

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

November 8, 2017 - 9:00 a.m.
49 Donovan Street
Concord, New Hampshire

DAY 58
Morning Session ONLY

{Electronically filed with SEC 11-20-17}

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.
William Oldenburg, Designee	Dept. of Transportation
Patricia Weathersby	Public Member
Rachel Dandeneau	Alternate Public Member

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

I N D E X

WITNESS	LINDA LAUER	PAGE NO.
Direct Examination by Ms. Saffo		5
Cross-Examination by Mr. Aslin		21
Cross-Examination by Ms. Meyer		26
Cross-Examination by Mr. Lakes		29
Cross-Examination by Ms. Draper		45
Cross-Examination by Ms. Schibanoff		48
Cross-Examination by Ms. Menard		57
Cross-Examination by Mr. Walker		60
Redirect Examination by Ms. Saffo		85

**QUESTIONS FROM SUBCOMMITTEE
MEMBERS & SEC COUNSEL BY:**

Commissioner Bailey	75
Dir. Wright	80
Mr. Oldenburg	82

WITNESS PANEL	CHERYL JENSEN LINDA LALEME	PAGE NO.
Direct Examination by Mr. Whitley		98
Cross-Examination by Mr. Pappas		112

E X H I B I T S

EXHIBIT ID	D E S C R I P T I O N	PAGE NO.
GRAFTON 43	Survey	9
GRAFTON 50	Northern Pass Business letter, 3-22-17	17
GRAFTON 51	Gale River Motel letter, 10-19-17	11
GRAFTON 53	Survey Proc 10-3-17	15
GRAFTON 54	Northern Pass Claim Form- Quinlan Supplemental Testimony	19
GRAFTON 57	Stone Wall (Franconia)	52
GRAFTON 58	Stone Wall (Sugar Hill)	52
GRAFTON 59	Stone Wall (Campton)	52
GRAFTON 60	Stone Wall (Bethlehem)	52
GRAFTON 61	Stone Wall Guidelines - Final, April 2017	51
APP 362	Traffic Counts for Woodstock/ Rt. 112, APP84398	71
JT MUNI 306	Option for Easement Agreement Among Renewable Properties, Inc., and Presidential Mountain Resort LLC	103

E X H I B I T S (continued)

EXHIBIT ID	D E S C R I P T I O N	PAGE NO.
CFP 606	Google Map of Bethlehem	119
CFP 608	Bethlehem Tax Map 201	114

1
2
3
4
5
6
7
8
9
10
11
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14
15
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19
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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. I believe it's Day 58. We have a new set of witnesses to hear from today, one of whom is prepositioned. Is there anything we need to deal with before the witness is sworn in? All right. Would you do the honors?

(Whereupon, *Linda Lauer* was duly sworn by the Court Reporter.)

LINDA LAUER, DULY SWORN

DIRECT EXAMINATION

BY MS. SAFFO:

Q So I provided you a copy of Exhibit 1 which is your Prefiled Testimony, and also the Supplement to your Prefiled Testimony and attachment?

Do you have that in front of you?

A I do.

Q And do you recognize it?

A I do.

Q And was it accurate to the best of your ability when you wrote it?

A When I wrote it, it was.

Q And since that time have you noticed an error

1 that you might have previously provided
2 testimony about?

3 A There is an error, and I think when I was in
4 earlier testifying I pointed it out.

5 On the bottom of page 6 of the Prefiled
6 Testimony, I believe it's page 6, at one point I
7 referred to a concern about a major structure in
8 the town of Franconia. I've since realized that
9 that was a mistake.

10 Q And please explain it to the Panel.

11 A There was, we had gotten the plans. This went
12 in the end of December. The county shuts down
13 so we were trying to get this done and we didn't
14 have much of a time interval from the time we
15 got the maps to look at what was going on. And
16 somewhere along the line I think we got confused
17 between the transmission station that was
18 planned for Bethlehem and the Gale River
19 crossing that was planned in Franconia, and
20 somehow they merged into a station in Franconia.

21 Q So at this point, as far as testimony before the
22 SEC, do you remain concerned about the
23 Transition Station in Bethlehem?

24 A I do.

1 Q And why is that?

2 A I don't know where it will be. There may not be
3 a problem, but at this point to the best of my
4 knowledge, the location has not been defined.

5 Q Then what about the Gale River crossing. What
6 is it about that location that cause you
7 concern?

8 A My primary concern there is that's the major
9 intersection that provides service not only to
10 the Franconia businesses but also the
11 neighboring town of Sugar Hill. And that
12 construction in that major intersection is going
13 to have an impact on the basis in the town
14 businesses in the town and in surrounding towns.

15 Q So without any additional corrections, do you
16 adopt your statement today, your Prefiled
17 Testimony?

18 A I do.

19 MS. SAFFO: And at this point does the SEC
20 panel need more for her to have this adopted as
21 formal Prefiled Testimony? Okay. Thank you.

22 Q I just have a few followup questions referencing
23 matters that have happened since April 17th,
24 2017. Your Prefiled Testimony discusses

1 concerns about the plans are either incomplete
2 or nonexistent so it's hard for you to evaluate
3 the impact. Since the April 17th, 2017,
4 Prefiled Testimony, or supplement, have you
5 received sufficiently detailed plans that enable
6 you to evaluate the impact of the underground or
7 aboveground structures in Grafton County?

8 A No.

9 Q Now, when you wrote your testimony, did it even
10 occur to you they might not have final
11 construction plans by this time?

12 A It didn't.

13 Q Why not?

14 A When I moved to New Hampshire, I built a house.
15 Before I could put in a septic system, I had to
16 have detailed plans. It never occurred to me
17 that something the size of Northern Pass could
18 go through without detailed survey and detailed
19 to-the-inch plans. And I understand that things
20 will happen during the construction that may
21 require a little bit of a deviation from a plan.
22 I mean, that's life. It happens. But to start
23 without a plan, the thought never occurred to
24 me.

1 Q Now, if someone said well, they do have a plan,
2 and, for example, I'm going to show you a
3 document marked as Grafton Exhibit 43,
4 previously uploaded on ShareFile, and I would
5 note which I represent is the SHEB plan from
6 December. Have you looked at this document?

7 A This is -- I'm sorry. What is the date on this?

8 Q December 2017 if you look on the side.

9 A I did look at these, yes.

10 Q When you looked at them, what were your concerns
11 in trying to analyze them?

12 A My first problem was they're difficult to
13 understand, and I say that because they were all
14 black and white with the exception, I believe
15 that's the set that had the little color logo in
16 the corner, but the plans themselves were all
17 black and white. So it was difficult to decide
18 what was the edge of the road, where was the
19 trench going to be. Difficult to understand.

20 Q Looking at those today, can you still tell us
21 where the trench is going to be going through
22 the underground portion of the Northern Pass?

23 A I can't.

24 Q And why is that a concern? Why do you need to

1 know where they're going to be digging this
2 trench?

3 A It's the abutting property owners and business
4 owners that are my prior concern.

5 Q Now, have you heard from abutting property
6 owners or and/or learned any information from
7 business owners as well?

8 A I have. I have.

9 Q What are those concerns being voiced to you
10 since this time as a Commissioner?

11 A Some of the concerns that I'm hearing, people
12 don't know where it's going, they don't know
13 what's going to be affected, if anything, on
14 their property. They're concerned about their
15 trees, they're concerned about their stone
16 walls, they're concerned about their flower
17 gardens.

18 We have businesses that reached out to
19 Northern Pass, I'm specifically thinking of the
20 Gale River Motel where the business owner said I
21 reached out, and they couldn't tell me where
22 it's going to be. And this happened six weeks
23 ago.

24 Q I'm going to show you a document marked as

1 Grafton Exhibit 51, previously entered?

2 A This is the letter from the manager of the Gale
3 River Motel that I referred to a few minutes
4 ago.

5 Q And what's the date of that letter?

6 A Date on that is October 19th, 2017.

7 Q As of October 19th, 2017, what was he able to
8 learn about what was going to happen in front of
9 his property?

10 A Essentially, nothing. He indicated in his
11 letter that he pretty much provided information
12 to Northern Pass. They didn't really provide
13 any information to him.

14 Q What about his septic?

15 A I'm sorry. What was that?

16 Q Did he reference anything regarding his septic
17 system?

18 A He did.

19 Q What did he say?

20 A I'd have to find it again because I don't want
21 to misquote him.

22 Okay. This was the individual that pointed
23 out that there was a sewer line that ran under
24 the roadway, and there was also a water line

1 crossing under the roadway, and none of those
2 details were on the plans that Northern Pass was
3 able to give him.

4 Q So do you think it's important information that
5 surveys in the future depict these nonapparent
6 structures such as septic systems?

7 A Absolutely.

8 Q Why is that important?

9 A Well, for a number of reasons. First of all,
10 any maintenance on those water and sewer lines
11 are going to have to take into account that they
12 have to either, that either they're going over
13 the buried cable or they're going to have to go
14 under. It's one thing when you're talking about
15 Franconia which is a fairly small town. I mean,
16 it's essentially a main street with a few houses
17 on the outskirts. But you start getting to
18 things like Plymouth, downtown Plymouth, and I
19 think it would be very important that all those
20 lines be mapped accurately.

21 Q And then as far as people's water source. Of
22 your constituents in Grafton County along this
23 path, do some of them rely on wells?

24 A Majority, I would say, rely on wells.

1 Q So any impacts on water sources such as wells
2 and septic systems is a feature you're
3 interested in?

4 A You know, depending on where the line is, and
5 how it's constructed, and the nature of the
6 thermal backfill that's used, and how close it
7 is to water sources, it could be. But none of
8 that information is available.

9 Q And then looking at that same document, and you
10 can look at it on the screen, and you'll see my
11 arrow on paragraph 3 down, it starts with they
12 were unable to answer any questions about
13 right-of-way access on my property.

14 Why is that significant to you?

15 A Because I've heard it over and over.

16 Q And heard it over and over. What did you hear
17 over and over?

18 A That there's questions about right-of-ways,
19 particularly on Route 116 in Easton.

20 Q And how could that impact landowners in Grafton
21 County?

22 A If they disagree, if they disagree with the
23 right-of-way that's arbitrarily selected, and at
24 this point lacking any information to the

1 contrary, I have to think that there's no firm
2 basis for the right-of-way that's being claimed.
3 The only way the landowners can fight is to go
4 to court. This is a poor area of the state.
5 These landowners can't go to court. They can't
6 afford it.

7 Q And that as far as construction along the
8 right-of-way, would that be a concern on
9 abutting landowners as far as contacting you?

10 A Absolutely.

11 Q What do you mean by that?

12 A I'm sorry. The concerns of the landowners or my
13 concerns?

14 Q About construction on the right-of-way?

15 A The landowners that I've heard from are
16 concerned about damage, they're certainly
17 concerned about damage to their foundations of
18 their homes and damage to their wells. They're
19 concerned about damage to trees, trees being
20 removed. Nobody's really sure how far off the
21 shoulder of the road that is going to be.

22 Our shoulders up in our area frequently,
23 the shoulder of the road is really narrow. I
24 mean, it's like you have a road, you have a foot

1 or two, and then you have somebody's yard or
2 somebody's trees or somebody's fence or
3 somebody's gardens. The roads, all I can say is
4 the roads up in Grafton County are not like the
5 roads down here.

6 Q As far as impacts on private landowners, is that
7 a concern for you as a Commissioner?

8 A Absolutely.

9 Q Are you concerned about property devaluation?

10 A I am.

11 Q And why is that?

12 MR. NEEDLEMAN: Objection. All of this
13 information was already included in her
14 testimony. This is nothing new.

15 PRESIDING OFFICER HONIGBERG: Her testimony
16 is extensive on a lot of these issues.

17 MS. SAFFO: I can leave that, your Honor.

18 BY MS. SAFFO:

19 Q On October 3rd, 2017, this is Grafton Exhibit
20 53, there was a communication between the New
21 Hampshire Department of Transportation and
22 Northern Pass Transmission, specifically
23 Mr. Jerry Fortier. Do you have that document in
24 front of you?

1 A I do.

2 Q In that document, they outline a proposed
3 procedure, a copy attached, for performing the
4 survey work and mapping for the Northern Pass
5 Transmission Project. Do you see that as well?

6 A I do.

7 Q So as you turn to the next page, there isn't as
8 part of this survey process a discussion about
9 communicating with the individual private
10 landowners.

11 A There is not.

12 Q And is that a concern of yours?

13 A It is. Northern Pass has been around, has been
14 of concern in Grafton County right from the
15 onset, and when we realized that it was going to
16 go underground through much of Grafton County,
17 at that point the initial briefings that we all
18 went to they talked about putting it under the
19 road. And I think most of us thought, okay,
20 we're going to put up with traffic delays, not
21 good, but we understand. But now it's going
22 off, we think it's going off to the side of the
23 road.

24 Q And you don't know how far off the side of the

1 road?

2 A I don't know. And again, it might be a problem,
3 it might not, but we don't have the information
4 to tell us.

5 Q As a Commissioner, could you think you have
6 submitted county construction plans would that
7 sort of detail and had it approved?

8 A You know, we're designing a new sewer line for
9 the Grafton County Complex, and it's going to be
10 like 300 feet long, and our plans are much more
11 detailed than this. I looked at them last week.

12 Q Now, the claims process. Have you heard about a
13 claims process to assist landowners?

14 A The only claims process that I'm aware of is to
15 talk to the, that it could be resolved by
16 Northern Pass. This was actually something that
17 I think I mentioned in my initial testimony was
18 I was concerned that the landowners that do have
19 concerns should have some type of formal
20 mechanism independent of the Northern Pass
21 Project that they can appeal to in case they
22 really feel there are damages to their property.

23 Q So Grafton Exhibit 50 --

24 MR. IACOPINO: Ms. Saffo, can I just ask

1 you a question about your exhibits? I see that
2 what's happening is they're being pulled off of
3 the ShareFile which is used for discovery
4 amongst the parties. Were they ever forwarded
5 to the Committee?

6 MS. SAFFO: I've been, as I introduce them
7 I've been giving a copy, and I believe these
8 were introduced in previous testimony, the ones
9 I'm doing now, but if not, I can confirm and
10 make sure a copy has been provided.

11 MR. IACOPINO: Okay. Thank you.

12 MS. SAFFO: These hard copies can go
13 directly, and they already have the wording on
14 them saying Grafton Exhibit. So thank you. I
15 apologize. I was thinking earlier testimony I
16 had submitted these.

17 MR. IACOPINO: Just so you know we've
18 provided copies of the exhibits that have come
19 in through the Committee to the Committee
20 members, and these ones after 35 I think is we
21 don't have those. So I'm just trying to track
22 them down.

23 MS. SAFFO: I apologize. I'll make sure
24 before I leave today you have multiple copies.

1 BY MS. SAFFO:

2 Q So this is the Forward New Hampshire Plan from
3 March 22nd, 2017, and this is a letter to
4 "Plymouth Business."

5 Did you see this letter to Plymouth
6 businesses before April 17th when you submitted
7 your Prefiled Testimony to the best of your
8 recollection?

9 A No.

10 Q So and then Exhibit 54 is correspondence, and
11 this would be the Northern Pass claims forms.

12 Now, you said you wanted somebody
13 independent from Northern Pass. What do you
14 mean by that?

15 A It just, first of all, I appreciate that we've
16 done this to at least give a mechanism to bring
17 these problems to the forefront for the
18 landowners. My concern is that it seems like
19 the deck is stacked.

20 Q Do you think your constituents will be
21 comfortable looking to Northern Pass to resolve
22 their concerns if they have a dispute?

23 A At this point, no, and it's unfortunate but I
24 don't believe there is a lot of community trust.

1 Q And then lastly, so do you think somebody
2 independent completely separate from Northern
3 Pass would be the best person to mediate?

4 A I do. I do. And I think truthfully it would be
5 the best for the landowners, and it would be
6 best for Northern Pass. As I say, I think that
7 there's an attitude of distrust, and that
8 attitude has come from the line's going to be
9 overhead, the line is going to be underground,
10 it's going to be under the road, no, it's going
11 to be on the side of the road, no, we don't know
12 where it's going to be. There is a lot of
13 distrust.

14 Q Have you seen a Traffic Control Plan that's
15 detailed?

16 A I have seen a standard Traffic Control Plan, but
17 I've not seen something that addresses specific
18 locations.

19 Q Now, regarding minimizing impact, do you think
20 using the I-93 corridor would minimize the
21 impacts on Grafton County?

22 MR. NEEDLEMAN: Objection. This is all
23 information that was covered and could have been
24 covered.

1 Sansoucy. And I will say also that in my work
2 with Lockheed Martin I was there for 26 years in
3 materials testing lab, and thermal issues were,
4 they popped up periodically. So I might be
5 overly sensitive to them from that.

6 Q Fair enough. In the context, you also have
7 raised some other concerns in your testimony
8 about general issues about road maintenance. In
9 your role as County Commissioner, have you had
10 discussions with the various towns within
11 Grafton County or directly with the Applicant
12 about any potential mitigation of road
13 construction issues or feature maintenance
14 issues from the Project?

15 A I have not.

16 Q Are you aware of any of the constituent towns in
17 Grafton having those conversations?

18 A I am not.

19 Q Okay.

20 A I am not. And I think at this point, since we
21 don't know if it's going under the road, may not
22 even be an issue.

23 Q Okay. Fair enough. You also raised some
24 concerns, I think in your Supplemental

1 Testimony, about emergency vehicle access
2 through construction zones. Again, are you
3 aware either directly with the County
4 Commissioners or through any of the constituent
5 towns of discussions with the Applicant about
6 developing plans to address emergency vehicle
7 access?

8 A I am not aware of any discussions with the
9 Applicant to talk about that, and it is a
10 concern.

11 Q So the Applicant hasn't reached out to Grafton
12 County Commissioners?

13 A No, no. And I would add that I'm the Emergency
14 Management Director in Bath, and we are part of
15 Twin State which is a Mutual Aid Agreement that
16 includes some of the towns that are going to be
17 directly impacted by this underground route, and
18 I have heard nothing.

19 Q You were also a few minutes ago talking about
20 concerns about contamination to water or water
21 sources and wells, and if I heard you correctly
22 it sounded like your primary concern is a lack
23 of information rather than a specific concern
24 about individual contamination?

1 A I would have to say yes, only from the
2 standpoint of I don't have any specific
3 information. The research that I've been able
4 to do on fluidized thermal backfills would
5 indicate that it frequently contains fly ash
6 which contains heavy metals. When I was with
7 Lockheed Martin Corporation, part of the thing
8 my lab did was environmental testing, and that
9 included something called toxicity
10 characteristic leaching procedures, TCLP. And
11 you can have materials that on their own are
12 fine, but if they get into an acidic or an
13 alkaline environment they can start leaching out
14 heavy metals.

15 And so not knowing the chemistry of the
16 water all along this route, not knowing the
17 characteristics of the fly ash, it's difficult
18 for me to say there's a problem, but it's also
19 difficult to say that there's not.

20 Q So concerned because lack of sufficient
21 information from your perspective?

22 A Yes.

23 Q In this case, you've raised a number of concerns
24 about the Project coming through Grafton County.

1 Other than having more information about the
2 Project about the specifics and issues like the
3 fluidized thermal backfill that may be used, are
4 there other recommendations or proposals that
5 you have on behalf of the Grafton County
6 Commissioners about how the Project should
7 proceed?

8 A I think we would have been more comfortable with
9 a route that didn't go through two -- we don't
10 have very many business areas in Grafton County,
11 and to go through several of them with an
12 underground route is of concern. Now, perhaps
13 around, that didn't so directly impact
14 businesses and landowners.

15 Q Thank you. That's all the questions I have.

16 PRESIDING OFFICER HONIGBERG: I have the
17 Municipal Groups next. Who has questions, if
18 anyone?

19 MS. PACIK: We don't have any questions.
20 Thank you.

21 PRESIDING OFFICER HONIGBERG: Ms. Boepple?

22 MS. BOEPPLE: No questions. Thank you.

23 PRESIDING OFFICER HONIGBERG: Mr. Palmer's
24 group, anybody from the Bethlehem to Plymouth

1 Group?

2 MS. MEYER: Yes, we have questions.

3 PRESIDING OFFICER HONIGBERG: Who's
4 speaking?

5 MS. MEYER: This is Barbara Meyer, and I
6 have some questions that were passed on to me by
7 Mr. Palmer. And then Mr. Lakes has a few
8 questions. So if we could do this in a divided
9 fashion, we'd appreciate it.

10 PRESIDING OFFICER HONIGBERG: As long as
11 you don't cover the same areas.

12 MS. MEYER: Right. We won't.

13 **CROSS-EXAMINATION**

14 **BY MS. MEYER:**

15 Q Hello, Ms. Lauer. Can you see me back here?

16 A I do see you.

17 Q I wanted to ask some questions, just a couple
18 more about the coal fly ash situation. Are you
19 aware of any studies that might have been done
20 to evaluate the safety of coal fly ash when it's
21 used in proximity to drinking water sources?

22 A I have not seen any. I have seen some
23 indications, some studies that would indicate
24 that the heavy metal contamination can be an

1 issue. And I'm sorry. I don't have those off
2 the top of my head.

3 Q Yeah, and you mentioned specifically in acidic
4 environments that that is more of an issue.

5 A It is.

6 Q What do you know about the acidic levels of
7 soils in that part of Grafton County where
8 there's a lot of pine trees that have been
9 dropping their needles for years? Does that
10 soil there tend to be more acidic than you might
11 otherwise find?

12 A You know, it's times like this I wish I was more
13 of a gardener. I would know an answer better.
14 Intuitively, I feel like areas with oak trees
15 with the tannins and the tannic acid would
16 certainly be an issue. I would anticipate, my
17 somewhat marginally educated guess would be that
18 there are acidic soils associated with these
19 leaves.

20 Q And if you were a homeowner along, say, 116
21 where this Project is proposed, and you had a
22 well that's 50 feet from the pavement so the
23 potential site of excavation where this fly ash
24 would be dumped, what would be your reaction to

1 that? How would you feel about that? Would you
2 be comfortable just if people said well, this
3 soil here isn't very acidic so it shouldn't be a
4 problem?

5 MR. NEEDLEMAN: Objection.

6 Mischaracterizes the record. There's nothing
7 being dumped. It sounds like waste disposal.

8 MS. MEYER: Can I rephrase the question?

9 PRESIDING OFFICER HONIGBERG: Give it a
10 whirl.

11 BY MS. MEYER:

12 Q Where the fluidized thermal backfill is being
13 placed. Go ahead.

14 A Would I be concerned if I had a well 50 feet
15 away?

16 Q Yes.

17 A I would. I probably would want to do metal
18 testing on my water on a fairly regular basis
19 and not just short-term. I probably would want
20 to do it long-term.

21 Q And if there were changes involved in the metal
22 content, do you think that would be appropriate
23 to make a claim against Eversource?

24 MR. NEEDLEMAN: Objection. Calls for

1 speculation.

2 PRESIDING OFFICER HONIGBERG: Ms. Meyer?

3 MS. MEYER: Thank you. I'll pass on to
4 Mr. Lakes.

5 **CROSS-EXAMINATION**

6 **BY MR. LAKES:**

7 Q Hello, Ms. Lauer. Thank you for being here.

8 Ms. Lauer, in your pretrial testimony you
9 mentioned incomplete and inaccurate information
10 in the NPT Application. It's now been almost
11 two years since acceptance of that Application
12 by the SEC. Have all of your concerns been
13 addressed in the intervening years?

14 A No.

15 Q Can you name any that they haven't satisfied?

16 A We still don't have a definitive plan for where
17 it will be. How far off of the road. What
18 structures will be impacted. We have an
19 incomplete, in my mind -- I shouldn't say
20 incomplete. A less than adequate appeal process
21 for landowners that suffer damages.

22 Q Okay.

23 A I mean, those pop to mind immediately.

24 Q Yup. I imagine that you have in the past or

1 continue to cross paths with the DOT in some of
2 the jobs that you perform as Commissioner?

3 A Actually, the DOT doesn't, the counties don't
4 own any roads. So my work with DOT has been
5 very minimal, and it's been predominantly in my
6 role as Emergency Management Director in Bath,
7 and then it's if there's something wrong with
8 the road we call DOT and yell "help," and they
9 come help us.

10 Q I would assume that typically you've got, like
11 you said, you've got the help you need?

12 A Oh, absolutely. Absolutely. I have great
13 respect for all of the state employees in New
14 Hampshire. They're hard workers.

15 Q Okay. Then I would ask you this question. In
16 your estimation, should the DOT have given
17 preliminary approval to the underground portion
18 whether knowingly or not knowing that the
19 alignment presented in the Application was in
20 direct violation of the Utility Accommodation
21 Manual?

22 PRESIDING OFFICER HONIGBERG: Wait.

23 MR. NEEDLEMAN: Objection. Calls for a
24 legal conclusion and calls for speculation.

1 PRESIDING OFFICER HONIGBERG: Mr. Lakes?

2 MR. LAKES: I don't think it calls for a
3 legal conclusion. I think it calls just for an
4 opinion on her part as to whether the DOT may
5 have, you know, approved the initial
6 Application.

7 PRESIDING OFFICER HONIGBERG: I think based
8 on her previous answer, she's demonstrated that
9 she has no basis for offering any educated
10 opinion on what DOT should or shouldn't do. Her
11 previous answer, I think, established that.

12 A And I think I would -- I would echo that same
13 answer.

14 PRESIDING OFFICER HONIGBERG: Wait. Wait.
15 I'm having a conversation with Mr. Lakes right
16 now.

17 A I apologize.

18 PRESIDING OFFICER HONIGBERG: I'm going to
19 sustain the objection, and actually think the
20 answer wasn't going to work for you anyway based
21 on what it sounds like the witness was going to
22 say.

23 MR. LAKES: That's fine.

24 BY MR. LAKES:

1 Q Do you believe that the Application should have
2 been accepted by the SEC without an approved and
3 verified survey specifically delineating
4 property boundaries?

5 MR. NEEDLEMAN: Objection.

6 PRESIDING OFFICER HONIGBERG: Sustained.

7 Q There are some who believe since NPT is now
8 doing what they should have done two years ago
9 that somehow they and NPT are absolved from the
10 responsibility of assuring due process to
11 opponents. Do you agree with this?

12 MR. NEEDLEMAN: Objection.

13 PRESIDING OFFICER HONIGBERG: Sustained.

14 Q Considering current demands by the DOT to place
15 much of the cable outside of the pavement as
16 possible, do you feel that the entire scope of
17 work has been redefined and will have more
18 adverse impact on residents?

19 A I do.

20 Q Do you think that the Counsel for the Public
21 experts and Intervenors have been at a
22 disadvantage in understanding and therefore
23 shedding light on the underground portion due to
24 the everchanging alignment by the Applicant?

1 MR. NEEDLEMAN: Objection.

2 PRESIDING OFFICER HONIGBERG: Grounds?

3 MR. NEEDLEMAN: I don't think she has any
4 basis to answer that question, and it calls for
5 speculation.

6 PRESIDING OFFICER HONIGBERG: Mr. Lakes?

7 MR. LAKES: I think that the question is
8 really tantamount to what is happening here at
9 these hearings in that I think her opinion,
10 being a Grafton County Commissioner, as to
11 whether Intervenors and the Counsel for the
12 Public witnesses have been disadvantaged is a
13 question that should be answered and that she
14 has the expertise to do that.

15 PRESIDING OFFICER HONIGBERG: She lacks
16 knowledge, however. She'd be speculating. The
17 objection is sustained.

18 BY MR. LAKES:

19 Q During the hearings, Applicant's experts stated
20 that there may be local impacts due to
21 businesses due to construction. I think we can
22 all agree with that. They would say such things
23 as monies that would be spent in the impacted
24 town will just be spent in another town. Do you

1 think that this is a solace for a business in
2 Franconia that may be losing a customer and that
3 the money is going to another business outside
4 of town?

5 A If I were a business owner in Franconia, I would
6 not get any comfort at all from that. Quite
7 frankly, our area relies so much on small local
8 businesses, and losing a month's income, for
9 example, for a campground that's only open three
10 or four months out of the year, that's a
11 significant blow.

12 So yes, they will just camp somewhere else.
13 And so overall in the state of New Hampshire,
14 there will be no big impact. But if a small
15 campground loses its income for a month, it
16 affects that one.

17 Q Do you have concerns about boundary line issues
18 for residents along the underground route?

19 A I'm concerned about right-of-way issues. Not so
20 much boundary lines issues.

21 Q So how is that a right-of-way issue from a
22 boundary line issue?

23 A It may not be. I'm not a surveyor so I'm
24 specifically concerned about the local

1 right-of-way that is at what point do you
2 encroach upon a landowner's private property.

3 Q Will multiple work sites along the underground
4 route cause widespread traffic delays, April
5 through November, for the course of possibly two
6 years or more?

7 MR. NEEDLEMAN: Objection. I'm not sure if
8 the witness has any basis to answer that.

9 PRESIDING OFFICER HONIGBERG: Mr. Lakes,
10 you might be able to lay a foundation to ask
11 such a question of this witness. You haven't
12 yet. So I'm going to sustain the objection.
13 But if you want to ask her some other questions
14 to see if she knows anything, you might be able
15 to do that.

16 MR. LAKES: Okay. That's why I asked the
17 question.

18 BY MR. LAKES:

19 Q Do you believe that construction along the
20 underground route will cause traffic delays?

21 PRESIDING OFFICER HONIGBERG: That isn't
22 going to do it.

23 MR. LAKES: All right. We'll move on.

24 BY MR. LAKES:

1 Q Will multiple work sites along the underground
2 route where backhoes, dump trucks, cement
3 trucks, et cetera, possibly 40,000 or more, will
4 create noise?

5 A Yes.

6 Q Do you think this will be conducive to tourism?

7 MR. NEEDLEMAN: Objection.

8 PRESIDING OFFICER HONIGBERG: Overruled.

9 You can answer that.

10 A I personally would not purposely seek out a spot
11 like that. So I would say yes, it will have an
12 impact on tourism.

13 Q Are you aware that NPT never commissioned a
14 noise study on the underground route?

15 A I was not aware.

16 MR. NEEDLEMAN: Objection. That
17 mischaracterizes the record.

18 PRESIDING OFFICER HONIGBERG: I believe it
19 does.

20 Mr. Lakes, do you have something you can
21 point us to that says that that's true? Because
22 there was a whole Panel here that talked about
23 noise.

24 MR. LAKES: Yes, and the noise was just

1 distantly with regard to the aboveground, not
2 the underground route.

3 PRESIDING OFFICER HONIGBERG: I don't
4 believe that's true.

5 MR. LAKES: I could be mistaken.

6 PRESIDING OFFICER HONIGBERG: As could we
7 all. I'm going to sustain the objection.

8 BY MR. LAKES:

9 Q I'm sure you know lots of people rent houses and
10 apartments to tourists in Grafton County. Do
11 you think that this business may suffer when
12 visitors get wind of this megaproject?

13 A Based on some personal experience, I would say
14 yes. And I say that because at one point, the
15 aboveground alternative route was looking
16 potentially through Bath, and many of my
17 neighbors have second homes on my street, and
18 there was a lot of concern, people talking about
19 selling their houses, and I think the
20 alternative route disappeared within a matter of
21 months. So they're all happily ensconced now in
22 their second homes, but I would assume that
23 other people would feel the same way about their
24 second homes.

1 Q The owner of the Lost River Campground on Route
2 112, it looks as though you may be familiar with
3 that?

4 A I do know them.

5 Q They own both sides of the road.

6 A They do.

7 Q And the campground is on both sides of the road.
8 And Northern Pass goes straight through this
9 area. Do you think that the noise and road
10 disruptions and traffic will be favorable to the
11 business owner?

12 A Absolutely not. Absolutely not.

13 Q Do you think that there's any kind of outreach
14 that Northern Pass can do to allay her fears?

15 A I don't know -- it's difficult for me to say
16 what would make her feel better, but to the best
17 of my knowledge, there has not been outreach
18 aside from some initial under the road -- I
19 think everybody's confused. Nobody knows where
20 it's going. Certainly in my discussions with
21 them at Lost River Campground, they don't know
22 if it's going to come through the side of the
23 road where their main campground is, their main
24 building, or if it goes on the other side of the

1 road which is a strip between the road and a
2 little pond and it's a playground for the kids.
3 So they don't know what's going to be disrupted.
4 They have campgrounds on both sides of the road,
5 and I would think construction would be a big
6 concern for them. That's certainly what they've
7 told me.

8 Q Okay. I need to use the ELMO. I'm not sure --
9 is that on?

10 PRESIDING OFFICER HONIGBERG: It's going to
11 be turned on, it looks like.

12 Q Do you have that on your screen, Ms. Lauer?

13 A I do.

14 Q With regard to earlier testimony during these
15 proceedings, what I have on the exhibit is APOBP
16 73.

17 A Um-hum.

18 Q This is testimony of Mr. Kenneth Bowes, an
19 Eversource employee and Applicant's construction
20 expert, who said, and I quote, and this is lined
21 there on the exhibit, "The trench alignment I
22 have seen does not actually conflict with a
23 tree."

24 How would you characterize that statement?

1 PRESIDING OFFICER HONIGBERG: That is an
2 ambiguous question. What do you want her to do?

3 Q Do you agree with the statement that the
4 alignment would not touch one tree?

5 MR. NEEDLEMAN: Objection. What basis is
6 there to answer that?

7 PRESIDING OFFICER HONIGBERG: Yes. No one
8 knows what Mr. Bowes is talking about based on
9 what's in front of her. There's no way she can
10 answer that question. There's no way she has a
11 basis for it. If you want to try and explain
12 what's happening here, maybe you can get there,
13 but you're not there yet.

14 MR. LAKES: I'll try.

15 BY MR. LAKES:

16 Q During this testimony, the questioning was with
17 regard to the alignment of the underground
18 cable, and at that time, based on the alignment
19 that was put forth by the Applicant, the
20 Applicant's expert stated that there would be no
21 trees removed along underground route.

22 A I know some of these roads --

23 MR. NEEDLEMAN: Objection.

24 PRESIDING OFFICER HONIGBERG: There's no

1 question, Ms. Lauer. There's no question been
2 asked.

3 A Again, my apologies.

4 PRESIDING OFFICER HONIGBERG: Don't
5 apologize.

6 BY MR. LAKES:

7 Q My question would be do you think this is a
8 reasonable statement?

9 MR. NEEDLEMAN: Objection. Again, there's
10 no basis for it, and this has also been
11 superseded to some extent by the Construction
12 Panel's recall and additional testimony so it
13 does mischaracterize the record.

14 PRESIDING OFFICER HONIGBERG: I'm going to
15 sustain the objection, but, in part, Mr. Lakes,
16 I think the problem is you haven't laid a
17 foundation with this witness to know what you're
18 talking about. You're inviting her to
19 speculate. She's already said a couple of times
20 that she'd have to speculate, and she doesn't
21 want to do that, you don't want her to do that
22 and it really doesn't, it's not valuable to the
23 process.

24 MR. LAKES: Okay. Thank you.

1 BY MR. LAKES:

2 Q In your pretrial you mention the State has a
3 certain right-of-way from the centerline of the
4 road. In other words, there's a row that's
5 measured from the centerline of the road or
6 where the center is supposedly marked. Do you
7 agree that a lot of the ROW on the underground
8 portion is not well defined?

9 A Based on the input from landowners, I would say
10 yes. It is not well defined.

11 Q Do you agree that any private company should
12 have legal access to this ROW without property
13 owners' approval?

14 MR. NEEDLEMAN: Objection. Calls for legal
15 conclusion and speculation.

16 PRESIDING OFFICER HONIGBERG: Mr. Lakes?
17 Do you disagree with Mr. Needleman?

18 MR. NEEDLEMAN: Of course I disagree with
19 him, but I don't know if I can say the right
20 words so that the question can go forward.
21 Unfortunately, I'm not a lawyer, and I don't
22 pretend to be one. What I'm up here to do is to
23 lift the level of information that people are
24 listening to, and, you know, perhaps I can't do

1 it in a way that seems to satisfy legal
2 mumbo-jumbo. I end up having to unfortunately
3 not get my questions answered.

4 PRESIDING OFFICER HONIGBERG: I'm going to
5 sustain the objection. I'm going to make a
6 suggestion. I don't know how much else you have
7 to ask, but I'd be happy to give you an
8 opportunity to go back and work on what it is
9 you want to know from this witness that's
10 related to her testimony and that she's likely
11 to have knowledge of, personal knowledge or
12 knowledge because of what she does, because
13 there are some other people who have to ask
14 questions. So if you wanted to spend the next
15 30 minutes or so working on this, that would be
16 fine, if you think that would be helpful to you.

17 MR. LAKES: I'd rather just proceed with
18 the hearings and not do that.

19 PRESIDING OFFICER HONIGBERG: Okay.

20 BY MR. LAKES:

21 Q Okay. Ms. Lauer, do you think property owners
22 and businesses could be negatively impacted
23 doing their own upgrades and construction
24 projects like culverts, driveways, plantings,

1 fences, stone walls, as a result of this
2 underground cable?

3 A Could you repeat the question, please?

4 Q Do you think that it may end up possibly costing
5 businesses and property owners more money to do
6 their own upgrades and their own work with that
7 cable in the ground as an impediment to some of
8 the projects that they may want to do?

9 MR. NEEDLEMAN: Objection. I'm not sure
10 this witness has any knowledge to answer that.

11 PRESIDING OFFICER HONIGBERG: Mr. Lakes?

12 MR. LAKES: I'm done.

13 PRESIDING OFFICER HONIGBERG: Ms. Menard,
14 do you have questions? Or anyone from your
15 group?

16 MS. MENARD: I'm sorry. I'm not prepared.
17 I had a work conflict, and I'm not prepared to
18 go right now. So we'll have to pass.

19 PRESIDING OFFICER HONIGBERG: All right. I
20 don't see Mr. Plouffe or Ms. Birchard. Is
21 anyone here from that group? I don't have that.
22 I have a Pemi River Group. Do you have
23 questions?

24 MS. DRAPER: We do.

1 position as Commissioner, what concerns have you
2 heard from towns about Northern Pass Project's
3 impact on the Pemigewasset River?

4 A My contact has predominantly been through the
5 Prefiled Testimony in that area, and the
6 concerns had to do with the contamination.

7 Q And you were saying that you're in the Emergency
8 Response. What have you been doing, say, in
9 Plymouth with the recent flooding? Have you
10 been involved in that?

11 A I have not been. I've had my own issues up in
12 Bath to take care of.

13 Q Okay. Who takes care of that kind of issue on a
14 county basis? Is there any?

15 A There is not a county organization for Emergency
16 Management. It goes through the State Homeland
17 Security Emergency Management, and then the next
18 level down is the town. The county level, our
19 Emergency Management planning is just for the
20 County Complex.

21 Q Okay. Thank you. And have the County
22 Commissioners gathered with towns in any sort of
23 meetings to talk about water quality in general?

24 A We have not. We have not as a group. I can't

1 speak for my fellow Commissioners. Grafton
2 County is one of the counties where we have the,
3 it is not three County Commissioners At-Large.
4 We are in three separate geographical districts,
5 and so I've certainly talked to people in the
6 Connecticut River Authority, for example, in my
7 District, and the Ammonoosuc River. I can't
8 speak for the others.

9 Q All right. Do the Commissioners in general have
10 targets to protect high quality aquifers
11 throughout the county?

12 A We do.

13 Q Could you tell me a little more about that?

14 A Well, I think most of our activity is something
15 like this. When we see a project that has the
16 potential to impact the aquifers, we do what we
17 can to take a position and help.

18 Q Have you taken a position on the Northern Pass
19 Project in regards to aquifers?

20 A I believe aquifers were specifically mentioned
21 in the Prefiled Testimony.

22 Q I was thinking particularly of Ashland.

23 A Ashland certainly, Ashland is an issue with the
24 proximity to the water treatment.

1 Q All right. Thank you. And has any of the
2 discussion that Northern Pass, I guess I was
3 going to ask again if Northern Pass had met with
4 anyone to discuss water quality concerns or --

5 A I am unaware of any meetings.

6 Q Okay. So at this point, there's been no change
7 in the Commissioners' or in your objections to
8 Northern Pass?

9 A No.

10 Q All right. Thank you.

11 PRESIDING OFFICER HONIGBERG: Ms.
12 Schibanoff?

13 **CROSS-EXAMINATION**

14 **BY MS. SCHIBANOFF:**

15 Q Good morning, Dr. Lauer. I'm going to use your
16 title.

17 A Oh, Dr. Schibanoff.

18 Q We were just discussing the cost of college
19 loans. Carl Lakes is going to help at the ELMO.
20 Are you ready, Carl? Is it on?

21 MR. LAKES: Yes.

22 Q Could you put up Counsel for the Public Exhibit
23 40 which is Attachment L to William Quinlan's
24 Prefiled Testimony? It's the NPT Guarantee

1 Program Overview.

2 Dr. Lauer, can you see that on your
3 monitor?

4 A I can.

5 Q Thank you. I'm interested in talking a little
6 bit about your concern about property values on
7 this route, and if I'm calculating this
8 correctly, in Grafton County, which is your area
9 of concern, there are approximately 60 miles of
10 proposed route, 52 underground and that would
11 leave about 8 aboveground, correct?

12 A Correct.

13 Q So are you aware that the Applicant has proposed
14 a property value loss mitigation measure called
15 the NPT Guarantee Program Overview? Have you
16 seen this?

17 A I don't recall seeing it in the past.

18 Q Okay. If you could just take a look at it now
19 quickly. Under number 2, Eligibility, do you
20 see that this program has very specific criteria
21 such as a property must be encumbered by the
22 right-of-way easement, the property is improved
23 with a single family house, must be within 100
24 feet of a right-of-way boundary, et cetera? Can

1 you see those specific criteria?

2 A I can.

3 Q And it goes on. And we don't need to look at
4 all of it, but if you would like to just glance
5 at the second page and then I'm going to ask you
6 my question about it.

7 May I proceed, Dr. Lauer? Have you had
8 enough of a chance just to glance?

9 A Sure.

10 Q Okay. I'm not asking you whether you think this
11 is a good program or whether you agree with it
12 or whether it's going to be effective, et
13 cetera. I'm simply going to ask you whether you
14 agree that the terms of this program are laid
15 out very specifically and defined fairly
16 tightly.

17 A Absolutely.

18 Q Do you see that this program applies to the
19 overhead route only?

20 A I do.

21 Q Are you aware of any parallel guarantee program
22 for the underground route?

23 A I am unaware of any such agreement.

24 Q Okay. And I'm not talking about a damage claim

1 system for a construction vehicle taking out
2 your mailbox or the, you know, corner of your
3 barn, but compensation for property value loss.
4 Do you know of any such program?

5 A I do not.

6 Q Okay. Carl, could you put up Exhibit Grafton
7 County 61, Please?

8 You're saying the title page there, Dr.
9 Lauer. Could you ready us the title, please?

10 A It's the New Hampshire Department of
11 Transportation Bureau of Environment 2017 Stone
12 Wall Policy Guidelines.

13 Q And when was that issued? You'll see the date
14 below the picture.

15 A That says February 2017.

16 Q Okay. If we could turn to the page 7 of that,
17 Carl. It's attached to this exhibit.

18 I've underlined two statements, Dr. Lauer,
19 on this page 7, both with arrows in the
20 right-hand margin. Could you read those two
21 statements or sentences, and I'll say it for the
22 court reporter, could you read them slowly?

23 COURT REPORTER: Thank you.

24 Q You're welcome.

1 A The first is stone walls are considered an item
2 of real estate value, and effects to the
3 landowner or abutting property owners must be
4 considered.

5 And the second, under real estate value, as
6 rural land in New England graced with stone
7 walls has a higher intrinsic value than land
8 without walls or denuded of walls, the walls,
9 and it goes on to talk about contributory value.

10 Q Thank you. You mentioned stone walls in your
11 Prefiled Testimony.

12 A I did.

13 Q Are you aware that on the proposed underground
14 route there are stone walls on private property
15 within the DOT easement?

16 A I'm aware of that.

17 Q And I'd like to note for the record that
18 examples of these stone walls are Grafton County
19 Exhibits 57, 58, 59, and 60. So can you see and
20 can you agree that stone walls have a real
21 estate value in DOT's opinion?

22 A Yes.

23 Q Okay. And do you see on the lower half of page
24 7, which I believe is on the ELMO now, that

1 there are four ways of determining the financial
2 value of a stone wall?

3 A I do.

4 Q Could you read what those four major ways are?

5 MR. NEEDLEMAN: Objection. I mean, if she
6 wants to just read them, that's fine, but beyond
7 this, this is all information that could have
8 and should have been included since it's a
9 February document.

10 PRESIDING OFFICER HONIGBERG: Okay. As
11 made, the objection is overruled. You can
12 continue although there may be an objection to
13 subsequent questions, but you can proceed to
14 answer the question.

15 A The elements that are mentioned are material
16 value, replacement value, intangible value and
17 real estate value.

18 Q Thank you. Since the Applicant has laid out, as
19 you've just agreed, a very specific compensation
20 plan for lost real estate value on the overhead
21 route, do you think that there should be a
22 similar plan for lost real estate value, if it
23 occurs, if stone walls are removed along the
24 underground route?

1 MR. NEEDLEMAN: Same objection.

2 PRESIDING OFFICER HONIGBERG: Overruled.

3 You can answer.

4 A I do.

5 Q Do you think using the DOT policy would be an
6 effective way to compensate a landowner?

7 A I believe it would be. It's a standardized
8 approach used by DOT, and I'm somewhat familiar
9 with this. This is a 52-page document so it's
10 fairly detailed.

11 Q Thank you.

12 Carl, would you please put up the
13 Non-Abutting Property Owners Bethlehem to
14 Plymouth Exhibit 61, please?

15 Dr. Lauer, I'll represent to you that this
16 is a stone wall on Route 3 in Campton on the
17 west side of the road. I can provide the DOT
18 permit package information if people need it,
19 but it is on the proposed Northern Pass route.

20 I will also mention that the latest plan
21 that I have seen puts the trench on the other
22 side of the road, but this is not a final plan
23 so this stone wall is still vulnerable.

24 And I will also represent to you that while

1 I was taking this picture on the 28th of
2 October, the owner of this land came out, and we
3 started discussing stone walls, and he told me
4 with great pride that his grandfather had
5 cleared the land and built this stone wall in
6 1938 without the use of any mechanical devices,
7 and I complimented him.

8 How would DOT, it clearly had value to this
9 grandson. How would the DOT compensate such an
10 owner for the clear intangible value of this
11 stone wall in the hypothetical situation that it
12 had to be removed in order to put a Northern
13 Pass trench on this side of the road?

14 MR. NEEDLEMAN: Objection. No basis to
15 answer. Calls for speculation.

16 PRESIDING OFFICER HONIGBERG: Ms.
17 Schibanoff?

18 MS. SCHIBANOFF: Well, it seems to me that
19 the DOT itself says intangible value is harder
20 to calculate. They're speculating about it as
21 well.

22 PRESIDING OFFICER HONIGBERG: I don't
23 believe you've laid any ground work for this
24 witness to be able to answer that question,

1 however.

2 MS. SCHIBANOFF: I will rephrase the
3 question then.

4 BY MS. SCHIBANOFF:

5 Q Do you think intangible value is an important
6 part of calculating lost property value?

7 MR. NEEDLEMAN: Same objection. I don't
8 believe this witness has any background or
9 experience to answer questions like that.

10 PRESIDING OFFICER HONIGBERG: Ms.
11 Schibanoff?

12 BY MS. SCHIBANOFF:

13 Q Dr. Lauer, if this stone wall were on your
14 property, you owned this property, and your
15 grandfather had cleared the land and put the
16 stones in this wall, would you want the DOT to
17 compensate you for its intangible value?

18 A Yes.

19 Q How would you negotiate with the DOT?

20 MR. NEEDLEMAN: Objection.

21 PRESIDING OFFICER HONIGBERG: Sustained.

22 MR. NEEDLEMAN: Speculation.

23 Q How would the DOT arrive at the value?

24 MR. NEEDLEMAN: Objection.

1 PRESIDING OFFICER HONIGBERG: Sustained.

2 MS. SCHIBANOFF: Thank you. That's all I
3 have.

4 PRESIDING OFFICER HONIGBERG: Ms. Menard?
5 How are we doing? Are you ready to go?

6 MS. MENARD: Yes.

7 **CROSS-EXAMINATION**

8 **BY MS. MENARD:**

9 Q Good morning. My name is Jeanne Menard, and I'm
10 from the Deerfield Abutters, and I just have one
11 question for you this morning, and it pertains
12 to your Supplemental Testimony at the bottom of
13 page 1, the very last sentence, and I'll read it
14 for you.

15 The plans to date do not properly reflect
16 accurate property rights.

17 And I wondered if you could explain for me,
18 when you use that word property rights, are you
19 talking about boundaries or were you thinking
20 about any other aspect of ownership for the
21 property owner?

22 A I'm thinking about multiple things. I'm
23 thinking about right-of-way, the plans based on
24 information that I've received from constituents

1 do not actually reflect the right-of-way. The
2 other issue is that the plans do not necessarily
3 reflect privately owned structures, and the
4 example I'll give is we just talked about stone
5 walls. Stone walls are very important,
6 particularly to the people that have them. I
7 don't. But people like to see them. The fact
8 that we've got a 52-page document protecting
9 them at the State level should say something.
10 And yet stone walls on most of the plans are not
11 indicated. And to me, that's a property right.

12 Q Thank you. And just as a followup, and this may
13 have been discussed earlier this morning, what
14 would be the consequences for the landowners if
15 the plans were not accurate like you've
16 mentioned stone walls. Do you have other
17 examples that may impact property rights?

18 MR. NEEDLEMAN: Objection. Calls for
19 speculation. I don't know what's being asked.

20 PRESIDING OFFICER HONIGBERG: Ms. Menard?
21 What's being asked?

22 MS. MENARD: The nature of the objection,
23 again, please?

24 MR. NEEDLEMAN: I have no idea what the

1 question is. What specifically are you asking
2 her about?

3 MS. MENARD: The results of what would
4 happen, I mean she's made a statement that
5 accurate plans, it's a responsibility of the
6 Applicant to have accurate plans because it's
7 going to affect property rights, and her
8 clarification is beyond my initial understanding
9 of it just being boundaries, and I would like
10 for her to explain why property rights might
11 have other impacts due to inaccurate or
12 incomplete plans.

13 PRESIDING OFFICER HONIGBERG: That sounds
14 like a lot more than you originally asked, but
15 that's what you want to know ultimately?

16 MS. MENARD: Yes.

17 PRESIDING OFFICER HONIGBERG: Mr.
18 Needleman?

19 MR. NEEDLEMAN: I'm still not sure I
20 understand, but I'm not going to object.

21 PRESIDING OFFICER HONIGBERG: Go ahead.

22 A If I understand correctly, the right-of-way
23 issue, I mean that's a land property for the
24 owner. But stone walls, gardens, fences, trees

1 that are on private property have the potential,
2 and I say potential, to be impacted. I don't
3 doubt at all that there will be attempts made to
4 minimize damage. That's in the best interest of
5 the company. Knowing some of these roads as I
6 do, knowing how close things are to the edge of
7 the road, I'm not sure the best is going to be
8 good enough.

9 Q Okay. Thank you.

10 PRESIDING OFFICER HONIGBERG: Is that it
11 for Intervenors? Did I miss anybody is really
12 more the question? All right. Mr. Needleman?
13 Mr. Walker.

14 **CROSS-EXAMINATION**

15 **BY MR. WALKER:**

16 Q Good morning, Dr. Lauer. I'm not sure we've
17 met. My name is Jeremy Walker, and I'm counsel
18 for the Applicants.

19 Just a few questions regarding some of what
20 we've already talked about today, and I want to
21 start with the Gale River Motel, and you
22 referenced a letter from the owner of that
23 motel. You're aware that the Project disagrees
24 with the characterizations that were made in

1 that letter with regard to the Project?

2 A I would not be surprised.

3 Q Are you aware that the Project has responded to
4 that letter to address his particular concerns?

5 A I was not aware of that.

6 Q Dawn, if you could please bring up a copy of the
7 letter. I'm sorry, Dr. Lauer. We'll have that
8 letter back up in a minute.

9 A That's okay.

10 Q Let me turn so we're not wasting any time here.
11 I'm going to come back to that in a minute.

12 You've also talked about the Lost River
13 Campground and your concerns with regard to the
14 Lost River Campground, correct?

15 A Yes. The concerns that they've expressed to me.

16 Q Right. Are you aware that there has been
17 multiple outreach efforts to Mr. Kelly, the
18 owner of that campground?

19 A I am not aware of each of these. He mentioned
20 to me that he had spoken.

21 Q He had spoken to someone from the Project?

22 A Someone from the Project.

23 Q Are you aware that very recently Mr. Kelly, two
24 Project representatives went up and met with

1 Mr. Kelly including one of the Project engineers
2 who have been involved in the design? Are you
3 aware of that?

4 A No, I'm not.

5 Q So you're not aware of the discussions they had
6 and the communications that the Project has had
7 with him?

8 A I am not.

9 Q Okay.

10 A I think I was using that as an example of the
11 overall concerns.

12 Q Right. And you are not aware of all of the
13 outreach efforts to the different towns within
14 Grafton County?

15 A I am not.

16 Q And I'll represent to you that there have been
17 some exhibits introduced in this proceeding with
18 summaries of the different outreach efforts to
19 various towns including Franconia and Plymouth,
20 towns within your county.

21 A I'm aware of some of the outreach to Plymouth.

22 Q Okay. But not all of the towns?

23 A But not all of the towns and not all of the
24 outreach. I read what I can. I had a full-time

1 job before this started.

2 Q I understand that.

3 Dr. Lauer, now we've been able to pull up
4 on the screen which will mark as an Exhibit, I'm
5 not sure if it's marked at this point, but this
6 is the letter that I was referencing in response
7 to the letter from Mr. Johnson of the Gale River
8 Motel, and the Project has responded to him and
9 you will see that this is a five-page letter,
10 and I'm not going to ask you to go through the
11 letter because obviously you haven't seen it,
12 correct?

13 A Correct. I have not.

14 Q I'll represent to you this is, like I said, a
15 five-page letter responding to the different
16 concerns that he has raised. And I suppose I'm
17 not going to ask you because you haven't seen
18 it.

19 A I have not seen it. This is the first.

20 Q Have you spoken with Mr. Johnson since October
21 24 or thereabouts?

22 A I have not.

23 Q While we're talking about different outreach
24 efforts by the Project, are you aware that the

1 Project has sent out various letters and
2 communications with businesses located within
3 Grafton County and some of these are businesses
4 that you referenced your concerns about in your
5 Prefiled Testimony. So, for instance, Franconia
6 Village Store, Mack's Market, Dutch Treat
7 Restaurant, and I won't list all of the ones
8 that you reference. Are you aware that the
9 Project has sent out letters to the different
10 businesses within Grafton County?

11 A I would not be surprised. A lot of the,
12 particularly in the early phases of the Project,
13 there were public meetings, there was outreach.
14 There have been no public meetings that I'm
15 aware of for quite some time. But certainly
16 letters, I would not be aware of those. They
17 would not tell me.

18 Q You talked a little bit earlier today about
19 Transition Station #5.

20 A Yes.

21 Q And I think you suggested that you still do not
22 know where Transition 5 will be located? Did I
23 hear you say that?

24 A The latest that I heard, and, again, this is

1 something I do when I'm not doing other things,
2 was that there was still some discussion as to
3 where in Bethlehem it would be. There were some
4 potential land swaps. That may have very well
5 been finalized. If so, I'll feel better.

6 Q Well, so it sounds like you're not aware. I was
7 going to ask you, are you aware that the station
8 will be located where it is currently proposed
9 to be located?

10 A That is the first I've heard that because as I
11 say the last I heard was that there was some
12 potential land swaps.

13 Q I have a few questions related to your Prefiled
14 Testimony in this case. And you have your
15 Prefiled Testimony in front of you?

16 A I do. Or, yes. It's right here.

17 Q And I won't ask you to go line by line, but
18 generally, you, on pages 2 and 3, you express
19 your concern that the property will encroach on,
20 I'm sorry, the Project will encroach on private
21 properties. Do you recall that testimony?

22 A Yes.

23 Q And you've included an email from Ms. Pastoriza
24 as an example of a concern that's been

1 expressed?

2 A Yes.

3 Q And you also did the same with a communication
4 from Mr. McLaren.

5 A Correct. That was the information we had back
6 in December 2016.

7 Q And in a Technical Session in this case, you
8 were asked whether if the Applicants could
9 affirmatively state that the Project will not be
10 constructed on private property, whether that
11 would alleviate your concerns, and you answered
12 that yes, that would alleviate your concerns.

13 A Yes.

14 Q Are you aware that the DOT permit in this case
15 expressly requires the Project to stay within
16 the DOT rights-of-way?

17 A My concern is that those rights-of-way are not
18 defined.

19 Q Okay. But presuming that the Project is
20 required and does stay within the DOT
21 rights-of-way as further defined, would that
22 alleviate your concern?

23 A To some degree. I think we're still looking at
24 loss of trees, potential loss of trees. Not

1 knowing the right-of-way on every piece of
2 property myself, I can't say what's there.

3 Q But with further certainty on the right-of-way,
4 that would alleviate your concerns?

5 A It would help.

6 Q You've also expressed some concerns today and
7 also in your Prefiled Testimony about
8 disruptions to commuter traffic. And in your
9 Prefiled Testimony, you reference a few
10 particular areas, one of them being Route 112 in
11 the Lincoln/Woodstock area?

12 A Right. And that was, I think that one was
13 mentioned specifically because I know that road.

14 Q And I heard you say earlier that you are not
15 aware of the different communications with the
16 individual towns about traffic controls? In
17 other words, communications --

18 A To the best of my knowledge, nothing has made it
19 to the Emergency Management Director level.

20 Q Not that you're aware of.

21 A Well, I would get it.

22 Q Okay.

23 A I didn't get anything.

24 Q Have you read the Traffic Control Plans with

1 regard to this particular area?

2 A I've reviewed them briefly.

3 Q Are you aware that there are no road closures
4 planned for the entire 52-mile underground route
5 in Grafton County except for one small detour in
6 Plymouth?

7 A I am aware that there are no, there are no
8 long-term road closures. My concern continues
9 to be bringing in vaults.

10 Q I'm sorry. Bringing in?

11 A Bringing in the big underground vaults, putting
12 those in, temporary road closures.

13 Q Well, are you aware that there will be no road
14 closures except for that one area and detour?
15 In Plymouth. I'm sorry.

16 A If that -- I am not aware of anything that says
17 that.

18 Q And that there will be at least one lane open
19 for travel in all areas of that 52-mile
20 underground section except for Plymouth?

21 A I will have to take your word for it.

22 Q Well, let me ask you this. Are you aware that
23 in developing the Traffic Management Plan the
24 Project and the DOT will be working with each

1 host community to develop specific town or town
2 specific traffic management plans?

3 A No. I appreciate the effort, though. And you
4 know, when you start talking a road like 112
5 where you're just by virtue of the length we're
6 talking multiple construction crews, having seen
7 the construction on that road because it washes
8 out on a regular basis, when you have a
9 three-minute delay at this one and three-minute
10 delay at the next one, it adds up.

11 Q But --

12 A So it's not a permanent road closure as opposed
13 to a significant time delay.

14 Q But you understand that the DOT will be working
15 with each town to develop specific traffic
16 management plans, correct?

17 A I agree.

18 Q And I heard your say earlier today that you
19 respect all State employees.

20 A I do.

21 Q And I assume that you have confidence that the
22 DOT will bring diligence in the work that it's
23 doing with these different towns?

24 A I have no doubt that they will be the best they

1 can.

2 Q And they will bring their qualifications that
3 they have to bear on this traffic management for
4 each of these towns?

5 A I have no doubt that they will do that.
6 They've, in my estimation, consistently done a
7 good job, but when there is construction on
8 Route 112, there are delays.

9 Q I want to ask you about particularly that 112
10 section because we talked about it. It's raised
11 in your Prefiled Testimony. Have you reviewed
12 the testimony of Lynn Frazier who is one of the
13 traffic operations engineers who has presented
14 testimony in this case on behalf of the Project?

15 A I have not.

16 Q She, and I won't have you read it here today,
17 but I'll represent to you that she has presented
18 some testimony about different traffic control
19 measures that can be used including flaggers and
20 such. And she presented testimony that a
21 flagger can allow approximately 800 vehicles,
22 850 vehicles per hour to pass through a two-way
23 one-lane construction area if the work zone is
24 the longest allowable length which is 1600 feet.

1 So she's gone through, she's done that analysis
2 on behalf of the Project.

3 And I want to show you that we have already
4 presented, the Applicant has presented
5 information that using the most recent DOT
6 counts available, any roadway that the Project
7 will impact and require a lane closure will have
8 a total expected hourly volume below those 850
9 cars.

10 A I would not be surprised, but, truthfully, when
11 I drive the road my concern is not the 799 other
12 people. It's my car and emergency vehicles.
13 And I have encountered delays when there's
14 construction and single lanes on that road.

15 Q Let me just show you, Dr. Lauer, an exhibit.

16 And it's Exhibit 362, Dawn, if you could
17 bring that up, please.

18 And I will represent to you that this is a
19 traffic count that you can see it's from the
20 DOT, and you'll see that this is on 112, Lost
21 River Road, Grafton County, and you will see
22 it's a count that was in June of 2014. I'll
23 give you a minute to familiarize yourself with
24 that. Do you see that?

1 A I do.

2 Q And I'll represent to you, you can see on it
3 that it's a traffic count for a 20-hour period
4 starting on a Friday and ending on a Saturday.
5 And the chart on the right shows the different
6 hourly counts. And you can see the number
7 that's highlighted which is the 266 which is the
8 peak volume in that particular hour on that day.

9 Given this, and seeing this, and I realize
10 this is one day and one snapshot.

11 A Right.

12 Q But you would agree with me that if a flagger
13 can accommodate about 850 vehicles per hour, we
14 agree that the impact to 112 will be limited.

15 A I'm having trouble answering that for a couple
16 reasons. First of all, this was taken in June
17 and really our peak traffic is September/October
18 time frame when the leaf peepers come out.

19 My second concern is that the number that
20 go through in an hour really doesn't reflect how
21 many come through at once.

22 And my third concern is that it, the fact
23 that you can get that many through an hour
24 doesn't mean that they haven't been delayed in

1 the process, if there were road blocks.

2 Q I take it this is where, again, and I realize
3 this is one day, but I take it this is where you
4 would rely on the DOT's expertise in developing
5 the appropriate traffic management control?

6 A My concern is any time there is a single lane on
7 112 that I have ever driven in, and it's been
8 many, many times because we have a bridge on 112
9 that frequently is down to one lane, they were
10 doing construction last summer. It washed out
11 when we had some rain. Single lanes are not
12 unusual, and it is usually at least a two or a
13 three-minute wait to get through that single
14 lane when I'm the only car on the road. And if
15 I have five of those or six of those between my
16 home and Woodstock, that could add up.

17 Q Well, in your Prefiled Testimony at one point
18 you make a comment that if the Project shuts
19 down a road for an entire season or most of a
20 season, many small businesses cannot weather the
21 loss of income for a season.

22 A Correct, and that was written when we were given
23 to understand that the construction was under
24 the road and the construction vehicles would be

1 in the other lane.

2 Q I understand. So now knowing that there will
3 not be any road closure and except for that area
4 in Plymouth where there's that small detour, I
5 assume that alleviates that concern about
6 shutdown for a season?

7 A It alleviates it for shutdown for the season.
8 It does not alleviate the concern about delays.

9 Q Let me ask you. You do raise generally some
10 concerns about the impact on the environment in
11 Grafton County and such. Again, you have not
12 done any particular analysis with regard to
13 impact on the environment, correct?

14 A I have not.

15 Q And in line with your comment that you respect
16 the work of the State employees, I take it that
17 you have faith in the Department of
18 Environmental Services, the New Hampshire Fish &
19 Game, and their determinations with regard to
20 this Project and its impact on the environment.

21 A I believe they will do the best they can do. I
22 don't believe that that means that there's no
23 impact. I believe it's minimal impact.

24 Q Thank you for your time, Dr. Lauer.

1 MR. WALKER: No further questions,
2 Mr. Chairman.

3 PRESIDING OFFICER HONIGBERG: All right.
4 We're going to take a ten-minute break. When we
5 return, we'll have questions from the
6 Subcommittee and any redirect that's required.

7 (Recess taken 10:36 - 10:51 a.m.)

8 PRESIDING OFFICER HONIGBERG: Questions
9 from the Subcommittee. Commissioner Bailey?

10 **QUESTIONS BY COMMISSIONER BAILEY:**

11 Q Good morning, Dr. Lauer.

12 Early on in your testimony I think in
13 response to Ms. Saffo's questions you mentioned
14 that the Grafton County Commissioners are
15 installing 300 feet of sewer line and the plans
16 are much more detailed?

17 A Yes.

18 Q Do you recall that? Do you have to get approval
19 from DOT to do that?

20 A No.

21 Q Are the plans just the plans to make sure that
22 they're adequate and who reviews those plans?

23 A At this point we were dealing with the town of
24 Haverhill to get an easement on the property. I

1 think there was also an issue with the State
2 because there's a railroad line that goes so we
3 are at that level where we have detailed plans,
4 but we have not started the approval process.

5 Q Who do you have to get approval from?

6 A That would be up to my maintenance supervisor,
7 the Maintenance Director would handle that.
8 This is, there's an existing line there that has
9 to be replaced. The soil was very acidic, and
10 it eroded the pipe.

11 Q All right. Thank you. On page 2 you mention
12 culturally sensitive areas near the horizontal
13 directional drilling site in your first piece of
14 testimony.

15 A Yes.

16 Q Can you tell me what that culturally sensitive
17 area is?

18 A I believe we were, at that point I was referring
19 to the Gale River crossing. There are some
20 churches, there's a church on the one corner.
21 The Town Hall is relatively close. And they are
22 older buildings.

23 Q So your concern isn't specific to cultural
24 resources. It's just that the big hole is going

1 to be near those things?

2 A Correct. The Dow Field which is like an
3 athletic field for that area. Community
4 gathering field.

5 Q I can envision it because we were there. Okay.

6 Another area that you discussed was that
7 loss of property value will reduce tax revenue
8 in Grafton County. And I was wondering if you
9 did any analysis of the loss of property value
10 tax revenue against the increase in tax revenue
11 if the Project is approved?

12 A No. No. We did not. And it's a little
13 complicated because if the towns get more money,
14 the county doesn't see any of it.

15 Q Oh, I see. So you get, so the county gets tax
16 revenue from --

17 A Based on the property values. There is a, as a
18 property owner I get a tax bill that includes
19 both the town, well, the town, there's a state
20 education tax, and there's also a county tax.
21 The towns will get funding, tax money, but that
22 will offset the town portion. The county is
23 also based on property value.

24 Q But if the property value of certain pieces of

1 property that the facility will be placed in
2 increases, won't there be an increase in county
3 tax from that?

4 A We have not done a study to see if that will
5 offset the loss in value in other areas.

6 Q Okay. Thank you.

7 Another area in your testimony you said
8 that a better route would have been avoiding the
9 business districts. It would have been better
10 if they avoided business districts. That was
11 something you said today.

12 A Yes.

13 Q And on page 8 of your Prefiled Testimony you say
14 that Northern Pass summarily dismissed use of
15 existing energy corridors. What do you mean by
16 existing energy corridors?

17 A The I-93 corridor.

18 Q Okay. Because I think that testimony said 93
19 and then use of existing energy corridors, and I
20 thought that you were talking about two
21 different things.

22 A No.

23 Q Okay. So you're not suggesting then that they
24 do more burial on smaller roads than Route 3.

1 You're suggesting that it would be better if
2 they had decided to bury it on 93?

3 A That would have been from my, just from the
4 background that I have, not knowing all the
5 issues with I-93, that intuitively to me seemed
6 like a better approach, particularly when we're
7 so, you're so close to it in different spots
8 along the route.

9 Q Okay.

10 A I'm thinking specifically of the Gale River
11 crossing in Franconia is almost at the
12 interstate.

13 Q Yes. Okay. Do you know anything about the
14 concerns that were expressed about the location
15 of Transition Station #5?

16 A Very minimal.

17 Q Okay.

18 A I'm aware that there was initially some concern
19 as to where it would be exactly. My
20 understanding now, I believe, is it's opposite
21 that big pond.

22 Q Okay. I'll ask the Bethlehem people that.
23 Thank you. That's all I have.

24 A Thank you.

1 PRESIDING OFFICER HONIGBERG: Mr. Wright.

2 **QUESTIONS BY DIR. WRIGHT:**

3 Q Good morning, Dr. Lauer. Craig Wright with the
4 Department of Environmental Services. How are
5 you today?

6 A Okay.

7 Q I just wanted to follow up on you'd raised some
8 concerns regarding the use of the fluidized
9 thermal backfill?

10 A Yes.

11 Q And you'd specifically mentioned TCLP testing?

12 A Yes.

13 Q You sounded as though you had some familiarity
14 with that testing or some professional
15 background in that?

16 A Yes. My laboratory did environmental testing.
17 When I was working with Lockheed Martin down in
18 Orlando, we actually developed the, I don't want
19 to make it sound as if we developed a new whole
20 procedure for the world to use. We brought our
21 environmental testing in-house and developed
22 in-house testing capabilities. So we did have
23 some experience, I do have some experience with
24 it.

1 Q So would you characterize TCLP testing as an EPA
2 method to test for the mobility of certain
3 materials within either liquid or solids or
4 semi-solid materials?

5 A Yes.

6 Q So if the Project were to move forward, and
7 there was a development of some sort of testing
8 procedure or protocol, a demonstration project
9 using TCLP testing, would that satisfy your
10 concerns about the mobility?

11 A It would help. It would help. To me, and my
12 vast years of experience, too vast to talk
13 about, what's best today is inadequate 20 years
14 from now, but it would help.

15 Q If the Project moved forward, do you think it
16 would be appropriate for DES to review a testing
17 plan and procedure to put in place?

18 A Yes, I do.

19 Q What if there was some sort of literature out
20 there that shows that TCLP testing had been done
21 elsewhere in the country? Would you still
22 rather see testing here or would that literature
23 research be sufficient in your mind?

24 A If that were the same exact material.

1 Q Okay. Using the same formulas. I figured that
2 would be your thoughts. Okay. Thank you.

3 PRESIDING OFFICER HONIGBERG:

4 Mr. Oldenburg?

5 MR. OLDENBURG: Thank you.

6 **QUESTIONS BY MR. OLDENBURG:**

7 Q Good morning.

8 Just a few questions. In your Supplemental
9 Testimony, the Lincoln to Woodstock Workforce
10 Report that was there. Did the County have
11 anything to do with that? I saw that it was
12 done by UNH Cooperative Extension.

13 A It was.

14 Q PSU. And it was part of an Ahead program?

15 A The Cooperative Extension office is physically
16 located in the same building as the
17 Commissioners.

18 Q But that wasn't sanctioned or done by the
19 County?

20 A No. It was not done by the County
21 Commissioners. We sit on their Advisory
22 Council, and that's the only direct contact we
23 have with UNH. We also fund their
24 administrative assistant in that department.

1 But we had nothing to do with the study.

2 Q So I have a couple questions about it, but
3 you've read it and you understand it?

4 A I've looked at it.

5 Q So it was a business survey, and I understand
6 that there were like 60 or some-odd businesses
7 that responded to this. And the thing that sort
8 of struck me was at the bottom of the ranking
9 which I guess you'd see the least satisfaction
10 or that the businesses have was the availability
11 of unskilled labor and be able to find that.

12 And I think we heard people talking about
13 the traffic control issues and the traffic
14 impacts that could occur, and that some of these
15 towns, I think it was Woodstock in particular,
16 some of the workers come from as far away as
17 Vermont to work in the towns?

18 A They do. They do.

19 Q Is that a fair assessment that a lot of these
20 towns the workers because they're not local come
21 from a pretty far distance?

22 A Yes, and particularly in the Lincoln/Woodstock
23 area. That's what brought this study about was
24 that in general, the employees in Lincoln, in

1 particular, typically can't afford the housing
2 in Lincoln, and they live elsewhere. So long
3 commutes is not unusual.

4 Q Because that was actually the worst ranking that
5 the businesses gave was the cost of housing and
6 health care and everything else. So --

7 A I mean, I can think of several people that live
8 on my side of Kinsman Notch that work on that
9 side of Kinsman Notch.

10 Q So another chart that's in the report is what
11 the hourly rate is for some of these workers,
12 and unskilled worker isn't really there, but
13 assuming that they're sort of on the bottom of
14 that scale, that's about a \$10-an-hour job.

15 A Probably.

16 Q So have you heard of any of the businesses that
17 have concerns that during the construction and
18 the traffic delays that I think you've talked
19 about or your understanding of them, would have
20 a harder time, those people don't want to travel
21 that distance for a \$10-an-hour job plus get
22 caught up in all the traffic?

23 A The only person that has spoken to me directly
24 is a worker at Lost River Campground who lives

1 in Bath.

2 Q Okay.

3 A In my town. And that was not a formal, this was
4 an aside that was made at a church dinner or
5 something.

6 Q All right. That's all the questions I have.
7 Thank you.

8 PRESIDING OFFICER HONIGBERG: All right. I
9 don't think there's any other questions from the
10 Panel.

11 Ms. Saffo, do you have any redirect? Just
12 briefly.

13 **REDIRECT EXAMINATION**

14 **BY MS. SAFFO:**

15 Q So Counsel for Northern Pass just mentioned that
16 there would be no road closures. Counsel for
17 the Public just mentioned that there would be no
18 road closures. But are you aware that the
19 Construction Panel testified that there would be
20 road closures when the over 120 splice vaults
21 are installed?

22 A That's why I was a little hesitant --

23 PRESIDING OFFICER HONIGBERG: Wait, wait,
24 wait, wait. Mr. Needleman?

1 MR. NEEDLEMAN: Objection to the extent
2 that it's referring to anything within the
3 52-mile section. That's a mischaracterization
4 of the record.

5 PRESIDING OFFICER HONIGBERG: Ms. Saffo?

6 BY MS. SAFFO:

7 Q If it was hypothetically represented that there
8 would be, that a construction person thought
9 there would be temporary road closures when the
10 splice pole vaults, the underground vaults, were
11 installed in Grafton County along the 52-mile
12 roadway, would that surprise you?

13 A No.

14 Q And why not?

15 MR. NEEDLEMAN: Same objection.

16 PRESIDING OFFICER HONIGBERG: What are you
17 relying on for this, Ms. Saffo?

18 MS. SAFFO: Both my recollection and
19 actually recollection by Counsel for the Public.
20 I did remember that he said that. That
21 basically when they actually install the splice
22 pole vaults --

23 PRESIDING OFFICER HONIGBERG: Whose
24 testimony are you referring to?

1 MS. SAFFO: It was the Construction Panel.

2 PRESIDING OFFICER HONIGBERG: The
3 Applicant's Construction Panel.

4 MS. SAFFO: Yes.

5 PRESIDING OFFICER HONIGBERG: Your
6 representation or memory is that the Applicant's
7 Construction Panel said there would be road
8 closures in Grafton County along the buried
9 portion?

10 MS. SAFFO: Temporarily when they installed
11 the vaults because they're going to be precast.
12 They're 34 feet --

13 PRESIDING OFFICER HONIGBERG: Don't gild
14 the lily. Your answer is yes. That's your
15 memory.

16 MS. SAFFO: Yes.

17 PRESIDING OFFICER HONIGBERG: Mr.
18 Needleman?

19 MR. NEEDLEMAN: It's not my memory, but
20 like everyone, it's not perfect. So I'm going
21 to let my objection stand, and if it turns out
22 I'm not right, so be it.

23 PRESIDING OFFICER HONIGBERG: All right.
24 You can answer.

1 BY MS. SAFFO:

2 Q And you testified that wouldn't surprise you and
3 why not?

4 A Well, just common sense based on this, the
5 reported size of the vaults, the size of
6 equipment that would need to handle those
7 vaults.

8 Q I just want to borrow the exhibits here. I'm
9 just going to put them on ELMO.

10 So Grafton Exhibit 50 is the March 22nd,
11 2017, letter to "Plymouth Business" and it says
12 "Dear Plymouth Business." Do you see that?

13 A I do.

14 Q And do you see that this is basically a form
15 letter, a generic letter?

16 A It is.

17 Q Do you think a generic letter would help
18 individual land owners understand what is
19 exactly going to happen in their particular
20 parcel of land?

21 MR. NEEDLEMAN: Objection. Beyond the
22 scope of Direct.

23 MS. SAFFO: It is not. They talked about
24 their efforts, their multiple efforts, and what

1 I want to point out is their multiple efforts
2 largely consisted of multiple generic letters.

3 PRESIDING OFFICER HONIGBERG: I don't know
4 whether she has any basis to answer the
5 questions, but I'll allow her to answer.

6 MS. SAFFO: Thank you.

7 A Could you repeat the question, please?

8 Q Yes. Based on your knowledge of this Project
9 and your contact with constituents, do you think
10 a generic letter not specific to a piece of
11 property would alleviate concerns of your
12 constituents that their concerns about their
13 personal property and their private property
14 would be addressed?

15 A No.

16 Q So a standard letter being sent out 100 times
17 may be a 100 outreach efforts, but it's when all
18 said and done one generic letter?

19 A Correct.

20 Q And the fact that there are multiple efforts of
21 outreach doesn't mean that, doesn't really mean
22 anything because there's nothing to confirm they
23 offered reasonable solutions to address the
24 concerns, correct?

1 MR. NEEDLEMAN: Same objection.

2 PRESIDING OFFICER HONIGBERG: You can
3 answer.

4 A That's my understanding. I mean, that would be
5 my first impression is that -- maybe I need to
6 have you ask the question again.

7 Q Sure. If you have an outreach effort that
8 doesn't result in a solution, does that help the
9 private landowner?

10 A No.

11 Q Meaning talk is talk but sometimes you need
12 action, correct?

13 PRESIDING OFFICER HONIGBERG: Wait. That's
14 you, Ms. Saffo. Okay?

15 MS. SAFFO: I apologize. Okay.

16 BY MS. SAFFO:

17 Q And to date, are you aware of anything submitted
18 to the SEC by either the Applicant or, for
19 example, Lost River indicating how their
20 concerns have been resolved?

21 A I am unaware of anything addressing specific
22 concerns for individuals or individual
23 businesses.

24 Q Now, one of the things that Counsel for the

1 Public mentioned was whether you'd be okay as
2 long as the Project occurred within a DOT
3 right-of-way. Can there be private property
4 impacts if something occurs on a right-of-way?

5 A Yes.

6 Q And so, for example, if there is trees, mature
7 trees that are cut down in front of a house,
8 even if it's in a right-of-way, it still is a
9 private property impact, correct?

10 A It is. It is.

11 Q Do you think those impacts should be evaluated?

12 A I would think that would be the fair thing to do
13 for the landowners, yes.

14 Q And is that also another reason why a defined
15 right-of-way is vital before approval?

16 A I believe it is.

17 Q Then on disruption to commuter traffic, they
18 mentioned that no road closures were planned for
19 the entire 52-mile route but multiple one lane
20 sections for two years. Can at least one-lane
21 closures and multiple one-lane closures disrupt
22 traffic?

23 A Yes.

24 Q Especially over two years?

1 A Absolutely.

2 Q Now, they indicate they'd be working with host
3 communities, and, of course, you and everybody
4 would appreciate those efforts, but can you be
5 assured that those effort to work with host
6 communities will arrive at solutions?

7 A Well, no. I'm not convinced -- I believe that
8 everybody is trying to do the right thing here.
9 I believe everybody is doing the best they can.
10 I don't believe the best they can do will
11 eliminate the problems. I think it will
12 minimize problems but not eliminate them.

13 Q And regarding Traffic Control Plans on a road
14 such as 112, because there's no alternative
15 routes between this Vermont, Haverhill, Bath
16 group that go over to Lincoln?

17 A Right.

18 Q Is there really any Traffic Control Plan that
19 you can think of that will mitigate concerns for
20 commuters?

21 A There's nothing I can think of that would
22 totally eliminate every impact. If I worked on
23 the other side of 112 I would probably allow at
24 least an extra half hour. At least. And that

1 would be assuming that we're not burying
2 something in the road.

3 Q And recently there's been a lot of storm damage
4 on the roadways?

5 A There has been.

6 Q That you've personally seen?

7 A Yes.

8 Q Were roads able to be opened right away?

9 A No.

10 MR. NEEDLEMAN: Objection. This is beyond
11 the scope.

12 PRESIDING OFFICER HONIGBERG: Whose
13 cross-examination are we following up on here?

14 MS. SAFFO: Basically, again, that the
15 Counsel for the Public talked about the fact
16 that they can mitigate concerns, and I think
17 it's fair to point out that there may not be
18 mitigation options even with people doing the
19 best they can.

20 PRESIDING OFFICER HONIGBERG: Sustained.

21 MS. SAFFO: Okay.

22 BY MS. SAFFO:

23 Q There's an indication that, of course, Grafton,
24 as a Grafton County Commissioner and a member of

1 government, you've seen government employees
2 work incredibly hard, correct?

3 A Absolutely.

4 Q And that is not your concern, that government
5 employees will do their best and work their
6 hardest?

7 A No. Not at all.

8 Q Do you have concern about resources?

9 A I do.

10 Q To monitor a Project the size of Northern Pass?

11 A I do. And I was a State Representative before I
12 became a County Commissioner, and I know our
13 State employees accomplish so much with
14 barebones staff.

15 Q Yes, they do.

16 A And I would expect they're going to be in the
17 same situation that we are in Grafton County
18 where we suddenly have our County Attorney
19 working Northern Pass in addition to everything
20 else. It's not like we can hire somebody else.
21 We can't afford it. And the State, I suspect,
22 is in a similar situation based on the State
23 budgets that I dealt with.

24 Q And then you were talking about whether the, you

1 were suggesting more burial and smaller roads
2 and you confirmed no, better to bury on 93. How
3 far is the 93 entrance from Route 3 in North
4 Woodstock? Roughly?

5 A Less than half a mile and maybe quarter of a
6 mile.

7 Q So is the energy corridor on I-93 very
8 accessible to this Project especially from Route
9 3 and North Woodstock?

10 MR. NEEDLEMAN: Objection. Beyond the
11 scope.

12 PRESIDING OFFICER HONIGBERG: Whose
13 questioning are you following up on here?

14 MS. SAFFO: I'm following up on the
15 questioning that not suggesting they do more
16 burial on smaller roads than Route 3, better to
17 bury on I-93, and I wanted to point out that
18 I-93 is almost parallel to Route 3, correct?

19 A It is.

20 Q And not far away from Route 3, correct?

21 PRESIDING OFFICER HONIGBERG: Which we got.
22 She said that, yes.

23 MS. SAFFO: Thank you.

24 Q And they were discussing the TCLP testing

1 regarding water tables. And testing elsewhere
2 in the country can be different soil conditions
3 and water tables, correct?

4 A Correct.

5 Q So meaning if they did the testing in Arizona
6 where there's clay soil and water tables 20 feet
7 down, that really wouldn't be helpful in the
8 Easton area, correct?

9 A Well, the test itself is a pretty standardized
10 test.

11 Q Okay.

12 A So it takes out a lot of variables.

13 Q Then when you talked about in your experience
14 things change over 20 years, what did you mean
15 by that?

16 A I think we were talking specifically at the time
17 environmental which is the area that I have more
18 experience in. You know, years ago we got rid
19 of solvents by pouring them on the ground,
20 thinking that they would evaporate. Now we know
21 that that doesn't work. Technology changes, our
22 knowledge base changes, the ways that we test
23 the environment and ways that we can mitigate
24 environmental effects continue to improve with

1 time. I don't see that changing. I think we're
2 going to continue to improve. So where we are
3 today is not where we'll be in 30 years

4 Q And to your knowledge, has there been a project
5 of the extent of 52 miles where this coal fly
6 ash and this permeable substance has been used
7 in this country to the level of which they want
8 to use it in Grafton County?

9 A I am not aware of any in this country.

10 Q Thank you. No further questions.

11 PRESIDING OFFICER HONIGBERG: Thank you,
12 Dr. Lauer. I think we're done. You can return
13 to your seat or go back to your life.

14 WITNESS LAUER: I think back to my life
15 might be the answer.

16 PRESIDING OFFICER HONIGBERG: So we're
17 hearing from, I think, the Bethlehem witnesses
18 next. So they can, if they would come up.
19 Jensen and Laleme.

20 (Whereupon, ***Cheryl Jensen*** and ***Cassandra Laleme***
21 were duly sworn by the Court Reporter.)

22 **CHERYL JENSEN, DULY SWORN**

23 **CASSANDRA LALEME, SWORN**

24 PRESIDING OFFICER HONIGBERG: Mr. Whitley.

1 MR. WHITLEY: Thank you, Mr. Chair.

2 **DIRECT EXAMINATION**

3 **BY MR. WHITLEY:**

4 Q Good morning. I'm over here, by the way.

5 So Ms. Jensen and Ms. Laleme, just for the
6 record, before we get started, I just want to
7 make sure that people understand that Bethlehem
8 is unrepresented at the moment, and I'm
9 assisting as the spokesperson for the group that
10 Bethlehem is a part of.

11 So do you have in front of you your
12 respective Direct and Supplemental Testimonies?

13 A (Jenson) Yes.

14 A (Laleme) Yes.

15 Q Ms. Jensen, I'll start with you. Your Direct
16 Testimony, I believe, is Joint Muni 96 and your
17 Supplemental Testimony is Joint Muni 97, and the
18 exhibits to your Supplemental Testimony are
19 Joint Muni 98. Does that sound correct?

20 A (Jensen) I'll have to take your word for it.

21 Q Okay. Do you have any changes you'd like to
22 make to any of those testimonies?

23 A (Jensen) I have one change to make to a figure
24 in two documents.

1 Q Okay. Please specify the document and then go
2 ahead.

3 A (Jensen) Will do. First of all, it is related
4 to a number of acres of wetlands that were
5 delineated in the Wetlands Permit Application,
6 and it was first in our consultant's report with
7 the catchy title, "Assessment of the Transition
8 Line Proposal on Natural Resources within the
9 Northern Half of Bethlehem, New Hampshire." It
10 is on page 4, the last paragraph.

11 Q And is it in your Direct Testimony or your
12 Supplemental?

13 A (Jensen) It is in the Direct Testimony.

14 Q Thank you.

15 A (Jensen) It's on page 4, the last paragraph, and
16 it should read that there were 99 acres of
17 wetlands delineated, not 90.

18 Q Okay.

19 A (Jensen) That was in the report. Our
20 consultant's report. And it also carried into
21 my Prefiled Testimony, and it is on page 3, line
22 12, it should be 99 acres, not 90.

23 Q Okay.

24 A (Jensen) And that's it.

1 Q Okay. Ms. Laleme, do you have any changes to
2 your Direct or Supplemental Testimonies that
3 you'd like to make?

4 A (Laleme) I have additional comments but no
5 changes.

6 Q Okay. With those changes where appropriate, do
7 both of you adopt and swear to your testimonies?

8 A (Jensen) Yes.

9 A (Laleme) Yes.

10 Q Okay. Now, I understand that you, maybe both of
11 you, but the town as a Panel has some new
12 testimony it would like to present based on new
13 information that was not available to you at the
14 time that you did your prior testimonies?

15 PRESIDING OFFICER HONIGBERG: Mr. Whitley,
16 before you get there, I'm not sure we quite got
17 all of what you need from Ms. Laleme to get her
18 testimony in. We don't have exhibit numbers and
19 we're not -- we don't have that.

20 MR. WHITLEY: I'm sorry. I'll do it again.
21 I thought I did it at the outset, but I'll do it
22 again.

23 BY MR. WHITLEY:

24 Q So Ms. Laleme, can you confirm that your Direct

1 Testimony was Joint Muni 89 and your
2 supplemental was Joint Muni 90. Does that sound
3 correct?

4 A (Laleme) I would agree with you. Yes.

5 Q Can you move your microphone a little closer?

6 A (Laleme) Sure. Is this better?

7 Q Can you say your answer one more time?

8 A (Laleme) Yes.

9 Q Okay. So with that, again, do you both adopt
10 and swear to your respective testimonies?

11 A (Jensen) Yes.

12 A (Laleme) Yes.

13 Q Now, I understand that the Town as a Panel has
14 some new testimony that it would like to provide
15 based on new information that you could not have
16 spoken to in any of your prior testimonies; is
17 that correct?

18 A (Jensen) Yes.

19 A (Laleme) Yes.

20 Q Okay. And I want to ask you to introduce that
21 testimony at this time, but as we talked about,
22 if you could, before you start, list out how
23 many number of topics you have and be very clear
24 for the record on what you're addressing and

1 when you've moved on from one to the next. Does
2 that make sense?

3 A (Jensen) Yes.

4 A (Laleme) Yes.

5 Q So please go ahead.

6 A (Jensen) I have three things that I would like
7 to add to my testimony. One, I would like the
8 SEC to know that Bethlehem, our Selectboard,
9 Conservation Commission and Planning Board, no
10 longer has formal legal representation because
11 the Town exhausted the legal funds that were
12 earmarked for 2014 in the first five months of
13 this year.

14 The Selectboard wants the SEC to know that
15 it did not want to forego legal help because we
16 all remain opposed to the Project, but as a
17 small town with an incredibly tight budget there
18 was nowhere else for money to come from. We
19 have spent in 2016/2017, a little more than
20 \$31,000 and would have had to spend a total of
21 \$54,000 through September of this year if we'd
22 had the money. So that is number one that the
23 town would like you to know.

24 Number 2, I want to make the SEC aware of

1 something significant related to Transition
2 Station #5 in Bethlehem related to its location
3 and a Homewood Suites by Hilton that is being
4 proposed to abut that Transition Station. I
5 heard a couple questions asked about it this
6 morning, and this relates to a notice of option
7 between Presidential Mountain Resort and its
8 developer, Mr. Rudich, and Northern Pass.

9 This Notice of Option came to my attention
10 on Monday, October 30th, as part of a Site Plan
11 Application for the hotel, and I believe I had
12 it submitted as Exhibit JT Muni 306. I have
13 copies here that I could hand out if you wanted
14 me to do that now. If I can find them.

15 MR. IACOPINO: Is that the January 23
16 letter?

17 A (Jensen) No. This is new. As I said, this came
18 to the town on Monday, October 30th, as part of
19 a Site Plan Application for this hotel. The
20 notice.

21 Q Ms. Jensen, just for the record, this is Joint
22 Muni 306, and I believe it's already been
23 uploaded to the ShareFile site.

24 A (Jensen) It's important because it represents a

1 deal that the Homewood Suites developer, Mr.
2 Rudich, I believe, has made with Northern Pass.
3 There hasn't really been public disclosure of
4 how this would change the location of Transition
5 Station #5, and its existence means that the
6 Application that's currently in front of the SEC
7 and that DES signed off on is inaccurate. Up
8 until now it's been represented that the
9 Transition Station is going to be located on
10 Route 302 across from Baker Brook/Miller Pond,
11 and it would be abutting this Homewood Suites.

12 The hotel's very important to the town of
13 Bethlehem. In the Site Plan Application, the
14 developer states that it will bring \$385,000
15 annually in tax revenue to the town, and that's
16 based on the old tax rate, and our new tax rate
17 is going up so it would mean more money to the
18 town, if I understand tax rates correctly.

19 There had been this discussion of a land
20 swap so that it could be moved back from 302 to
21 be less conspicuous to future hotel guests and
22 now we have this Notice of Option. And there
23 was a discussion held at a Zoning Board meeting
24 in Bethlehem when the Project came to the Zoning

1 Board for a height restriction issue, and at
2 that time, Mr. Eckman who is the engineer for
3 the Project said a couple of things. He said
4 that if the towers were located where they
5 intended to be that Mr. Rudich, the developer,
6 would not go ahead with the Project. And he
7 also told the Zoning Board that the Applicants
8 were not changing the Wetlands Permit yet
9 because that would disrupt the whole process.

10 So I wanted to bring this information out
11 today. Also I read the Construction Panel
12 transcript for the afternoon of Day 9 on May
13 4th, and on the Construction Panel Mr. Bowes was
14 asked by Ms. Saffo whether he knew about a
15 potential land swap, he said he did. He went on
16 to say the information had not been submitted as
17 part of the Northern Pass plans yet. She asked
18 him when Northern Pass was planning to tell the
19 Town that they were changing where Transition
20 Station #5 was going to be located. Mr. Bowes
21 said we have no plans to change at this point.
22 She asked if you told the hotel owner that. He
23 replied we're still in private discussions with
24 the hotel owner. But that was May 4th and

1 actually this Notice of Option was signed March
2 23rd. I don't know if that's important, but I
3 just want to mention this.

4 If this land swap becomes a reality, there
5 will be different wetlands impacts, they'll be
6 different issues about where the underground
7 line is going to be buried. But then I hear
8 today it was said that they're not changing the,
9 I think what I heard was that transition, the
10 site isn't being changed. Yet we have
11 information that there is this land swap so that
12 the Transition Station can be moved back from
13 302 so that it won't be as conspicuous to future
14 hotel guests.

15 So I'm a little confused and this Project
16 has real implications for the town of Bethlehem.
17 I mean, you talk about orderly development of
18 the region, if -- there's so many ways that this
19 could go wrong for the town that, as I said, I'm
20 confused, and I just don't know what to say at
21 this point. I'm very concerned about this. So
22 that is my point number 2, I believe.

23 And then point number 3 is a new letter
24 dated September 26th, from the EPA which stated

1 that burying an additional 40 miles of Northern
2 Pass up north would have less impact on
3 wetlands, vernal pools and wildlife which is one
4 more example to me that the proposed Project
5 hasn't done enough to avoid or minimize its
6 impact. It seems to be relying excessively on
7 mitigation.

8 And I was going to bring up a fourth point,
9 but I think my three points are better. So I'll
10 stop now.

11 Q Ms. Laleme, did you have anything you wanted to
12 add?

13 A (Laleme) I do. I have four points, and I'll try
14 to make them very brief.

15 Q Can you again speak a little closer into the
16 microphone or pull it closer?

17 PRESIDING OFFICER HONIGBERG: Off the
18 record.

19 (Discussion off the record)

20 A (Laleme) So I'm going to speak on four brief
21 items. First of all, I'd like to make a comment
22 on Mr. Nichols' testimony who wrote the tourism
23 report for the Applicant. In his testimony, he
24 said that there was no quantifiable evidence to

1 support tourism impact of 3 to 15 percent which
2 was recorded in the Rockler Kavet analysis. I
3 just want to make a comment that in reading
4 Mr. Nichols' report, there is no quantifiable
5 evidence that it will not have an impact.

6 Number two was talking about the orderly
7 development, and Cheryl or Ms. Jensen just went
8 through the impact of orderly development
9 concerning the Hilton Hotel and the Transfer
10 Station. What I would want to point out is that
11 Bethlehem is an environmental town. It's
12 important to us. We base our ordinances on it.
13 We kind of live it. The projects that we would
14 approve is one that is now in the early stages
15 of being proposed which is a gas conversion
16 using methane gas from a landfill and converting
17 that gas. It's unintrusive, it's doesn't have
18 large structures, it will be profitable, and it
19 also adds to the grid.

20 Third, is the construction, and the
21 construction is a real concern. 302 is our Main
22 Street. It's the primary east/west route for
23 travel. It's where people come into Bethlehem,
24 where they leave Bethlehem, but it's my

1 understanding in general from reading a lot of
2 different testimonies, reading a lot of
3 different articles, is that there's always the
4 possibility that we'll have multiple
5 construction sites. Route 18 and 116 are also
6 in Bethlehem. So if they're doing, they would
7 be doing underground construction on 302, they
8 could be doing the substation, the hotel could
9 be doing construction. There is a Dollar Store
10 going in just east of that, and the State is
11 planning on doing a culvert construction on Main
12 Street either this coming year or the following
13 year.

14 So lane closures are a real concern. This
15 302 East is Bethlehem's route for many people to
16 work, for recreation, although we have a lot of
17 that ourselves, for health care, that's an
18 enormous situation. The hospital is located in
19 Littleton which is about 10 miles west of
20 Bethlehem. The next hospital would be across
21 rural route 142 which would go to Lancaster at
22 20 miles. A concern would be that difference in
23 time if you're the one in the back of the
24 ambulance might be of grave concern to you.

1 Generally we have no assurance that there
2 won't be lane closures. I know it was said
3 today the town did engage in some discussion
4 about a Memorandum of Understanding with the
5 Applicant but to date nothing has been signed.
6 There is no assurance that I've seen in writing
7 that says no lane closures. That would be
8 devastating. If 302 were closed at any time for
9 any length of time it could have dramatic
10 impacts for the residents of Bethlehem.

11 And four, economics. As Mrs. Jensen said,
12 this hotel is extremely important to us. We
13 just had a loss of revenue which resulted in a
14 three-plus dollar increase in our tax rate
15 Monday night. So we need economic development.
16 Having construction from one to 3 to 4 years,
17 when and if it starts, and on multiple sites,
18 can result in loss of tourist dollars and
19 additional cost to the town. If for any reason
20 they can't use 302 and they need to use parallel
21 roads, they would be using town roads. We have
22 no assurances that they would pay for any damage
23 to those roads. If they couldn't go up the
24 right-of-way, to make a road.

1 The other thing with 302 is there's a pond
2 on one side of road so you don't have much give.
3 You either go into their right-of-way or you go
4 into the pond, and believe it or not we've had
5 cars in the pond because there are accidents on
6 that strip on occasion. It's a 40 mile an hour
7 zone and people travel faster than that. So
8 with the lane stricture down through there,
9 that's the way our school buses also have to go.

10 An alternate route would be through
11 Franconia. You could take 142 and go down the
12 Main Street of Franconia, but I think they're
13 going to be in worse shape than we are because
14 you're not doing our Main Street. You're doing
15 just before you get to our Main Street.

16 So economically, Cheryl has talked about
17 the cost, the local fees, and we can no longer
18 even afford legal representation. This has been
19 an enormous burden on the small towns in the
20 North Country. We're already seeing economic
21 impact. We're concerned about health and safety
22 and travel and transportation. I don't know
23 what impact this transfer station and the hotel
24 will have, but they are interrelated because

1 way. As I understand your testimony, you hit a
2 number of areas including interference with
3 orderly development in the region and adversely
4 impacting natural resources in your town of
5 Bethlehem; is that right?

6 A (Jensen) Yes.

7 A (Laleme) Yes.

8 Q Okay. And so what I want to do is touch upon
9 those two topics in my questioning of you this
10 morning.

11 Now, with respect to orderly development,
12 would you agree with me that it's your view that
13 the Northern Pass structures are inconsistent
14 with Bethlehem's land use goals as expressed in
15 your various town planning documents?

16 A (Jensen) Yes.

17 Q And with respect to construction of the line,
18 you believe that during construction that will
19 adversely impact Bethlehem's businesses; is that
20 right?

21 A (Laleme) I do.

22 Q Okay. And then, finally, you believe that the
23 completed Project will adversely impact
24 Bethlehem's tourist industry once it's

1 completed?

2 A (Laleme) Yes.

3 Q Okay. So before I launch into that, let me go
4 back to the new exhibit and the issue about
5 location of Transition Station #5.

6 Now, what's on the screen in front of you
7 is a map.

8 A (Jensen) Excuse me. It's not on my screen.

9 A (Laleme) It's on these two screens. I can
10 temporarily move there.

11 (Discussion off the record)

12 Q Do you both have it now on the screens in front
13 of you?

14 A (Jensen) Yes.

15 A (Laleme) Yes.

16 Q So what's on the screen now will become Counsel
17 for the Public's Exhibit 608 which is a page
18 from the Bethlehem tax map. Do you recognize
19 that? Down in the right-hand corner?

20 A (Jensen) Yes.

21 Q Okay. Now, if you look at this tax map, you can
22 see the current right-of-way that indicates
23 Public Service Company of New Hampshire
24 easement; do you see that?

1 A (Jensen) Yes.

2 Q And right next to the easement do you see lot
3 number 26?

4 A (Jensen) Yes.

5 Q And is it your understanding that the proposed
6 location for Transition Station #5 as set forth
7 in the Application for Northern Pass would be on
8 Lot 26?

9 A (Jensen) Yes.

10 A (Laleme) Yes.

11 Q And if I look at the exhibit that was introduced
12 this morning, it refers to Lot 27 on this tax
13 Map 201, and if you look just to the right of
14 Lot 26, do you see the Lot 27?

15 A (Jensen) Yes.

16 Q And would I be correct in saying that Lot 27 is
17 owned by the developer of the proposed Suites by
18 Hilton?

19 A (Jensen) Yes.

20 Q So would I be correct in saying that under the
21 exhibit that was introduced this morning, which
22 is the Notice of Option, what that provides is
23 for Renewable Properties, Inc., to obtain an
24 easement somewhere on Lot 27 in which to locate

1 Transition Station #5? That's your
2 understanding?

3 A (Laleme) Yes.

4 A (Jensen) Yes.

5 Q Do you have any understanding in terms of where
6 on Lot 27?

7 A (Laleme) Generally, it's been discussed in a
8 very general sense that they would go toward the
9 back of the property because you have a flat
10 area which is where the hotel would be built,
11 and then there's a big gully that is right
12 behind where the building site is proposed. So
13 the discussion has been would they put it down
14 in that gully so that it would be less
15 observable from 302.

16 Q And do you have any sense of where that gully
17 might be in terms of what you're seeing on the
18 map? Because you see on Lot 27, looks like it
19 has frontage on Route 302 and it goes way back?

20 A (Laleme) It's toward, it's toward the front. I
21 can't tell you distance exactly.

22 A (Jensen) The gully?

23 Q The gully.

24 A (Jensen) The gully, I think, is kind of right

1 behind, a little bit behind Lot 26. And whether
2 that's where it would be or whether it would be
3 farther back, we don't know. Because the gully
4 that's right behind 26 might still be too close
5 to the parking and the hotel, and then there's a
6 design for a septic area behind that gully, and
7 then there's I think another gully back farther.
8 So at this point, we don't know.

9 Q Okay. How far along in the approval process is
10 this proposed Suites by Hilton?

11 A (Jensen) It's coming before the Planning Board
12 on November 15th.

13 A (Laleme) That's for site plan review. They have
14 already received a variance on their building
15 sides because in Bethlehem you need a variance
16 after 40 feet high. To get to 60 feet and then
17 you're done. So.

18 Q If they receive site plan approval shortly, is
19 that the last approval they need from the town
20 of Bethlehem?

21 A (Laleme) It will depend on what they have
22 available. At site plan review they will need
23 their DOT permits, they will need their septic
24 permits from DES. If there are wetlands

1 involved, the site plan committee or board would
2 ask for information on the wetlands. It may
3 not, it may be a conditional, it could be
4 continued. There are a lot of options and now
5 what's been submitted, according to today, isn't
6 consistent with what was submitted because there
7 would be a change.

8 Q I understand that the approval process involves
9 other agencies, but in terms of Bethlehem
10 itself, the town, does the town need to approve
11 anything other than site plan review at this
12 point?

13 A (Laleme) No. Then the Building Inspector would
14 be involved.

15 Q Sure. Okay.

16 A (Jensen) Sandy would know that better than I
17 because she was on the Selectboard and she was
18 liaison to the Planning Board.

19 Q Okay. Thank you.

20 Let me start by asking you some questions
21 on the construction impacts to business in
22 Plymouth which is one of the topics in your
23 Direct Testimony, and I'll direct my question to
24 both of you and whoever is the most appropriate

1 person to answer, please feel free to do so.
2 And if someone, if the other person has
3 something to add you can add afterwards.

4 Do you see something on the screen in front
5 of you now?

6 A (Jensen) Yes.

7 Q Okay. What's on the screen in front of you now
8 is the first page of Counsel for the Public
9 Exhibit 606 which is an overview of Route 302 in
10 Bethlehem. Do you see that?

11 A (Jensen) Yes.

12 Q And you testified earlier that Route 302 is
13 essentially Bethlehem's Main Street that goes
14 east to west through town?

15 A (Laleme) It is our Main Street, yes.

16 Q So what's on the screen now is the second page
17 of that exhibit, Bates stamped 14445. Do you
18 see that?

19 A (Laleme) Yes.

20 Q And if you look on the far left-hand side, you
21 can see Route 93. Do you see that?

22 A (Laleme) Yes.

23 Q And then Route 18 running parallel to 93?

24 A (Laleme) Yes.

1 Q And this shows Route 302, also known as Main
2 Street, running through Bethlehem. Do you see
3 that?

4 A (Laleme) Yes.

5 Q Okay. Now, does this capture the business
6 district in Bethlehem?

7 A (Laleme) Yes.

8 Q And could you, as I understand your testimony,
9 the business district consists of things such as
10 bed and breakfasts, restaurants, shops and so
11 forth?

12 A (Laleme) Yes. Small shops.

13 Q And I would be correct in saying the busy season
14 are the summer months and perhaps foliage time?

15 A (Laleme) Yes.

16 Q So perhaps May through October?

17 A (Laleme) Yes.

18 A (Jensen) Yes.

19 Q Do you have, do you know the average number of
20 vehicles per day that travel along 302 in this
21 area during your busy season?

22 A (Laleme) Not specifically but it almost looks
23 like southern New Hampshire.

24 Q Well, you attached to one of your testimonies an

1 article and the article indicated 6,200 cars per
2 day, if you recall that.

3 A (Laleme) I don't have that in front of me, but
4 if we attached it, I'm sure it's correct.

5 Q All right. So let me start with the overhead
6 construction because Bethlehem is going to be
7 both overhead and underground. So I just want
8 to briefly start with the overhead construction.

9 What's on the screen now in front of you is
10 Applicant's Exhibit 200 which are pages from the
11 Applicant's August 2017 Alternation of Terrain
12 Permit Application plans, and, specifically on
13 the screen is page 67504. Do you see Route 116?

14 A (Jensen) Yes.

15 A (Laleme) Yes.

16 Q Do you see the Ammonoosuc River?

17 A (Jensen) Yes.

18 Q This is close to where Bethlehem and the
19 Whitefield line is, correct?

20 A (Laleme) Fairly close, yes.

21 Q And you can see in here it shows the
22 transmission line and it shows the different
23 construction pads for the different structures
24 for Northern Pass. Do you recognize that?

1 A (Laleme) Yes.

2 Q So if we scrolled along this from here heading
3 towards Transition Station #5, what we would see
4 is the overhead portion in Bethlehem; do you
5 follow that?

6 A (Jensen) Yes.

7 A (Laleme) Yes.

8 Q So the Committee has seen this before, and I
9 don't need to scroll through each page.

10 Let me just get to -- what's on the screen
11 now is Bates stamp 67511 from Applicant's 200,
12 and that shows the current proposed location of
13 Transition Station #5; do you see that?

14 A (Jensen) Right.

15 A (Laleme) Yes.

16 Q So those pages would show the overhead
17 construction through Bethlehem starting close to
18 the Whitefield line and running to Transition
19 Station #5 where it goes underground, right?

20 A (Jensen) Yes.

21 A (Laleme) Yes.

22 Q So if you look at what's on the screen now and
23 you see the little red symbol right where the
24 right-of-way meets 302; do you see that?

1 A (Jensen) Yes.

2 A (Laleme) Like a triangle.

3 Q Exactly.

4 A (Laleme) Yes.

5 Q That's an access road to the right-of-way. And
6 is it your understanding that to construct the
7 overhead section in Bethlehem the Applicants
8 will need to access the right-of-way at that
9 spot to have their construction vehicles and
10 equipment and so forth leapfrog along down the
11 various structures to build the overhead
12 section?

13 A (Laleme) Yes.

14 Q Now, the Committee has had exhibits on the types
15 of equipment and that will be used for overhead
16 so I don't need to repeat all of that, but what
17 I want to ask you is simply this.

18 That is the only access point for the
19 overhead construction in Bethlehem from
20 Transition Station #5 all the way to the
21 Ammonoosuc River close to Route 116, and there
22 are approximately 32 structures in that overhead
23 section so there will be vehicles and supplies
24 and so forth entering and exiting at this

1 intersection of the right-of-way and Route 302,
2 and we saw earlier the photograph of your Main
3 Street.

4 So I want to ask you what will be the
5 impact to businesses during construction of the
6 Overhead Route using this point as the only
7 access point for all the construction vehicles
8 and materials while they construct the overhead
9 section in Bethlehem.

10 MR. NEEDLEMAN: Objection. This is all
11 information that was in the record, could have
12 been included and should have been included.

13 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

14 MR. PAPPAS: Actually, this was not. They
15 testified that there would be impact from the
16 overhead construction, but they didn't describe
17 what the impact would be from that. So I'm just
18 trying to get clarification in terms of what
19 they believe to be the impact from this
20 construction. So I'm following up on what they
21 said in Direct Testimony, but I'm digging a
22 little deeper to what they said.

23 I think cross-examination allows that. I
24 realize it was a lot of setup so I tried to go

1 through it fast, but the point is that they
2 testified in Direct that they thought there
3 would be impact on businesses from construction,
4 but they didn't go deeper into why they believed
5 that, and that's what I'm trying to examine,
6 that specific point. So I think that's fair
7 game for cross-examination of their Direct.

8 PRESIDING OFFICER HONIGBERG: Mr.
9 Needleman?

10 MR. NEEDLEMAN: So what Mr. Pappas just
11 said he's getting them to elaborate and expand
12 on the testimony that's already in the record
13 which I understood was not proper.

14 MR. PAPPAS: I don't think I'm expanding.
15 I think I'm asking them -- expansion would be a
16 further opinion. That's their opinion. I want
17 to know the base of their opinion is what they
18 didn't describe in their Direct.

19 PRESIDING OFFICER HONIGBERG: I'm going to
20 overrule, but make sure that you stay narrowly
21 focused on their testimony and the opinions that
22 they've offered.

23 MR. PAPPAS: I will try. Thank you.

24 BY MR. PAPPAS:

1 Q So I want you to -- do you recall the question
2 or do you want me to rephrase it for you?

3 A (Laleme) Could you repeat that, please?

4 Q Sure. So I want you to describe for me the
5 basis for your opinion that construction of the
6 overhead portion in Bethlehem will adversely
7 impact businesses in Bethlehem.

8 A (Laleme) Okay. Primarily due to the delays. It
9 could affect when they can get to the shops, not
10 the bed and breakfasts so much if that's their
11 destination. However, the biggest concern is
12 the impact would be because they take an
13 alternative route. Rather than coming to
14 Bethlehem or coming 302, they could take 93 and
15 go either to Vermont or go farther east and go
16 to Conway or some other place. So I think
17 people will, if they're aware of this delay,
18 will reroute. That's exactly what I would do.
19 And if they're just looking for the New England
20 experience, they will find that in another town.

21 Q So would I be correct in saying is what you're
22 concerned about is essentially people avoiding
23 Bethlehem during the period of construction?

24 A (Laleme) Yes.

1 A (Jensen) Yes, and during the summer, I mean, you
2 have a steady stream of traffic coming through.
3 And, you know, these days, I mean, I don't have
4 it because I have a flip phone, but people who
5 have smart phones just get alerts that say hey,
6 there's a traffic backup here. They can just
7 go, they could go and take Exit 40 and go in the
8 opposite direction to Littleton. Coming up 93
9 if they know there's a problem and they're say
10 going to the Mount Washington, and they had
11 intended to come through Bethlehem, because they
12 want the scenic highway, Route 302, they're
13 going to get off at Twin Mountain before
14 Bethlehem, period. So that would be an impact.

15 Q Okay. Thank you.

16 A (Laleme) Delays can also affect local events.
17 We have, and it's a fairly, in the north anyway,
18 it's a well-known farmer's market at our women's
19 entrepreneurship organization.

20 We also have the only continuously running
21 theater east of the Mississippi for the last
22 hundred years, and it is, people come from all
23 the surrounding areas. If you're delayed and
24 you don't get there on time, you don't get

1 again. You just say "missed it" and business is
2 gone. So it affects local events as well as
3 just destination.

4 Q Thank you.

5 A (Jensen) That's right. And the Colonial Theater
6 isn't open during the winter so it has to do
7 everything it needs do is survive from May to a
8 couple days after Halloween.

9 PRESIDING OFFICER HONIGBERG: Off the
10 record.

11 (Discussion off the record)

12 PRESIDING OFFICER HONIGBERG: We need to
13 take our lunch break. Commissioner Bailey and I
14 have some PUC business to attend to. We will
15 resume at about 115.

16 (Lunch recess taken at 12:00
17 p.m. and concludes the **Day 58**
18 **Morning Session.** The hearing
19 continues under separate cover
20 in the transcript noted as **Day**
21 **58 Afternoon Session ONLY.**)

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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 17th day of November, 2017.

Cynthia Foster, LCR

