

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

October 23, 2017 - 9:00 a.m. DAY 50
49 Donovan Street Morning Session ONLY
Concord, New Hampshire

{Electronically filed with SEC 11-3-17}

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.
Christopher Way, Designee	Dept. of Business & Economic Affairs.
William Oldenburg, Designee	Dept. of Transportation
Patricia Weathersby	Public Member

ALSO PRESENT FOR THE SEC:

Iryna Dore, Esq., Counsel for SEC
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

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P R O C E E D I N G S**(Hearing resumed at 9:00 a.m.)**

PRESIDING OFFICER HONIGBERG: Good morning, everyone. We are going to resume this morning with Counsel for the Public's witnesses. A new Panel is here. Would you please swear them in?

(Whereupon, **Earle Rusty Bascom, III, Adam Zysk, David Taylor, Jr., and Brenden Alexander** were duly sworn by the Court Reporter.)

EARLE RUSTY BASCOM, III, SWORN**ADAM ZYSK, SWORN****DAVID TAYLOR, JR., SWORN****BRENDEN ALEXANDER, SWORN**

PRESIDING OFFICER HONIGBERG: Anything we need to deal with before Mr. Pappas begins? Mr. Pappas, you may proceed.

MR. PAPPAS: Thank you, Mr. Chairman.

DIRECT EXAMINATION**BY MR. PAPPAS:**

Q Gentlemen, good morning. Could you introduce yourselves to the Committee by stating your name and where you work and starting at the end with you, Mr. Alexander.

1 A (Alexander) It's Brenden Alexander. I work in
2 the Boston office of Dewberry Engineers,
3 Incorporated.

4 A (Taylor) Good morning. I'm David Taylor. I
5 work in the Baltimore office of Dewberry
6 Consultants, LLC.

7 A (Zysk) Good morning. My name is Adam Zysk. I
8 also work in the Boston office for Dewberry
9 Engineers.

10 A (Bascom) Earle Bascom, III, also known as Rusty
11 Bascom. I'm with Electrical Consulting
12 Engineers in Schenectady, New York.

13 Q Thank you. Mr. Taylor, do you have in front of
14 you Counsel for the Public's Exhibit 129 dated
15 November 15, 2016?

16 A (Taylor) Which exhibit is that?

17 Q 129. It's your Prefiled Testimony dated
18 November 15, 2016.

19 A (Taylor) Yes.

20 Q And do you also have in front of you Counsel for
21 the Public's Exhibit 130 which is your Prefiled
22 Testimony dated December 30, 2016?

23 A (Taylor) I do.

24 Q And that is your Prefiled Testimony in this

1 matter, correct?

2 A (Taylor) That's correct.

3 Q Do you have any corrections to make to that
4 testimony?

5 A (Taylor) I do not.

6 Q Do you swear by and affirm and adopt that
7 testimony today?

8 A (Taylor) I do.

9 Q Thank you. Mr. Zysk, do you have in front of
10 you Counsel for the Public's Exhibit 131 which
11 is your Prefiled Testimony dated November 15,
12 2016?

13 A (Zysk) Yes, sir.

14 Q Do you also have Counsel for the Public's
15 Exhibit 132 which is dated December 30, 2016?

16 A (Zysk) I do.

17 Q And are those two documents your Prefiled
18 Testimony in this proceeding?

19 A (Zysk) They are.

20 Q And do you have any corrections to that
21 testimony?

22 A (Zysk) I do not.

23 Q Do you swear by, adopt and affirm that testimony
24 today?

1 A (Zysk) Yes.

2 Q And you also filed some Supplemental Prefiled
3 Testimony. Do you have in front of you Counsel
4 for the Public's Exhibit 133 dated April 17,
5 2017?

6 A (Zysk) Yes.

7 Q And that is your Supplemental Prefiled
8 Testimony?

9 A (Zysk) That is correct.

10 Q Do you have any corrections to that testimony?

11 A (Zysk) I do not.

12 Q Do you swear by and adopt and affirm that
13 testimony today?

14 A (Zysk) Yes.

15 Q Mr. Alexander, do you have in front of you
16 Counsel for the Public's Exhibit 134 which is
17 your Prefiled Testimony dated November 15, 2016?

18 A (Alexander) I do.

19 Q And do you have any corrections to that
20 testimony?

21 A (Zysk) I do not.

22 Q Do you swear by, adopt and affirm that testimony
23 today?

24 A (Alexander) That's correct.

1 Q Finally, Mr. Bascom. Do you have in front of
2 you Counsel for the Public's Exhibit 135 dated
3 December 30, 2016?

4 A (Bascom) Yes, sir.

5 Q Is that your Prefiled Testimony in this matter?

6 A (Bascom) It is. Yes.

7 Q Do you have any corrections to that testimony?

8 A (Bascom) I do not.

9 Q Do you swear by, adopt and affirm that testimony
10 today?

11 A (Bowes) Yes.

12 Q Thank you. Gentlemen, I'm going to ask you some
13 questions about Requests for Exceptions to the
14 DOT UAM manual that the Applicant has filed in
15 this matter. I want to start with Counsel for
16 the Public's Exhibit 548. Do you see Counsel
17 for the Public Exhibit 548 in front of you?

18 A (Taylor) Yes.

19 Q Okay. Now, this is Exception Request number
20 178A in the towns of Pittsburg and Clarksville
21 dealing with HDD pits within the pavement, HDD
22 alignment passing under the pavement, and a
23 longitudinal installation within controlled
24 access right-of-way. And this involves the HDD

1 drilling under the Connecticut River in
2 Pittsburg and Clarksville. Is that correct?

3 A (Taylor) That's correct.

4 Q Okay. And if you look, it has the approximate
5 installation time of 4 to 6 weeks. Do you see
6 this?

7 A (Taylor) I do.

8 Q Okay. Let me just run through some basic
9 information that I believe applies to the
10 various HDD Exception Requests, and I'll only do
11 it for this one and assume it applies to the
12 others.

13 For instance, if you look in the first
14 paragraph it notes that the location involves
15 two separate bores which require two entry pits
16 and two exit pits. Is that right?

17 A (Taylor) That's correct.

18 Q It's your understanding that for each of the
19 HDDs there are two separate bores requiring two
20 separate entry pits and two separate exit pits?

21 A (Taylor) Correct.

22 Q And are each of the exit pits in the entry pit
23 approximately four feet by four feet?

24 A (Taylor) Correct.

1 Q And is there a requirement that each entry pit
2 be approximately ten feet apart from each other?

3 A (Taylor) Yes.

4 Q And as a result, and you can see this on --

5 PRESIDING OFFICER HONIGBERG: Off the
6 record.

7 (Discussion off the record)

8 BY MR. PAPPAS:

9 Q If you see on the top, the top paragraph, it
10 indicates that entry pits are approximately 30
11 feet, require approximately 30 feet of level
12 clear space. Is that right?

13 A (Taylor) That's correct.

14 Q And exit pits require approximately 25 feet of
15 level clear space. Is that correct?

16 A (Taylor) Yes.

17 Q And that involves the width of the entry pit
18 work areas and the exit pit work areas, correct?

19 A (Taylor) That's correct.

20 Q Would I be correct in saying that the length of
21 entry pit work areas is generally about 300
22 feet?

23 A (Taylor) Approximately.

24 Q And the length of the exit pit areas can vary

1 depending how long the drill is, is that right?

2 A (Taylor) Correct.

3 Q And they can vary from as low as 3 or 400 feet
4 up to 1700 feet, depending how long the drill
5 is?

6 A (Taylor) That's correct.

7 Q Okay. So gentlemen, what is on the screen in
8 front of you is Bates stamped page 13971 of
9 Exhibit 548 which is Request 178A. And this
10 shows on the top a picture of this HDD and the
11 top picture is the entry pit area. Do you see
12 where it designates that?

13 A (Taylor) I do.

14 Q And the, if you look at that top picture, the
15 entry pit is in the vicinity of that road to the
16 right coming down; do you see that?

17 A (Taylor) Yes.

18 Q And the Connecticut River would be looking away
19 in this picture; is that correct?

20 A (Taylor) Yes.

21 Q So the bridge and the river is away from this
22 picture heading, I believe, north, correct?

23 A (Taylor) Correct.

24 Q And on the screen now in front of you is Bates

1 stamp 13972 of this exhibit, and it shows the
2 two entry pits for the entry areas. Do you see
3 that?

4 A (Taylor) Yes.

5 Q And one entry pit is inside the pavement and one
6 entry pit is outside the pavement?

7 A (Taylor) Correct.

8 Q And the work zone, if you can read it, in very
9 small print up in the right is 27 feet wide by
10 400 feet in length, correct?

11 A (Taylor) Correct.

12 Q And you also see where the entry pits are right
13 where this road intersects that Route 3?

14 A (Taylor) Yes.

15 Q Now, we saw earlier that it's going to take four
16 to six weeks so would I be correct in saying
17 that during that installation period there will
18 be one lane of traffic in this area?

19 A (Taylor) That's correct.

20 Q On the screen now is Bates stamp 13973 from this
21 exhibit, and this shows the exit pit area,
22 correct?

23 A (Taylor) Correct.

24 Q Okay. Now, if we look at the next page which is

1 13974, that shows an exit pit area of 27 feet by
2 over a thousand feet, correct?

3 A (Taylor) Correct.

4 Q And you can see where it goes across Beecher
5 Falls Road; is that right?

6 A (Taylor) It does. Yes.

7 Q Now, the Applicant indicated they're going to
8 attempt to keep that road open; is that right?

9 A (Taylor) Correct.

10 Q And also in this area, would I be correct in
11 saying that for four to six weeks during
12 installation there will only be one lane of
13 travel for traffic?

14 A (Taylor) Could be, correct.

15 Q And we noticed that the entry area's on one side
16 of Route 3 and the exit area's on the other side
17 of Route 3; is that right?

18 A (Taylor) Correct.

19 Q So in addition to one lane of traffic, they'll
20 be changing lanes in this area; is that right?

21 A (Taylor) That's correct.

22 Q Okay. Now, on the screen now is Bates stamp
23 13975, and do you see the splice vault in the
24 middle of the page?

1 A (Taylor) I do.

2 Q And is that a few feet behind where the entry
3 pit for HDD is located?

4 A (Taylor) It is behind it, correct.

5 Q So would I be correct in saying that to install
6 that splice pit they need a minimum of 18 feet
7 splice; eight feet for the splice pit and five
8 feet on either side?

9 A (Taylor) Correct.

10 Q I assume that will be installed after the HDD is
11 installed. Or at a different time anyways.

12 A (Taylor) Correct.

13 Q And do you believe when that splice pit is
14 installed that will also require a lane to be
15 closed?

16 A (Taylor) I do.

17 Q And that would be in addition to the 4 to 6
18 weeks when the HDD is being installed, correct?

19 A (Taylor) Correct.

20 Q Okay. Gentlemen, what's on the screen in front
21 of you is a copy of Applicant's Exhibit 227 that
22 was introduced when Applicant's Construction
23 Panel was recalled in these hearings, and I want
24 to ask you some questions about the Applicant's

1 underground construction work plan dated May 16,
2 2017.

3 So what's on the screen now in front of you
4 is a Summary of Trenchless Construction. Do you
5 see that?

6 A (Taylor) I do.

7 Q It indicates there are 51 trenchless crossings,
8 49 HDDs, one jack & bore, and one
9 microtunneling; do you see that?

10 A (Taylor) Yes.

11 Q What's on the screen now in front you is a
12 typical HDD work zone entry pit. Do you see
13 that?

14 A (Taylor) Yes.

15 Q And this depicts the equipment in the entry pit
16 area in order to conduct one of these HDD
17 drillings, correct?

18 A (Taylor) Correct.

19 Q Could one of you gentleman for the benefit of
20 the Committee just briefly describe each piece
21 of equipment and what it does?

22 A (Zysk) All right. I'll give it a go here. So
23 working from right to left, I'll start with the
24 red item right where it says entry pit. That is

1 the actual drill. That's the mechanism that is
2 going to bore the hole. Next to that in gray,
3 this is a drill pipe stack, and that is a hopper
4 of pipes that gets screwed successively onto the
5 drill string as the drill gets extended into the
6 hole. There's a crane, they call it an
7 excavator, printing is poor, but that will grab
8 the individual drill strings off the stack, the
9 pipes, and load them into the drill as it goes
10 along.

11 Next to the drill there's a driller's cab
12 and control house as it were where the person
13 doing the drilling can watch the progress of the
14 drill, can monitor the RPMs, can monitor the mud
15 being pumped through the system, et cetera. In
16 the far upper right corner there's a pump for
17 either drill mud or water depending if backflow
18 into the entry pit of the drilling mud may get
19 to be too much.

20 Behind the excavator, there's a mud system
21 which is a series of mixers and pumps that will
22 transfer the mud through the drill and into the
23 drill hole to keep the progress of the drill
24 moving and will also help flush out the material

1 that's drilled. Behind that is a storage, says
2 bentonite stack, that is the mix which goes,
3 combined with water which makes the drilling mud
4 which is a lubricant for the drilling process,
5 forklift to help transfer the drill goods into
6 the mud system, the mixing pumps and whatnot.

7 Behind that, frack tank for the water and
8 the other materials that come out of the hole to
9 help settle them out and so they can get rid of
10 clean water if they need to dispose of it.
11 Storage container, kind of for whatever else
12 material needs to be used on the site.

13 Probably what's not shown are miscellaneous
14 contractors' vehicles, other things that will be
15 marked there, potentially dump trucks to take
16 the material that comes out of the hole away, et
17 cetera, like that.

18 Q Okay. Thank you. Now, if you see in the
19 Applicant's exhibit, this area is shown as 40
20 feet wide, do you see that?

21 A (Zysk) Correct.

22 Q And we saw earlier that the Applicant thought
23 the typical HDD site would be 30 feet wide; do
24 you remember that?

1 A (Zysk) Correct.

2 Q Do you believe that this activity can be done
3 within a 30-foot area?

4 A (Zysk) It would require taking this, the
5 materials in here and snugging them up. I think
6 30 feet would be tight but doable.

7 Q All right. But you think it's doable though but
8 tight?

9 A (Zysk) Correct.

10 Q Fair enough. So on the screen now is Bates
11 stamp 83362 which shows same equipment within
12 one of the proposed work areas. Do you see
13 that?

14 A (Zysk) Yes.

15 Q In fact, this is HDD 39. Do you see that on the
16 right?

17 A (Zysk) Yes.

18 Q And this work area is 30 by 300. Do you see
19 that?

20 A (Zysk) Yes, sir.

21 Q Okay. So they managed to fit the equipment for
22 HDD drilling within a 30-foot work area?

23 A (Zysk) Yes.

24 Q I assume within that work area there's a lot of

1 activity going on during the drilling; is that
2 right?

3 A (Zysk) Reasonable amount, yes.

4 Q On the screen now is 83363 which shows the exit
5 area; do you see that?

6 A (Zysk) Yes.

7 Q And for the Committee's benefit, if you look on
8 the right-hand side, this is Bates stamped
9 83366, is that one of the four by four mud pits?

10 A (Zysk) That would be a mud pit. It looks, just
11 from the photo it looks to be a little bit
12 longer than it is wide but in general, yes.

13 Q Right. But that's an example of what a mud pit
14 is, and there are four of them, two at the entry
15 area and two at the exit area?

16 A (Zysk) Yes.

17 Q Okay. So on the screen now is 83372 which is
18 summary of the splice enclosures and indicates
19 there are 159 total splice enclosures. Do you
20 see that?

21 A (Zysk) Yes, sir.

22 Q The installation duration for each closure at
23 each site is estimated to be one week. Do you
24 see that?

1 A (Zysk) Yes, sir.

2 Q Okay. On the screen now is Bates stamped 83375,
3 and in the left-hand side, is that an example of
4 a splice vault, the bottom half installed and --
5 I take that back. Is that an example of a
6 shoring box necessary to install one of these
7 splice vaults?

8 A (Zysk) Yes.

9 Q And am I correct in saying for each of these 159
10 splice vaults they need to be shored, the
11 excavation hole needs to be shored before you
12 drop the vault in, correct?

13 A (Zysk) Correct. Yes.

14 Q And on the right, is that an example of a crane
15 setting one of these splice vaults into the
16 excavation hole?

17 A (Zysk) Yes.

18 Q Okay. If you look, this is 83376 on the
19 right-hand side, is this an example of the top
20 of a splice vault being placed on top of the
21 bottom half?

22 A (Zysk) Yes, it is.

23 Q Am I correct that in here the Applicant intends
24 to use splice vaults that come in two pieces, a

1 bottom and a top?

2 A (DeWan) That would appear to be their intent,
3 yes.

4 Q Okay. Here is their summary of trenching
5 operations, this would be the open trench
6 installation, correct?

7 A (Zysk) Yes.

8 Q Okay. And it indicates that the work space area
9 generally is limited to one lane plus the
10 shoulder; do you see that?

11 A (DeWan) Yes.

12 Q Okay. Here they indicate a thousand feet per
13 day, but there's been testimony that they hope
14 to achieve around 100 feet a day; do you recall
15 that?

16 A (Zysk) Yes.

17 Q What would impact how long they can go in a
18 given day in this trenching operation?

19 A (Zysk) Number of factors. The depth of the
20 trench, the type of material they're excavating,
21 most likely the weather would come into play
22 potentially, but primarily the depth of the
23 trench and then the material they're working,
24 whether they need to shore the trench or can

1 have freestanding sides. Having shoring would
2 extend the time.

3 A (Bascom) I can also add the type of material
4 that they're excavating through, whether it's
5 soil or rock, would have a significant impact on
6 the rate of production.

7 Q I assume if it's rock it's going to slow them
8 down?

9 A (Bascom) Yes, it would.

10 Q What's on the screen now is Bates stamp 83379
11 which is an example of trenching operation,
12 essentially using a train as it describes here.
13 Do you see that?

14 A Yes.

15 Q Is it your understanding that's what the
16 Applicant intends to do is use a train so that
17 they only occupy one lane?

18 A (Zysk) Yes.

19 Q Okay. And on the screen now is 83383 and on the
20 left-hand side, is that an example of the shored
21 trench as they're pouring concrete over it?

22 A (Zysk) Yes.

23 Q Okay. And that's one of the things that the
24 Applicant intends to do here?

1 A (Zysk) Yes.

2 Q Okay. Now, one of the Exception Requests,
3 number 59, dealt with FTB, do you recall that?

4 A (Zysk) Yes.

5 Q What did the DOT approve and what did it not
6 approve?

7 A (Zysk) They approved the concrete backfill, what
8 do they call it? Flowable fill? With certain
9 limits. I believe it was based on the type of
10 roadway that they're working in. They can bring
11 the backfill, the concrete backfill no more than
12 36 inches below the roadway box which is the
13 total sum of the pavement materials on Tier 2
14 roadways and within 24 inches of the roadway box
15 for Tiers 3 and 4 roadways.

16 Q All right. So under the road, either 24 inches
17 or 36 inches they can't use this FTB material.
18 They have to use gravel?

19 A (Zysk) Gravel and asphalt, whatever the road
20 material is, correct.

21 Q How will that impact the construction of the
22 open trench? The need to use backfill versus
23 this fair market value material in terms of
24 time?

1 A (Zysk) They would have to allow the concrete to
2 set for some minimum amount of time before they
3 can backfill over it.

4 Q Okay. Do they have to then bring back the
5 gravel and put it into the trench?

6 A (Zysk) If the material that they took out of the
7 trench was acceptable material, yes. If they
8 brought it to some distance away, they would
9 have to return it.

10 Q Okay.

11 A (Zysk) Or bring in new material as needed.

12 A (Bascom) Just to add to that, when you're
13 installing a granular material it normally has
14 to be compacted in shallow lifts so the process
15 of installing the material tends to be longer
16 than a flowable fill material which is brought
17 on a truck.

18 Q And if you look on the right-hand side of this
19 picture, you see some temporary paving; do you
20 see that?

21 A (Zysk) Yes.

22 Q Would I be correct in saying that for the open
23 trench the plan is to do temporary paving and
24 then come back later and restore the road as

1 required?

2 A (Zysk) I believe so, yes.

3 Q So finally, from this exhibit which is on the
4 screen is Bates stamped APP 83385, the cable
5 pulling and splicing. Do you see that?

6 A (Zysk) Yes.

7 Q And they have 121 miles of power cable
8 installed; do you see that?

9 A (Zysk) Yes, sir.

10 Q Would that be because there is roughly 60 miles
11 of underground and there are two cables
12 throughout?

13 A (Zysk) Yes.

14 Q Okay. And there are 159 splice enclosures.
15 Those are those vaults we saw earlier, correct?

16 A (Zysk) Yes.

17 Q And it indicates that cable pulling duration is
18 typically four days per enclosure. Is that four
19 days per the splice vaults?

20 A (Zysk) Yes.

21 Q And cable splicing, that's a separate task from
22 cable pulling, correct?

23 A (Zysk) Yes.

24 Q And cable splicing duration is typically five

1 days per enclosure?

2 A (Zysk) Correct.

3 Q Do you recall the Applicant also testifying that
4 there would be a day to set up and a day to
5 demobilize for the cable splicing?

6 A (Zysk) Yes.

7 Q Finally, Bates stamp 83386, is this an example
8 of the cable pulling that you see?

9 A (Bascom) Yes, it is.

10 Q So the truck open occupies one lane and they
11 pull the cable from splice vault to splice
12 vault?

13 A (Bascom) That's correct.

14 Q Okay. Thank you. Dawn, can we switch back?
15 Thank you.

16 Gentlemen, let me ask you some questions
17 about this jack & bore work site that the
18 Committee took a tour on and had some questions
19 during the tour.

20 A (Taylor) Okay.

21 Q Now, first, to get orientation, do you see Old
22 County Road on the right?

23 A (Taylor) Yes.

24 Q And after it crosses Creampoke Road it turns

1 into North Hill Road, is that right?

2 A (Taylor) That's correct.

3 Q Now, this aerial view depicts the work zones for
4 this jack & bore activity, correct?

5 A (Taylor) That's correct.

6 Q Could you describe or explain what dictates
7 where the entry pit will be and what dictates
8 where the exit pits will be in the work areas,
9 their location?

10 MR. NEEDLEMAN: Mr. Chair, objection. This
11 seems like a complete rehash of material that's
12 already in their testimony.

13 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

14 MR. PAPPAS: What I'm doing is just trying
15 to put a little bit of context so I can get to
16 the Committee's questions during the site visit.

17 PRESIDING OFFICER HONIGBERG: So this part
18 is a scene-setter?

19 MR. PAPPAS: Correct.

20 PRESIDING OFFICER HONIGBERG: All right.
21 You may proceed.

22 MR. PAPPAS: Thank you.

23 A (Taylor) Sure. So if I understood the question
24 correctly there are two work zones shown

1 separated by a distance of about 200 feet.
2 Those work zones were taken from the Applicant's
3 plans, specifically, the HDD drawings which
4 showed work zones. I would point out that
5 there's also a traffic control plan for this
6 area which shows a different work zone. I don't
7 believe that's a term used on the plan. But we
8 deferred to the HDD plan which is how you see
9 these two red work zones defined.

10 PRESIDING OFFICER HONIGBERG: Mr. Taylor,
11 do you remember what the question was? I think
12 it was what determines what's the entrance and
13 what's the exit.

14 A (Taylor) Well, relative to the Applicant has
15 chosen which end they would like to be the entry
16 or the exit.

17 Q Let me ask it this way. What dictates the 200
18 feet that we see, 200 plus or minus feet that we
19 see to go under this culvert? What dictates the
20 length?

21 A (Taylor) Sure. So in this particular case, the
22 grade is actually in somewhat of a V. You're
23 coming downhill and then coming back up. So I
24 believe that the entry and exit pits are located

1 a sufficient distance back from the low point of
2 that road, and there's also a culvert in the
3 area. So it's basically the geometry of all
4 those factors put together are establishing the
5 distance of the entry and exit pits.

6 Q Now, do you see on the right-hand side the top,
7 the roof of that house next to where it says
8 photo 1?

9 A (Taylor) I do.

10 Q And this depicts a work area rather close to
11 that house, do you see that?

12 A (Taylor) Yes.

13 Q And if we see here, this is a picture of the
14 actual view with the house on the right; is that
15 correct?

16 A (Taylor) That's correct.

17 Q And this is your photo simulation of the
18 proposed work zone, is that right?

19 A (Taylor) Correct.

20 Q Could you explain to the Committee why you chose
21 the 28 by 6 feet and why you chose to place it
22 where you did in this photo simulation?

23 MR. NEEDLEMAN: Mr. Chair, same objection.
24 We're, again, rehashing material that was filed

1 a long time ago.

2 PRESIDING OFFICER HONIGBERG: Mr. Pappas,
3 let's get to what it is you want to get an
4 update on. There were questions from the
5 Committee, I recall, and you said well, we
6 should pose those to the Construction Panel, and
7 I assume you're eventually going to get to
8 those.

9 MR. PAPPAS: One of the questions was is
10 why was the work zone 6 feet from the house.

11 PRESIDING OFFICER HONIGBERG: Why is the
12 work zone shown 6 feet from the house.

13 MR. PAPPAS: Correct. That is one of the
14 questions that was posed and I deferred that to
15 the Committee and that's what I just asked them.

16 PRESIDING OFFICER HONIGBERG: All right.
17 You may proceed.

18 BY MR. PAPPAS:

19 A (Taylor) Sure. Relative to the six feet shown
20 in this particular exhibit, that's what is shown
21 on the Applicant's work area for the HDD plans.
22 Approximately 6 feet of separation from the
23 structure.

24 Q Now, gentlemen, there was also a question about

1 where the right-of-way is in this area. So on
2 the screen is Applicant's Exhibit 130, Bates
3 stamped 62621. Do you see that?

4 A (Taylor) Yes.

5 Q Do you notice that on the right-hand side where
6 it says building, is that the house we were just
7 looking at?

8 A (Taylor) Correct.

9 Q Okay. Now, if you look on the left-hand side,
10 it has the legend for right-of-way with the sort
11 of solid line and then a dash and solid line; do
12 you see that?

13 A (Taylor) I do.

14 Q Is it your understanding that of the three
15 levels, that's the middle level of accuracy?

16 A (Taylor) Correct.

17 Q And then if you notice at both sides of the
18 road, it sort of widens on the top when it stops
19 with that denotion and goes through just a
20 dashed line, it's wider, and then the same thing
21 on the bottom part. It shifts from that level
22 of accuracy to the third level of accuracy?

23 A (Taylor) That's correct.

24 Q And then it shows the right-of-way going by the

1 house; do you see that?

2 A (Taylor) I do.

3 Q And if I look at that solid line, is that the
4 travel lane?

5 A (Taylor) Correct.

6 Q So just to address the Committee's question, the
7 six feet you showed on the photo sim came from
8 the Applicant's drawings?

9 A (Taylor) Correct.

10 Q And this is the Applicant's exhibit for the
11 right-of-way in this area?

12 A (Taylor) Correct.

13 Q Okay. Do you know how wide the travel lane is
14 at this location?

15 A (Taylor) I'll defer to Adam. We took some
16 measurements when we were in the field. We'll
17 just pull those up.

18 A (Zysk) We measured several widths from as small
19 as less than 11 feet to 13 feet at various
20 places where it was gravel.

21 Q Okay. Thank you. I believe that addressed the
22 committee's questions. Thank you.

23 Gentlemen, what's on the screen now is
24 Attachment A to Applicant's Exhibit 88.

1 Applicant's Exhibit 88 is the Supplemental
2 Testimony of Mr. Scott, and attached to it was
3 this report from ABB. Do you see that?

4 A (Zysk) Yes.

5 Q Now, Mr. Bascom, did you have an opportunity to
6 review this report?

7 A (Bascom) Yes, I did.

8 Q And am I correct in saying that this report
9 addressed the heat generated from the direct
10 buried underground cables?

11 A (Bascom) That's correct.

12 Q And did you do your own calculations with
13 respect to that heat generated from the cables?

14 A (Bascom) I did.

15 Q And how did your calculations compare to the ABB
16 report?

17 A (Bascom) I got general agreement with the
18 results from the ABB report.

19 Q Okay. So gentlemen, in front of you is page 5
20 of the ABB report, and I want to direct your
21 attention to the paragraph that begins, "also of
22 note is that," do you see that paragraph?

23 A (Bascom) Yes.

24 Q It indicates that there's a potential for frost

1 heaves being caused by the cable system being
2 warmer than the surrounding soils, it says it's
3 negligible. Do you see that?

4 A (Bascom) Yes.

5 Q Then if you go down it says the area soil at the
6 sides of and within a few inches above the cable
7 duct along the route will be the last to freeze,
8 in parentheses, (if it freeze as all), close
9 parentheses, and the first to thaw due to the
10 heat generated in the cables and the mean earth
11 temperature below the cables being above
12 freezing. Did I read that correctly?

13 A (Bascom) Yes.

14 Q Now, Mr. Zysk, did you have the opportunity to
15 meet with the Road Agent in this town?

16 A (Zysk) We did.

17 Q And did you discuss with the Road Agent issues
18 with respect to freezing and thawing of these
19 roads?

20 A (Zysk) Yes.

21 Q And did you also discuss with him the potential
22 of heat from the buried cables?

23 A (Zysk) Yes.

24 MR. NEEDLEMAN: I'm going to object to

1 questioning on this document. It was provided
2 in discovery. It's got a discovery number right
3 on it. So I don't understand why these issues
4 couldn't have been addressed in their testimony.

5 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

6 MR. PAPPAS: Well, it was addressed in
7 Mr. Scott's Supplemental Testimony, and I
8 understood that we're allowed to address issues
9 that came up in Supplemental Testimony.

10 PRESIDING OFFICER HONIGBERG: Well, I think
11 you're allowed to address statements that
12 Mr. Scott may have made in his Supplemental
13 Testimony that would be new, but what Mr.
14 Needleman is representing is that this document
15 was provided long before that, and if they had
16 an opinion about this document or what it means,
17 it would have been in their Supplemental
18 Testimony.

19 MR. PAPPAS: But my question pending is his
20 discussion with the Road Agent. I finished with
21 this document. And my last question was did he
22 have an opportunity to discuss the issue of
23 freezing and thawing with the Road Agent, and
24 then I was going to inquire about that so it's

1 no longer on this document.

2 PRESIDING OFFICER HONIGBERG:

3 Mr. Needleman?

4 MR. NEEDLEMAN: It seems to me it's all
5 pulling from the same material, and I'm still
6 not clear why the discussions with the Road
7 Agent wouldn't have happened as part of the
8 preparation of the Original Testimony.

9 PRESIDING OFFICER HONIGBERG: We don't know
10 when they happened. I assume that the answer to
11 the pending question is going to be yes, and
12 then we'll find out when that happened and we'll
13 see what makes sense. You may have a new
14 objection at that point.

15 MR. PAPPAS: I would also note, as I was
16 just informed, the date of this document is
17 December of 2016 so although it was produced in
18 discovery, it was produced shortly before their
19 Prefiled Direct Testimony so it's not like it
20 was disclosed months before.

21 PRESIDING OFFICER HONIGBERG: Refresh my
22 memory. Wasn't there an opportunity for Counsel
23 for the Public's witnesses to file Supplemental
24 Testimony?

1 MR. PAPPAS: Yes, and I mentioned that to
2 Mr. Zysk.

3 PRESIDING OFFICER HONIGBERG: What was the
4 deadline for that?

5 MR. PAPPAS: That was in April, yes.

6 PRESIDING OFFICER HONIGBERG: So after by
7 some four months the date of the document you're
8 talking about, right?

9 MR. PAPPAS: Yes.

10 PRESIDING OFFICER HONIGBERG: Okay. I
11 think the pending question was about
12 conversations with the Road Agent.

13 MR. PAPPAS: Thank you.

14 BY MR. PAPPAS:

15 Q Mr. Zysk, what did you learn from your
16 discussions with the Road Agent?

17 PRESIDING OFFICER HONIGBERG: Wait. When
18 did those conversations take place?

19 MR. PAPPAS: Thank you.

20 BY MR. PAPPAS:

21 Q When did those conversations take place?

22 A Approximately a month ago.

23 Q Okay. What did you learn from those
24 conversations?

1 MR. NEEDLEMAN: I'm going to object because
2 I'd like to understand why those conversations
3 could not have occurred previously. What new
4 information that wasn't previously available
5 precipitated the need for those conversations.

6 PRESIDING OFFICER HONIGBERG: Mr. Pappas?
7 This seems like an investigation that could have
8 been going on from any time after the fall of
9 2015 or when these gentlemen were retained which
10 I know was some time after that.

11 MR. PAPPAS: Although they could have
12 discussed this with the Road Agent then, it was
13 raised in Supplemental Testimony by Mr. Scott.
14 That's when he talked about the report. And
15 since this has been an iterative process
16 throughout, particularly with respect to the
17 design of the underground, I don't see why there
18 should be a deadline for this Panel to obtain
19 information that is relevant to the Committee to
20 consider.

21 PRESIDING OFFICER HONIGBERG: Don't get the
22 sense that that area is iterative, however.
23 This area, we've seen similar pictures of this
24 area from the beginning. There's a layout

1 that's in the Application, there are pictures
2 you showed the Applicant's witnesses that's the
3 same picture that was up a while ago in the very
4 first round of questioning. There doesn't seem
5 to be an iteration in this area. Although I
6 don't claim to remember even close to all the
7 changes that have been made.

8 MR. PAPPAS: No. I would have to agree
9 with you. It seems to me that they've always
10 indicated they would do direct bury in this
11 area. So that although locations may have
12 changed, I think the concept of burying it
13 directly has been --

14 PRESIDING OFFICER HONIGBERG: I'm going to
15 sustain the objection. If you want to make an
16 offer of proof as to what your witnesses would
17 testify if you were allowed to ask, you can
18 certainly make your record.

19 MR. PAPPAS: Thank you. If the witnesses
20 were allowed to testify they would recall their
21 discussion with the Road Agent, they would
22 testify about the impact currently with freezing
23 and thawing and the effect on the roads and the
24 potholes and the heaves it creates, and they

1 would further testify that the introduction of
2 additional heat from these cables would, in the
3 Road Agent's opinion and I believe the
4 witnesses' opinion, cause additional problems
5 with the road and the freezing and the thawing
6 and creating of potholes and frost heaves that
7 would therefore impact the roads and the
8 travelability of the roads.

9 PRESIDING OFFICER HONIGBERG: All right.
10 Your record is made. You may continue.

11 MR. PAPPAS: Thank you.

12 BY MR. PAPPAS:

13 Q Gentleman, what's on the screen in front of you
14 is Counsel for the Public's Exhibit 549 which is
15 Exception Request number 180 in Stewartstown on
16 Bear Rock Road. Do you see that?

17 A (Taylor) Yes.

18 Q And this involves HDD number 4. Is that
19 correct?

20 A (Taylor) Correct.

21 Q So on the screen now is Bates stamped 13981 from
22 this Exception Request. Do you see that?

23 A (Taylor) Yes.

24 Q If you look on the top picture, it shows the

1 proposed entry for this HDD. Do you see that?

2 A (Taylor) Yes.

3 Q Would I be correct in saying that the entry for
4 this HDD is right where North Hill Road meets
5 Bear Rock Road?

6 A (Taylor) That's correct.

7 Q On the screen now is Bates stamp 13982 which
8 depicts the entry pits and the exit pits. Do
9 you see that?

10 A (Taylor) Yes.

11 Q Where are the entry pits shown?

12 A (Taylor) The entry pits are shown to the left of
13 the plan view on the left side. One appears to
14 be just at the road, just outside the road edge
15 and one appears to be just inside the road edge.

16 Q Am I correct that we saw earlier that these
17 entry pits are required to be a minimum of ten
18 feet apart?

19 A (Taylor) That's correct.

20 Q And we saw also that the entry pits are
21 approximately four feet by four feet?

22 A (Taylor) Correct.

23 Q So would you agree with me that the entry pit in
24 the road is at least ten feet, if not 14 feet,

1 into the road?

2 A (Taylor) It could be. Yes.

3 Q Do you know, did you measure the pavement on
4 Bear Rock Road?

5 A (Taylor) We took, we did take some measurements,
6 I'll refer to Mr. Zysk who has those noted down.

7 A (Zysk) We got variable pavement width down to as
8 low as 18 feet in the unpaved section.
9 Everything else was a little bit wider than
10 that.

11 Q And this is, this is the paved section, correct?

12 A (Zysk) Correct. So the pavement width here is
13 slightly wider.

14 Q Okay. What's on the screen now is Bates stamp
15 13983 which shows on the left-hand side the work
16 area for the entry pits, do you see that?

17 A (Taylor) Yes.

18 Q And it's a little hard to read, but looks like
19 the work area is 29 feet wide and 300 feet long.
20 Do you see that?

21 A (Taylor) Yes.

22 Q Now, in your opinion, in order to install this
23 HDD at this location using this entry pit area,
24 will that require Bear Rock Road to be closed?

1 A (Taylor) Yes. That's what it's showing.

2 Q And, in fact, does the Applicant's Traffic
3 Control Plan show that Bear Rock Road will be
4 closed?

5 A (Taylor) Yes.

6 Q Does the Applicant's Traffic Control Plan also
7 show that North Hill Road will be closed during
8 construction on that road?

9 A (Taylor) It does, correct.

10 Q Now, there was some testimony about the ability
11 of a milk truck or a tractor trailer truck being
12 able to go up North Hill Road and turn around
13 the peak of that triangle; do you see that?

14 A (Taylor) Yes.

15 Q Do you believe that as shown here a milk truck
16 or tractor trailer truck can make that turn?

17 A (Taylor) I do not.

18 Q So on the screen now is Bates stamp 13985 from
19 this Exception Request. Do you see that?

20 A (Taylor) Yes.

21 Q Now, if you look at the top diagram, do you see
22 the splice vault in black?

23 A (Taylor) Yes.

24 Q Then do you see in green, the splice vault

1 depicted in green?

2 A (Taylor) Yes.

3 Q Am I correct in saying that the green shows what
4 the request is asking. It's asking to change
5 the design from the black to the green?

6 A (Taylor) That's correct.

7 Q Now, the splice vault in green, where is that
8 located in connection with the pavement?

9 A It appears to be just outside of the pavement.

10 Q Would I be correct in saying that to install the
11 splice box they'll need a minimum of 18 feet
12 distance?

13 A (Taylor) Approximately.

14 Q So in your opinion, in order to install this
15 splice box along Bear Rock Road, would that
16 require one lane to be closed?

17 A (Taylor) That's correct.

18 Q And would that lane be, we saw earlier, the
19 splice box work, it's approximately one week to
20 install the box, correct?

21 A (Taylor) Correct.

22 Q And then approximately four days to pull the
23 cable?

24 A (Taylor) That's correct.

1 Q And then 7 days to do the splicing activity?

2 A (Taylor) Approximately.

3 Q And during that time, would a lane need to be
4 closed on Bear Rock Road?

5 A (Taylor) Correct.

6 A (Zysk) I would think it would only be for the
7 installation. If the box is located off the
8 road, the cable vehicles would be in line with
9 the vault also in the shoulder as would the
10 splice work.

11 Q Do you think there's enough room for that cable
12 pulling to be completely in the shoulder?

13 A (Zysk) Yes.

14 Q Okay. What's on the screen now is Counsel for
15 the Public's Exhibit 550 which is Exception
16 Request number 182 in Stewartstown. Also on
17 Bear Rock Road. Do you see that?

18 A (Taylor) Yes.

19 Q What's on the screen now is Bates stamp 13989
20 which is a picture on the top of the proposed
21 entry area and the bottom of the proposed exit
22 area. Do you see that?

23 A (Taylor) Yes.

24 Q On the screen now is Bates stamp 13990 and the

1 top shows the entry and exit pits. Do you see
2 that?

3 A (Taylor) Yes.

4 Q Where are they located?

5 A (Taylor) On this exhibit they're on the
6 left-hand side, and there are two entry pits.
7 One just outside of the road edge and one within
8 the travel lane.

9 Q Okay. What's on the screen now is Bates stamp
10 13991 that shows the work area on the left for
11 the entry pit and the work area on the right for
12 the exit pit, is that right?

13 A (Taylor) That's correct.

14 Q And is the work area for the entry pit 30 by 300
15 feet?

16 A (Taylor) Correct.

17 Q In your opinion, when this HDD is being
18 installed, will the road need to be closed or
19 can one lane be open?

20 A (Taylor) It appears to be quite narrow there.
21 To maintain one lane, it would appear that the
22 pavement or the road surface would need to be
23 widened.

24 Q So in the current configuration, there's not

1 sufficient room to leave a lane open?

2 A (Taylor) That's correct.

3 Q And in order to have the lane open, they'd have
4 to widen the road to have a passable lane?

5 A (Taylor) Correct.

6 Q And if we look back at Bates stamp 13989 on the
7 top, do you see the entry area depicted?

8 A (Taylor) Yes.

9 Q And describe the topography right off the road.

10 A (Taylor) In this picture, the topography drops
11 off moderately and then into a vegetated area.
12 It's difficult to see what happens to the slope
13 at that point.

14 Q How about on the other side of road?

15 A (Taylor) On the other side there, just off the
16 road pavement appears to be a drainage swale or
17 ditch immediately followed by some vegetation.

18 Q Would the topography on the opposite side, I
19 presume if they were going to widen the road it
20 would be on the opposite side of the entry pit,
21 correct?

22 A (Taylor) Correct.

23 Q Does this topography make that a challenge?

24 A (Taylor) It does.

1 Q Briefly tell us what would have to be done?

2 A (Taylor) Well, if you were going to keep one
3 lane open and that road needed to be widened,
4 there would probably have to be a temporary
5 culvert, for example, put in as one option.
6 Obviously, you can't traverse through the ditch
7 so it would need to be made a level passable
8 area.

9 Q What's on the screen now is Counsel for the
10 Public's Exhibit 551 which is Exception Request
11 number 184 also in Stewartstown on Bear Rock
12 Road, and this is for HDD 6. Do you see that?

13 A (Taylor) I do.

14 Q So on the screen now is Bates stamp 13997 which
15 shows a picture of the proposed entry area on
16 the top and the proposed exit area on the
17 bottom, correct?

18 A (Taylor) Correct.

19 Q And if you look at the top picture, do you see
20 that dirt road on the right?

21 A (Taylor) Yes.

22 Q And what road is that?

23 A (Taylor) I believe that's McAllaster Road.

24 Q Leading up to McAllaster Farm?

1 A (Taylor) That's correct.

2 Q Did you have an opportunity to actually drive up
3 and see the farm?

4 A (Taylor) I have visited the farm, yes.

5 Q Okay. On the screen now is Bates stamp 13998.
6 Could you tell us where the entry pits and the
7 exit pits are for this HDD?

8 A (Taylor) Sure. The entry pits are just to the
9 left of where McAllaster Road is identified.
10 One pit appears to be at the road edge and
11 slightly in the travel lane. The other is
12 outside of the travel lane. And then to the
13 right of this planned view are the two exit
14 pits, one within the travel lane and one just
15 outside of the road edge.

16 Q On the screen now is Counsel for the Public
17 Bates stamp 13999 of this exhibit. Do you see
18 the work area for the entrance pit?

19 A (Taylor) Yes.

20 Q And it looks like that's been reduced to 25 by
21 300. Do you see that?

22 A (Taylor) Yes.

23 Q And then you also see the work area for the exit
24 pit which looks like to be 27 by 624 feet?

1 A (Taylor) Yes.

2 Q Okay. In your opinion, when this HDD is being
3 constructed, do you believe that a lane can
4 remain open or as in the current configuration?

5 A (Taylor) I don't believe so. It appears to be
6 narrow given the work space.

7 Q If a lane were open, do you believe a milk truck
8 could drive down McAllaster Road and make the
9 turn around the HDD entry pit?

10 A (Taylor) It would be a challenge for sure.

11 Q On the screen now is Bates stamp 14000 from this
12 exhibit, and can you see in green the requested
13 change from the original design to the proposed
14 design?

15 A (Taylor) Yes.

16 Q And where is the proposed location for the
17 splice vault in this area?

18 A (Taylor) Just outside of the edge of pavement.

19 Q In your opinion, when that splice vault is
20 installed, would that require a lane to be
21 closed?

22 A (Taylor) It would, yes.

23 Q Then if you look further to the right you see a
24 new start of an HDD in red, do you see that?

1 A (Taylor) Yes.

2 Q And where is that start located?

3 A (Taylor) The start of the HDD?

4 Q Correct.

5 A (Taylor) It's immediately on this plan to the
6 left of McAllaster Road.

7 Q How about in terms of whether it's on the
8 pavement or off the pavement or where is it
9 located?

10 A (Taylor) This is shown on the pavement.

11 Q So if that HDD remains in the pavement, that
12 entry area, do you believe that Bear Rock Road
13 would need to be closed at that location when
14 that operation is taking place?

15 A (Taylor) It's possible that it could.

16 Q If the smallest entry zone we've seen so far is
17 25 by 300 feet, that was the prior one, correct?

18 A (Taylor) Correct.

19 Q So if that work zone is 25 feet wide, would
20 that, how much of the road, paved road, do you
21 think that would take up?

22 A (Taylor) If we flip back to 13999, it shows the
23 work area. So based on this representation, it
24 would extend from the right-of-way out

1 substantially across the road, but not
2 completely.

3 Q In the current configuration, do you think
4 there's enough room to have a lane open?

5 A (Taylor) No.

6 Q Okay. Let me ask you just a few questions about
7 Transition Station #4 which was the topic of
8 questions when the Construction Panel testified,
9 and during the Applicant's Construction Panel's
10 testimony, they made an adjustment to the cut
11 and fill for Transition Station #4. Did you
12 review that testimony?

13 A (Taylor) I did.

14 Q Did you also yourself look at the cut and fill
15 for Transition Station #4?

16 A (Taylor) Yes.

17 Q And what did you determine in terms of the
18 testimony that was corrected in your own review
19 of it?

20 A (Taylor) Our findings was that there was
21 slightly more cut required than the testimony,
22 and we show about 75,000 cubic yards of excess
23 cut needing to come off of the Transition
24 Station.

1 Q And how about the amount of fill that needs to
2 go back?

3 A (Taylor) Well, it's essentially predominantly a
4 cut situation. So from a strictly cut and fill
5 scenario, really no fill coming on.

6 Q Okay. For that amount of material leaving the
7 site, approximately how many trucks would be
8 required to truck that away?

9 A (Taylor) In the range of 7500 assuming an
10 average of ten cubic yards a dump truck.

11 Q When on the screen now is Counsel for the Public
12 554 which is Request Exception 104 in the town
13 of Franconia. Do you see that?

14 A (Taylor) Yes.

15 Q On the screen now is Bates stamp page 14022 from
16 this exhibit. Do you see that?

17 A (Taylor) Yes.

18 Q And this shows on the top picture where the
19 proposed entry for this HDD would be, correct?

20 A (Taylor) It does.

21 Q And the bottom picture it shows the proposed
22 exit for this HDD?

23 A (Taylor) Correct.

24 Q Okay. And top picture on the left, do you see

1 that building?

2 A (Taylor) Yes.

3 Q And do you under, what do you understand that
4 building to be?

5 A (Taylor) A business.

6 Q On the screen now is Bates stamp 14023. Do you
7 see that?

8 A (Taylor) Yes.

9 Q Could you tell the Committee where the two entry
10 pits are located and where the two exit pits are
11 located for this HDD?

12 A (Taylor) Sure. The two entry pits are located
13 to the right-hand on the plan view with one
14 entry pit being essentially in the driveway to
15 the business and the other in the travel lane.
16 To the left-hand side of the exhibit are the
17 exit pits, both of those are in pavement and in
18 travel lanes.

19 Q On the screen now is Counsel for the Public
20 Bates stamp 14024. Do you see that?

21 A (Taylor) Yes.

22 Q Could you identify where the entry pit work area
23 is and where the exit pit work area is?

24 A (Taylor) Sure. The entry pit work area is shown

1 in the upper left part of the plan. It extends
2 from just past the entranceway of the existing
3 business, extending back -- it's hard to read
4 this -- some distance. I don't see a dimension
5 or side here for the work zone. And then the
6 exit work area is in the right-hand box and it
7 extends from where the exit pits are located,
8 north within the travel lane for some distance,
9 again, I'm unable to read it, the scale of the
10 drawing, several hundred feet.

11 Q So if you look at the entry pit area on the
12 left-hand side, do you see that first business
13 as Garnet Hill?

14 A (Taylor) Yes.

15 Q And then there appears to be another building
16 next to that, to the right which is 224 Main
17 Street?

18 A (Taylor) Yes.

19 Q Okay. On the screen now is Bates stamp page
20 14025. Can you see the green on this page?

21 A (Taylor) I do.

22 Q And could you tell the Committee what the
23 proposed change is shown in green?

24 A (Taylor) The proposed change in green is to move

1 the open trench from, I'll call it plan south,
2 cross the road and get into alignment to tie
3 into the exit pits for the HDD.

4 Q Okay. And does that go across the entire travel
5 lane?

6 A (Taylor) It does.

7 Q Dawn, could we switch to the ELMO?

8 What's on the screen in front of you now is
9 Counsel for the Public's Exhibit 592 which is a
10 Google Earth view of the area we're talking
11 about. Do you recognize that picture?

12 A (Taylor) I do.

13 Q Now, do you see the Garnet Hill outlet store in
14 this picture?

15 A (Taylor) Yes.

16 Q Is that the same building that we saw on the
17 earlier drawings?

18 A (Taylor) It is.

19 Q And then next to it we saw a building, on the
20 picture it's identified as Coldwell Banker
21 Linwood Real Estate; do you see that?

22 A (Taylor) Correct.

23 Q Would I be correct in saying that this HDD
24 starts, as you described earlier, in the

1 vicinity of the Garnet Hill outlet store and
2 goes north to where you see the triangle?

3 A (Taylor) That's correct.

4 Q And so do you see the Lafayette Regional School?

5 A (Taylor) Yes.

6 Q So could you tell the Committee how you think
7 the entry work area would have an impact in the
8 Garnet Hill/real estate office area?

9 A (Taylor) Sure. The way the work zone is laid
10 out currently, the drilling operation is
11 essentially in their one ingress/egress point,
12 and then the work zone tends further north
13 within the travel lanes and actually crosses
14 over not only the Garnet Hill outlet store
15 property but across and in front of the entrance
16 and egress point to the Coldwell Banker site.

17 Q Now, could you describe for the Committee how
18 the exit pit work area may affect access to the
19 Lafayette Regional School?

20 A (Taylor) Sure. So the exit pits are in one of
21 the ingress points. There's actually two with
22 that road configuration. When the pipe is laid
23 and fused together and pulled back, that's where
24 the primary conflict will occur with ingress and

1 egress to the school if an accommodation isn't
2 made.

3 Q On the screen now is Applicant's Exhibit 130,
4 Bates stamp 62445 which is the survey on Route
5 18 in this area. Do you see that?

6 A (Taylor) Yes.

7 Q And would I be correct in saying that the
8 orientation of this page of the survey would be
9 Route 18 and to the left would be north towards
10 Bethlehem and to the right would be south
11 towards Sugar Hill and Laconia?

12 A (Taylor) Correct.

13 Q So would I also be correct in saying that what
14 this shows is that the right-of-way narrows
15 along Route 18 as depicted on this page?

16 A (Taylor) That's correct.

17 Q On the screen now is Bates stamp 62469 of
18 Applicant's Exhibit 130, also the survey, and do
19 you recognize where it says on the right-hand
20 side the Garnet Hill location?

21 A (Taylor) Yes.

22 Q And so this, is this depicting the same area as
23 the HDD you were just describing a moment ago?

24 A (Taylor) It is.

1 Q And would I be correct in saying that the travel
2 lane in this area is a narrow travel lane?

3 A (Taylor) That's correct.

4 Q And have you had the opportunity to drive down
5 that travel lane?

6 A (Taylor) Multiple times, yes.

7 Q Now, when this HDD is occurring, would it
8 require at least a lane closure in this area?

9 A (Taylor) It would.

10 Q What's on the screen now in front of you is
11 Counsel for the Public Exhibit 555 which is the
12 Exception Request in Franconia at the
13 intersection of Route 18 and 116. Do you see
14 that?

15 A (Taylor) Yes.

16 Q Have you had the opportunity to visit that site?

17 A (Taylor) Yes. On several occasions.

18 Q On the screen now is Bates stamp 14031 from this
19 exhibit. Do you see that?

20 A (Taylor) Yes.

21 Q Could you describe for the Committee where the
22 sending tunnel is located in this Exception
23 Request and where the receiving tunnel is?

24 A (Taylor) Sure. The sending or the launching

1 shaft as they have it referred to is to the
2 right of the plan view immediately right of
3 Academy Street, and then the receiving shaft is
4 to the left-hand side, essentially in the
5 intersection as shown.

6 Q Now, would I be correct in saying that the
7 change is moving the sending tunnel from where
8 it's shown here to a prior location? Did their
9 prior depiction showing the sending tunnel in a
10 different spot?

11 A (Taylor) It did.

12 Q Where was it previously shown?

13 A (Taylor) Previously, it would have been north of
14 this location on the opposing side of Academy
15 Street.

16 Q Closer to the intersection?

17 A (Taylor) That's correct.

18 Q Okay. On the screen now is Counsel to the
19 Public Bates stamp 14032 of this exhibit. Does
20 this picture the work area for both the sending
21 tunnel and the receiving tunnel?

22 A (Taylor) It does.

23 Q And in the location of the sending tunnel, would
24 traffic in that area be reduced to one lane?

1 A (Taylor) Yes, it would.

2 Q And in the area of the receiving tunnel, would
3 traffic in that area be reduced to one lane?

4 A (Taylor) Yes.

5 Q On the screen now is Bates stamp 14033 from this
6 exhibit, and if you look at the right-hand side
7 you see the green?

8 A (Taylor) I do.

9 Q And that's a change from the original design,
10 correct?

11 A (Taylor) Yes.

12 Q Could you tell the Committee what the change is
13 and how that would impact that intersection?

14 A (Taylor) The change is a realignment of the open
15 trench portion of the underground line to line
16 it up with the shaft, the receiving shaft in
17 this particular instance. This alignment takes
18 it under the existing sidewalk for a portion and
19 then traverses completely across Wallace Hill
20 Road which would impact traffic during that
21 construction.

22 Q What's on the screen now is Counsel for the
23 Public Bates stamp 14034, and if you look on the
24 right-hand side you see the proposed change in

1 green?

2 A (Taylor) I do.

3 Q And is that the change you described earlier
4 moving the sending tunnel from one side of
5 Academy Street to the other side of Academy
6 Street?

7 A (Taylor) It is.

8 Q Dawn. Could we switch to the ELMO, please?

9 What's on the screen now is an aerial view
10 of this intersection, correct?

11 PRESIDING OFFICER HONIGBERG: Off the
12 record.

13 (Discussion off the record)

14 A (Zysk) We have it now.

15 Q Good. So is this an aerial view of the
16 Franconia intersection?

17 A (Taylor) That's correct.

18 Q Now, you show the receiving tunnel to the left,
19 correct?

20 A (Taylor) Yes.

21 Q And then the work zone?

22 A (Taylor) Yes.

23 Q On the right you have the sending tunnel where
24 the change is proposed under the Exception

1 Request, correct?

2 A (Taylor) Correct.

3 Q Now, here it's showing the work area sort of on
4 both sides of the receiving tunnel, correct?

5 A (Taylor) Correct.

6 Q And why is it shown this way?

7 A (Taylor) It's shown this way because that's
8 what's on the Applicant Traffic Control Plans
9 which appear to not be in sync with the work
10 area for the HDD.

11 Q Where would the work area be for the HDD
12 according to the recent Exception Request?

13 A (Taylor) Sure. The first for the receiving
14 shaft would be to the left of the photo, and the
15 sending would be on the right of this photo
16 there's an orange circle that's partly cut in
17 half. It would extend south.

18 Q Okay. But would I be correct in saying that
19 with both the prior configuration as well as the
20 Request for Exception on Easton Road, as you're
21 approaching the intersection, that would be one
22 lane of traffic alternating during construction?

23 A (Taylor) That's what the plans show. Correct.

24 Q And on Route 116, Main Street, would it also be

1 one lane of alternating traffic approaching the
2 intersection going north?

3 A (Taylor) Well, 116 runs east/west in this
4 picture.

5 Q On 18.

6 A (Taylor) On 18. That's correct.

7 Q And when it gets out of the intersection, it can
8 resume two-way traffic?

9 A (Taylor) Correct.

10 Q And the Exception Request indicates that the
11 estimated time is 8 to 12 weeks with an
12 additional 3 to 4 weeks at each end. Do you
13 recall that? This is an extended period of
14 time?

15 A (Taylor) That's correct.

16 Q So would I be correct in saying that while this
17 intersection, the construction at this
18 intersection is taking place, for two of the
19 access to this intersection there will be one
20 lane of traffic alternating for 15, 16, up to 20
21 weeks' period of time?

22 A (Taylor) It could.

23 Q Now, is that an estimate if everything goes
24 right and they don't run into problems?

1 A (Taylor) I would say so. Yes.

2 Q So if they encounter some problems during this
3 work, would that extend the time that the work
4 is going to take place?

5 A (Taylor) It could.

6 PRESIDING OFFICER HONIGBERG: We'll break
7 for ten minutes. Off the record.

8 (Discussion off the record)

9 (Recess taken 10:30 - 10:49 a.m.)

10 PRESIDING OFFICER HONIGBERG: Mr. Pappas,
11 you may proceed.

12 Q Thank you, Mr. Chairman.

13 Gentlemen, the last Exhibit I had shown you
14 was the aerial view of the Franconia
15 intersection, and I neglected to indicate the
16 exhibit number so it is Exhibit number CFP 593.

17 On the screen now in front of you should be
18 Counsel for the Public Exhibit 565 regarding
19 Exception Request 138. Do you see that?

20 A (Taylor) Yes.

21 Q And this is the town of Easton; do you see that?

22 A (Taylor) Yes.

23 Q And it indicates an estimated time of
24 approximately 4 to 6 weeks. Do you see that?

1 A (Taylor) Yes.

2 Q And on the screen now is Bates stamp 14114
3 showing the proposed HDD entry and proposed HDD
4 exit sites. Do you see that?

5 A (Taylor) Yes.

6 Q And did you have the opportunity to drive the
7 entire underground route?

8 A (Taylor) Yes, I have.

9 Q And if you see on this picture, it shows a
10 travel lane in both directions. Well, let me
11 ask you this. Describe the shoulder that's
12 shown in this picture.

13 A (Taylor) For the entry or exit?

14 Q For both.

15 A (Taylor) Okay. For the entry of the HDD the
16 shoulder right outside the marked road area is
17 limited to a little bit of gravel, then you hit
18 vegetated area and it appears to start to slope
19 up before more dense vegetation come into play.

20 For the HDD exit, it's difficult to read in
21 this picture, but it appears that there's a
22 limited shoulder and then the image gets too
23 dark to read.

24 Q This is along Route 116 in Easton, correct?

1 A (Taylor) Correct.

2 Q Now, generally, is this indicative of the travel
3 lane in the shoulder along 116 in Easton as
4 shown in these pictures?

5 A (Taylor) Yes, as I recall.

6 Q Okay. Now, this Exception Request indicates an
7 estimated time of 4 to 6 weeks I indicated
8 earlier. Do you see that?

9 A (Taylor) Yes, I do.

10 Q Would you agree with me, and although the
11 documents speak for themselves, would you agree
12 with me that from this point in 116 Easton and
13 traveling down 116 and going into Woodstock,
14 many of the Exception Requests have now
15 estimated times of 4 to 6 weeks for HDD
16 activity. Is that your recollection?

17 A (Taylor) Yes. That's correct.

18 Q On the screen now is Counsel for the Public's
19 Exhibit 574 which is Exception Request 15 in
20 Woodstock. Do you see that?

21 A (Taylor) Yes. I do.

22 Q And this is for HDD 32. Correct?

23 A (Taylor) Yes.

24 Q On the screen now is Bates stamp 14192 which

1 depicts the proposed entry for the HDD and the
2 exit for the HDD. Do you see that?

3 A (Taylor) Yes.

4 Q And is this area along Beaver Pond?

5 A (Taylor) It is.

6 Q And do you see on the bottom picture to the left
7 that parking lot?

8 A (Taylor) Yes.

9 Q For the Committee's benefit, they visited this
10 site, I believe some Committee members had
11 questions. I'll leave it to the Committee, but
12 if you want to know and see the exhibit it's
13 Counsel for the Public's Exhibit 574 if you need
14 it for questioning.

15 What's on the screen now is Counsel for the
16 Public's Exhibit 580 which is Exception Request
17 171. Do you see that?

18 A (Taylor) Yes.

19 Q And this is in the town of Woodstock. Do you
20 see that?

21 A (Taylor) Yes.

22 Q On the screen now is Bates stamp 14250. The top
23 picture shows the proposed entry for the HDD
24 drill, and the bottom picture shows the proposed

1 exit. Do you see that?

2 A (Taylor) Yes.

3 Q On the screen now is Bates stamp 14251 that
4 shows the two pits for the entry of the HDD and
5 two pits for the exit. Could you tell the
6 Committee where those are located vis-a-vis the
7 road?

8 A (Taylor) Sure. The two entry pits are to the
9 left, left-hand side of the plan view. One is
10 within the travel lane and the other is
11 immediately outside of the edge of pavement.

12 The exit pits are shown to the right-hand
13 side of the plan view with one, within the
14 travel lane and the other exit pit just outside
15 the edge of pavement.

16 Q On the screen now is Bates stamp 14252 depicting
17 the work zone for the entry and exit pits. Do
18 you see that?

19 A (Taylor) Yes.

20 Q Could you describe for the Committee the area
21 that they're going to take up for the entry and
22 the exit work areas?

23 A (Taylor) Sure. For the entry area work space it
24 appears to be 26 by 300. Runs approximately

1 from the right-of-way on the north side crossing
2 out into and what appears over the centerline of
3 the existing pavement.

4 The exit area work zone is 26 feet by 300
5 feet, and it also appears, I can't see the
6 right-of-way, but it's extending from an area
7 outside the edge of pavement towards an area in
8 proximity to the right-of-way and encompassing
9 one travel lane, and it appears to be just over
10 the centerline of the road graphically.

11 Q Now, looking at the bottom picture and showing
12 the beginning of the exit pit to the left of the
13 bottom of the picture, do you see that?

14 A (Taylor) Yes.

15 Q Do you see above the work zone two buildings, a
16 small building to the left and a larger building
17 to the right?

18 A (Taylor) I do.

19 Q Okay. Now, looking back at Bates stamp 14250,
20 do you see the proposed exit for the HDD?

21 A (Taylor) Yes.

22 Q Do you see the smaller building which is a
23 residence and then this larger building to the
24 right that shows a garage door?

1 A (Taylor) Yes.

2 Q Could you describe how the work area for the HDD
3 exit will impact that residence and the building
4 with the garage door?

5 A (Taylor) Sure. The work area generally would
6 extend over to and possibly into where the trees
7 are shown, the large mature trees, and then
8 would extend back towards you when you're
9 looking at the picture across the drive entry
10 and paved area that would take you to that
11 garage.

12 Q Okay. Thank you.

13 On the screen now is Counsel for the
14 Public's Exhibit 581 which is Exception Request
15 173 in Woodstock. Do you see that?

16 A (Taylor) Yes.

17 Q This is for HDD 39. Correct?

18 A (Taylor) Yes.

19 Q On the screen now is Bates stamp 14258. The top
20 shows the proposed entry area for this HDD site;
21 do you see that?

22 A (Taylor) Yes.

23 Q And the bottom shows the proposed exit area for
24 the HDD site?

1 A (Taylor) Yes.

2 Q And have you visited this HDD site?

3 A (Taylor) Yes. I've been there several times.

4 Q As did the Committee. And would I be correct in
5 saying in between the entry and the exit is the
6 Woodstock fire station?

7 A (Taylor) That's correct.

8 Q On the screen is Counsel for the Public Bates
9 stamp 14259. Could you tell the Committee where
10 the entry pits are located vis-a-vis the travel
11 lane?

12 A (Taylor) The entry pits are shown in plan view
13 on the left-hand side, and both of those are
14 within the paved area and/or travel lane.

15 Q What's on the screen now is Bates stamp 14261.
16 Do you see the entrance work area on the top
17 left-hand side?

18 A (Taylor) Yes.

19 Q Could you describe the impact of that area, the
20 travel lane, the parking and so forth?

21 A (Taylor) Sure. Currently, there's parallel
22 parking on the east side of the road. The work
23 area would extend actually from the right-of-way
24 across the existing sidewalk, across the

1 existing parallel parking and take up one of the
2 travel lanes.

3 Q Now, when you visited, did you see businesses in
4 this vicinity?

5 A (Taylor) Yes. There are.

6 Q For instance, the restaurant across the street
7 from the fire station?

8 A (Taylor) Correct.

9 Q Would you expect while this HDD activity is
10 taking place that travel along here will be
11 limited to one lane?

12 A (Taylor) Yes.

13 Q And would you expect there to be no parking
14 where the work area of the entrance is located?

15 A (Taylor) That's correct.

16 Q What's on the screen now is Counsel for the
17 Public Exhibit 507 which is Exception Request
18 11b Revision 2 in the town of Plymouth. Do you
19 see that?

20 A (Taylor) Yes.

21 Q And this relates to HDD 49. Correct?

22 A (Taylor) Correct.

23 Q On the screen now is Bates stamp page 13631. Do
24 you see that?

1 A (Taylor) Yes.

2 Q And could you just -- first of all, let me ask
3 you. Have you had an opportunity to walk in
4 this area?

5 A (Taylor) Yes, I have.

6 Q Could you just describe for the Committee where
7 the entrance pit will be located and where the
8 exit pit is located?

9 A (Taylor) Sure. The entry pit is shown in the
10 top photo, and the exits are shown in the bottom
11 photo partially in the pavement and I believe
12 partially outside the pavement.

13 Q Do you see the car driving in the top photo?

14 A (Taylor) Yes, I do.

15 Q Is that heading south?

16 A (Taylor) It is.

17 Q So immediately south of this entry pit, what's
18 located there?

19 A (Taylor) I believe it's the Common Man
20 Restaurant. There's another business, several
21 other businesses in that area.

22 Q Okay. On the screen now is Bates stamp page
23 13634 which depicts the exit pit area. Could
24 you describe where that is located?

1 A (Taylor) The exit pit area is shown on the left
2 side of the plan view, both of which are in the
3 pavement and travel lanes.

4 Q On the screen now is Bates stamp page 13635
5 showing the entry pit area. Could you tell the
6 Committee where those are located?

7 A (Taylor) The entry pit is actually the pits to
8 the left center of the plan view, both of which
9 are in the pavement and travel lanes.

10 Q Now, if you look at this picture on the top
11 part, do you see the two roads that are
12 depicted?

13 A (Taylor) Yes.

14 Q Are those on and off ramps?

15 A (Taylor) They are.

16 Q And are they on and off ramps for Route 25 that
17 runs in this area?

18 A (Taylor) Correct.

19 Q And they exit and enter Route 3 which is the
20 route that the transmission line travels down,
21 correct?

22 A (Taylor) That's correct.

23 Q Would you expect when this HDD 49 is being
24 constructed that in the area of the entry pit

1 and the area of the exit pit travel will be
2 limited to one lane?

3 A (Taylor) It could. That's correct.

4 Q Now, if you look on the screen which is Bates
5 stamp 13636, first of all, on the left-hand
6 side, is that the exit pit area?

7 A (Taylor) It is.

8 Q And would you expect that travel in that area
9 would be limited to one lane?

10 A (Taylor) Yes.

11 Q And if you look on the right-hand side, they're
12 shown four pits. Do you see that?

13 A (Taylor) Yes.

14 Q Now, the two pits to the left, are those HDD 49
15 that we're talking about now?

16 A (Taylor) They are.

17 Q And the pits to the right, are those the next
18 HDD, the entry pit for the next HDD 50?

19 A (Taylor) Yes.

20 Q So when the HDD 49, the two pits on the left are
21 being utilized and that HDD is under way, would
22 you expect traffic in this area to be reduced to
23 one lane?

24 A (Taylor) I would.

1 Q And when the next HDD which is HDD 50, and you
2 see the entry pit for that, is under way, would
3 you also expect traffic to be limited to one
4 lane?

5 A (Taylor) Yes.

6 Q If you look in this area the work space is
7 indicated to be 35 feet wide, correct? If you
8 look at the top?

9 A (Taylor) Yes. That's correct.

10 Q And 300 feet long, correct?

11 A (Taylor) Yes.

12 Q On the screen now is Counsel for the Public's
13 Exhibit 506 which is Exception Request 11 A,
14 second revision, also in Plymouth. This is for
15 HDD 50 we just mentioned a moment ago, correct?

16 A (Taylor) That's correct.

17 Q So on the screen now is Bates stamp 13619. Do
18 you see that?

19 A (Taylor) Yes.

20 Q And that shows the entry of HDD 50 we saw a
21 moment ago on the diagram, correct?

22 A (Taylor) Yes.

23 Q And if you look, you can see the on ramp and the
24 off ramp that we mentioned also? To the right?

1 A (Taylor) Yes.

2 Q And as I understand it, this HDD 50 starts at
3 this location and goes south under the Baker
4 River and to the other side of the Baker River?

5 A (Taylor) That's correct.

6 Q And on the screen now is Bates stamp 13620; do
7 you see that?

8 A (Taylor) Yes.

9 Q And that shows the exit of this HDD 50 south of
10 the Baker River and that bridge that we're
11 seeing?

12 A (Taylor) Yes.

13 Q On the screen now is Bates stamp 13625. Do you
14 see that?

15 A (Taylor) Yes.

16 Q And this depicts on the top picture the location
17 of the two exit pits for this HDD 50 that we
18 just saw in the picture, correct?

19 A (Taylor) That's correct.

20 Q Could you describe where those are located?

21 A (Taylor) One pit is located within the pavement
22 and travel lane, and one is located outside of
23 the travel lane.

24 Q Okay. On the screen now is Bates stamp 13626.

1 Do you see that?

2 A (Taylor) Yes.

3 Q And the right-hand side, does that depict the
4 work zone for HDD 50?

5 A (Taylor) Yes.

6 Q And would you expect in this area when this HDD
7 operation is under way that the travel will be
8 limited to one lane?

9 A (Taylor) I do.

10 Q Dawn, could we please switch to ELMO?

11 What's shown on the screen now is Counsel
12 for the Public Exhibit 594 which is a Google
13 Earth depiction of the area that we've just been
14 discussing. Do you recognize that?

15 A (Taylor) Yes.

16 Q And if you look to the right-hand side, you can
17 see the building with the red roof, correct?

18 A (Taylor) Yes.

19 Q And we saw that building in the picture for HDD
20 49, correct?

21 A (Taylor) Correct.

22 Q And HDD 49 starts somewhere around where you see
23 the number 3 in a white symbol?

24 A (Taylor) Correct.

1 Q And it goes down to that location right before
2 the on and off ramps coming from Route 25. Is
3 that right?

4 A (Taylor) Correct.

5 Q And then HDD 50 starts just south of that and
6 travels under the Baker River down along Route
7 3. Is that right?

8 A (Taylor) That's correct.

9 Q So these two HDDs combined go from one side of
10 Route 25 and the on/off ramps to the other side
11 of the on/off ramps south of the river along
12 Route 3. Correct?

13 A (Taylor) That's correct.

14 Q And when these HDD operations are under way, the
15 travel will be limited to one lane going by the
16 entry and the exit pits?

17 A (Taylor) Correct.

18 Q What's on the screen now is the chalk that Mr.
19 Johnson testified about when the Construction
20 Panel was recalled. Mr. Taylor, I believe you
21 were there for that, were you not?

22 A (Taylor) I was.

23 Q So you're familiar with this chalk and you heard
24 Mr. Johnson's testimony about it, correct?

1 A (Taylor) I did.

2 Q Let me just ask you just a few questions about
3 this.

4 Am I correct that what Mr. Johnson
5 testified to was that if an obstacle is
6 encountered such as the barn under E, do you see
7 the barn under E?

8 A (Taylor) I do.

9 Q That the line could traverse across the road and
10 go along the road and then traverse back on the
11 road in order to avoid disrupting the barn, for
12 instance, correct?

13 A (Taylor) That's correct.

14 Q Could you briefly tell the Committee what would
15 be required to, the steps required to undertake
16 that diversion, for instance, around this barn?

17 A (Taylor) Sure. So when you leave the linear
18 alignment, as this chalk shows, you would
19 excavate your trench, remove the spoils, install
20 your conduit, do your backfill, et cetera, on
21 one half of the road. Then likely move to the
22 opposing side of the road. So you'd have
23 probably one lane traffic in each scenario.
24 That would get you to the opposite side of the

1 road.

2 You would then continue in a linear
3 fashion, again, excavating your trench, removing
4 materials, to the extent that they could be
5 reused they would likely be stored some place,
6 brought back. Install your conduits, flowable
7 fill, your backfill material, all the way up to
8 your temporary pavement and then you get back to
9 the previous scenario where you've got to cross
10 back over the road.

11 So during that realignment to cross, you
12 would do construction in one half of the road
13 and divert traffic on the other. And then you
14 would mirror that completing the end of the
15 construction and you would switch traffic back
16 to where you were just constructing and that
17 would get you back to your inline alignment, so
18 to speak.

19 Q So would I be in saying that the Applicant could
20 perform this construction activity and leave one
21 lane open?

22 A (Taylor) Sure.

23 Q But certainly a lane would need to be closed for
24 each traverse going across the road one way and

1 then going back across the road?

2 A (Taylor) Sure.

3 Q And would doing this diversion slow down the
4 construction than just a straight linear
5 construction?

6 A (Taylor) It would by default. There's more
7 operations and out of necessity the length of
8 the route would get longer.

9 Q So for each time one of these obstacles was
10 encountered and this technique was used, it
11 would add to the amount of time that
12 construction would take place?

13 A (Taylor) That's correct.

14 Q And that would add to the amount of time that
15 there would be only one-lane traffic. Is that
16 right?

17 A (Taylor) That's correct.

18 Q Thank you, gentleman. I have no other
19 questions.

20 PRESIDING OFFICER HONIGBERG: Mr. Whitley.

21 **CROSS-EXAMINATION**

22 **BY MR. WHITLEY:**

23 Q Good morning, gentlemen.

24 A (Taylor) Good morning.

1 A (Zysk) Good morning.

2 A (Alexander) Good morning.

3 A (Bascom) Good morning.

4 Q My name is Steven Whitley. I represent a number
5 of communities that are host communities: New
6 Hampton, Pembroke, Deerfield, Littleton. And
7 the Water and Sewer Department of the town of
8 Ashland. And it's that last one that I want to
9 focus on this morning, and I've put up on the
10 screen here, this is Joint Muni 201. Have any
11 of you seen this document before? Is it on the
12 screen, I guess I should start with?

13 A (Bascom) It's on the screen.

14 A (Taylor) It is on the screen. I have not
15 reviewed this document.

16 A (Zysk) No. I've never reviewed it either.

17 A (Alexander) No.

18 Q None of you have seen it? Okay.

19 This was, I'll represent to you, an
20 engineering study that was performed by Nobis
21 and had to do with potential impacts to the
22 Project to the water and sewer facility of the
23 town of Ashland. Have any of you been to that
24 facility?

1 A (Taylor) Yes. I have.

2 Q Mr. Taylor? And when did you visit that
3 facility?

4 A (Taylor) Are you referring to the lagoons?

5 Q Yes.

6 A (Taylor) Yes. Okay. I would say about a month
7 ago.

8 Q Okay. Other than you, Mr. Taylor, anyone else
9 go to that facility?

10 A (Zysk) I did as well.

11 A (Bascom) I did as well.

12 A (Alexander) As did I.

13 Q Okay. When you were there at the facility, it
14 sounds like you're aware of the lagoons being
15 there. Did you walk anywhere around other than
16 the area where the lagoons are located?

17 A (Taylor) We were along the access road which
18 I'll call the back side of the lagoons. We
19 looked at some monitoring, a monitoring well in
20 the area, and then we went south. There's a, I
21 don't know the name of the stream or creek,
22 small little bridge. We crossed over that.
23 That was the general vicinity, at least my site
24 visit.

1 Q Okay. But it sounds like you were within the
2 existing right-of-way. Is that what your
3 understanding was?

4 A (Taylor) Yes.

5 A (Zysk) Yes.

6 A (Bascom) Yes.

7 A (Alexander) Yes.

8 Q I have on the screen now this report, and I want
9 to turn now to, this is page 1 of the report.
10 You see I've highlighted some sections there.
11 I'll just give you a second to read those
12 highlighted portions and let me know once you've
13 had a chance to do that, please.

14 A (Taylor) Okay.

15 Q So would it be fair to say that this report
16 seeks to establish a baseline condition
17 assessment of the facilities?

18 MR. NEEDLEMAN: Objection. This document
19 was available prior to the time they submitted
20 their Supplemental Testimony.

21 PRESIDING OFFICER HONIGBERG: Mr. Whitley?

22 MR. WHITLEY: It was not provided to me
23 until after the April 2017 deadline. It was not
24 provided to me until a motion was made, and it

1 was provided on the eve of Applicant's
2 Construction Panel's sitting.

3 PRESIDING OFFICER HONIGBERG: Did they
4 provide testimony about it in their Prefiled
5 Testimony?

6 MR. WHITLEY: This Panel right here?

7 PRESIDING OFFICER HONIGBERG: Yes.

8 MR. WHITLEY: I don't believe so, no.

9 PRESIDING OFFICER HONIGBERG: Did they talk
10 about the Ashland Water and Sewer District area?

11 MR. WHITLEY: I don't believe so, no.

12 PRESIDING OFFICER HONIGBERG: Feels like a
13 expansion of their testimony, the areas of their
14 testimony, and it feels like it's, it certainly
15 appears to be using documents that were
16 available to them before they filed their
17 testimony.

18 MR. WHITLEY: I'm not sure it was available
19 to them. I mean, perhaps it was available to
20 Counsel for the Public, but that's the first
21 that I've heard of that. It was not available
22 to me and to my client until after that April
23 Prefiled Testimony deadline.

24 PRESIDING OFFICER HONIGBERG: But you're

1 talking to these witnesses about their
2 testimony. Not what you wish they had written
3 or might have written had Counsel for the Public
4 chosen to do that. I mean, I don't know if you
5 can ask the question. I'm interested in the
6 argument as to why you should be allowed to
7 expand the witnesses' testimony like this.

8 MR. WHITLEY: One second, Mr. Chair.

9 I think the argument, Mr. Chair, is that, I
10 guess it's in terms of an offer of proof
11 almost --

12 PRESIDING OFFICER HONIGBERG: Don't make an
13 offer of proof until you lose the argument.

14 MR. WHITLEY: That's good advice.

15 I think the argument, Mr. Chair, is that
16 it's not clear to me that these witnesses had
17 this information available to them. I've just
18 checked with Counsel for the Public. They
19 weren't clear that they did. It was provided
20 after the April 2017 deadline for Supplemental
21 Testimony. And so assuming they didn't have it
22 until around the same time that I got it, they
23 could not have offered any opinion on it.

24 PRESIDING OFFICER HONIGBERG: They've

1 testified that they've never seen it before.
2 I'm going to sustain the objection as you're
3 attempting to expand the scope in terms of their
4 Prefiled Testimony.

5 Now, if you want to make an offer of proof
6 as to what you think they would testify to if
7 you were allowed to ask them questions, you're
8 obviously free to do that.

9 MR. WHITLEY: Okay. If allowed to testify,
10 I would ask them to, whether they agree or not
11 with some of the methodology that this report
12 followed, and also some of the conclusions that
13 were drawn as a result of this methodology. I
14 think important for the record is that the
15 report is styled as a baseline condition
16 assessment, and then at the conclusion of the
17 report it states that the Project will have no
18 impact. And my argument will be that if it's a
19 baseline condition assessment, then it may be a
20 little premature to conclude that the Project
21 will have no impact on the facility.

22 PRESIDING OFFICER HONIGBERG: Okay.

23 BY MR. WHITLEY:

24 Q So to follow up, gentlemen, on where you were at

1 the facility, and it sounds like what you were
2 doing there, this is a figure from that report,
3 and I understand that you may never have seen
4 this before. So I'll represent to you that this
5 is the lagoon portion of the facility and the
6 red triangles or squares are the proposed tower
7 structures, the purple is the existing line, and
8 you see the little blue and white cross-hatches
9 and those are the monitoring wells within the
10 right-of-way. Do you see that?

11 A (Taylor) Yes.

12 Q So you mention that when you visited this
13 facility, you were looking, one of the things
14 you were doing was observing the monitoring
15 wells, correct?

16 A (Taylor) That's correct.

17 Q And do you recall which monitoring wells you
18 visited?

19 A (Taylor) Based on this drawing, I believe I was
20 at Monitoring Well 17.

21 Q Okay. Any others while you were there that you
22 recall?

23 A (Taylor) Not for me. No.

24 Q Okay. The rest of the Panel? Any different

1 answer?

2 A (Alexander) No.

3 A (Bascom) I don't have a different answer.

4 A (Zysk) No.

5 Q Okay. I want to put up now the testimony of an
6 exchange that I had with Applicant's
7 Construction Panel regarding that study and the
8 potential impacts of the Project. And this was
9 an exchange with Mr. Bowes, I believe, and I'm
10 starting here on, and this is transcript Day 8,
11 the Morning Session, this is page 68. You'll
12 see in that first highlighted exchange there, I
13 mention the three towers that are right below
14 the lagoon, and let me just switch back to
15 orient you gentlemen on what three towers those
16 are. So the three towers is the DC-1110, the
17 1111, and the 1112. Do you see that there?

18 A (Taylor) Yes.

19 A (Bascom) Yes.

20 Q At the time of your visit to the facility, were
21 you aware at all of where the Project structures
22 would be located in relation to these monitoring
23 wells?

24 A (Taylor) Yes.

1 A (Zysk) Yes.

2 A (Johnson) Yes.

3 A (Alexander) Yes.

4 Q So back to this exchange on Day number 8, the
5 Construction Panel confirmed that the
6 construction pads for these towers are roughly
7 100 feet by 120. Do you see that on Line 21 and
8 22 there?

9 A (Taylor) Yes.

10 Q And in response to questioning, the Construction
11 Panel stated that the center structure which is
12 DC-1111 would indirectly impact Monitoring Wells
13 15 and 16, and I'm reading from page 69, lines 1
14 through 6 at the top. Do you see that?

15 A (Taylor) Yes.

16 Q A little later on that page, Mr. Bowes was asked
17 about the impact from structure DC-1110. And
18 you see his answer at lines 13 and 14 that it
19 would directly impact Monitoring Well 14. Do
20 you see that later on the page there?

21 A (Taylor) Yes.

22 Q And then I asked him about structure 1112 and
23 possible impacts on Monitoring Well 17, and you
24 see his response at Lines 21 and 22 that it

1 would directly impact Monitoring Well 17. Do
2 you see that?

3 A (Taylor) Yes.

4 Q As a result of these impacts, Applicant
5 committed to relocating some of these
6 construction pads, and I'll point you to the
7 bottom of that page starting at line 24 and
8 going on to page 70, you see Mr. Bowes's
9 response, both of the outside pads will have to
10 be relocated to accommodate the monitoring
11 wells. Do you see that?

12 A (Taylor) Yes.

13 Q Just to orient us one more time here. The
14 outside structures are the 1110 and the 1112
15 ones there, and the wells in question are
16 Monitoring Well 14 and Monitoring Well 17.
17 Would you agree with that?

18 A (Taylor) Correct.

19 Q In addition, Mr. Bowes states that they're going
20 to install special protection for all four of
21 the wells in question during the construction
22 phase. You see that at lines 6 through 8 on
23 page 70?

24 A (Taylor) Yes.

1 Q Do you have any sense of what that special
2 protection might be?

3 MR. NEEDLEMAN: Objection. It seems to me
4 that that is wandering into areas that could
5 have and should have been addressed in their
6 testimony. I think if Mr. Whitley is speaking
7 specifically to the August 25 filing where we
8 committed to making certain adjustments, that
9 would probably be fair game. Beyond that, I
10 don't think it is.

11 PRESIDING OFFICER HONIGBERG: Mr. Whitley?

12 MR. WHITLEY: And that's where I'm going
13 with this. This is some foundation and then I'm
14 going to then put up the August 25th letter and
15 the revised AOT sheet for this segment of
16 Ashland and ask some questions based on that.

17 PRESIDING OFFICER HONIGBERG: Why don't you
18 move to that. It's taking us a long time to get
19 from Bowes said some things to where I think you
20 want to go. So I think you can move a little
21 faster than you're moving because they can see
22 the testimony, we can see the testimony.

23 MR. WHITLEY: Okay. Fair enough. I'm
24 almost done so I can move to that point.

1 BY MR. WHITLEY:

2 Q I'm going to put up on the screen now,
3 gentlemen, this is a cover letter that was
4 submitted to the SEC on August 25th, 2017, and
5 it introduced some revisions to the Project
6 design. Have any of you seen this letter before
7 today?

8 A (Bascom) No.

9 A (Alexander) I don't recall seeing it.

10 Q I can scroll down a little more if that would be
11 helpful.

12 A (Taylor) Please.

13 A (Zysk) I don't believe I've seen this.

14 A (Taylor) I don't recall reading this letter.

15 Q Just for the record, this is going to be marked
16 as Joint Muni 303, and it will be provided a
17 little later on today.

18 The first highlighted section there the
19 Applicants are speaking about the area of the
20 line where it goes right by the lagoons that we
21 were just reviewing. Take a second and just
22 review that highlighted portion and tell me when
23 you've seen it.

24 A (Taylor) Okay.

1 Q You see there that the very first line states
2 that Applicants agree to relocate construction
3 pad at structure 1112 if necessary to avoid
4 impacts to the Monitoring Well number 17.

5 Do you recall from that transcript I just
6 showed you whether the qualifier "if necessary"
7 was in there?

8 A (Taylor) I don't recall it. I would ask you to
9 bring it back up.

10 Q I can put it back up.

11 See at the bottom of the page there, it
12 says for structure 1112, and Mr. Bowes on line
13 21 says -- well, you can see it there. But then
14 bottom of that pager and on to the next one, it
15 says response regarding relocating those
16 structures. Do you see that?

17 A (Taylor) I do.

18 Q So I'll ask you again, do you see the language
19 "if necessary" in his response?

20 A (Taylor) I do not.

21 Q Do you have any knowledge as to why this
22 particular construction pad was not relocated if
23 there was going to be a direct impact to it? To
24 the monitoring well? Pardon me.

1 A (Taylor) As I sit here, I don't.

2 Q Back to this August 25th letter, the end of that
3 highlighted section includes a note that's going
4 to be added to the plans. Do you see that
5 there?

6 A (Taylor) Yes.

7 Q Do you have any sense from that note the area of
8 the construction fencing that's going to be
9 used?

10 A (Taylor) No. It doesn't define that.

11 Q And as you sit here today, any sense of whether
12 that construction fencing is adequate to protect
13 the monitoring wells?

14 A (Zysk) No.

15 Q On the next page of this letter, this is page 2
16 of Joint Muni 303 again, there's another
17 highlighted section there. And this one is
18 introduced by saying the following items agreed
19 to at the final hearings did not result in
20 changes to the plan sheets. And I'll just pause
21 so that you can read that highlighted section
22 there.

23 A (Taylor) Okay.

24 Q I want to put up now the revised AOT sheet that

1 carries out these changes, and just a second ago
2 I was asking you about structure DC-1112 which
3 is all the way on the, it's the one on the
4 right, but it's still below the lagoon. Do you
5 see that one?

6 A (Taylor) Yes.

7 Q And prior to the design change, and just for the
8 record, this sheet is Applicant's 200 and this
9 is Plan Sheet 240 from that exhibit. The prior
10 iteration, though, is on the screen now and this
11 was Applicant's 1, Appendix 6 C, also Plan Sheet
12 240 and you see that structure, that
13 construction pad there, the square is actually a
14 square, and it goes over the access road. Do
15 you see that?

16 A (Taylor) Yes.

17 A (Zysk) Yes.

18 Q And when they revised this design, they cut off
19 a portion of that square on that construction
20 pad; do you see that?

21 A (Taylor) Yes.

22 Q Okay. The Applicant's Construction Panel also
23 testified to making changes to the access roads
24 in the areas of Monitoring Wells 15 and 16. And

1 let me just pull up the diagram so you
2 understand where that is. You see in the middle
3 there, those two wells surround tower structure
4 1111. Do you see that?

5 A Yes.

6 Q And you see the access road in the vicinity of
7 those two monitoring wells?

8 A (Taylor) I do.

9 Q In this letter of August 25th, which is Joint
10 Muni 303, the Applicants state, the Applications
11 will modify the access road, if necessary, to
12 avoid impacts to Monitoring Wells 15 and 16.

13 Do you see that?

14 A (Taylor) Yes.

15 Q Do you recall from the testimony I showed you
16 earlier the qualifier that the access road would
17 only be relocated "if necessary"?

18 A (Taylor) I do.

19 Q From the transcript? Let me rephrase the
20 question. Do you recall from the transcript of
21 the Applicant's Construction Panel them
22 conditioning relocating the access road only if
23 it was "if necessary."

24 A (Taylor) I stand corrected. No.

1 Q Thank you.

2 As you sit here today, do you have any
3 excepts of what would be necessary for the
4 Applicant to relocate those access roads in the
5 vicinity of Monitoring Wells 15 and 16?

6 A (Taylor) I do not.

7 Q I want to go back to the transcript for just one
8 second, and I want to go to this exchange with
9 Mr. Bowes on page 69. And here we're talking
10 about structure DC-1110. And I'm going to go
11 back to the diagram so we can see where that is.
12 See it's on the left-hand side there right below
13 that lagoon number 4. Do you see that?

14 A (Taylor) Yes.

15 Q And the monitoring well in question that Mr.
16 Bowes was concerned about was Monitoring Well
17 14. Does that sound correct?

18 A (Taylor) Yes.

19 A (Zysk) Correct.

20 Q And you see the original plan at the
21 construction pad which I'm putting the cursor
22 over right there, right next to that monitoring
23 well. Would you accept that?

24 A (Taylor) It appears to be in the same area.

1 Q Okay. And in the August 25th letter describing
2 the changes to this plan sheet, have you seen
3 any mention of changes to the construction pad
4 for structures 1110? And I'm happy to scroll up
5 or down.

6 A (Zysk) Not in what we've seen so far, no.

7 Q I'll represent to you that changes to
8 construction pad 1110 are not referenced in this
9 letter. And now I'm going to pull up the
10 revised Project sheet for this area, and, again,
11 we're talking about this construction pad right
12 there, and I'm going to switch from this revised
13 plan which is Applicant's 200, Exhibit 200, to
14 the original one. And again, this is
15 Applicant's 1, Appendix 6 C, and would you
16 accept that it appears that the construction
17 pad, the location has not changed between the
18 previous design and the more recent one?

19 A (Taylor) That's what it looks like.

20 Q So it appears that despite any sort of
21 commitment from Northern Pass to make changes to
22 address direct impacts, no such change has been
23 put into the plans for structure 1110. Isn't
24 that correct?

1 A (Taylor) That's what it appears to be.

2 Q That's all I have. Thank you, gentlemen.

3 PRESIDING OFFICER HONIGBERG: Does anyone
4 else from this group have questions? Ms. Pacik,
5 do you have questions?

6 MS. PACIK: I do, although Attorney Whitley
7 is going to be helping me with my exhibits so we
8 just need to have the Apple TV put on, and I'm
9 just going to need a minute to set up when he
10 comes back over here. Just to get the exhibits
11 on.

12 PRESIDING OFFICER HONIGBERG: Off the
13 record.

14 (Discussion off the record)

15 **CROSS-EXAMINATION**

16 **BY MS. PACIK:**

17 Q Good morning. My name is Danielle Pacik, and I
18 am the attorney for the City of Concord, and I'm
19 also the spokesperson for Municipal Group 3
20 South.

21 I wanted to ask you about one section of
22 your report, and this is on page 10 of your
23 report from November, and it was marked as
24 Counsel for the Public Exhibit 131 and also 134.

1 The same report I believe was attached to both.
2 And there was a statement in your report talking
3 about the impacts of noise, and in particular,
4 the Concord area that I wanted to ask about, and
5 I'm not sure who the right person is to pose the
6 questions to.

7 A (Taylor) Mr. Zysk went through these.

8 Q Okay. Thank you.

9 A (Zysk) Sure.

10 Q So in this report, it states that the, and it's
11 highlighted here so I'll just read from it.

12 "The proposed Project will affect a wide range
13 of areas ranging from rural areas typical of the
14 northern and central portions to urban centers
15 such as Concord. And you go on to state that in
16 urban areas, the temporary increase in noise
17 levels due to construction or other disruptive
18 factors may be seen as a relatively minor
19 increase in the overall noise level and may be
20 ignored or generally tolerated as long as the
21 impact is understood to be short-term."

22 My first question on this is in terms of
23 that phrase, short-term, how do you define that?

24 A (Zysk) In this case, I would say less than a

1 year. Maybe less than six months.

2 Q Okay. So in terms of this proposed Project and
3 the construction that's being proposed in the
4 overhead section, would you consider the
5 construction to be short-term?

6 A (Zysk) In the area that you're talking about,
7 yes.

8 Q Okay. So let's talk about the area of Concord
9 because you reference it as an urban center.
10 And when you say it's an urban center, are you
11 talking about all of Concord or just portions of
12 it?

13 A (Zysk) Well, I'm sure there are some in the area
14 that I was traveling through viewing the route.

15 Q Okay. So did you go through the entire section
16 of Concord?

17 A (Zysk) Not every last foot, no.

18 Q Okay. Let me just put up a map of Concord
19 because it shows where the urban growth boundary
20 is for Concord, and I've marked it as Joint Muni
21 304. This is a map from the City of Concord's
22 website, and the area highlighted in yellow is
23 the City of Concord's urban growth boundary
24 where, obviously, that's what we consider to be

1 the urban area. And if you go north of that,
2 you can see where Canterbury and Concord meet,
3 that is not part of the urban growth boundary,
4 do you see that?

5 A (Zysk) Sure.

6 Q So you would agree that the area in white, that
7 would be considered rural?

8 A (Zysk) Rural or suburban, depending on the
9 housing density.

10 Q So the statement that you said that Concord is
11 considered urban would not apply, you would
12 agree, to those areas in white?

13 A (Zysk) Correct.

14 Q Now, in terms of the areas that are rural, and
15 if we can go back to Counsel for the Public
16 Exhibit 131 which is your report on page 10,
17 what you say about those areas, and I've
18 highlighted it in yellow, the second paragraph,
19 it says along much of the proposed route,
20 however, the project is routed to pass through
21 rural or lightly developed areas where the
22 ambient noise level is quite low.

23 So lightly developed areas is what you
24 would call the suburban areas?

1 A Yes.

2 Q And you say in these areas, the impact of the
3 proposed construction will be significant. The
4 relative increase in noise will be much more
5 noticeable in these areas regardless of the
6 projected duration of work in any given area and
7 will cause annoyance.

8 So that statement, you would agree, would
9 apply to these white areas of the map that we
10 just saw which was marked as Joint Muni 304?

11 A (Zysk) Potentially. Just because they are
12 marked white, they're not that far from the
13 highway so it's all relative based on existing
14 noise, ambient noise levels. They may be
15 suburban, but there may be a high ambient noise
16 level. So not necessarily.

17 Q Okay. And have you done any analysis in terms
18 of the noise levels that those properties have
19 in comparison to other areas of the Project
20 route that you reference as being rural?

21 A (Zysk) That was not within our scope.

22 Q Okay. So you would agree that if this Committee
23 who has seen areas of the route would agree that
24 that is a rural area, then the statement you say

1 about the impact to rural areas would apply to
2 that region?

3 A (Zysk) If they believe that is the case, yes.

4 Q Now, going to the other area in the urban growth
5 boundary, have you done any analysis as to what
6 type of properties are located in that area as
7 to whether they're residential or commercial
8 properties?

9 A (Zysk) I observed a mix of both.

10 Q Okay. So when you observe that area, did you
11 see, were you able to go to Alton Woods, for
12 example, or McKenna's Purchase to see what type
13 of properties those were?

14 A (Zysk) Yes.

15 Q You would agree that these are residential areas
16 in the urban growth area of Concord?

17 A (Zysk) Yes.

18 Q Now, the proposed Project for those areas, and
19 in this, are you aware of Cobblestone which is a
20 new senior housing facility along the route?

21 A (Zysk) No.

22 Q Are you aware that there is a significant
23 residential development along Branch Turnpike
24 and even portions of Pembroke Road in Concord?

1 A (Zysk) I am not.

2 Q Okay. So in those areas I'll represent to you
3 that the line is being built within 100 to 200
4 feet of residential homes. Are you familiar
5 with that?

6 A (Zysk) I will accept that.

7 Q Okay. So assuming that the line is being built
8 in that type of close proximity to residential
9 properties, does your statement that the noise
10 level might be ignored or generally tolerated
11 change for that area?

12 A (Zysk) Not being familiar with the overall
13 context of the area, I don't believe I can
14 answer that.

15 Q But you would agree that if there's construction
16 occurring within 100 to 200 feet of somebody's
17 home, there will be a significant disruption,
18 right?

19 A (Zysk) There will be a disruption.

20 Q Okay. But you would disagree that it would be
21 significant, even though it's within 100 to 200
22 feet?

23 A (Zysk) That's a relative term.

24 Q What do you mean by that?

1 A (Zysk) What's, again, it goes to background
2 noise. I noticed that McKenna's Purchase is
3 directly opposite a large retail facility so not
4 that the disruption would be minimal but there
5 is a higher ambient background noise at that
6 location year-round.

7 Q Okay. But the type of construction that's going
8 to be occurring in these people's back yards,
9 basically, within 100 or 200 feet, you had
10 indicated in your report includes helicopters,
11 pretty significant construction going on, right?

12 A (Zysk) Yes.

13 Q So for those people, regardless of the ambient
14 noise that might occur at Home Depot or Shaw's,
15 you would agree that they're going to hear this
16 construction, right?

17 A (Zysk) They will hear some, yes. Absolutely.

18 Q Okay. In terms of your statement that the
19 relative increase in noise will be much more
20 noticeable and will cause an annoyance, you
21 would agree that that also could apply to those
22 residential areas, right?

23 A (Zysk) It could, yes.

24 Q Okay. Now, your report also discusses, in

1 addition to noise it talks about laydown areas
2 and access roads, right?

3 A (Zysk) Yes.

4 Q And in your report you talk about the fact that
5 not all of the laydown areas had yet been shown?

6 A (Zysk) That's correct.

7 Q And since the time of that report, have you
8 learned of any additional laydown areas that are
9 being proposed?

10 A (Zysk) I have not.

11 Q What about access roads? In your report you
12 indicated that there are some access roads that
13 may be built and the Applicants had requested to
14 delegate authority for those access roads to
15 DOT.

16 Are you aware of any new access roads that
17 are being proposed since preparing your report?

18 A (Zysk) I have not seen anything regarding that.

19 Q Now, are you aware that the Applicants have
20 stated during trial and also in some of their
21 Supplemental Testimony that they hope to address
22 noise, laydown areas, and impacts to roads in
23 Memorandum of Understanding with some of the
24 municipalities?

1 A (Zysk) That's my understanding yes.

2 Q Have you reviewed the MOU that was attached to
3 Bill Quinlan's Supplemental Testimony which was
4 attached as Attachment A and his Supplemental
5 Testimony was marked as Applicant's Exhibit 5?

6 A (Zysk) I may have reviewed it. At the moment, I
7 can't recall.

8 Q Okay. Now, in requirements of the noise that
9 we've just talked about, you understand that the
10 Applicants have proposed in their Application to
11 have work occur from 7 a.m. to 7 p.m. Monday
12 through Saturday?

13 A (Zysk) Yes.

14 Q And are you aware that they've asked for any
15 sort of exception to that time frame?

16 A (Zysk) Not at this point I'm not aware of that.

17 Q Okay. Now, if we turn to the MOU, I just want
18 to first go through the draft form with you
19 briefly, and this is the MOU that we just
20 referenced that was attached to the September
21 testimony of Bill Quinlan. And if you go to the
22 Draft MOU to the second page?

23 A (Zysk) Yes.

24 Q I think I said Attachment H. I may have not

1 enunciated correctly. But this is H, not A. If
2 you go to the second page, it talks about work
3 hours. And if we blow that up under 2.4 for a
4 moment, the Draft MOU that's being proposed does
5 reference at the beginning 7 a.m. to 7 p.m., but
6 it also has a carve-out where work hours could
7 be extended to exigent circumstances when
8 required for system reliability or integrity or
9 other rules pertaining to the operation of
10 Project facilities including testing and
11 equipment outages or to perform critical work
12 activities for construction and testing
13 purposes.

14 Were you aware that they were seeking to
15 have additional hours other than the 7 a.m. to 7
16 p.m.?

17 A (Zysk) I was not aware of that, although this is
18 not an unusual request.

19 Q Okay. And in the last sentence here it says
20 that they also in certain circumstances when
21 practical they will advise the city that they
22 may also extend work hours in the duration of
23 such periods including work on Sundays.

24 Were you aware of that?

1 A (Zysk) I was not.

2 Q So to the extent that the Applicants are seeking
3 to rely on MOUs such as this to address noise
4 issues, does the language in 2.4 address your
5 concerns or alleviate your concerns about the
6 potential annoyance of noise from this Project?

7 A (Zysk) This addresses work hours. This doesn't
8 address anything have to do with limiting noise
9 from construction vehicles.

10 Q Okay. So the answer to that would be no?

11 A (Zysk) That's correct.

12 Q Now, you also talked about laydown areas and the
13 fact that only a few had been identified in the
14 Application. Under Section 2.5 of the Draft
15 MOU, it talks about equipment and material
16 staging and storage, and it talks about the fact
17 that a combination of temporary storage areas,
18 staging areas, and laydown areas will also be
19 needed to support construction. And in the last
20 sentence, it says NPT will coordinate with the
21 town or city to the extent practical to identify
22 such sites.

23 Does that provision alleviate your concerns
24 that as of this date laydown areas have not yet

1 been identified?

2 A (Zysk) No.

3 Q There's also a section in this MOU that talks
4 about lighting. Did your report reference the
5 use of nighttime work and lighting?

6 A (Zysk) I do not believe so.

7 Q Okay. Were you aware that the Applicants were
8 proposing to have towns and cities agree that
9 they would be allowed to do work at night under
10 certain circumstances?

11 A (Zysk) I know it's been discussed in certain
12 locations. I don't think it's been specified
13 specifically in any given spot.

14 Q Okay. And so to the extent that the
15 construction may cause annoyance or disruption,
16 lighting and nighttime work would be included in
17 that concern that you have, right?

18 A (Zysk) It would be a disruption, that's for
19 sure.

20 Q Okay. On the following page, under 2.9, they
21 also talk about construction vehicles. We had
22 just talked about the work time being from 7
23 a.m. to 7 p.m. on Monday through Saturday, but
24 the MOU that the Applicants are proposing

1 actually also provide that startup and idling of
2 trucks and equipment will normally be conducted
3 between 6 a.m. and 7 p.m. Monday through Friday
4 and between 6.30 a.m. and 7 p.m. on Saturday and
5 Sunday.

6 In terms of the startup and idling of
7 trucks and equipment, what type of noise can
8 that generate?

9 A (Zysk) There are constantly updated rules and
10 regulations regarding the noise output of idling
11 vehicles. I can't give you specific numbers.
12 But if it's a relatively new vehicle, the noise
13 level is, again, I'm being relative, but pretty
14 low. It wouldn't -- you might hear it
15 immediately on startup kind of like your own
16 car, but once it goes to idle you probably
17 wouldn't hear it.

18 Q Would it be normal to try to extend the hours of
19 work for another hour or half hour to allow for
20 the idling of trucks and equipment? Is that
21 normally included in the general work hours?

22 A (Zysk) That's normally included in general work
23 hours.

24 Q Okay.

1 A (Zysk) In my experience.

2 Q So to the extent that the Applicants are relying
3 on MOUs with municipalities to address
4 construction disruptions, does this provision
5 that would allow idling for extra hours
6 including Sunday alleviate your concerns about
7 disruptions?

8 A (Zysk) No.

9 Q And you also talk about concerns of public
10 roads, and that's addressed in 3.1. In New
11 Hampshire you understand that a lot of
12 municipalities have spring load limits, right?

13 A (Zysk) Yes.

14 Q For spring load limits, typically if a
15 contractor wants to use the road, they need to
16 get prior approval from the municipality?

17 A (Zysk) That's my understanding, yes.

18 Q And typically, the municipality, are you aware,
19 will ask for a contractor to go early in the
20 morning when the ground is still hard before it
21 softens up in the spring?

22 A (Zysk) Okay.

23 Q Are you aware of that?

24 A (Zysk) That specific provision, I'm not.

1 Q Does it surprise you?

2 A (Zysk) No.

3 Q Okay. And are you aware that most
4 municipalities also require a bond if necessary?

5 A (Zysk) I was not aware of that.

6 Q Okay. Does that surprise you?

7 A (Zysk) No.

8 Q Now, in terms of the proposal that's being
9 provided to municipalities for public roads, the
10 Applicants are asking municipalities to agree
11 that if in the event that NPT wishes to utilize
12 city or town roads for the travel of oversize or
13 overweight vehicles and/or use during posted
14 weight limit time periods, then NPT shall, and
15 A, it says identify and notify the city or town
16 of local public roads to be used within the city
17 or town to transport equipment and parts for
18 construction, operation, or maintenance of the
19 Project facilities.

20 That provision does not require the
21 Applicants to get prior approval or set times
22 when they would be allowed to use the public
23 roads during weight limit periods; is that
24 right?

1 A (Zysk) That would be my interpretation.

2 Q Okay. And so the concerns that roads might get
3 damaged, especially in the spring, this does not
4 alleviate that concern that you raised, does it?

5 A (Zysk) This sentence by itself does not.

6 Q Okay. Well, it does say they will fix it if the
7 road gets ruined, right?

8 A (Zysk) I believe that's what it says below.

9 Q But you understand the goal of having
10 construction vehicles perhaps operate in the
11 early morning before the road becomes warmer,
12 the ground becomes warmer, is to prevent damage
13 to the roads in the municipalities, correct?

14 A (Zysk) Correct.

15 Q So this provision would not, at least in the
16 first instance, potentially prevent that damage
17 from occurring?

18 A (Zysk) I would agree with that, yes.

19 Q Have you seen any of the MOUs? There's four
20 that's been uploaded to date marked as Exhibits
21 206, 207, 208 and 209 by the Applicants. Those
22 are executed MOUs. Have you had an opportunity
23 to review any of them?

24 A (Zysk) I'm aware of them. I have not read any

1 of them.

2 Q Okay. And I don't want to go through them in
3 detail, but we'll just turn, for example, to
4 Applicant's Exhibit 206 which is the agreement
5 with Canterbury. I'll represent to you, and why
6 don't I actually just hand you some of the ones
7 so you can flip through it. It might be easier
8 for you to review, and we put tabs at each
9 exhibit.

10 A (Zysk) Thank you.

11 Q So if you start with the first yellow tab,
12 that's Applicant's Exhibit 206, which is the
13 agreement with Canterbury and Northern Pass?

14 A (Zysk) Okay.

15 Q And if you look at Provisions 2.4, 2.5, which is
16 the one dealing with the equipment, and
17 materials, staging, if you look at 2.9 which is
18 the one with the idling and startup of
19 construction vehicles, and if you look at 3.1
20 which is public roads, all of that has the same
21 language that we just looked at in the Draft
22 MOU. Is that right?

23 A (Zysk) It appears that way, right.

24 Q And if we go to Applicant's Exhibit 207 with

1 Plymouth Village Water and Sewer District, if
2 you look at those same provisions. And I
3 think -- I may have not provided that whole --
4 actually, that one doesn't have any of those
5 provisions. It's a little bit different because
6 it deals with the water and sewer district.

7 But if you go to the Applicant's Exhibit
8 209 which is the one with the City of Franklin.

9 A (Zysk) Okay.

10 Q And again, if you look at 2.4 which is work
11 hours, 2.5 has the equipment, 2.6 with lighting,
12 2.9 which is the one dealing with construction
13 vehicles, and Article 3 which is public roads,
14 all of that language is similar to the Draft
15 that we just looked at, correct?

16 A (Zysk) Appears that way, yes.

17 Q And the last one I just want you to briefly look
18 at is with the Town of Thornton which is
19 Applicant's Exhibit 208, and, again, this has
20 all of the same language that we've been looking
21 at in terms of those provisions.

22 A (Zysk) Okay.

23 Q Is that correct?

24 A (Zysk) Appears that way, yes.

1 Q So to the extent that municipalities are
2 entering into these MOUs, these MOUs aren't
3 alleviating the concerns that you raised
4 relative to the construction disruptions that we
5 talked about earlier, correct?

6 A (Zysk) Assuming that these Memorandums of
7 Understanding have been reviewed by their
8 specific municipalities, I would say they have.
9 The municipalities are accepting of what's being
10 put before them. And so apparently they have.

11 Q But for the people who live in those
12 municipalities that might be subjected to
13 construction disruptions, those provisions that
14 we looked at are not going to minimize the
15 disruptions that we just spoke about, right?

16 A (Zysk) That's correct.

17 Q Okay. So for whatever reason, good or bad, a
18 municipality agrees to sign this, it doesn't
19 address the concerns we've talked about, right?

20 A (Zysk) Correct.

21 Q Now, I'd like to talk to you about Best
22 Management Practices for erosion and
23 sedimentation control, and that appeared on page
24 11 of your report which, again, was Counsel for

1 the Public 131 and also 134.

2 On page 11, I have highlighted a statement
3 that you made about concerns of the maps in
4 Appendix 47. What you wrote dealing with
5 erosion was that we are concerned that the maps
6 in Appendix 47 while indicating some proposed
7 locations for BMPs appear to be lacking them in
8 many areas. Possibly the most critical
9 locations to be protected are areas of steep
10 slopes. It takes very little rainfall flowing
11 down a steep slope to begin the erosion process,
12 and once the beginnings of a channel are
13 defined, the erosion process can quickly
14 accelerate.

15 In your statement, you reference Appendix
16 27 maps. Those are the wetlands maps; is that
17 correct?

18 A (Zysk) Yes.

19 Q And I had a question on the wetland map or one
20 of them for the Concord area, and we're just
21 going to pull it up for a moment. Just for the
22 record, I'm going to blow up what sheet number
23 it is so we can identify it and it's in the
24 right-hand corner. It's Sheet 614.

1 Are you familiar with this section of
2 Concord which is the area where the proposed
3 Project will cross the Soucook River?

4 A (Zysk) In general, yes.

5 Q Are you aware that this is a steep embankment?

6 A (Zysk) This particular location, no, but I will
7 accept that.

8 Q Okay. And we've seen photographs in this case,
9 and I'm not going to pull them up again, but it
10 has shown that there is a steep embankment in
11 this particular area, and I'll represent that to
12 you.

13 In terms of BMPs and your statement that
14 they were lacking on certain wetland maps, if
15 you go to the bottom under the key, there's a
16 section and it shows markings for erosion and
17 sedimentation control BMPs, and then it also has
18 a section that or a key for erosion and
19 sedimentation control BMPs for, in parentheses,
20 steep slopes. And are these what you're talking
21 about as BMPs showing up on certain of the
22 wetland maps?

23 A (Zysk) Yes.

24 Q Okay. And on this particular map, there are no

1 BMPs shown in that particular area, are there?

2 A (Zysk) I don't see any.

3 Q Okay. So in terms of your concern that certain
4 steep slopes don't have BMPs shown on the maps,
5 would you agree that this is one example of a
6 map?

7 A (Zysk) Yes.

8 Q And without the BMPs as Construction Review
9 Panel, were you unable to identify whether the
10 proposed BMPs would be adequate to address the
11 slope in this particular area?

12 A (Zysk) That is correct.

13 Q Okay. I have nothing further. Thank you.

14 PRESIDING OFFICER HONIGBERG: Okay. We're
15 going to take our lunch break, and we'll be back
16 at 1:20.

17 (Lunch recess taken at 12:18
18 p.m. and concludes the **Day 50**
19 **Morning Session**. The hearing
20 continues under separate cover
21 in the transcript noted as **Day**
22 **50 Afternoon Session ONLY**.)

23

24

C E R T I F I C A T E

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

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

Dated at West Lebanon, New Hampshire, this 2nd day of November, 2017.

Cynthia Foster, LCR