

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

October 2, 2017 - 1:45 p.m. DAY 43
49 Donovan Street Afternoon Session ONLY
Concord, New Hampshire

{Electronically filed with SEC 10-16-17}

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 <i>(Presiding Officer)</i>	Public Utilities Comm.
Cmsr. Kathryn M. Bailey	Public Utilities Comm.
Dir. Craig Wright, Designee	Dept. of Environ. Serv.
Christoper Way, Designee	Dept. of Business & Economic Affairs
William Oldenburg, Designee	Dept. of Transportation
Patricia Weathersby	Public Member

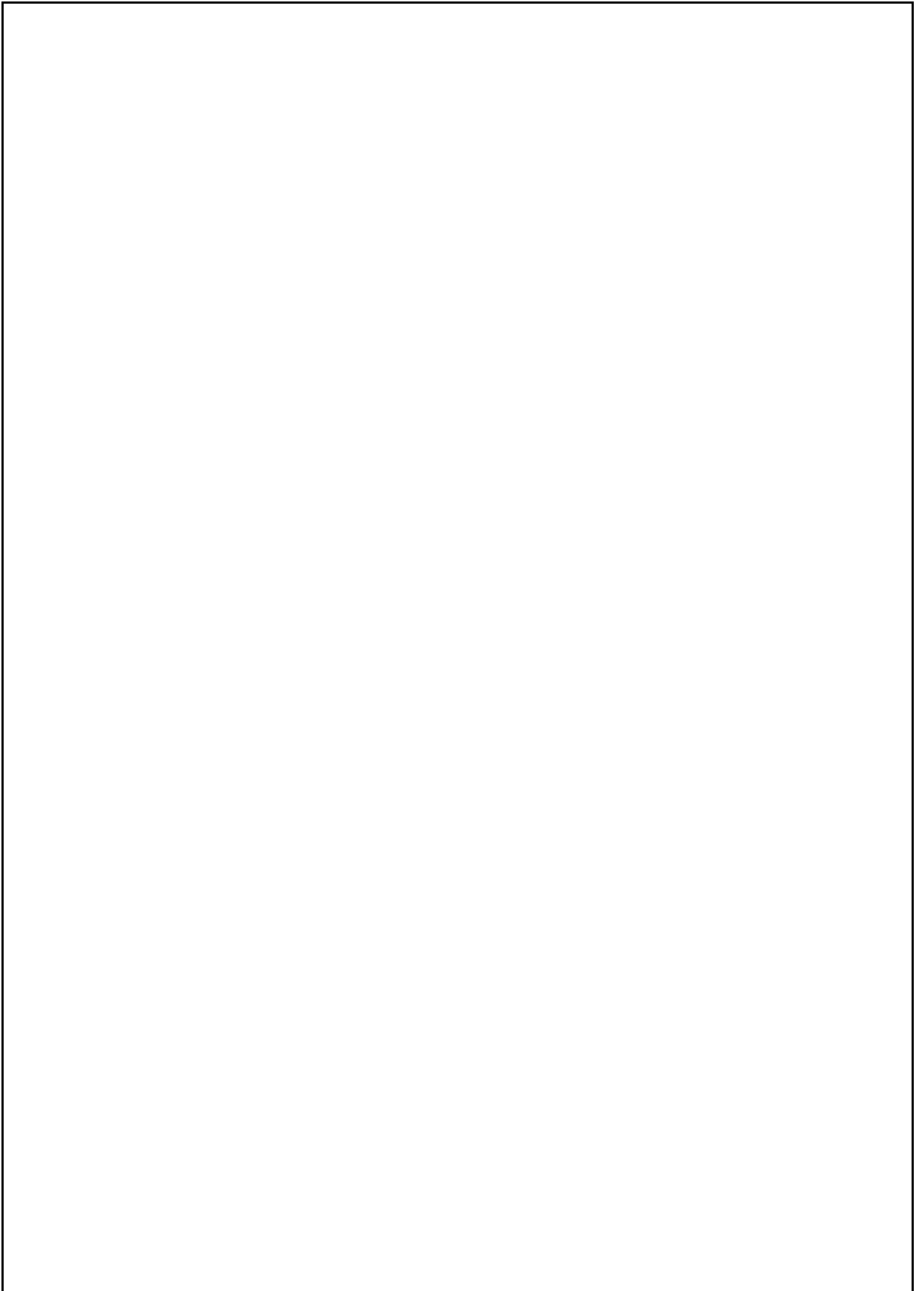
ALSO PRESENT FOR THE SEC:

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



I N D E X

WITNESS PANEL

LYNN FARRINGTON FRAZIER
SAMUEL JOHNSON
KENNETH BOWES
JOHN KAYSER

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P R O C E E D I N G S**(Hearing resumed at 1:45 p.m.)**

1
2
3 PRESIDING OFFICER HONIGBERG: Good
4 afternoon. We're going to resume with the
5 questions from the Subcommittee. I understand
6 Mr. Oldenburg is going to go first.

7 MR. OLDENBURG: Thank you, Mr. Chairman.

QUESTIONS BY MR. OLDENBURG:

8
9 Q Good afternoon.

10 A Afternoon.

11 Q I have a few questions, and they're not as
12 organized as I would like, but I'll start. I
13 think it was Mr. Bowes, he came up with, he
14 relayed sort of a general process that a typical
15 Project like this goes through, and I think you
16 just reiterated it with Ms. Saffo. So if I
17 understand it right, a typical project, you do a
18 preliminary design. That preliminary design is
19 submitted to like the PUC as an Application.
20 You get a Certificate, and as part of that
21 Certificate the SEC delegates certain things to
22 maybe some other agencies. So the DOT might get
23 the roads, DES might get the environmental, SHPO
24 might get the cultural so there's a delegation

1 process. So these preliminary plan issues and
2 right-of-way issues and traffic control issues,
3 all this that we're going through right now, I
4 think you said are all typical things faced for
5 a Project for this; is that correct?

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

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

1 crossing a road or within a road.

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

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

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

19 A (Bowes) So the intent would be to have the SEC
20 exert its jurisdiction to allow use of local
21 roads and then probably delegate, most likely I
22 think I said, to the DOT because they have the
23 expertise to review that 3 or 4 miles of local
24 roads. We would follow the same process using

1 the same type of documentation and ultimately
2 get approval from the DOT for that limited use
3 of the local roads.

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

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

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

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

1 a way to --

2 Q Well -- I'm sorry.

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

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

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

19 A (Bowes) For one thing there would be resource
20 issues I'm sure with the town. So probably
21 involve hiring a third party to do that for the
22 town. You could have inconsistent means and
23 methods as well as construction techniques be
24 approved for the Project.

1 If the New Hampshire DOT does that, it will
2 be consistent all the way through the entire
3 life cycle, and if a town decided I don't want
4 to play, then they could delay the Project
5 unduly.

6 Q Okay.

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

8 MR. OLDENBURG: Sure.

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

14 A (Bowes) That is correct. Yes.

15 MR. WAY: Thanks.

16 BY MR. OLDENBURG:

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

1 Correct? Is that --

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

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

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

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

22 A (Johnson) So all three of the aspects that you
23 discussed, the environmental, the archeological
24 and the historic all have provided their

1 background mapping, if you will, so we know the
2 locations of all of those items when we do our
3 alignment layouts and when we prepare our
4 Exception Requests. So we're already as a
5 Project avoiding as much as possible any
6 impacts. The one that I will say is potentially
7 outstanding would be the environmental impacts,
8 and there is certainly a do loop to go back to
9 the DES should there been any changes whether
10 it's temporary or permanent impacts. We'd have
11 to update those calculations across the board.

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

15 A (Johnson) Agreed.

16 Q So you can make that assessment.

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

19 Q Okay. Originally sort of qualified this
20 question as a chicken and the egg thing. Which
21 comes first, the design or the abutter
22 information. And it seems to be if we call it
23 an iterative process that seems to be the way
24 you propose it is you do a design, then somehow

1 yet to be determined there's public outreach on
2 what that design is, and then if there's
3 feedback that we need to change that design or
4 the exception, you go back through and start all
5 over again.

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

19 Q You have to do some sort of design that you can
20 show them to say where it's going to be. And
21 then if you adjust it, then it could, so one of
22 the, you know, take any of the examples where
23 somebody showed you a picture, it's in
24 somebody's driveway. So you move it and it

1 might be on an abutter's driveway so that whole
2 conversation with that abutter sort of goes away
3 and you create a new conversation with a
4 different abutter.

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

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

11 A (Johnson) Agreed.

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

17 A (Johnson) Correct.

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

20 A (Johnson) Ultimately, the Exception Requests are
21 to put facilities into the roads so by
22 definition we're away from the edges of the
23 right-of-way. So for the most part the
24 Exception Requests I don't believe will change

1 significantly, other than defining where those
2 boundaries are now. If we made a mistake and we
3 need to go from a four-rod layout to a three-rod
4 layout, that potentially could align more of the
5 offroad alignments and splice vault locations,
6 and we'd have to go back and review those and
7 determine whether those changes would instigate
8 an Exception Request.

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

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

21 Q So what about --

22 A (Johnson) So, again, as part of the design we're
23 aware of where those historic places are, and to
24 the greatest extent we've tried to avoid impacts

1 to them.

2 Q So what about some of these, we saw pictures of
3 the big trees in people's front yards, the big
4 shade trees or border trees. Have you put in
5 Exception Requests to specifically avoid those
6 type of trees?

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

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

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

22 A (Bowes) We've also had the discussion around
23 mature trees, and they seem very receptive to it
24 at this point. We haven't put the specific in

1 front of them, but they understand the issue
2 very well because they operate and maintain
3 these roads. They have not taken these trees
4 over the years for various reasons, even though
5 they're fairly close to the highway. So they're
6 very sensitive to the issue.

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

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

19 A (Bowes) So one of the ways that the public could
20 be assured of that is for a condition to be
21 placed upon Northern Pass to deal with that
22 issue. Say any mature tree within ten feet of
23 the pavement. So it could be a condition that
24 thou shall not remove it, it could be a

1 condition that you shall go back to the SEC or
2 the DOT for consultation. So I think we can
3 find a way to alleviate that public concern.
4 And we have done that with other Projects. I
5 just sited an underground project that had a
6 stipulation through a public park, there will be
7 no tree removals. Zero tree removals.
8 Regardless of the size. You shall not remove a
9 tree. You shall trim a tree with consultation
10 with the town arborist. So they know they have
11 to maintain -- some of the trees have actually
12 been damaged by large trucks. They're going to
13 have us actually clear the envelope for them as
14 part of our construction. So there's a height
15 requirement that meets the town guideline and
16 zero tree removals for that section of the
17 Project.

18 Q Because I think one of the comments was is that
19 the DOT would be in charge of the aesthetic
20 review or something like that or reviewing the
21 aesthetics on some of these Exception Reports,
22 and I just, knowing the people at the DOT, some
23 of them think construction is beautiful and
24 wouldn't recognize a nice tree if it fell on

1 them. So I just was curious on how that was
2 going to work.

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

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

16 This goes to a discussion that I had with
17 the Environmental Panel about the Draft or the
18 Draft EIS submission and the APE calculation.
19 So if I have this right, let me follow through
20 and see. I might be off with some of the dates,
21 but this is generally how this occurred. So in
22 July of 2015, you submitted the Draft EIS to
23 Department of Energy. And that permit or that
24 statement only had six miles of underground.

1 Then October of 2015, you submitted the PUC
2 Application for the Project, and then a month
3 later, November of 2015, you submitted a
4 Supplemental EIS information which changed the
5 preferred alternative to add the 53 miles of
6 underground from Bethlehem to Bridgewater. And
7 that Supplemental EIS set the APE at 20 feet off
8 the edge of pavement.

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

18 So the whole Supplemental EIS to Draft EIS
19 made the assumption that the Project was going
20 down under the roadway, and now it's not. So
21 you're using sort of this, the APE that was set
22 for a Project that you don't plan on building as
23 justification of not going outside that 20 feet.
24 Have I got that right?

1 A (Bowes) So I would say the dates are accurate.
2 I think the original one actually had 8 miles,
3 not 6 miles, but take that aside. The 20-foot
4 issue, I think we always thought it would be
5 within disturbed areas for the underground
6 construction, maybe with one or two Exceptions
7 where we owned the property and it was going
8 into or out of a Transition Station. But we
9 assumed in the public way we would always go
10 through an area that had been previously
11 disturbed. That was the base assumption made.
12 So I would agree with that.

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

24 There may be areas where it's on DOT

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

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

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

18 Q Okay. So in the Exception Reports, some of the
19 ones that were rejected and need to be
20 addressed, I mean, some of them were covered
21 about putting the splice vault in a driveway or
22 blocking like the entrance to the mobile home
23 parks and stuff like that. Trees. Drainage. I
24 mean, it seems like those things should have

1 been ironed out before they were submitted.
2 That, I mean, that should have been looked at.
3 And I guess are you okay with the DOT making
4 those type of determinations, you need to move
5 this outside of the driveway. And you seem to
6 be complying. So it's almost like it's the
7 reverse is the DOT is making some of these
8 design decisions for you, and I'm hoping that
9 you're going to say no, we can't do that if you
10 really can't do that.

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

20 We have had a couple of iterations on
21 particular requests where we as the Project have
22 gone back to the DOT and said here's our
23 rationale behind why something is there. And
24 then we have that engineering dialogue back and

1 forth so that they understand where we are. We
2 then talk about it not only from a pure design
3 perspective but from an operations perspective.
4 You know, once the road is returned back to the
5 DOT postconstruction and often come up with a
6 better solution that's neither what they
7 proposed or what we proposed. Something in
8 between.

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

21 A (Johnson) So typically yes, that the way that
22 our design engineers are viewing it is from the
23 canopy perspective and seeing where there's
24 room. I'm certain that there are certain

1 instances where they're going to have to go more
2 inside that canopy, and in those cases, we have
3 to be very cognizant of the health of the tree
4 that remains and do our best not to impact them.
5 I believe that we've discussed the last time we
6 were here that should a tree be impacted
7 postconstruction that we would then go through a
8 process of either replanting or trying to figure
9 out the right way to deal with that situation.
10 I believe on Friday it was determined that it's
11 hard to value, you know, a 150-year-old tree in
12 those aspects, but certainly, it would be, it is
13 part of the design.

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

22 The one other, in the DOT you probably
23 recognize as well is that the roots don't like
24 to migrate underneath the paved area. So that

1 becomes at some point a stopping area for that
2 root system. So to stay right on the edge of
3 the pavement or even in the pavement usually you
4 can avoid the root system even of a mature tree
5 that's very close to the road.

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

15 A (Bowes) So we're aware of it. We haven't done a
16 site-by-site analysis yet because we haven't
17 finalized the splice locations, but there
18 definitely will be tree trimming as part of this
19 effort, even to do the duct bank trenching just
20 off the right-of-way or off the road paved area
21 there will be some tree trimming needed. We've
22 had discussions with the constructor already
23 about what type of equipment they can use for
24 the trenching operations that will minimize the

1 vertical impact for tree trimming. Usually it's
2 similar to what you'd see for utility roadside
3 trimming for distribution. I don't think it
4 will be in addition or over that except for
5 maybe some select locations for the cranes and
6 the vaults.

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

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

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

19 A (Johnson) Correct.

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

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

1 Services.

2 Q Is BL Companies, do they have a New Hampshire
3 licensed land surveyor?

4 A (Bowes) I believe they do, yes. Mr. Bob Roper,
5 I believe is his name.

6 Q So in the report it talked about all pertinent
7 research, and to me that means like title
8 research, all the information that you gather to
9 see who owns that property, not necessarily
10 ground survey. I think someone stated that was
11 complete? You have all that information?

12 A (Johnson) Correct. Arago Land Services, that
13 was their primary function to do that.

14 Q The rest of the survey is going to take, is it 6
15 to 8 weeks?

16 A Yeah. Now 5 to 7.

17 Q And that's for the 50 miles or for the whole 60
18 mile underground?

19 A (Johnson) The whole 60.

20 Q Ten miles a week? Wow.

21 A (Johnson) They have a lot of people out there
22 right now.

23 Q Holy cow.

24 A (Johnson) Now, again, it's not a hundred percent

1 survey. They've got the base survey that was
2 already done. So it is just enhancing that
3 product and to make it better.

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

8 A (Johnson) Yes.

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

19 A (Johnson) Correct. So typically what Arago is
20 doing is preparing on a section by section
21 historic layouts, multiple historic layouts, if
22 you will. Those that have superseded others.
23 And if there are areas where they can pin to
24 monuments or not or other features, then the

1 surveyors are made aware of that type of
2 information as they go out into the field so
3 they kind of know what they're looking for, if
4 you will, and know the locations.

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

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

16 A (Johnson) Sure.

17 Q Not necessarily just the DOT.

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

21 Q I think we've heard that, right?

22 A (Johnson) Yes.

23 Q So you've obviously talked about all the survey
24 issues with the DOT, and you understand what has

1 to be done to comply with their requests?

2 A (Johnson) Correct.

3 Q And you're able to meet all those requirements,
4 you believe?

5 A (Johnson) We are. Yes.

6 Q One of the other, one of the things that was
7 discussed and I think it was part of
8 Mr. Varney's, actually a redirect of
9 Mr. Varney's testimony about an MOU with the
10 town of Plymouth Sewer and Water.

11 A (Johnson) Um-hum.

12 Q I wanted to just make sure that in the, it was
13 mentioned that the sewer and water would be
14 redone at the same time the Northern Pass was
15 put in downtown Plymouth so it would only be
16 ripped up once. But when you were originally
17 here, I asked that question and you had, Mr.
18 Johnson specifically said that the transmission
19 line would be done one summer and then the water
20 and sewer and any of the road work would be done
21 the next summer to avoid impacting when the
22 college kids were there. Could you just confirm
23 what your plan is there?

24 A (Johnson) Sure. So Plymouth Village Water and

1 Sewer has future plans to do work, and,
2 obviously, it would make sense for us to open up
3 the roads once as opposed to multiple times. I
4 believe my reference at that point was in the
5 fact that the final restoration or the final
6 paving of the roads. So we may be working on
7 one side of the road, they may be working on the
8 other side of the road, but before we came
9 through and did our final full restoration or
10 the restoration of our lane that we would
11 coordinate our Projects so that we would only be
12 impacting the final restoration once as opposed
13 to us fully completing our Project and then
14 Plymouth Water & Sewer coming back.

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

24 Q But you don't have a plan, you haven't finalized

1 a plan of you're going to do this, you're going
2 to put your transmission line in this time and
3 then Water & Sewer is going to follow a week
4 later. And the lane restoration, I have to
5 believe one of the requirements was if you
6 impact the lane, you have to rebuild the entire
7 lane. That was a DOT requirement so your lane
8 restoration is rebuilding half the road, if I'm
9 reading into it right.

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

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

21 A (Johnson) Good question.

22 Q You haven't quite figured that out.

23 A (Johnson) We have not, no.

24 Q Chris?

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

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

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

10 MR. WAY: Thank you.

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

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

16 MR. IACOPINO: Thank you.

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

21 BY MR. OLDENBURG:

22 Q One of the other things that was mentioned. We
23 touched on it a little bit with the Exceptions
24 is working with property owners and time of day,

1 seasonal restrictions, and things like that for
2 their impacts. So if you have a restaurant that
3 doesn't open, it's a lunch and dinner
4 restaurant, you try to do the work in the
5 morning before they even open in front of their
6 property. And I know in Mr. Varney's redirect
7 there was a list of already commitments that Mr.
8 Karno had developed, and I know you were working
9 with Mr. Karno to do public outreach. So we
10 have all these little chess pieces of you can
11 work here then, but you can't work here, all the
12 way up and down the road so how do you logically
13 work this Project without jumping all over the
14 place and meet all those commitments? Have you
15 figured that one out?

16 A (Johnson) Certainly when you have conflicting
17 wants and needs by your neighbors as you
18 continually go down the right-of-way causes or
19 potentially could cause issues of skipping
20 construction and going back and basically the
21 inefficiencies involved. What we really try to
22 do is listen to everybody and then come up with
23 the best solution that fits everyone in that
24 area.

1 So there may be areas where we choose to do
2 night construction with permission because it's
3 better for the businesses in that particular
4 area. There may be areas where we close up the
5 streets at five p.m. instead of 7 p.m. because
6 they're more night-orientated type activities.
7 So all of that needs to be weighed and judged,
8 and certainly we're not going to appease
9 everybody but we're going to try our best to do
10 what we can.

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

20 A (Bowes) So the overhead portion that's well
21 under way of all of those seasonal restrictions,
22 customer abutter issues, endangered and
23 threatened species, those periods of work. So
24 that already has all been laid out. That was

1 something the federal government asked us for.
2 All that matrix, if you want to call it, of when
3 we can do certain things along the right-of-way.
4 Now we're starting to look at the underground
5 portion and do the same thing. Mostly driven by
6 the business impacts that we're now going
7 through with this consulting firm.

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

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

24 Q I would envision that the reason for that is the

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

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

24 A (Bowes) That's certainly one of the issues.

1 I'll also say that having that self-supporting
2 structure makes any work in the future much more
3 reliable for our facility as well. That's more
4 than likely when a failure of our line would
5 occur would be during excavation in and around
6 our structure. So in some regards we're making
7 it a more reliable line. At the same time we're
8 reducing future costs.

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

22 A (Frazier) Yes.

23 Q So now I hear this whole plating thing. What
24 operations are you going to use the plating for

1 versus the signals. Is the plan still to use
2 the signals and the Jersey barrier for the
3 splice vault operations?

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

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

19 Q So clarify something about the HDD. And we
20 heard it here today was the 30-foot width. And
21 I guess I'm confused like some of the other
22 questioners were is if you have a, if you only
23 can take one lane and so you have a 12-foot lane
24 and a 4-foot shoulder, that's 16 feet. So 14

1 feet of the operation is going to be outside of
2 the pavement so keep that lane open. Is that
3 correct?

4 A (Johnson) So the answer is that every drilling
5 area will be unique. There are ways to put all
6 of the equipment in series so basically one
7 piece of equipment behind each other where we
8 could limit it to typically the 12-foot plus the
9 4-foot so we don't need 16 feet. Ideally, if we
10 had 30 feet by 300 feet that's the best solution
11 because it gives the contractor the most room or
12 the most area to move things, but clearly, if
13 there are a mature tree line that's four foot
14 off of the edge of right-of-way, we're just not
15 going to take those trees down. We'll have to
16 come up with a construction solution as far as
17 methodologies to allow us to operate in
18 something less than that 30 feet wide.

19 Q So your optimal is, so your wish is 30 feet.
20 That will give you all the room you need. But
21 if there's some restriction, trees?

22 A (Johnson) Exactly.

23 Q Historic buildings, something that limits you,
24 you're going to work around that.

1 A (Johnson) Correct.

2 Q And lessen that 30 feet.

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

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

24 A (Frazier) Plymouth we did have to have some

1 detour area because of the --

2 Q The roundabout?

3 A (Frazier) Yes.

4 Q But there's, for the overhead line when you
5 string wires across the road, you would close
6 that road while that operation goes on as well?

7 A (Bowes) We typically ask for, usually it's up to
8 an hour, and if everything goes well it's
9 usually around five to ten minutes. We
10 typically schedule an hour for interstates only.
11 In the regular roads we put structures up,
12 bracing structures and just pull over those so
13 if the line were to fall, it's supported on
14 those temporary structures. Interstates, we
15 take the extra precaution and ask for the road
16 to be closed for that period of time. Usually
17 two a.m. in the morning on a selected day.

18 Q How about tower construction. Some of the
19 towers are really close to the road. Do you do
20 those in sections and lift them into place with
21 a crane and then bolt them together or is that
22 typically, you don't do it piece by piece?

23 A (Johnson) Depends on the location.

24 A (Bowes) Correct. But typically the monopoles

1 will come in 2 or 3 sections, be bolted together
2 a piece at a time. The lattice, usually smaller
3 structures, smaller components, and then
4 sometimes a top will be lifted on as a single
5 piece. But that's probably a much longer
6 duration process and much smaller pieces for the
7 lattice structures.

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

12 A (Bowes) The way we've designed it, there's a
13 work pad for each one that would work from, but
14 there could be a situation for one next to a
15 road where we look at the construction, and
16 having to get the crane to that location, it's
17 less impactful to do it from the side of the
18 road. I don't know of any specific locations
19 today, but that's a possibility. And we, again,
20 go back to the DOT, ask for a variance or an
21 exception for that process that we had
22 originally filed and work through that. That's
23 something we do today. I think we have 35
24 active transmission line projects in New

1 Hampshire right now. So we're doing this on a
2 daily basis of crossing roads. Same process
3 would be used for Northern Pass.

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

12 A (Bowes) Only nuance I would say is that it would
13 be Northern Pass that would indemnify the state
14 and also we would pay for any future costs.
15 We're also relocating some of the PSNH lines.
16 They would be responsible for reimbursing the
17 DOT for those costs. I'm thinking of an area,
18 for example, in Concord that crosses a bridge
19 abutment. The design is as presented to the
20 DOT. We will not be putting up 160-foot
21 structures in Concord. It's exactly what's in
22 the SEC Application. But because of that, we
23 own, Northern pass owns, and PSNH owns the
24 future costs of relocating that if the bridge

1 were to be either a major repair or replacement.

2 Q So that's fine for the DOT. When I really
3 presented it though, I presented it as a,
4 everybody is impacted by that. So one of the
5 examples I gave was the Profile School. And if
6 they ever expanded and had to add a turn lane to
7 Route 116, that the line could impact that
8 design and have a final financial impact on the
9 School District because they had to work around
10 your line. And another one that came up was
11 when we did our first site review, I'm not sure
12 what town it's in but it's North Hill Road. It
13 was right near Creampoke Road.

14 A (Johnson) Stewartstown.

15 Q Stewartstown. There's an 8-foot CMP culvert
16 under North Hill Road that -- let me ask you
17 this first just to verify. That's a town road?

18 A (Johnson) Correct, sir.

19 Q Okay. Good. Because I wouldn't go on if it
20 wasn't. At some point before the 50-year life
21 of this Project is up, that culvert's going to
22 rust and fail. We see it all over the State.
23 And they're going to have to replace that. So
24 in both those situations, in this one the town

1 is going to have to work around the line so the
2 same reasoning follows that the town is going to
3 have the same issue that DOT does with this
4 culvert is more than likely due to stream
5 crossing rules that's going to be a bridge when
6 it's done so they're going to be building a
7 bridge instead of replacing the culvert so it's
8 almost the same issue. And I didn't bring it up
9 really, I used the DOT example because I know
10 that, but it was more of a global question of
11 how, everybody's going to have to deal with the
12 fact that this line is there. It's too
13 expensive to have someone just say move it. And
14 everybody's going to have to pay the price in
15 the future just because it's there.

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

1 cost.

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

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

16 Q I'm just thinking of drainage and things like
17 that but other utilities. If you hit a water or
18 sewer line, I mean, it's tens of thousands of
19 dollars to move. It's not millions of dollars
20 like the Northern Pass line is going to be, and
21 I'm assuming that a town doesn't have the
22 same rights as the DOT does. The line isn't
23 there by sufferance of the town, it's sufferance
24 of the State. So you don't have to move, I

1 would have to believe that you wouldn't have to
2 move at your own cost if the town said move.

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

5 Q That's a fair answer. I understand.

6 One of the things -- it's my last sticky
7 note you'll be happy to know. One of the things
8 that seems to be on both sides is how is this
9 going to be built. How is the -- especially the
10 underground. There's a lot of pictures being
11 shown. It's going to look like this. No, it's
12 going to look like that. We see a lot of that.
13 And I can imagine once you guys step aside and
14 the Intervenor gets to go, there's going to be
15 some more of that going on. It's going to look
16 like this and everything, and I think you saw
17 that and commented on it when Ms. Saffo was up
18 with the insets of some of the pictures is you
19 sort of objected to the picture showing the
20 splice vault and the trench work. So how do we
21 really know what equipment is going to be used,
22 what it's going to look like? Do we have any
23 examples, true examples, of what it's going to
24 look like during construction?

1 A (Bowes) We do. We have a very good visual. In
2 fact, that's the meeting I went to with the DOT
3 in June which was showing the means and methods,
4 the equipment we would use, the trench, what it
5 would look like, the vaults, what they would
6 look like. We presented that to the DOT and
7 following that meeting they were much more
8 comfortable with some of the things that they've
9 granted us around use of plating, you know,
10 explained why that was beneficial for speed as
11 well as for public safety. It's better than
12 putting up barriers for, and returning a roadway
13 to its normal condition at night without traffic
14 signals, things like that.

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

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

23 COMMISSIONER BAILEY: Why haven't you
24 provided that to us before now?

1 A (Johnson) I personally thought it was on the DOT
2 website already.

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

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

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

11 PRESIDING OFFICER HONIGBERG: Mr. Wright?

12 DIR. WRIGHT: Thank you, Mr. Chairman.

13 **QUESTIONS BY DIR. WRIGHT:**

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

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

23 A (Johnson) Sure.

24 A (Bowes) Yes.

1 Q Would you say that applies to the Project as a
2 whole? Does that apply to the aboveground
3 section? Does that apply to the underground
4 section?

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

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

21 A (Johnson) That is correct.

22 Q One of the things you mentioned is that you
23 envisioned a need to go back to DES and to talk
24 about potential wetlands impacts as you move out

1 of the center of the road to the side of the
2 road; is that correct?

3 A (Johnson) That is correct.

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

10 A (Johnson) That's correct.

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

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

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

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

1 become permanent impacts.

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

4 A (Johnson) Absolutely. Yes.

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

9 A Yes.

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

13 A Correct.

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

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

21 Q Okay. Again, I apologize for jumping around
22 here. When you mentioned the plating that was
23 one of the general exemptions that DOT had
24 agreed to?

1 A (Johnson) That's correct.

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

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

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

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

13 Q So a hundred thousand pound tractor trailer
14 truck?

15 A (Johnson) Yes.

16 Q Okay. There's been, a number of the exemption
17 requests are obviously related to either
18 drilling either the HDDs in the roadway or
19 locating the splice vaults in the roadway. And
20 it's been mentioned a number, we've seen some
21 examples. We've seen a gas station. We've seen
22 the Franconia Inn where people have questioned
23 the location of those, and you guys seem pretty
24 confident that you can move some of this

1 equipment up or down. I think, Mr. Bowes, you
2 drew a, 200 feet or so you can move something up
3 or down the line.

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

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

17 A (Bowes) Correct. Usually it's constrained by
18 the weight limit to transport the cable. Not
19 actually the ability to pull it. Especially
20 along a flat straight surface. When you start
21 getting bends or lots of elevation changes, you
22 start to get more friction within the conduit
23 system against the outside of the cable, and
24 that limits how much tension you can put on the

1 cable before it actually damages it. That's
2 really the limitation is around how much pull
3 you can pull through that conduit before it
4 damages the cable.

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

7 A (Bowes) Typically dictated by the transportation
8 requirements of a cable reel. But 2500 feet, to
9 1500 feet is probably, again, on a flat terrain
10 is probably the range we're talking about. So
11 if the optimum spacing now for vaults is around
12 2100 feet, moving it a couple hundred feet
13 either way is well within the limitations of the
14 cable itself.

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

18 A (Johnson) Yes, I have.

19 A (Bowes) Yes, I have.

20 A (Kayser) No.

21 A (Frazier) No, I have not.

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

24 A (Johnson) Yes.

1 A (Bowes) Yes, I have.

2 A (Kayser) No, I have not.

3 Q Mr. Kayser, you need to get out of the office
4 more.

5 A (Kayser) Yes. I do.

6 Q Ms. Farrington?

7 A (Frazier) I need to get out of the office more,
8 too.

9 Q And, again, there's been a lot of talk about the
10 size of the crane so I'll ask the same question.
11 You've seen one of these cranes in action,
12 you've seen a splice vault lifted off its
13 flatbed?

14 A (Johnson) Yes.

15 A (Bowes) Yes, I have, and that's why we were
16 going back and forth with some of the questions
17 that it really depends on where you are with the
18 crane, how close you are to the pick and how
19 close you are to the tractor trailer in order to
20 make that swing. So we may use a larger crane
21 because of those tensions that we need to deal
22 with. That's why I said 30 to 40,000-ton crane.
23 We may go to the 30 or 40,000-ton for some of
24 these cranes.

1 A (Johnson) Pounds.

2 A (Bowes) I'm sorry. Pounds. Yes. 30 to 40 tons.

3 Q In all cases, and this has already been covered,
4 but these are over-the-road cranes, these are
5 not in the field constructed. These are travel,
6 normal travel road width cranes?

7 A (Johnson) Correct.

8 A (Bowes) Yes.

9 Q Ms. Bowes, this question is probably for you.
10 Have you seen the September 26, 2017, letter
11 that EPA Region 1 just sent to US Army Corps of
12 Engineers on the potential north part of the
13 route wetlands impacts?

14 A I saw a newspaper article around it. I have not
15 seen the letter itself.

16 Q I was kind of curious. That letter seems to
17 suggest that a hybrid alternative approach needs
18 to be further examined as part of the Army Corps
19 of Engineers' review of the wetlands impacts.
20 So I was going to really ask you do you have any
21 thoughts or comments on what EPA Region 1 is
22 suggesting?

23 A (Bowes) I really don't. I'm sorry.

24 Q Nothing?

1 A (Bowes) Well, I saw our company's response to
2 it. That's about all I know. So I've seen a
3 newspaper article and the company's response to
4 it.

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

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

16 Q Okay. Thank you.

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

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

24 A (Bowes) We do not.

1 MS. WEATHERSBY: Thank you.

2 PRESIDING OFFICER HONIGBERG: Now Mr. Way?

3 **QUESTIONS BY MR. WAY:**

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

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

16 A (Frazier) Yes. I have.

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

18 A (Frazier) Yes.

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

21 A (Frazier) Yes.

22 Q So when you look at the type of vehicles that
23 traverse those roads, those detours, they
24 accommodate all the types of vehicles, not just

1 what you might see on a regular standard road
2 but farm-type vehicles that may have limited
3 transport?

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

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

21 A (Frazier) I've found that it's usually
22 conservative, the computer program. There's
23 always that, there always could be an issue with
24 the driver error, but for the most part, those

1 guys, drivers, are pretty amazing, and we
2 usually don't have issues.

3 Q So when you soay those drivers are usually
4 pretty amazing, which drivers are you talking
5 about?

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

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

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

21 Q All right. In terms of the business outreach,
22 and, Mr. Bowes, we keep coming back to this.
23 The reason I bring it up is because the last few
24 weeks we've had several comments and then we

1 brought it up this last week. And trying to get
2 a sense of how that outreach is going, I think
3 you mentioned there was like 280-plus businesses
4 that were going to have additional outreach?
5 Was that what I heard?

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

9 Q How many on the aboveground?

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

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

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

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

22 A (Bowes) We sure can.

23 PRESIDING OFFICER HONIGBERG: Mr.
24 Needleman?

1 MR. NEEDLEMAN: We'll get that to you.

2 Q Thank you. What makes this letter writing
3 process different than what happened before?

4 Because what happened before, and I think in all
5 fairness to everyone probably wasn't hugely
6 successful in getting a return. What is
7 happening with this letter and this process now
8 that will get you a different result?

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

12 Q Is that aboveground or underground?

13 A (Bowes) Underground.

14 Q Underground. Thank you.

15 A (Bowes) So our consulting firm has met with
16 these businesses, heard their concerns, talked
17 with them about out to outreach to the remaining
18 customers, and that was part of how they crafted
19 the letter. The letter is just more of an
20 introduction, I would say, to Louis Karno and
21 what they plan to do, the services they plan to
22 offer. And following the letter, we'll start to
23 knock on doors. So it's really the launch of
24 the full customer outreach where before I would

1 say it was informational. This is really
2 announcing the launch of the program. And then
3 Louis Karno will begin to execute that by giving
4 to every business and long the route and trying
5 to schedule a meeting with them. If we can't do
6 it over the phone, we'll actually knock on the
7 door and introduce ourselves and start that
8 conversation, hopefully schedule a meeting to
9 come back and continue that conversation.

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

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

21 Q And the original 30 you mentioned, are these a
22 new 30 that or are these ones that have
23 interacted with you in the past as a result of
24 the previous letter?

1 A (Bowes). No these are ones that Louis Karno
2 actually outreached to.

3 Q So these are new.

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

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

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

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

23 A (Johnson) So I think the transportation of the
24 milk away from his facility would either be

1 rerouted if there are road closures or could be
2 slowed down, if you will, as it goes through the
3 construction zone. But permanently impacted, if
4 it is shut down, if you will, that would only be
5 for a very small period of time.

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

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

14 Q And because my point on that one is that there's
15 a certain segment that you know regardless are
16 going to be impacted and probably going to being
17 impacted the same way they would be before the
18 new design is finalized. So the question is why
19 aren't we reaching out well even ahead of now.
20 We know that we're going to impact them one way
21 or another. That gives them plenty of time to
22 plan for their customers because I don't think
23 it's just about buying the milk. There are
24 customers that plan on the milk, and there's

1 customers that may have a different price impact
2 from buying their milk in some other place.

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

9 A (Bowes) So I'm not sure that there's a really
10 good answer that will satisfy you. I think we
11 want to have a plan that's as final as possible,
12 and we don't want to waste people's time at the
13 same point. You know, if assuming that we are
14 granted a Certificate and the conditions are all
15 met and we go forward and begin construction,
16 then yes, now is the time to outreach and that's
17 why we went forward what we thought would be at
18 the time when the Certificate was issued so
19 there would be some certainty and people would
20 realize that it is a real Project now. It's
21 going to happen. And that tends to have a
22 different reaction from customers than just it's
23 not going to happen, it's going to go away, it's
24 not going to get approvals or whatever.

1 So as we've gone forward this year,
2 especially, and got approval after approval from
3 various agencies, both State and federal, I
4 think it's becoming more realization. We had
5 timed this to happen this week because we
6 thought we would have a Certificate at this
7 point. That was the planning we'd done to
8 launch forward and begin that. We chose to go
9 forward with that even though there has been a
10 delay in the siting on this Project. And now is
11 the time when we're going to start that
12 outreach. And I mentioned, it starts with the
13 letter, but we've also employed this consulting
14 firm. So we've targeted to go forward
15 originally was on completion of the siting for
16 the Project.

17 Q Just a couple other questions. With regards to
18 Plymouth, back to the equipment piece that we
19 talked about and the cranes, how does that work
20 or are there issues involved? And I think, Mr.
21 Johnson, you may have even answered this with
22 Mr. Oldenburg. You're in a community that
23 hasn't signed an MOU with you. We won't mention
24 a community. May not have the best of

1 relationships. And you're going to have to have
2 a crane right on Main Street. It may be trees.
3 I'm trying to remember if the trees in Plymouth
4 extend in the green, for example, over Main
5 Street. There are trees that have to be
6 trimmed. Is it such that anything that extends
7 over the roadway is pretty much fair game?

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

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

23 Q What if they don't? Going forward, what if they
24 ultimately don't? How does that impact the

1 Project? I would imagine it puts more decision
2 making on us.

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

10 A (Bowes) So I will say that while there are
11 certainly relationships that are contentious for
12 Northern Pass in some of the towns, it's not
13 uncommon in other locations either. What
14 happens most often is even if you disagree on
15 whether the need for the Project is there or
16 not, you can still go forward and have
17 productive communications even if the
18 Certificate never gets approved. That
19 relationship building is never lost in my
20 opinion. And then the inevitable, if it becomes
21 inevitable, than all of that prework is done.
22 And that's the position we take with many towns
23 where in some states we have to have a mutual
24 interaction before we go to state siting. Here

1 it's more the opposite or at least historically
2 it has been. So I think having those productive
3 communications and agree that the Project may
4 never go forward, but still having some of these
5 things sorted out upfront is always better for
6 both the town and for the Project.

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

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

20 Q So you see that there are additional communities
21 that are likely to come on board in the near
22 future, and, obviously, you're saying that there
23 will be some that will occur after the fact, but
24 you're seeing additional communities that will

1 have, at least agree to have discussions?

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

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

9 A (Bowes) We are.

10 Q To have that outreach?

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

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

22 A (Johnson) Yes. So, ideally, we want to sort of
23 lay our plans on the table, lay their plans on
24 the table and see if there are synergies so we

1 could have one open trench and one set of paving
2 so that we're not opening up the streets twice,
3 if you will.

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

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

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

18 A (Johnson) Agreed.

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

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

24 A (Johnson) I was unaware that it was not dated.

1 Q I didn't see a date on it. This is Exhibit 207,
2 I believe.

3 MR. NEEDLEMAN: I think if you look at the
4 end, you'll see it's final and executed.

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

8 PRESIDING OFFICER HONIGBERG: Ms.
9 Weathersby?

10 **QUESTIONS BY MS. WEATHERSBY:**

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

14 A (Johnson) I have no idea why and certainly we'd
15 be amenable to extending that should March --
16 13th, did you say?

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

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

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

1 we agree to try to reach an agreement.

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

5 Q Okay. Thank you.

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

12 A (Frazier) Yes. Ten to 12 feet.

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

15 A (Frazier) Yes.

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

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

22 Q So you envision a bicycle then not traversing
23 the roadway simultaneously with the vehicle but
24 going on its own behind a motorized vehicle?

1 A (Frazier) In line. Yes.

2 Q In line. Okay. Has or will your Traffic
3 Management Plan account for that? Obviously,
4 most cyclists, myself included, travel less than
5 20 miles an hour or whatever the speed is that a
6 vehicle will be traveling. Have your delay
7 calculations worked into having bicycles on the
8 roads, particularly on some of the designated
9 bike routes in summertime traffic? There's a
10 lot of cyclists, particularly 112, 116, those
11 roads. So have your plans accommodated the
12 slower travel speeds?

13 A (Frazier) So the delay calculations wouldn't
14 take that into account just because it's brief
15 and random when a bicycle would actually be
16 inserted into the traffic and it would
17 eventually average itself out to be the point
18 where it's negligible. But we do want to
19 consider a bicyclist's travel speeds for the
20 clearance times. So in those remaining HDD
21 spots where we can't do the plating and we will
22 need a temporary signal during the overnights,
23 we'll want to consider if a bicyclist is in that
24 queue to make sure that they clear through

1 safely, but we also have to weigh that against
2 the delays for normal speed traffic because you
3 don't want to be sitting in a queue on the time
4 that there is no bicyclists slowing things down.
5 So we will take it into account and make sure
6 that it's a good compromise for everyone
7 involved.

8 Q So am I hearing there's -- how long is a typical
9 lane closure?

10 A (Frazier) Length-wise?

11 Q Length-wise.

12 A (Frazier) I think we said it would be around 300
13 feet for the whole HDD setup but that will
14 actually be shortened, right? During the night
15 hour as well, it's just the drive. So 100 feet?
16 150.

17 Q So then there would be, you'd have a visual on a
18 cyclist coming through, depending on bends in
19 the road, et cetera.

20 A (Frazier) Yes.

21 Q So there's not, I'm concerned that there's, you
22 know, you estimate four minutes and the cyclist
23 isn't done yet and the other cars start coming
24 but you will somehow accommodate that in the

1 event there's no visual on the cyclist?

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

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

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

21 Q So you will be reaching out to a website that
22 lists bike routes in the area and asking them to
23 post the information or post a place where
24 people can get the information.

1 A (Frazier) Yes. We just don't take into account
2 vehicle traffic. We definitely, if there's a
3 sidewalk, we'll want to find a safe route for
4 pedestrians. A nearby crosswalk to go to a
5 sidewalk on the other side or making sure that
6 they have a safe route through the zone. And
7 the same for bicyclists, especially if it's on a
8 bike route.

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

14 A (Johnson) The hiking trail?

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

19 A (Johnson) So the Exception Request themselves do
20 not, however, for instance, the big one we all
21 discuss is the Appalachian Trail. Clearly,
22 we're well aware of where that is, and we'll
23 have preemptively rerouted hikers with signs or
24 whatever to get around it. The DOT right now,

1 at least to date, has not made that a
2 requirement, but it's information that we can
3 easily add as part of the request.

4 MR. WAY: Thank you.

5 **BY MS. WEATHERSBY:**

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

12 A (Frazier) Yes.

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

16 A (Frazier) Sure. So it's a just kind of standard
17 form to introduce the Project to the Traffic
18 Control Committee, and it has all of the -- AADT
19 is the Average Annual Daily Traffic volumes --
20 listed that will be impacting, kind of checklist
21 questions from federal highway about the
22 population centers impacted, about the types of
23 roadways impacted. And we, I believe from that
24 checklist that a full Transportation Management

1 Plan will be required. We meet the checklist,
2 and we do, that is our intention going forward,
3 that it will be developed. The full plan, not
4 just -- there are some other options for smaller
5 Projects where you can just do like a memo, but
6 I don't envision us falling into that category.

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

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

22 Q So you may have a chance to present Northern
23 Pass's side in November, and then when do they
24 tell you you need a full plan, and then how

1 long, sort of what's the process and how do you
2 see it playing out?

3 A (Frazier) So we were hoping to, and I think I
4 said in my testimony prior that we would wait
5 until we had the Certificate and then start
6 developing it. But considering how the schedule
7 has been the last few months, we're actually
8 going, we've gotten started. We're starting to
9 have meetings with the towns to discuss
10 festivals, times of year, emergency response,
11 routes to hospital, routes to and from senior
12 citizen living communities. So we're starting
13 that conversation. The public outreach team has
14 already met with a few of the towns and kind of
15 introduced the concept of meeting a Traffic
16 Management Plan, and I expect I'll be going
17 shortly to get more of the details and at least
18 start drafting it. We have the outline now, but
19 to actually start taking their input, suggesting
20 mitigations and getting the core plan together,
21 I'm hoping to have that done by the end of
22 January. And then it will just be a matter of
23 adding any traffic control plans that need to
24 be, because of the design exceptions, need to be

1 updated so those are also included in it as well
2 as the final plans. So those will come later.

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

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

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

20 Q I think yesterday we were talking about the
21 fluidized thermal backfill again, and they said
22 there were two Exceptions requested relative to
23 it, and one was for the use of the fill of the
24 duct bank and that you could, as I understood

1 it, go from the base to the cable but not the
2 top layer. And then there was a second request
3 and I don't think we ever got to that. Could
4 somebody tell me what your Exception Requests
5 request was concerning fluidized thermal
6 backfill?

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

23 Q And you're not asking for an Exception Request
24 for that. That's been determined?

1 A (Johnson) Correct.

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

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

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

20 Q Okay.

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

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

1 A (Johnson) Correct.

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

5 A (Frazier) Yes.

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

12 A (Bowes) So at the crossings there is some tree
13 removal as we widen the right-of-way, the
14 existing right-of-way. We have committed in
15 each one of those locations to some sort of
16 mitigation. Could be visual screening or it
17 could be as in that letter in August that we
18 sent back, we did make some adjustments to
19 structure locations in that. And in my Prefiled
20 Testimony from April, we went location by
21 location and discussed what we were doing for
22 those scenic locations and some nonscenic
23 locations. So I think we went through the
24 entire list and dispositioned all of them.

1 There were some where we could not do anything
2 as far as moving the structure or changing the
3 structure type. In those locations we agreed to
4 do visual screening though from the roadway
5 towards or down the right-of-way.

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

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

11 Q Okay.

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

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

17 A (Johnson) Correct.

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

21 A (Johnson) Correct.

22 Q But you're not surveying the property as far as
23 the uses by the property owner, right, like
24 where their garden may be located, that sort of

1 thing. How they're using it. It was strictly
2 on the point of view of where DOT has been using
3 the area as a roadway.

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

18 Q So that's, I guess, my question. Somebody has
19 their vegetable garden or a flower garden out
20 sort of near the road thinking it's just part of
21 their normal front yard, and yet 50 feet away,
22 perhaps, there may be a culvert that extends
23 further into their property, so it would appear
24 from the road perspective that the right-of-way

1 boundary includes the garden. Kind of what do
2 you do in those situations and how would a
3 homeowner be involved in that process?

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

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

17 A (Johnson) So the Project is going to put forth
18 what it believes to be the right-of-way. We've
19 asked the DOT to review it and ensure that it
20 meets condition number 4 per their April 3rd
21 letter. So the DOT will agree with the
22 Project's perspective of the right-of-way and
23 then the Project will build its facilities
24 within that right-of-way boundary.

1 Q And we talked about this morning how the
2 property owner may not know that boundary until
3 it is set, correct?

4 A (Johnson) Correct.

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

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

13 Q Okay.

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

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

24 In late June or early July we were provided

1 the interference report concerning the pipeline.
2 Co-location of the pipeline. And that report,
3 basically, I mean, outlined a lot things, but it
4 recommended further investigation and evaluation
5 of the interference. Can you tell me what the
6 status of that work is at this point?

7 A (Johnson) So the preliminary report basically as
8 you noted put out some parameters and determined
9 that further study is warranted. The overhead
10 design in that area has not progressed to a
11 point where they've had to reestablish the next
12 phase, if you will, of that report. However, it
13 is forthcoming. I'm not sure when that's
14 scheduled to be, but for sure it will be early
15 2018 when that gets done.

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

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

24 Q I think my last question is just I'm trying to

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

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

13 Q Okay.

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

23 Q Okay. So then DOT reviews the surveys,
24 prescriptive rights, all of that, and we talked

1 about maybe a February/March decision by the DOT
2 accepting that.

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

7 Q Right.

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

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

14 A (Johnson) Correct.

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

19 A (Johnson) The Exception Requests will be again
20 like the survey reports sort of submitted on an
21 ongoing basis so they have time to review. The
22 designs itself, again, we will be phasing those
23 in as well so as we're submitting the Exception
24 Requests, we'll also give them some detail on

1 the rest of the alignment that's out of the
2 right-of-way that really is not part of an
3 Exception Request but at least they get a sense
4 of where the line is, and then when we submit
5 the full design packages for their consideration
6 they'll at least have had several touches along
7 the way and provided comments that we can
8 include in a continuous package. Ultimately,
9 how long they take to review is up to them and
10 the thoroughness that they have to do.

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

13 A (Johnson) Most likely. Yes.

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

18 A (Johnson) So the laydown areas aren't
19 necessarily tied to the alignment and the HDD
20 plans, but they'll certainly be a condition of
21 the DES more than the DOT. There is some
22 component there, but it's not like as part of
23 the alignment we have to then submit the laydown
24 areas. That typically is done separately.

1 Q But you will need them for DOT signoff for the
2 traffic management plan.

3 A (Johnson) Correct.

4 Q I know this is such a complex process, and you
5 have my sympathy in that regard. So I think Mr.
6 Bowes said earlier that he expected a use and
7 occupancy agreement with the DOT this March,
8 coming March, and that seems to be, with all due
9 respect, a little unrealistic here. So are we
10 looking at more like August, May, June?

11 A (Johnson) We're hoping to converge everything by
12 the end of March or early April and put them all
13 together. The good news is that the initial
14 Permit Applications for the use and occupancy
15 has been filed as part of our original
16 Application and really it's more just attaching
17 the final documents to those use and occupancy
18 permits. Clearly, it will have to be reviewed
19 by everyone right up through the Commissioner so
20 there is that process as well, but, ultimately,
21 we're hoping that everything comes together in
22 time for the construction season in 2018.

23 Q So I guess that was my question because then
24 once all this is in place you have to get your

1 supplies and everything mobilized and what are
2 we looking at for commencement of construction?
3 A year from now or --

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

13 Q Nothing further. Thank you.

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

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

17 PRESIDING OFFICER HONIGBERG: Commissioner
18 Bailey, you may proceed.

19 COMMISSIONER BAILEY: Thank you.

20 **QUESTIONS BY MS. BAILEY:**

21 Q So the conversation that you were just having
22 with Ms. Weathersby about the survey report, is
23 that survey report only going to apply to State
24 roads?

1 A (Johnson) So the information will be updated for
2 the entire route and will be submitted to the
3 DOT similar to what they did last time is they
4 commented on everything but the local roads.

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

8 A (Johnson) Correct.

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

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

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

18 A (Bowes) Yes.

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

21 A (Bowes) Yes.

22 Q Can you give me an example?

23 A (Bowes) It was the MVRP Project. Docket
24 2015-05.

1 Q Were there town roads that that was going to be
2 buried in?

3 A (Bowes) Wasn't burial. It was across local
4 roads. Overhead crossing.

5 Q Oh. So it was just an overhead crossing.

6 A (Bowes) That's correct.

7 Q You would agree that's a little different than
8 buried in the road.

9 A (Bowes) It is definitely different, but we're
10 also asking for overhead crossings of local
11 roads in this proceeding.

12 Q Oh. So is that what you were referring to more?

13 A (Bowes) I was referring to both. Just that
14 there is a precedent where you've done that in
15 the past.

16 Q Okay. When you did your initial plans, did you
17 assume that all roads were four rods?

18 A (Johnson) No. I don't believe so. So the
19 original survey reports had variable widths
20 along the route based on the information, the
21 research that the Arago Land Services had done.

22 Q Is there a distinction between locally
23 maintained roads and State roads?

24 A (Johnson) Yes, in a sense, that each road has

1 its own unique layout. If those records still
2 exist.

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

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

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

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

22 Q Sorry. Could you say that again?

23 A (Bowes) It wasn't correlating the two at that
24 point. It was just a general condition that we

1 would, I think ultimately it becomes ten feet
2 off edge of pavement or five feet off, say, edge
3 of ditch line. So that ten feet is an area that
4 we could limit our construction activities to,
5 and it really wasn't even in relationship to the
6 width of the right-of-way. It was really to
7 stay as close to the road as possible.

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

13 A (Johnson) So if there's a road that is two rods
14 wide, I believe that's less than, so if you did
15 12 plus 10 on both sides it's 48 feet. If I do
16 the math right.

17 Q Two rods is 16 and a half and 16 and a half is
18 33?

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

1 to bring the Project back into the boundaries of
2 the right-of-way.

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

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

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

24 Q As long as you didn't cut down mature trees?

1 A (Johnson) Correct.

2 Q Is that the only thing that you would agree not
3 to do in that 10-foot work zone, temporary
4 impact?

5 A (Johnson) I think we'd have to look at all the
6 other things like historical or ecological or
7 wetland impacts before we agreed to a blanket --
8 you'd have to categorize it, if you will, or put
9 further conditions on the conditions, if you
10 will.

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

15 A (Johnson) Correct.

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

18 A (Johnson) That's my understanding, yes.

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

21 A (Johnson) Well, that's part of the request to
22 delegate the authority to at least review the
23 documents either by the SEC themselves or by
24 delegating to the DOT.

1 Q And would you accept a condition perhaps, and
2 I'm just thinking out loud here.

3 A (Johnson) Sure.

4 Q That we delegate that to the towns? Could we do
5 that to Clarksville and Stewartstown?

6 A (Johnson) Yes, I believe Mr. Bowes spoke about
7 that a little bit earlier. As long as there's
8 a, they can't withhold, they actually have to
9 review it. They can't just not get it done, if
10 you will.

11 Q Okay. And what happens if there's a dispute
12 between your survey and what they believe is the
13 actual width of the right-of-way? Then that
14 could hold you up a lot.

15 A (Johnson) That's exactly the issue.

16 Q Pam, can we look at, this is Counsel for the
17 Public's North Hill Road in Stewartstown, I
18 believe.

19 This is Counsel for the Public Exhibit 130.
20 It's Bates page CFP 002992. This is a local
21 road, and I believe it's in Stewartstown. Do
22 you recognize that road?

23 A (Johnson) I do.

24 A (Bowes) Yes.

1 Q How wide would you say that road is?

2 A (Johnson) Probably 12 feet total. Ten feet
3 total.

4 Q And I believe you're going to put an HDD drill
5 site here.

6 A (Bowes) Yes. I think there is one, further
7 along the picture I think there's a stream.

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

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

14 A (Johnson) No. The proposed work zone to the
15 left is 28 feet by 300 which is similar to the
16 30 by 300 we were talking about earlier.

17 Q That's where I got HDD from.

18 A (Johnson) Again, this is a, as we discussed
19 earlier, a location where if we had the room it
20 would make sense to use it all. Clearly, this
21 is right up against somebody's house and
22 foundation. There's no way we'd want to be that
23 close. We'd have to optimize our equipment and
24 our drill rigs to be more linear in fashion here

1 so that we weren't affecting this particular
2 landowner's property in the manner that's
3 displayed here.

4 Q Could you do it in 12 feet if the road is only
5 12 feet?

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

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

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

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

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

23 Q Okay.

24 A (Johnson) So we would close both of these roads

1 in a sequential fashion as we worked our way
2 down the road.

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

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

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

12 A (Johnson) Right now, no.

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

19 A (Johnson) No. As we discussed earlier, what
20 Dewberry has done here is just taken our
21 standard 28 by 300-foot work zone and just laid
22 it out here. I think purposely to show that it
23 potentially could expand into somebody else's
24 yard.

1 Q Can you confirm whether this is an area that you
2 would need this much space? In other words, is
3 this an area where you would have an HDD pit?

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

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

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

23 Q And if we don't have the authority to assign
24 review of this to DOT, then who's going to

1 review your final for-construction plans?

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

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

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

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

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

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

19 A (Bowes) It wouldn't have to be the same width,
20 but, again, that's, in our minds we would build
21 it to the DOT standards and specifications. It
22 could be a wider road at this point. The town
23 may not see it that way. They may want to keep
24 it a small dirt road that's got seasonal use.

1 Q And if it becomes a wider road, then this person
2 whose house is here will lose some of what he at
3 least thinks is his property, right?

4 A (Bowes) That is correct.

5 Q Do you have any idea whether, Mr. Iacopino
6 started to ask you that, but do you have any
7 idea what you think the right-of-way width is
8 here?

9 A (Johnson) Off the top of my head, no. I can go
10 to the old survey reports and take a look.

11 Q Well, if the road itself is only 12 feet, it's
12 probably not more than two rods.

13 A (Johnson) I would agree.

14 Q And we don't know where the center of that two
15 rods is either, right?

16 A (Johnson) That's the other issue. Yes. To
17 reestablish this, they shoot the centerline of
18 this road and then put a rod on either side,
19 typically, if there's no historical layout on
20 this particular road.

21 Q Well, if there's no historical layout, I thought
22 you would go with prescriptive rights.

23 A (Johnson) You're right. Prescriptive rights, if
24 there is a historical layout and that says two

1 roads, then it would be one on each side of the
2 centerline.

3 Q How do you figure out where the centerline is?

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

13 Q Oh, I see. Okay.

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

20 A (Johnson) So this is actually all the way north
21 from there. This is the intersection of Route
22 145 and Old County Road.

23 Q Right.

24 A (Johnson) The one we were talking about before

1 was North Hill Road and Bear Rock Road.

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

4 A (Johnson) That had that triangle piece.

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

7 A (Johnson) Correct.

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

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

13 Q But it's not in operation right now?

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

22 Q Is 145 a State road?

23 A (Johnson) It is. Yes.

24 Q But Old County Road is a town road?

1 A (Johnson) That's correct.

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

4 A (Johnson) We would ask that, yes.

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

6 PRESIDING OFFICER HONIGBERG: Mr. Iacopino.

7 MR. IACOPINO: Thank you.

8 **QUESTIONS BY MR. IACOPINO:**

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

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

21 A (Johnson) Correct. So there's really two
22 things. The first thing that we hope they vote
23 on today or come to some agreement today is the
24 methodology of establishing the right-of-way,

1 and that was the memo from the September 5th
2 meeting that we presented and September 19th
3 meeting.

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

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

13 A (Johnson) That is correct.

14 Q It's not that type of petition?

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

16 Q Okay. Mr. Bowes, you're probably the best
17 person to answer this. Actually, Mr. Johnson,
18 you probably are, too. My question is about
19 other states and their siting committees or
20 similar bodies to the Site Evaluation Committee.
21 Can you, first of all, tell me in which states
22 you've installed an underground transmission
23 line or distribution line, it doesn't make any
24 difference for the purposes of this question,

1 that was subject to Siting Committee approval in
2 the state.

3 A (Bowes) Massachusetts and Connecticut.

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

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

22 Q Does Connecticut require that your plans be at
23 any certain portion of completion? I think we
24 mentioned in this case when you originally filed

1 your underground plans you were at 30 percent.
2 Now they're 60 percent. Does Connecticut have a
3 rule or regulation that requires your plan to be
4 at a certain level of completion?

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

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

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

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

20 A (Johnson) Yes.

21 Q We started at 30 percent and now it's 60
22 percent. Would you say, though, that the field
23 has gotten longer than you're playing on? In
24 other words, you've gone through filing 100 and

1 some odd Exceptions, addressing the requirements
2 of the April letter, and now have withdrawn
3 those Exceptions while you redo your survey or
4 redo your study. Have we taken a 100-yard field
5 and turned it into a 200-yard field that we're
6 talking about here?

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

15 Q That's kind of my point. Really we should be
16 seeing how far you have to go, shouldn't we,
17 rather than how far you've gone? Because if you
18 take 30 percent of a hundred yard field, you've
19 got 70 yards to go. If you take 60 percent of a
20 200-yard field, you've got 80 yards to go. So
21 where are we in that? I'm trying to get a sense
22 of do we have a lot longer ways to go than we've
23 actually come?

24 A (Johnson) Excellent question. I think I'll

1 answer it by going through the process, if you
2 will. So we are doing the survey report
3 followed by Exception Requests. We've got
4 preliminary alignments already drawn. That's
5 how we came up with the numbers that were out of
6 road versus inroad, et cetera. Packaging that
7 all up and doing all the reviews and everything,
8 as we noted, will be done by the February time
9 frame.

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

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

24 A (Johnson) That last ten percent will probably be

1 worked out over that sort of February through
2 April time frame.

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

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

1 correct?

2 A (Bowes) That is correct.

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

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

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

20 A (Bowes) Yes.

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

23 A (Bowes) Yes.

24 Q A third option is to approve as planned and hire

1 a contractor to oversee, and I'm now only
2 talking about the town roads, to oversee your
3 planning and construction of the Project in the
4 town roads. That person would, obviously, be
5 answerable to the Site Evaluation Committee or
6 its Administrator. You see that as an option?

7 A (Bowes) Yes.

8 Q Another option is to approve -- a fourth option.
9 Sorry. I'm terrible at math. A fourth option
10 is to approve it as you've asked and delegate
11 the authority over the town roads to the
12 Department of Transportation. You obviously
13 agree that that's an option because you've asked
14 us to to do that.

15 A (Bowes) Yes.

16 Q And then another option that's come up is to,
17 it's been called delegating the authority to the
18 town, although I would look at that more as
19 established a condition as part of the
20 Certificate that the town must approve of your
21 plan. Do you agree that that's an option?

22 A (Bowes) Yes.

23 Q Okay. Are there any other options that you're
24 aware of that I haven't referenced here that you

1 can assist us with?

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

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

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

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

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

16 Q Yes.

17 A (Bowes) Got it.

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

24 A (Bowes) So they would be working outside their

1 normal jurisdiction. That would be the issue I
2 see. I think their processes, their personnel,
3 the technologies they use are all up to the task
4 of doing a few miles of the town roads. The
5 issue would be it's new territory for them.

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

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

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

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

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

1 Bowes, correct?

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

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

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

14 Q I don't have any other questions.

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

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

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

24 **REDIRECT EXAMINATION**

1 **BY MR. NEEDLEMAN:**

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

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

1 outside of the work zone so we would request
2 five feet further beyond.

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

7 Q A moment ago Commissioner Bailey was asking you
8 questions about that Dewberry Exhibit Photo 1 B.
9 The location is at North Hill Road facing south.
10 And my recollection was when that was originally
11 presented, I think we objected to it. You may
12 not recall, but I want to call up the map from
13 the Application, and this is Applicant's Exhibit
14 1, Appendix 10, I believe, and I'm looking at
15 APP page 13138. And I believe, and you'll tell
16 me if I am wrong, that that gold structure in
17 the upper left corner on this map is also the
18 structure that was depicted on that Dewberry
19 drawing. Is that right?

20 A (Johnson) Yes.

21 Q And I also think that immediately to the left of
22 that structure here is the intersection of
23 Creampoke Road where on the site tour the
24 Committee stopped and got out and then actually

1 walked down this road; is that right?

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

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

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

10 A (Johnson) No. Again, as we discussed earlier
11 that 28 or 30 by 300 foot is a general laydown
12 area. That clearly, if you look to the right
13 where it basically says See General Note 14 and
14 the arrow, that seems to me to be where the
15 construction or the HDD would actually start.
16 And then we could work within the road alignment
17 as we've discussed earlier to stay within the,
18 in this case, town road right-of-way.

19 Q I want to go back a moment ago to I think it was
20 Ms. Weathersby was just asking for clarification
21 about the MOUs and the exhibits that have been
22 executed. So Exhibit 146 is the executed
23 Lancaster MOU. Exhibit 206 is the executed
24 Canterbury MOU. 207 is the executed Plymouth

1 Water & Sewer MOU. I'll come back to that in a
2 minute. 208 is Thornton. And 209 is Franklin.
3 And I think Mr. Way asked about the first page
4 of the Plymouth one being dated, and we've gone
5 back and looked. We do have a dated copy which
6 I think we'll substitute, but it's the same
7 document.

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

16 A (Bowes) Yes. I do.

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

24 A (Bowes) Yes, I do.

1 Q What is the status of gaining access to that
2 property?

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

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

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

18 Q Yesterday Mr. Baker was asking about, I think it
19 was indemnification in locally maintained roads,
20 and I want to talk about this in relation to
21 State roads for a minute. I believe as part of
22 our Application, and, Dawn, I'll ask you to call
23 this up. Exhibit 1, Appendix 9, Bates number
24 12424. We included DOT excavation permits. And

1 in those sample permits, it provides that,
2 quote, "additional cost that the state may incur
3 due to the maintenance, operation, renewal or
4 extension of the facilities within the highway
5 limits would have to be indemnified by the
6 Applicant," is that correct?

7 A (Bowes) Yes.

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

12 A (Bowes) Yes.

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

20 A (Bowes) Yes.

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

23 A (Bowes) Yes, I did.

24 Q So I'm going to mark that as Exhibit 224 and ask

1 that it be called up. And just to be clear,
2 this is the Applicant's response as published on
3 their website to that letter. Is that right?

4 A (Bowes) Yes, it is.

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

9 A (Bowes) That is correct.

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

13 A (Bowes) Yes.

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

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

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

20 A (Bowes) Yes. That's right.

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

24 A (Bowes) Yes, I do.

1 Q And so I'm not going to call that up, but we're
2 going to put that in as Exhibit 225 just so the
3 record is complete on this issue. And I want to
4 call your attention to the third line here. It
5 says Eversource has confirmed. Can you just
6 read that line?

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

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

16 A (Bowes) Yes, I do.

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

21 A (Bowes) Yes.

22 Q And the second line from the bottom says number
23 of towns with executed MOUs. At the time we
24 used this back in June it was two. And now

1 it's -- I'm sorry. It's four and five if you
2 count the Plymouth Water & Sewer; is that
3 correct?

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

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

9 A (Bowes) Yes, that is correct.

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

16 A (Bowes) Yes, I do.

17 Q Do you recognize this as that letter?

18 A (Bowes) Yes, it is the letter.

19 Q I think I said this will be 226, and there's
20 actually a second page to this letter. Is that
21 right? Can you put this side-by-side, Dawn?
22 I'm sorry. Again, do you know how many
23 businesses or I think it's businesses are
24 getting this letter?

1 A (Bowes) So it is 248 along the underground
2 portion of the road and 85 along the overhead
3 portion.

4 Q All set, Mr. Chair.

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

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

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

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

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

1 Is that right, Mr. Needleman?

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

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

7 ADMINISTRATOR MONROE: 8 a.m.

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

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

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C E R T I F I C A T E

1
2 I, Cynthia Foster, Registered Professional
3 Reporter and Licensed Court Reporter, duly authorized
4 to practice Shorthand Court Reporting in the State of
5 New Hampshire, hereby certify that the foregoing
6 pages are a true and accurate transcription of my
7 stenographic notes of the hearing for use in the
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9 transcript was duly ordered;

10 I further certify that I am neither
11 attorney nor counsel for, nor related to or employed
12 by any of the parties to the action in which this
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14 relative or employee of any attorney or counsel
15 employed in this case, nor am I financially
16 interested in this action.

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

19
20 _____
Cynthia Foster, LCR
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23
24