there's going to be some more of that going on. It's going to look like this and everything, and I think you saw that and commented on it when Ms. Saffo was up with the insets of some of the pictures is you sort of objected to the picture showing the splice vault and the trench work. So how do we really know what equipment is going to used, what it's going to look like? Do we have any examples, true examples, of what it's going to look like during construction?
(Bowes) We do. We have a very good visual. In fact, that's the meeting I went to with the DOT in June which was showing the means and methods, the equipment we would use, the trench, what it would look like, the vaults, what they would look like. We presented that to the DOT and following that meeting they were much more comfortable with some of the things that they've granted us around use of plating, you know, explained why that was beneficial for speed as well as for public safety. It's better than putting up barriers for, and returning a roadway to its normal condition at night without traffic signals, things like that.

So that is something we could easily share with the SEC Committee, that presentation which would give you, this is what the constructors are saying, they're going to build it, these are the commitments we're making to the DOT around means and methods.

Q I think that would be very beneficial if we could see that. Thank you.

COMMISSIONER BAILEY: Why haven't you provided that to us before now?
A (Johnson) I personally thought it was on the DOT website already.

A (Bowes) Subsequent to the last time we testified, I didn't realize it hadn't been provided, again, as Mr. Johnson said, from the DOT.

COMMISSIONER BAILEY: I think would be very helpful. Thank you.

MR. OLDENBURG: That's all the questions I have.

PRESIDING OFFICER HONIGBERG: Mr. Wright?

DIR. WRIGHT: Thank you, Mr. Chairman.

QUESTIONS BY DIR. WRIGHT:

Q I want to try not to be too jumpy, but I have notes all over my page here. I'm not quite as organized as Mr. Oldenburg with his stack of Post-it notes.

Mr. Bowes and Mr. Johnson, you both seem to have settled on this number of 60 percent design phase. Is that the number you've both kind of agreed to as to how far along the design of this Project is?

A (Johnson) Sure.

A (Bowes) Yes.
Q Would you say that applies to the Project as a whole? Does that apply to the aboveground section? Does that apply to the underground section?

A (Johnson) That number is specific to the underground. Every phase of this Project is in a different phase of development. The underground tends to be ahead only because that's the first set of construction that's going to be done. Having said that, the overhead design is, from just the structure perspective is much beyond. It's probably closer to 80 percent, not including the foundations because the geotechnical work hasn't done on the overhead. So depending where you are and whatever phase of the Project, you're in different percent completes from an engineering perspective.

Q So you're applying the 60 percent to the underground portion?

A (Johnson) That is correct.

Q One of the things you mentioned is that you envisioned a need to go back to DES and to talk about potential wetlands impacts as you move out
of the center of the road to the side of the road; is that correct?

A (Johnson) That is correct.

Q When Ms. Carbonneau was here with the Environmental Panel, she had mentioned that the overall wetlands impacts of this Project and what they put in for in the Application was kind of an overestimate of what the impacts of the Project were going to be.

A (Johnson) That's correct.

Q So when you go back to DES with these final designs, would you still be within those overall impacts as originally outlined by Ms. Carbonneau or would you now be above those impacts?

A (Johnson) Not knowing what the buffer, if you will, that has been permitted is, I'm not able to answer that question right now. I think it will also depend on what our underground impacts are. We haven't done that calculation yet.

Q So could these be new additional permit impacts or just temporary impacts?

A (Bowes) We believe they're temporary impacts. That once the structure is placed at four feet or six feet under grade that those will not
become permanent impacts.

Q But regardless, you'd go back to DES obviously on those?

A (Johnson) Absolutely. Yes.

Q We'd heard that there were, for all intents and purposes your Exception Requests were kind of in a timeout stage with the DOT while you go out and re-do the survey work?

A Yes.

Q In one of the tables you presented you'd indicated there was some 20 Exception Requests that DOT had already reviewed and granted?

A Correct.

Q Will those need to be revisited in light of the new survey work?

A (Johnson) Most likely what we'll do is verify that they don't need to be, but if for some reason there's some change, we may update the mapping and resubmit them just so that they have the latest and greatest.

Q Okay. Again, I apologize for jumping around here. When you mentioned the plating that was one of the general exemptions that DOT had agreed to?
A (Johnson) That's correct.

Q And your position is that that will help speed the Project along in terms of construction?

A (Johnson) And have a safer working environment or safer in the evenings once we've left the facilities.

Q And there's no weight restrictions associated with that plating?

A (Johnson) Correct. The plating must be able to withstand, I want to say HD 30. That could be wrong, but basically a heavy vehicle. Tractor trailer.

Q So a hundred thousand pound tractor trailer truck?

A (Johnson) Yes.

Q Okay. There's been, a number of the exemption requests are obviously related to either drilling either the HDDs in the roadway or locating the splice vaults in the roadway. And it's been mentioned a number, we've seen some examples. We've seen a gas station. We've seen the Franconia Inn where people have questioned the location of those, and you guys seem pretty confident that you can move some of this
equipment up or down. I think, Mr. Bowes, you
drew a, 200 feet or so you can move something up
or down the line.

A (Bowes) If it's, I would say in general, yes.
If it's something like the flat terrain that we
have in front of us by the Franconia Inn, that's
clearly. You start getting into road bends and
more constrained areas, I might have to look at
that on a case-by-case basis, but typically ten
percent or so, plus or minus ten percent of the
cable length can be accomplished for any of
those segments.

Q I assume there's a maximum obviously. I assume
the cable comes in certain lengths that you
obviously can't go beyond. A roll of cable or
something like that.

A (Bowes) Correct. Usually it's constrained by
the weight limit to transport the cable. Not
actually the ability to pull it. Especially
along a flat straight surface. When you start
getting bends or lots of elevation changes, you
start to get more friction within the conduit
system against the outside of the cable, and
that limits how much tension you can put on the
cable before it actually damages it. That's really the limitation is around how much pull you can pull through that conduit before it damages the cable.

Q I assume there's also a maximum limit between the distance between the splice vaults as well?

A (Bowes) Typically dictated by the transportation requirements of a cable reel. But 2500 feet, to 1500 feet is probably, again, on a flat terrain is probably the range we're talking about. So if the optimum spacing now for vaults is around 2100 feet, moving it a couple hundred feet either way is well within the limitations of the cable itself.

Q Okay. Just, again, jumping around here. Have you all been out in the field. Have you actually witnessed HDD drilling?

A (Johnson) Yes, I have.

A (Bowes) Yes, I have.

A (Kayser) No.

A (Frazier) No, I have not.

Q What about the installation of splice vaults? Have you actually been out in the field?

A (Johnson) Yes.
A (Bowes) Yes, I have.
A (Kayser) No, I have not.
Q Mr. Kayser, you need to get out of the office more.
A (Kayser) Yes. I do.
Q Ms. Farrington?
A (Frazier) I need to get out of the office more, too.
Q And, again, there's been a lot of talk about the size of the crane so I'll ask the same question. You've seen one of these cranes in action, you've seen a splice vault lifted off its flatbed?
A (Johnson) Yes.
A (Bowes) Yes, I have, and that's why we were going back and forth with some of the questions that it really depends on where you are with the crane, how close you are to the pick and how close you are to the tractor trailer in order to make that swing. So we may use a larger crane because of those tensions that we need to deal with. That's why I said 30 to 40,000-ton crane. We may go to the 30 or 40,000-ton for some of these cranes.
A (Johnson) Pounds.
A (Bowes) I'm sorry. Pounds. Yes. 30 to 40 tons.
Q In all cases, and this has already been covered, but these are over-the-road cranes, these are not in the field constructed. These are travel, normal travel road width cranes?
A (Johnson) Correct.
A (Bowes) Yes.
Q Ms. Bowes, this question is probably for you. Have you seen the September 26, 2017, letter that EPA Region 1 just sent to US Army Corps of Engineers on the potential north part of the route wetlands impacts?
A I saw a newspaper article around it. I have not seen the letter itself.
Q I was kind of curious. That letter seems to suggest that a hybrid alternative approach needs to be further examined as part of the Army Corps of Engineers' review of the wetlands impacts. So I was going to really ask you do you have any thoughts or comments on what EPA Region 1 is suggesting?
A (Bowes) I really don't. I'm sorry.
Q Nothing?
A (Bowes) Well, I saw our company's response to it. That's about all I know. So I've seen a newspaper article and the company's response to it.

Q Okay. Thank you. What was the company's response?

A (Bowes) I believe that it would not at all prohibit the Army Corps from acting, and although there are fewer impacts or potentially fewer impacts for an in-road installation, what we've just heard and gone through there are certainly other impacts underground construction. So I think in totality, the amount of permanent wetland impacts for the new right-of-way are relatively minor.

Q Okay. Thank you.

PRESIDING OFFICER HONIGBERG: Mr. Way? Or Ms. Weathersby next?

MS. WEATHERSBY: I just have a followup question concerning the EPA letter. Does Northern Pass Transmission at this point have any plans to consider further undergrounding of the Project?

A (Bowes) We do not.
MS. WEATHERSBY: Thank you.

PRESIDING OFFICER HONIGBERG: Now Mr. Way?

QUESTIONS BY MR. WAY:

Q Good afternoon. I think most of mine have been asked. I'm glad to hear about getting some of the visuals for equipment. We're due for a site visit tomorrow, and in a couple settings I'm trying to envision a crane in those settings, and that would be very helpful.

Ms. Farrington -- Frazier, sorry. We're all learning here. In terms of this morning's discussion about Bear Rock Road, I think brought up by Mr. Thompson and you saw some of the detours. Have you actually driven these detours? Have you been out to test these out?

A (Frazier) Yes. I have.

Q So you've been on each one of them?

A (Frazier) Yes.

Q So the Plymouth one that we're going through, you've been on that one as well?

A (Frazier) Yes.

Q So when you look at the type of vehicles that traverse those roads, those detours, they accommodate all the types of vehicles, not just
what you might see on a regular standard road but farm-type vehicles that may have limited transport?

A  (Frazier) So one of the conditions or the comments from the DOT was that we would need to go through, and we have a computer program that you put the map down of our detour and you can actually drive the truck through it. So we do need to drive that 18-wheeler, hundred thousand pound load, and make sure it can make the swings and make all those corners, and we haven't done that yet, but it is required, and we will have to show that it works for all of them from Bear Rock Road to Plymouth.

Q  In your experience, when you take those programs to the real world, and you have different skill levels of people driving the trucks, driving them at night, driving them in inclement weather, lot of different variables, do those actually prove true?

A  (Frazier) I've found that it's usually conservative, the computer program. There's always that, there always could be an issue with the driver error, but for the most part, those
guys, drivers, are pretty amazing, and we usually don't have issues.

Q So when you say those drivers are usually pretty amazing, which drivers are you talking about?

A (Frazier) The licensed CDL drivers, they're just much better at driving then I am.

Q Well, and I'm also thinking about I saw, I think it was a hay truck that was on that road, and I don't know what the license requirements are for something like that. Is that sort of vehicle in your radar?

A (Frazier) I think once we do that largest available truck size that will be covered, but we have also run smaller trucks because like with the school bus, they don't always have the corner and radius because they don't have that brake like the 18-wheeler would so we can test a couple options but usually the 18-wheeler is the most conservative.

Q All right. In terms of the business outreach, and, Mr. Bowes, we keep coming back to this. The reason I bring it up is because the last few weeks we've had several comments and then we
brought it up this last week. And trying to get a sense of how that outreach is going, I think you mentioned there was like 280-plus businesses that were going to have additional outreach? Was that what I heard?

A (Bowes) I think it was 248 on the underground portion of the route and 85 on the overhead portion of the route.

Q How many on the aboveground?

A (Bowes) 85. So a total of 333.

Q All right. And that next wave of outreach is going to occur, did I hear Commissioner Varney say like right now?

A (Bowes) I think the letters are going out either today or tomorrow. It was timed around original September 30th trigger point, and we have decided to go forward with that outreach even though there have been other delays.

Q I guess the one question I'd have, too, is if we get a copy of the most updated letter that's being sent out? If that would be helpful?

A (Bowes) We sure can.

PRESIDING OFFICER HONIGBERG: Mr. Needleman?
MR. NEEDLEMAN: We'll get that to you.

Q Thank you. What makes this letter writing process different than what happened before? Because what happened before, and I think in all fairness to everyone probably wasn't hugely successful in getting a return. What is happening with this letter and this process now that will get you a different result?

A (Bowes) So I think a couple things. First is 30 of these businesses we've already met with as part of preparing the letter.

Q Is that aboveground or underground?

A (Bowes) Underground.

Q Underground. Thank you.

A (Bowes) So our consulting firm has met with these businesses, heard their concerns, talked with them about out to outreach to the remaining customers, and that was part of how they crafted the letter. The letter is just more of an introduction, I would say, to Louis Karno and what they plan to do, the services they plan to offer. And following the letter, we'll start to knock on doors. So it's really the launch of the full customer outreach where before I would
say it was informational. This is really announcing the launch of the program. And then Louis Karno will begin to execute that by giving to every business and long the route and trying to schedule a meeting with them. If we can't do it over the phone, we'll actually knock on the door and introduce ourselves and start that conversation, hopefully schedule a meeting to come back and continue that conversation.

Q So every business that's along the route will have some sort of touch.

A (Bowes) That's correct. In most cases multiple touches because the first meeting will be introductory to understand some of the needs, some of the issues, and then we're going to have to come up with a plan that satisfies as many of those issues as we can, overlay that with the adjacent customers and see if we can come up with an overall plan and strategy to deal with the segment of the route.

Q And the original 30 you mentioned, are these a new 30 that or are these ones that have interacted with you in the past as a result of the previous letter?
A (Bowes). No these are ones that Louis Karno actually outreached to.

Q So these are new.

A (Bowes) In July of 2017. And they include entertainment, retail and food service, farm, market and stores, restaurants, bed and breakfasts, financial institution, child care centers, schools, gas stations, auto repair shop or shops, and beauty/barber shops. So a good cross-section in the first 30.

Q And not to take you beyond the scope here, but you may know. How do they chose those 30? I mean, why those 30 as opposed to some other 30 or 40 along the route?

A (Bowes) I don't know why those chose those specific ones. I think to get a cross-section, but why the specific customers, I don't know.

Q All right. In talking about Mr. Allaster and his milk service, is it fair to say that regardless of what happens with the design that his operations are likely to be impacted? The milk operations?

A (Johnson) So I think the transportation of the milk away from his facility would either be
rerouted if there are road closures or could be slowed down, if you will, as it goes through the construction zone. But permanently impacted, if it is shut down, if you will, that would only be for a very small period of time.

Q I'm not actually asking about permanent impacts. I'm talking about the older plan versus the newer plan. Regardless of what happens, he'll probably at least have some temporary impacts where, for example, you may have to buy some milk from him or it will impact his operations. Would you agree?

A (Bowes) I think it's possible. Yes.

Q And because my point on that one is that there's a certain segment that you know regardless are going to be impacted and probably going to being impacted the same way they would be before the new design is finalized. So the question is why aren't we reaching out well even ahead of now. We know that we're going to impact them one way or another. That gives them plenty of time to plan for their customers because I don't think it's just about buying the milk. There are customers that plan on the milk, and there's
customers that may have a different price impact from buying their milk in some other place.

Mr. Ahern, for example, comes to mind in terms of getting rid of his straw, although it would be great if straw could be used for this Project. Note to Bill Oldenburg. But why are we not reaching out to them even well before all of this?

A (Bowes) So I'm not sure that there's a really good answer that will satisfy you. I think we want to have a plan that's as final as possible, and we don't want to waste people's time at the same point. You know, if assuming that we are granted a Certificate and the conditions are all met and we go forward and begin construction, then yes, now is the time to outreach and that's why we went forward what we thought would be at the time when the Certificate was issued so there would be some certainty and people would realize that it is a real Project now. It's going to happen. And that tends to have a different reaction from customers than just it's not going to happen, it's going to go away, it's not going to get approvals or whatever.
So as we've gone forward this year, especially, and got approval after approval from various agencies, both State and federal, I think it's becoming more realization. We had timed this to happen this week because we thought we would have a Certificate at this point. That was the planning we'd done to launch forward and begin that. We chose to go forward with that even though there has been a delay in the siting on this Project. And now is the time when we're going to start that outreach. And I mentioned, it starts with the letter, but we've also employed this consulting firm. So we've targeted to go forward originally was on completion of the siting for the Project.

Q Just a couple other questions. With regards to Plymouth, back to the equipment piece that we talked about and the cranes, how does that work or are there issues involved? And I think, Mr. Johnson, you may have even answered this with Mr. Oldenburg. You're in a community that hasn't signed an MOU with you. We won't mention a community. May not have the best of
relationships. And you're going to have to have a crane right on Main Street. It may be trees. I'm trying to remember if the trees in Plymouth extend in the green, for example, over Main Street. There are trees that have to be trimmed. Is it such that anything that extends over the roadway is pretty much fair game?

A (Johnson) Not necessarily, and I believe in Plymouth, for example, they extend over the sidewalk from the green area there. No. It doesn't necessarily mean that anything is fair game. Clearly, we would try to position the crane to be the least impactful from both a public safety as well as any potential tree limbing that would have to be done.

Ultimately, we want to cooperate with the town to work with them to assess construction methodologies and involve them in the decision making, but as you noted, if there's certain people that don't want to play ball, if you will, then we'll have to make those decisions as we go.

Q What if they don't? Going forward, what if they ultimately don't? How does that impact the
Project? I would imagine it puts more decision making on us.

A (Johnson) Sure. That's one phase of it. I think Mr. Bowes just alluded to it. You find that as the reality of the Project gets further and further, people start to be more interested to get their say in and will tend to work with you, too, so that you can come up with a communal agreement, if you will.

A (Bowes) So I will say that while there are certainly relationships that are contentious for Northern Pass in some of the towns, it's not uncommon in other locations either. What happens most often is even if you disagree on whether the need for the Project is there or not, you can still go forward and have productive communications even if the Certificate never gets approved. That relationship building is never lost in my opinion. And then the inevitable, if it becomes inevitable, than all of that prework is done. And that's the position we take with many towns where in some states we have to have a mutual interaction before we go to state siting. Here
it's more the opposite or at least historically it has been. So I think having those productive communications and agree that the Project may never go forward, but still having some of these things sorted out upfront is always better for both the town and for the Project.

Q And so when do you anticipate the next real push to get an MOU, get some sort of discussion occurring? When will that happen? What's the next stage?

A (Bowes) So I think many of the towns are in some part of the process today. I think we'll start to see more towns agree to MOUs as they realize the Project is more mature, more understandable to them. And ultimately, if there's a siting approval granted, I think there'll be several more towns that realize that now is the time. Even though earlier would have been better, now is the last opportunity we have to get an MOU.

Q So you see that there are additional communities that are likely to come on board in the near future, and, obviously, you're saying that there will be some that will occur after the fact, but you're seeing additional communities that will
have, at least agree to have discussions?

A (Bowes) There's certainly activity going on, but whether it will come to, you know, a final signed MOU, I can't predict that. But I think there's an opportunity that we may have some more.

Q So you're actively working with those communities now?

A (Bowes) We are.

Q To have that outreach?

A (Bowes) Several of them, you know, the iterations have gone back and forth several times. A final documentation is prepared, but it's sitting and waiting for something.

Q All right. Plymouth Water & Sewer, I think we kind of talked about that quite a bit. So just so I understand because I heard a couple things. The idea is that if it so works out that you would work with the district to co-locate within the Project while the Project is being developed; is that true? I guess Mr. Johnson?

A (Johnson) Yes. So, ideally, we want to sort of lay our plans on the table, lay their plans on the table and see if there are synergies so we
could have one open trench and one set of paving so that we're not opening up the streets twice, if you will.

Q So do they have preliminary designs, do they have financing, do they see a very near future for this occurring? Because that's quite a process in itself.

A (Johnson) Agreed. I can't answer the financing side of that because obviously that's something outside the bounds of what we would discuss. I do believe that they have some preliminary drawings that their consultant has put together. But, again, we're at the preliminary stages of exchanging information so that will be forthcoming.

Q Because they'd have to get approval from town meeting in order to execute that, correct?

A (Johnson) Agreed.

Q So year-by-year process. Just want to make sure it's not a pipe dream.

I looked at the MOU. I noticed it wasn't dated at the top. Is that by design? It's a work in progress?

A (Johnson) I was unaware that it was not dated.
MR. NEEDLEMAN: I think if you look at the end, you'll see it's final and executed.

Q I saw signatures. Okay. I'll certainly take a look and see what I can find. And I think that's it for me. Thank you.

PRESIDING OFFICER HONIGBERG: Ms. Weathersby?

QUESTIONS BY MS. WEATHERSBY:

Q Just one question on that MOU with Plymouth Water & Sewer. I noticed that the agreement is to terminate March 2018. Tell me why that is?

A (Johnson) I have no idea why and certainly we'd be amenable to extending that should March -- 13th, did you say?

Q March 2018. March 31st, I think it is.

A (Johnson) I believe it's because it was the end of the siting period but that could be coincidence.

Q And the agreement, as I read it, is really an agreement to negotiate an agreement. There's not a lot of substance that we're going to redo your plans and co-locate here. It's let's try,
we agree to try to reach an agreement.

A (Johnson) Agreed. It's looking for synergies between the two projects and see what we can come up with.

Q Okay. Thank you.

A couple questions for Ms. Frazier. Give her her fair share. We heard testimony a few days ago concerning some traffic issues. Just want to ask you about. As I understand it with one lane closed and the other lane open, the travel lane is approximately 12 feet or so.

A (Frazier) Yes. Ten to 12 feet.

Q Ten to 12 feet. Okay. And that's designed for vehicles to be roughly 8, 9, 10 feet?

A (Frazier) Yes.

Q So what then is the Traffic Management Plan for bicycle traffic?

A (Frazier) So bicycle traffic is expected to follow the same rules of the road as the vehicle traffic so they would have to stay in the lane and alternate along with the other vehicles.

Q So you envision a bicycle then not traversing the roadway simultaneously with the vehicle but going on its own behind a motorized vehicle?
A (Frazier) In line. Yes.

Q In line. Okay. Has or will your Traffic Management Plan account for that? Obviously, most cyclists, myself included, travel less than 20 miles an hour or whatever the speed is that a vehicle will be traveling. Have your delay calculations worked into having bicycles on the roads, particularly on some of the designated bike routes in summertime traffic? There's a lot of cyclists, particularly 112, 116, those roads. So have your plans accommodated the slower travel speeds?

A (Frazier) So the delay calculations wouldn't take that into account just because it's brief and random when a bicycle would actually be inserted into the traffic and it would eventually average itself out to be the point where it's negligible. But we do want to consider a bicyclist's travel speeds for the clearance times. So in those remaining HDD spots where we can't do the plating and we will need a temporary signal during the overnights, we'll want to consider if a bicyclist is in that queue to make sure that they clear through
safely, but we also have to weigh that against
the delays for normal speed traffic because you
don't want to be sitting in a queue on the time
that there is no bicyclists slowing things down.
So we will take it into account and make sure
that it's a good compromise for everyone
involved.

Q So am I hearing there's -- how long is a typical
lane closure?
A (Frazier) Length-wise?
Q Length-wise.
A (Frazier) I think we said it would be around 300
feet for the whole HDD setup but that will
actually be shortened, right? During the night
hour as well, it's just the drive. So 100 feet?
150.
Q So then there would be, you'd have a visual on a
cyclist coming through, depending on bends in
the road, et cetera.
A (Frazier) Yes.
Q So there's not, I'm concerned that there's, you
know, you estimate four minutes and the cyclist
isn't done yet and the other cars start coming
but you will somehow accommodate that in the
event there's no visual on the cyclist?

A (Frazier) Yes. Yes. We would definitely take that into account.

Q How will you publicize when a bike route, for example, is closed or is under construction or we had some testimony that were concerned about hikers getting to a trailhead and access was either prevented or slowed or even for vehicle traffic. How will you publicize the road conditions so that tourists and locals will know what areas will be affected?

A (Frazier) So that will be part of the public outreach portion of the Transportation Management Plan where we'll have to have outreach through variable message signs. Website updates. There will be a call-in number. I think there will be a number of ways to get that information on a day-by-day basis, at least described in this plan and then executed by the public outreach team.

Q So you will be reaching out to a website that lists bike routes in the area and asking them to post the information or post a place where people can get the information.
A (Frazier) Yes. We just don't take into account vehicle traffic. We definitely, if there's a sidewalk, we'll want to find a safe route for pedestrians. A nearby crosswalk to go to a sidewalk on the other side or making sure that they have a safe route through the zone. And the same for bicyclists, especially if it's on a bike route.

MR. WAY: Just a quick question. Without looking at the Exception Reports right in front of me, do they take into account the trail network along the route that might be impacted by the request?

A (Johnson) The hiking trail?

MR. WAY: Yes. Trail networks that may have to be closed or may have to be shifted or those that were not slated to be impacted before the request?

A (Johnson) So the Exception Request themselves do not, however, for instance, the big one we all discuss is the Appalachian Trail. Clearly, we're well aware of where that is, and we'll have preemptively rerouted hikers with signs or whatever to get around it. The DOT right now,
at least to date, has not made that a
requirement, but it's information that we can
easily add as part of the request.

MR. WAY: Thank you.

BY MS. WEATHERSBY:

Q Just a little bit more on traffic. You
indicated there's going to be a Traffic
Management Plan Determination Request Memo. Is
that done at this point? And can you tell me
that, as I understand it, first, is that
complete?

A (Frazier) Yes.

Q And is that a request of DOT to do something
short of a full Traffic Management Plan or can
you tell me what you're requesting in there?

A (Frazier) Sure. So it's a just kind of standard
form to introduce the Project to the Traffic
Control Committee, and it has all of the -- AADT
is the Average Annual Daily Traffic volumes --
listed that will be impacting, kind of checklist
questions from federal highway about the
population centers impacted, about the types of
roadways impacted. And we, I believe from that
checklist that a full Transportation Management
Plan will be required. We meet the checklist, and we do, that is our intention going forward, that it will be developed. The full plan, not just -- there are some other options for smaller Projects where you can just do like a memo, but I don't envision us falling into that category.

Q Neither did I so that was my concern. And as I understand it, you didn't make September, you're hoping to be on the October agenda and add that, what plan you need to produce, finalized in October?

A (Frazier) So I believe the October meeting the intention is for the DOT representative to introduce the plan and then see where they'd like to go. So I don't know that we'll get to actually present any of the details until maybe the month after. They meet every month. So we may not get to discuss the details, but she wants to at least kind of let them know that it's coming and get the form in front of them so they can start reviewing and thinking about it.

Q So you may have a chance to present Northern Pass's side in November, and then when do they tell you you need a full plan, and then how
A (Frazier) So we were hoping to, and I think I said in my testimony prior that we would wait until we had the Certificate and then start developing it. But considering how the schedule has been the last few months, we're actually going, we've gotten started. We're starting to have meetings with the towns to discuss festivals, times of year, emergency response, routes to hospital, routes to and from senior citizen living communities. So we're starting that conversation. The public outreach team has already met with a few of the towns and kind of introduced the concept of meeting a Traffic Management Plan, and I expect I'll be going shortly to get more of the details and at least start drafting it. We have the outline now, but to actually start taking their input, suggesting mitigations and getting the core plan together, I'm hoping to have that done by the end of January. And then it will just be a matter of adding any traffic control plans that need to be, because of the design exceptions, need to be...
updated so those are also included in it as well as the final plans. So those will come later.

Q Okay. And am I correct to assume that DOT will then need to review that and approve it prior to commencement of operation?

A (Frazier) Yes. So the, I expect the DOT team that we've been meeting with monthly will review it first, and then we'll present it to the Traffic Control Committee and they will have to do their final review and make sure we've done everything that they expected of us.

And then from there, it is still a living document. There are a lot of names of foremen and contact people that are going to change so we expect the document, there will be changes made as the Project goes on. But we hope to at least get the final concept approved by the TCC and for them to say yes, we're doing the right things.

Q I think yesterday we were talking about the fluidized thermal backfill again, and they said there were two Exceptions requested relative to it, and one was for the use of the fill of the duct bank and that you could, as I understood
it, go from the base to the cable but not the top layer. And then there was a second request and I don't think we ever got to that. Could somebody tell me what your Exception Requests request was concerning fluidized thermal backfill?

A (Bowes) So I believe one is to use it around the cable conduits themselves on the lower portion of the trench and that was approved and above that would be a concrete cap. And then above that we'd planned to use fluidized thermal backfill just to fill the trench in up to where we'd do the paving. That portion above the concrete cap was not approved. They want us to use, in essence, native soil or what was removed from the trench or something acceptable. Some of the stuff we removed from the trench may not be acceptable so I'll caution that. But an acceptable gravel base for the road building itself, I would say, so below the road surface we can use it. But to actually prepare the road surface for paving, we cannot use it.

Q And you're not asking for an Exception Request for that. That's been determined?
A (Johnson) Correct.

Q Okay. I was hoping you could give me an update concerning laydown areas and access roads, whether those have all now been identified.

A (Johnson) So the access roads as are on the plans are the same. They have not changed. The laydown areas, the contractor is out talking to various commercial, industrial and business landowners around the area. To my knowledge, they have not secured any at this time. Again, that process would have to go back through the DES to make sure they're comfortable with that particular site. But to my knowledge, no other ones have been identified.

A (Bowes) Just one minor change. I know in August we sent a letter after we testified in June following up on some of those access roads that were incorrectly shown on the maps. Those have all been corrected.

Q Okay.

A (Bowes) That went to the SEC as well.

Q But no new laydown areas, and, therefore, of course, we don't know the environmental impacts, hence perhaps going back to DES?
Correct.

And those, too, once identified probably need to be worked into the Traffic Management Plan, correct?

Yes.

Okay. Change of subject. Jumping all around here. Do you expect tree removal for the aboveground portion of the Project along scenic roadways as well? We talked about underground, but I didn't know if you were asking for aboveground Exceptions as well.

So at the crossings there is some tree removal as we widen the right-of-way, the existing right-of-way. We have committed in each one of those locations to some sort of mitigation. Could be visual screening or it could be as in that letter in August that we sent back, we did make some adjustments to structure locations in that. And in my Prefiled Testimony from April, we went location by location and discussed what we were doing for those scenic locations and some nonscenic locations. So I think we went through the entire list and dispositioned all of them.
There were some where we could not do anything as far as moving the structure or changing the structure type. In those locations we agreed to do visual screening though from the roadway towards or down the right-of-way.

Q And if it's a State road, you need to get an Exception Request from the DOT, correct? For the scenic roads?

A (Bowes) I think in each case it's from the landowner, not from the DOT.

Q Okay.

A (Bowes) That's as I recall anyway.

Q The prescriptive rights process that we were talking about, you indicated that Northern Pass will survey the use and occupancy of the road and determine its boundaries, correct?

A (Johnson) Correct.

Q So you're going to look at the pavement, the shoulder, the markers, culverts, other indicia of where DOT intended the road to be, correct?

A (Johnson) Correct.

Q But you're not surveying the property as far as the uses by the property owner, right, like where their garden may be located, that sort of
thing. How they're using it. It was strictly
on the point of view of where DOT has been using
the area as a roadway.

A (Johnson) Correct. One of the issues is we
can't trespass onto private property so we
certainly can't walk out to somebody's garden,
if you will, and say here's where it is. If
it's something that the surveyors think is
within the right-of-way they may tag it because
that's useful information from a design
perspective. That type of information would be
caught in the design preview process anyways.
If you went out to the field and looked at a
certain alignment and noted that there was an
ornamental garden or a vegetable garden or some
sort of tree, at that point it would be picked
up and taken into the design.

Q So that's, I guess, my question. Somebody has
their vegetable garden or a flower garden out
sort of near the road thinking it's just part of
their normal front yard, and yet 50 feet away,
perhaps, there may be a culvert that extends
further into their property, so it would appear
from the road perspective that the right-of-way
boundary includes the garden. Kind of what do you do in those situations and how would a homeowner be involved in that process?

A (Johnson) So it could be an Exception Request to the DOT that we just note that there's an established fence line here that the owner has had for many years. Certainly that's something we could go forth. The complete opposite of that is we work with the landowner to install our facility and then either replant the garden or some other screening or whatever we would work with the landowner to do.

Q As part of this process, you then petitioned DOT to establish the boundaries of the right-of-way, correct? The DOT who makes that final determination?

A (Johnson) So the Project is going to put forth what it believes to be the right-of-way. We've asked the DOT to review it and ensure that it meets condition number 4 per their April 3rd letter. So the DOT will agree with the Project's perspective of the right-of-way and then the Project will build its facilities within that right-of-way boundary.
Q  And we talked about this morning how the property owner may not know that boundary until it is set, correct?

A  (Johnson) Correct.

Q  Is there any type of appeals process or anything built into the process where the homeowner learns prior to construction or within, maybe there's a 30-day time period or is there some sort of appeal process where the property owner can still get involved that you know of?

A  (Bowes) I do not know the process. It's a DOT process that I'm just not that familiar with.

Q  Okay.

A  (Johnson) Certainly the documents will be published, and I think as Ms. Saffo pointed out we will, once it's been determined we will certainly outreach to every person that's involved in construction and talk to them about it.

Q  Just a suggestion. It may be worthwhile just to contacting municipalities and sending them the plans and they can help you out with the outreach, but --

In late June or early July we were provided
the interference report concerning the pipeline.
Co-location of the pipeline. And that report, basically, I mean, outlined a lot things, but it recommended further investigation and evaluation of the interference. Can you tell me what the status of that work is at this point?

A (Johnson) So the preliminary report basically as you noted put out some parameters and determined that further study is warranted. The overhead design in that area has not progressed to a point where they've had to reestablish the next phase, if you will, of that report. However, it is forthcoming. I'm not sure when that's scheduled to be, but for sure it will be early 2018 when that gets done.

Q Is there a requirement by some agency that that all be signed off on at some point?

A (Johnson) As part of the National Electric Safety Code, these studies have to be done as far as working with the pipeline and the overhead line to ensure that the proper protection either is in place already or will be installed prior to operating of the line.

Q I think my last question is just I'm trying to
get a handle on the time frames here, and I know we're kind of beating a dead horse a little bit. But I'm hoping you can kind of walk me through the timelines. We talked about the surveys being done, now 5 to 7 weeks so mid/late November, and then there's also this prescriptive rights process that's ongoing but really can't start until the surveys for that segment are done, correct?

A (Johnson) The prescriptive rights will be, as the Project believes it will be included in the survey reports that will be submitted.

Q Okay.

A (Johnson) And, obviously, if people have challenges or, as you said, appeals or whatever, then certainly they can bring that forward either directly to the Project or through the DOT. The DOT will be reviewing those, and, again, either agreeing or disagreeing with our interpretations and will have worked that out by the time the official survey report is submitted.

Q Okay. So then DOT reviews the surveys, prescriptive rights, all of that, and we talked
about maybe a February/March decision by the DOT accepting that.

A (Johnson) That would include the final design so the survey report should be approved by the end of this year and then because it all overlaps each other --

Q Right.

A (Johnson) -- as you recall. And then the final designs will be submitted to them in the February/March time frame for them to review and approve.

Q And the final designs will include your final Exception Requests?

A (Johnson) Correct.

Q So then they review and make sure all the survey information is correct, weigh in on all of your Exception Requests, and that process will take them a month or two? What do you guess for --

A (Johnson) The Exception Requests will be again like the survey reports sort of submitted on an ongoing basis so they have time to review. The designs itself, again, we will be phasing those in as well so as we're submitting the Exception Requests, we'll also give them some detail on
the rest of the alignment that's out of the right-of-way that really is not part of an Exception Request but at least they get a sense of where the line is, and then when we submit the full design packages for their consideration they'll at least have had several touches along the way and provided comments that we can include in a continuous package. Ultimately, how long they take to review is up to them and the thoroughness that they have to do.

Q Right. So easily into April at least at this point.

A (Johnson) Most likely. Yes.

Q And you anticipate things like the temporary, the laydown areas and all that obviously have to be located and surveyed and environmentally inspected, all that prior to your final plans.

A (Johnson) So the laydown areas aren't necessarily tied to the alignment and the HDD plans, but they'll certainly be a condition of the DES more than the DOT. There is some component there, but it's not like as part of the alignment we have to then submit the laydown areas. That typically is done separately.
Q But you will need them for DOT signoff for the traffic management plan.
A (Johnson) Correct.
Q I know this is such a complex process, and you have my sympathy in that regard. So I think Mr. Bowes said earlier that he expected a use and occupancy agreement with the DOT this March, coming March, and that seems to be, with all due respect, a little unrealistic here. So are we looking at more like August, May, June?
A (Johnson) We're hoping to converge everything by the end of March or early April and put them all together. The good news is that the initial Permit Applications for the use and occupancy has been filed as part of our original Application and really it's more just attaching the final documents to those use and occupancy permits. Clearly, it will have to be reviewed by everyone right up through the Commissioner so there is that process as well, but, ultimately, we're hoping that everything comes together in time for the construction season in 2018.
Q So I guess that was my question because then once all this is in place you have to get your
supplies and everything mobilized and what are we looking at for commencement of construction? A year from now or --

A (Johnson) Ideally, we'd like to get it going when the DOT restrictions on construction end for the winter season so beginning in April. Ultimately, it's all dependent on everything you just said is do we have the material, do we have the approvals, do we have everything ready to go. So we're hoping as early as possible, but we're cognizant of the fact that the process is what the process is.

Q Nothing further. Thank you.

PRESIDING OFFICER HONIGBERG: Let's take a ten-minute break.

(Recess taken 3:43 - 4:05 p.m.)

PRESIDING OFFICER HONIGBERG: Commissioner Bailey, you may proceed.

COMMISSIONER BAILEY: Thank you.

QUESTIONS BY MS. BAILEY:

Q So the conversation that you were just having with Ms. Weathersby about the survey report, is that survey report only going to apply to State roads?
A (Johnson) So the information will be updated for the entire route and will be submitted to the DOT similar to what they did last time is they commented on everything but the local roads.

Q So you're going to resurvey and do prescriptive rights, if you have to, on the town roads in Pittsburg, Clarksville and Stewartstown?

A (Johnson) Correct.

Q Are there any other municipalities impacted by where the roads are local roads and not State roads or is it just those three?

A (Johnson) It's actually just two. Clarksville and Stewartstown. Pittsburg, Old Canaan Road I believe is a DOT-maintained road.

Q Okay. So I think, Mr. Bowes, you said that the Committee has approved similar requests on town roads in other Projects to delegate to DOT?

A (Bowes) Yes.

Q Was it the New Hampshire Site Evaluation Committee that you were referring to?

A (Bowes) Yes.

Q Can you give me an example?

A (Bowes) It was the MVRP Project. Docket 2015-05.
Q: Were there town roads that was going to be buried in?
A: (Bowes) Wasn't burial. It was across local roads. Overhead crossing.

Q: Oh. So it was just an overhead crossing.
A: (Bowes) That's correct.

Q: You would agree that's a little different than buried in the road.
A: (Bowes) It is definitely different, but we're also asking for overhead crossings of local roads in this proceeding.

Q: Oh. So is that what you were referring to more?
A: (Bowes) I was referring to both. Just that there is a precedent where you've done that in the past.

Q: Okay. When you did your initial plans, did you assume that all roads were four rods?
A: (Johnson) No. I don't believe so. So the original survey reports had variable widths along the route based on the information, the research that the Arago Land Services had done.

Q: Is there a distinction between locally maintained roads and State roads?
A: (Johnson) Yes, in a sense, that each road has
its own unique layout. If those records still exist.

Q So where most of the State roads assumed to be or not assumed to be, did you believe most State roads were four rods?

A (Johnson) State rods were all a combination of three rods or four rods. There may have been one small area that was more or less, I think, and then, obviously, the White Mountain National Forest at 500 feet along Route 112 and a little bit on 116. But for the most part, they were either three or four-rod roads.

Q So when you say, when, Mr. Bowes, for example, when you said that you'd be willing to accept a condition that you wouldn't go more than five feet beyond the disturbed area which was maybe the shoulder or maybe the ditch, is that five feet beyond -- tell me how that corresponds to the width of the right-of-way?

A (Bowes) It wasn't even correlating the two at that point.

Q Sorry. Could you say that again?

A (Bowes) It wasn't correlating the two at that point. It was just a general condition that we
would, I think ultimately it becomes ten feet off edge of pavement or five feet off, say, edge of ditch line. So that ten feet is an area that we could limit our construction activities to, and it really wasn't even in relationship to the width of the right-of-way. It was really to stay as close to the road as possible.

Q Okay. So do you believe that there are any locations where 10 feet off the edge of the right-of-way is less than the width of the right-of-way? Ten feet off the pavement is less than the width of the right-of-way?

A (Johnson) So if there's a road that is two rods wide, I believe that's less than, so if you did 12 plus 10 on both sides it's 48 feet. If I do the math right.

Q Two rods is 16 and a half and 16 and a half is 33?

A (Johnson) Correct. So if we did a 12-foot lane plus ten feet, that's 22 feet. It would depend where the centerline of the road was. So there may be -- and clearly we have no authority to build our facilities outside of the DOT right-of-way. So we'd have to make a judgment
to bring the Project back into the boundaries of
the right-of-way.

A (Bowes) So maybe to say it another way. If
there was a location where the road width is two
rods, we might have to redesign the duct bank in
that location. But if it's a three-rod road or
a four-rod road or 500-foot right-of-way, there
would be no impact to that 10 foot discussion we
had. I think it's only when it's less than
three rods that we have the discussion.

Q Okay. So in a right-of-way where it's three
rods, even if the property owner believed that
they owned to the edge of pavement, you could do
anything you needed to do in the right-of-way?

A (Johnson) So I wouldn't say "anything." It
would be subject to the Exception Request around
the mature trees and all the things that we've
been discussing over the last couple of days,
but we could potentially within that ten-foot
work zone be either five feet off the road from
the permanent, where the infrastructure is going
to be, plus another five feet for the work zone
that we would be able to work within that area.

Q As long as you didn't cut down mature trees?
Q: Is that the only thing that you would agree not to do in that 10-foot work zone, temporary impact?

A: I think we'd have to look at all the other things like historical or ecological or wetland impacts before we agreed to a blanket -- you'd have to categorize it, if you will, or put further conditions on the conditions, if you will.

Q: Okay. So let's go back to the town roads. And you said you're going to give DOT a survey report on the details of the width of the town roads in Clarksville and Stewartstown.

A: Correct.

Q: But DOT doesn't establish those widths like they do in the State right-of-way; is that right?

A: That's my understanding, yes.

Q: So what happens when you give that to them if they don't do anything with it?

A: Well, that's part of the request to delegate the authority to at least review the documents either by the SEC themselves or by delegating to the DOT.
Q And would you accept a condition perhaps, and I'm just thinking out loud here.
A (Johnson) Sure.
Q That we delegate that to the towns? Could we do that to Clarksville and Stewartstown?
A (Johnson) Yes, I believe Mr. Bowes spoke about that a little bit earlier. As long as there's a, they can't withhold, they actually have to review it. They can't just not get it done, if you will.
Q Okay. And what happens if there's a dispute between your survey and what they believe is the actual width of the right-of-way? Then that could hold you up a lot.
A (Johnson) That's exactly the issue.
Q Pam, can we look at, this is Counsel for the Public's North Hill Road in Stewartstown, I believe.
This is Counsel for the Public Exhibit 130. It's Bates page CFP 002992. This is a local road, and I believe it's in Stewartstown. Do you recognize that road?
A (Johnson) I do.
A (Bowes) Yes.
Q: How wide would you say that road is?
A: (Johnson) Probably 12 feet total. Ten feet total.

Q: And I believe you're going to put an HDD drill site here.
A: (Bowes) Yes. I think there is one, further along the picture I think there's a stream.

Q: Can we have the next page in that exhibit which is 002993?

So this is from Counsel for the Public's witness on what this construction area would look like. Oh, and that's not even an HDD drill site. That's just trenching, right?

A: (Johnson) No. The proposed work zone to the left is 28 feet by 300 which is similar to the 30 by 300 we were talking about earlier.

Q: That's where I got HDD from.
A: (Johnson) Again, this is a, as we discussed earlier, a location where if we had the room it would make sense to use it all. Clearly, this is right up against somebody's house and foundation. There's no way we'd want to be that close. We'd have to optimize our equipment and our drill rigs to be more linear in fashion here.
so that we weren't affecting this particular landowner's property in the manner that's displayed here.

Q Could you do it in 12 feet if the road is only 12 feet?

A (Johnson) We can, and I believe the presentation you'll see of the means and methods does show an example of a drill continually in line with all equipment laydown in a single lane.

Q Clearly, that road has to be closed when you're working on it.

A (Johnson) Absolutely, and this is one of the areas we've identified as having detours.

Q As having detours. Okay. So you've testified a number of times that there won't be any road closures except for in downtown Plymouth at the rotary. Did you mean that on State roads?

A (Johnson) Correct. In our Application we've addressed this particular road which is North Hill Road and then Old County Road as it goes into Clarksville as just not having the width at all.

Q Okay.

A (Johnson) So we would close both of these roads
in a sequential fashion as we worked our way down the road.

Q And you're asking the Site Evaluation Committee rather than DOT to give you authority to close those roads?

A (Johnson) We are. However, if you choose to delegate to the DOT, then it would fall on them to make that determination. But again, that's the purview of the Committee.

Q Is there any way you could do this Project without closing those roads?

A (Johnson) Right now, no.

MR. IACOPINO: Can I ask one question about the picture while it's up? Is it your understanding that, for instance, where the two gentlemen are standing in the photograph and where the excavator is that that is all within the right-of-way?

A (Johnson) No. As we discussed earlier, what Dewberry has done here is just taken our standard 28 by 300-foot work zone and just laid it out here. I think purposely to show that it potentially could expand into somebody else's yard.
Q Can you confirm whether this is an area that you would need this much space? In other words, is this an area where you would have an HDD pit?

A (Johnson) So it is area where we'd have an HDD pit. But as I mentioned earlier, this would be the optimal area. We could certainly compress that and still get the same amount of, still get the construction done.

Q Is there maybe another area on the road where you could do the pit that's not right in front of somebody's house?

A (Johnson) We can certainly evaluate that. No question. Just looking at this potentially farther down the hill, part of the problem here is that you're going down such a steep grade and then having to come back up. You have to be far enough away to start the drill bit to go down and get the curvature to come back up. So that, again, this is one of those where the engineers have put forth a design that's optimal, if you will, and then we'd have to refine that based on local impacts. Things like this.

Q And if we don't have the authority to assign review of this to DOT, then who's going to
review your final for-construction plans?

A (Bowes) Just so it's clear. If you don't think you have authority to delegate to DOT?

Q I'm not sure. Assume for the purposes of the question we don't.

A (Bowes) Then the SEC would have that responsibility.

Q So we would have to review the final. Okay. Or maybe we could delegate it to the town.

A (Bowes) So, again, delegating to the town has other issues associated with it. Unduly withholding permission, the expertise to look at it, and the resources to look at it. Three of the things I mentioned before.

Q Okay. All right. And one of the benefits of this Project might be that this road end up better off than it is right now. But pretty much the same width, right?

A (Bowes) It wouldn't have to be the same width, but, again, that's, in our minds we would build it to the DOT standards and specifications. It could be a wider road at this point. The town may not see it that way. They may want to keep it a small dirt road that's got seasonal use.
Q And if it becomes a wider road, then this person whose house is here will lose some of what he at least thinks is his property, right?
A (Bowes) That is correct.
Q Do you have any idea whether, Mr. Iacopino started to ask you that, but do you have any idea what you think the right-of-way width is here?
A (Johnson) Off the top of my head, no. I can go to the old survey reports and take a look.
Q Well, if the road itself is only 12 feet, it's probably not more than two rods.
A (Johnson) I would agree.
Q And we don't know where the center of that two rods is either, right?
A (Johnson) That's the other issue. Yes. To reestablish this, they shoot the centerline of this road and then put a rod on either side, typically, if there's no historical layout on this particular road.
Q Well, if there's no historical layout, I thought you would go with prescriptive rights.
A (Johnson) You're right. Prescriptive rights, if there is a historical layout and that says two
roads, then it would be one on each side of the centerline.

Q How do you figure out where the centerline is?

A (Johnson) Unfortunately, a lot of historical deeds are described by from Farmer Joe's tree to the blacksmith's wall to the, you know, so all of that infrastructure has long since gone and moved. The roads meander over time as improvements are done. So typically you would measure the width of the road and take the centerline all the way down because that's its current use.

Q Oh, I see. Okay.

Okay. Pam, can we look at the next picture which I believe is Applicant Exhibit 73. Bates page 41776. This is a picture of the intersection that we talked about earlier this morning with the triangle, and I believe this is --

A (Johnson) So this is actually all the way north from there. This is the intersection of Route 145 and Old County Road.

Q Right.

A (Johnson) The one we were talking about before
was North Hill Road and Bear Rock Road.

Q No. I meant -- oh. The one that we were
talking about this morning?

A (Johnson) That had that triangle piece.

Q So this is a similar configuration but a
different area.

A (Johnson) Correct.

Q Oh, thank you. Okay. Are there business in
this area like McAllaster that you're concerned
about with this road being closed?

A (Johnson) There's a former gas station, I
believe, just off on the left.

Q But it's not in operation right now?

A (Johnson) Not in operation now. Nothing in the
sense that I'm aware of that's a commercial
operation such as the dairy farm. Clearly there
are some fields in this area so there could be
some agricultural-type operations. And actually
to the south you can just see where there is
some sort of haying or straw being done just by
the way the field is laid out.

Q Is 145 a State road?

A (Johnson) It is. Yes.

Q But Old County Road is a town road?
A (Johnson) That's correct.

Q So we would have jurisdiction over Old County Road? The Site Evaluation Committee?

A (Johnson) We would ask that, yes.

Q Okay. I think that's all I have. Thank you.

PRESIDING OFFICER HONIGBERG: Mr. Iacopino.

MR. IACOPINO: Thank you.

QUESTIONS BY MR. IACOPINO:

Q First question, when Ms. Weathersby was asking you about the things you're going to ask from the Department of Transportation, she referenced petitioning the Department of Transportation to essentially approve your new survey that you're working on, and she used the term petitioning, and I just want to make sure that we understand exactly what you're talking about.

You're asking them to agree that your survey is accurate or show you where it's inaccurate so you know where the right-of-way is that you can use, correct?

A (Johnson) Correct. So there's really two things. The first thing that we hope they vote on today or come to some agreement today is the methodology of establishing the right-of-way,
and that was the memo from the September 5th meeting that we presented and September 19th meeting.

The second piece with them when we have a final product to submit to them that they would review that and find that it meets the conditions of condition number 4, that it meets the intent.

Q But I asked the question because I want to make sure one thing. You're not asking the Commissioner of the Department of Safety to reestablish highway boundaries under RSA 228:35?

A (Johnson) That is correct.

Q It's not that type of petition?

A (Johnson) It is not that type of petition.

Q Okay. Mr. Bowes, you're probably the best person to answer this. Actually, Mr. Johnson, you probably are, too. My question is about other states and their siting committees or similar bodies to the Site Evaluation Committee. Can you, first of all, tell me in which states you've installed an underground transmission line or distribution line, it doesn't make any difference for the purposes of this question,
that was subject to Siting Committee approval in
the state.

A (Bowes) Massachusetts and Connecticut.

Q Okay. Let's take Connecticut first. Is there
requirements for when you file an Application
for siting approval, are there requirements with
respect to the underground plan similar to ours
in New Hampshire or are they different?

A (Bowes) So I would say the Siting Applications
for the underground portion are very similar.
You have to have a route selected. In the case
of Connecticut, you have to have a preferred and
an alternate route and people along those routes
are noticed. And there's a public information
session. Municipal consultation filing actually
goes out to the municipalities involved. Public
meetings are held in each one of the towns
affected. And then a few months later, an
Application is filed with the Connecticut Siting
Council which includes any of the public and
town comments.

Q Does Connecticut require that your plans be at
any certain portion of completion? I think we
mentioned in this case when you originally filed
your underground plans you were at 30 percent. Now they're 60 percent. Does Connecticut have a rule or regulation that requires your plan to be at a certain level of completion?

A (Bowes) They do not. Following the Certificate, it goes into a development and management plan process which goes into the detailed design permitting process so it's a two-page approach. Not a single stage.

Q What about in Massachusetts. Do they have a requirement that you must be at a certain level of completion of your plans?

A (Bowes) They do not. Again, it's a routing, a preferred and alternate and town consultations before we go to the energy facility siting board.

Q Okay. I understand that we've been told that you estimate that your current plan is 60 percent complete. Did I hear that correct?

A (Johnson) Yes.

Q We started at 30 percent and now it's 60 percent. Would you say, though, that the field has gotten longer than you're playing on? In other words, you've gone through filing 100 and
some odd Exceptions, addressing the requirements of the April letter, and now have withdrawn those Exceptions while you redo your survey or redo your study. Have we taken a 100-yard field and turned it into a 200-yard field that we're talking about here?

A (Johnson) I wouldn't say necessarily we've gone to 200-yard field. If I can use a football analogy back at you, I would say that we've gone from playing the JV team to the varsity team, meaning that there are more requirements, more things that need to be included. The distance isn't changed. The route for the most part hasn't changed, but there are more requirements.

Q That's kind of my point. Really we should be seeing how far you have to go, shouldn't we, rather than how far you've gone? Because if you take 30 percent of a hundred yard field, you've got 70 yards to go. If you take 60 percent of a 200-yard field, you've got 80 yards to go. So where are we in that? I'm trying to get a sense of do we have a lot longer ways to go than we've actually come?

A (Johnson) Excellent question. I think I'll
answer it by going through the process, if you will. So we are doing the survey report followed by Exception Requests. We've got preliminary alignments already drawn. That's how we came up with the numbers that were out of road versus inroad, et cetera. Packaging that all up and doing all the reviews and everything, as we noted, will be done by the February timeframe.

Part of that is also all of the details that need to be added at the end. So if you noticed that with all these packages, taking not only alignment and the construction piece but then adding in all the construction details of when you come across this, this is the type of cross-section you're going to have or the methodology that you'll be using. That typically is that last ten percent that takes you from 90 to 100, and really that will be a lot of iteration at the back and forth with the DOT regarding that.

Q Where do you see you reaching that ten percent left to go?

A (Johnson) That last ten percent will probably be
worked out over that sort of February through April time frame.

A (Bowes) I would say, again, to use your football analogies, I would say the referees that we have are highly skilled and competent and know how to make the right decision to balance all the impacts. I think the work so far with the DOT, they're highly qualified and push back, as they should, on linear projects in the State roads.

Q I appreciate your reference to the referees because that's what my next question is about although I hadn't thought about it in those terms, but you have a table full of referees sitting here. And with respect to the town roads now, I'm only discussing the town roads, you're asking them to do something that has not actually been done in the past as far as I know which is to delegate a substantial amount of a transmission line, underground transmission line, to the Department of Transportation. That's what I understand your request to be, and that delegation includes, as I understand your request, to include the town roads that aren't, they're not laid out as State roads. Is that
correct?

A  (Bowes) That is correct.

Q  So when I think about that, I think about what are the options that the Committee that I counsel has before it. And I've come up with a list of them, and I'm going to go through them with you, and you tell me if I've missed any. Okay?

One option which may or may not be available is to approve the Application with a final plan and say no exceptions, and then enforcement would be up to the Committee under its statute if you fail to comply with the Certificate.

The second is to approve the Application as planned and provide a process that the Site Evaluation Committee would oversee that's similar to the state exception process. Do you agree that that's an option as well?

A  (Bowes) Yes.

Q  Do you agree that the "approve a final plan with no exceptions" is an option?

A  (Bowes) Yes.

Q  A third option is to approve as planned and hire
a contractor to oversee, and I'm now only
talking about the town roads, to oversee your
planning and construction of the Project in the
town roads. That person would, obviously, be
answerable to the Site Evaluation Committee or
its Administrator. You see that as an option?
A  (Bowes) Yes.
Q  Another option is to approve -- a fourth option.
Sorry. I'm terrible at math. A fourth option
is to approve it as you've asked and delegate
the authority over the town roads to the
Department of Transportation. You obviously
agree that that's an option because you've asked
us to to do that.
A  (Bowes) Yes.
Q  And then another option that's come up is to,
it's been called delegating the authority to the
town, although I would look at that more as
established a condition as part of the
Certificate that the town must approve of your
plan. Do you agree that that's an option?
A  (Bowes) Yes.
Q  Okay. Are there any other options that you're
aware of that I haven't referenced here that you
can assist us with?

A (Bowes) I think that covers all that I can think of right now.

Q Is it fair to say with respect to the first option I named which is to approve a plan as final, realistically the Committee is not going to be able to do that with our time frames. Because you're not going to have a final plan within the time frame set by the Committee to come to a final decision.

A (Bowes) I would agree with that. It would also preempt the New Hampshire DOT.

Q Correct. Okay. Actually, I'm talking about the town roads.

A (Bowes) This is just for town roads then.

Q Yes.

A (Bowes) Got it.

Q You've been asked some questions about the delegation of the authority over the town roads to the State DOT. Do you envision any problems that might occur given that, especially considering the cross-examination you've heard here today?

A (Bowes) So they would be working outside their
normal jurisdiction. That would be the issue I see. I think their processes, their personnel, the technologies they use are all up to the task of doing a few miles of the town roads. The issue would be it's new territory for them.

Q Let me move on to my next option. Do you see any difficulty with Eversource working with a contractor engaged by the Site Evaluation Committee at your cost to oversee the process on the town roads?

A (Bowes) I do not. Just there would need to be a qualified contractor.

Q Have you ever had that experience in a similar situation? Obviously, it doesn't have to be exactly the same, but where the regulatory body has engaged a contractor to oversee your work?

A (Bowes) Certainly for environmental aspects of a Project, yes. That's a common stipulation requirement in other states.

Q And you've indicated that you don't prefer that final option which is essentially a condition that the construction in the town roads be conditioned upon approval by the towns because of the three reasons you mentioned before, Mr.
Bowes, correct?

A (Bowes) So those three reasons plus the precedent it would set. I don't think having a state siting board and then delegating approvals to a town --

Q Well, we're not really delegating. We're making a condition that the town approve of your, I mean, assuming that the Committee were to do that. It's a condition. It's not a delegation of authority. Sort of puts the onus on you. Not the town.

A (Bowes) Correct, but then a single town could stop a linear project from occurring.

Q I don't have any other questions.

PRESIDING OFFICER HONIGBERG: Mr. Iacopino did better what I was planning on doing. I love sports, and I love metaphors, and I would have been doing that for a long time.

Do any of the other members of the Subcommittee have further questions for this Panel?

Mr. Needleman, do you have any followup, redirect?

REDIRECT EXAMINATION
BY MR. NEEDLEMAN:

Q Mr. Johnson or Mr. Bowes, I want to go back to something we spoke about earlier regarding a proposed condition. There seems to be some confusion at least in my mind about what you would find acceptable as a condition with respect to disturbance of the side of the road. We talked at one point about five feet from edge of shoulder. We talked at one point about five feet from the opposite end of the edge of the ditch. We talked about ten feet from edge of shoulder. Can you just clarify exactly what you had in mind?

A (Johnson) Sure. So if we look at the installation either from the edge of the road, the edge of the shoulder or the edge of the ditch line, again, depending where you were, it would take five feet to install the edge of the alignment or the duct, and it would take five feet further to have a work zone that the contractor would work or walk around. Obviously, you don't want to be sort of trenching and having no room to even drop a piece of dirt on the other side because it was
outside of the work zone so we would request five feet further beyond.

Again, if there are limitations up against right-of-way width or a mature tree line or wetlands, all those other conditions would apply.

Q A moment ago Commissioner Bailey was asking you questions about that Dewberry Exhibit Photo 1 B. The location is at North Hill Road facing south. And my recollection was when that was originally presented, I think we objected to it. You may not recall, but I want to call up the map from the Application, and this is Applicant's Exhibit 1, Appendix 10, I believe, and I'm looking at APP page 13138. And I believe, and you'll tell me if I am wrong, that that gold structure in the upper left corner on this map is also the structure that was depicted on that Dewberry drawing. Is that right?

A (Johnson) Yes.

Q And I also think that immediately to the left of that structure here is the intersection of Creampoke Road where on the site tour the Committee stopped and got out and then actually
walked down this road; is that right?

A (Johnson) I was not part of the site tour so I can't tell you whether they did or not, but I'll take your word for it.

Q Well, I'm not positive. That's why I'm asking.

   But most importantly, as depicted on this plan, is there actually an intention to have the sort of construction zone in front of that house that was depicted on the Dewberry exhibit?

A (Johnson) No. Again, as we discussed earlier that 28 or 30 by 300 foot is a general laydown area. That clearly, if you look to the right where it basically says See General Note 14 and the arrow, that seems to me to be where the construction or the HDD would actually start.

And then we could work within the road alignment as we've discussed earlier to stay within the, in this case, town road right-of-way.

Q I want to go back a moment ago to I think it was Ms. Weathersby was just asking for clarification about the MOUs and the exhibits that have been executed. So Exhibit 146 is the executed Lancaster MOU. Exhibit 206 is the executed Canterbury MOU. 207 is the executed Plymouth
Water & Sewer MOU. I'll come back to that in a minute. 208 is Thornton. And 209 is Franklin. And I think Mr. Way asked about the first page of the Plymouth one being dated, and we've gone back and looked. We do have a dated copy which I think we'll substitute, but it's the same document.

I want to go to a question that Mr. Pappas asked you about Exception Request 108 which relates to the microtunnel shafts at the Gale River crossing in Franconia. He asked you about impacts in this area, and I think that precipitated the discussion about a conceptual redesign that might reduce impacts. Do you recall that?

A (Bowes) Yes. I do.

Q Mr. Bowes, when I did a redirect of the Construction Panel the first time, I believe you testified that there also was an opportunity in this area to further reduce impacts if you had access to some property that was, I think, owned or overseen by the town of Franconia. Do you recall that?

A (Bowes) Yes, I do.
Q What is the status of gaining access to that property?

A (Bowes) So the Project is still open to having those discussions with the town of Franconia. We have not progressed at all at this point. But it certainly would minimize both the construction impacts and the traffic impacts going across the bridge on the Gale River.

Q If you were to be successful in this conceptual redesign that you've talked about that would minimize impacts from the current proposal, could you still further minimize those impacts if you got access to that property?

A (Bowes) Yes. We could bring the HDD that crosses underneath the Gale River up onto the town property and virtually eliminate the traffic impacts at that bridge location.

Q Yesterday Mr. Baker was asking about, I think it was indemnification in locally maintained roads, and I want to talk about this in relation to State roads for a minute. I believe as part of our Application, and, Dawn, I'll ask you to call this up. Exhibit 1, Appendix 9, Bates number 12424. We included DOT excavation permits. And
in those sample permits, it provides that,
quote, "additional cost that the state may incur
due to the maintenance, operation, renewal or
extension of the facilities within the highway
limits would have to be indemnified by the
Applicant," is that correct?

A (Bowes) Yes.

Q To the extent that there was any concern about
such costs in these local roads, would the
Applicant agree to a similar condition like the
language here?

A (Bowes) Yes.

Q I want to go next to the EPA letter that
Mr. Wright asked about. When you were being
questioned about that, Mr. Bowes, you said you
thought that the Project had provided a
response, but you didn't have, you couldn't
recall what that response said. Do you remember
that?

A (Bowes) Yes.

Q Did you have an opportunity to review that
response at the break?

A (Bowes) Yes, I did.

Q So I'm going to mark that as Exhibit 224 and ask
that it be called up. And just to be clear, this is the Applicant's response as published on their website to that letter. Is that right?

A (Bowes) Yes, it is.

Q And when you look at this, is it correct that it, first of all, asserts that the Army Corps of Engineers is the wetland permitting authority here?

A (Bowes) That is correct.

Q And the comments that were sent by EPA are comments to the Army Corps of Engineers; is that right?

A (Bowes) Yes.

Q And on this particular issue, EPA is not the permitting authority?

A That is correct. It's the Army Corps.

Q And this also asserts that the comments repeat what EPA said last year regarding wetlands issues; is that right?

A (Bowes) Yes. That's right.

Q And about halfway through that first paragraph in blue, it makes reference to the Project's October 2016 response to EPA. Do you see that?

A (Bowes) Yes, I do.
Q And so I'm not going to call that up, but we're going to put that in as Exhibit 225 just so the record is complete on this issue. And I want to call your attention to the third line here. It says Eversource has confirmed. Can you just read that line?

A (Bowes) Eversource has confirmed with the US Army Corps of Engineers that the letter will not affect the decision regarding the required ACOE Wetlands Permit.

Q Okay. Thank you. I want to turn next to a question that Mr. Way asked. I think it related to ongoing discussions with communities about efforts to get MOUs in place. Do you recall that?

A (Bowes) Yes, I do.

Q I want to call up, Dawn, Exhibit 155, Applicant's Exhibit 155, which we put in last time which was a summary of those efforts. Do you recall seeing this?

A (Bowes) Yes.

Q And the second line from the bottom says number of towns with executed MOUs. At the time we used this back in June it was two. And now
it's -- I'm sorry. It's four and five if you count the Plymouth Water & Sewer; is that correct?

A (Bowes) It would be four towns now, correct, and one.

Q And, again, my understanding is that the Project continues to work with towns to try to get additional MOUs in place; is that right?

A (Bowes) Yes, that is correct.

Q And then finally I want to put up what will be Applicant's Exhibit 226. I think Mr. Way asked about this. It's the letter that's being mailed out today to various communities or I think it's businesses seeking additional input. Do you recall that?

A (Bowes) Yes, I do.

Q Do you recognize this as that letter?

A (Bowes) Yes, it is the letter.

Q I think I said this will be 226, and there's actually a second page to this letter. Is that right? Can you put this side-by-side, Dawn? I'm sorry. Again, do you know how many businesses or I think it's businesses are getting this letter?
(Bowes) So it is 248 along the underground portion of the road and 85 along the overhead portion.

Q All set, Mr. Chair.

PRESIDING OFFICER HONIGBERG: Mr. Needleman, I don't believe that the letter from the EPA that people have been discussing is an exhibit that anyone has put in. Am I right about that?

MR. NEEDLEMAN: I don't recall seeing it.

PRESIDING OFFICER HONIGBERG: So that the response is not like the sound of one hand clapping, would you also mark as an exhibit, even though I know it's not your favorite document, the letter from the EPA?

MR. NEEDLEMAN: We will. I'm just looking over to make sure we have it. Do we actually have the letter? Okay. Yes, we do, and we'll do that.

PRESIDING OFFICER HONIGBERG: Thank you. All right. I think we are done again with this Panel, and I think there's nothing else we're going to be able to do today. So that completes our work, I believe, for the Applicant's case.
Is that right, Mr. Needleman?

MR. NEEDLEMAN: That's generally correct, yes.

PRESIDING OFFICER HONIGBERG: So we are together tomorrow morning for site visits leaving here at?

ADMINISTRATOR MONROE: 8 a.m.

PRESIDING OFFICER HONIGBERG: Eight o'clock. Don't be late if you're supposed to be on the bus. Anything else we need to do, Ms. Monroe? Or anyone else? All right. We are adjourned.

(Hearing adjourned at 4:50 p.m.)
CERTIFICATE

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, 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.

Dated at West Lebanon, New Hampshire, this 14th day of October, 2017.

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Cynthia Foster, LCR