

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

November 17, 2017 - 9:07 a.m.
49 Donovan Street
Concord, New Hampshire

DAY 61
Morning Session ONLY

{Electronically filed with SEC 11-30-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

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

ALSO PRESENT FOR THE SEC:

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

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P R O C E E D I N G S

(Hearing resumed at 9:07 a.m.)

PRESIDING OFFICER HONIGBERG: Good morning, everyone. It's a new day, and a new witness is in place. Is there anything we need to do before he is sworn in? All right. Would you do the honors, please?

(Whereupon, *Edward Roberge* was duly sworn by the Court Reporter.)

EDWARD ROBERGE, DULY SWORN

PRESIDING OFFICER HONIGBERG: Ms. Pacik?

MS. PACIK: Thank you.

DIRECT EXAMINATION

BY MS. PACIK:

Q Good morning, Mr. Roberge.

A Good morning.

Q Please state your name and title for the record, please?

A My name is Edward Roberge, and I'm the City Engineer with Concord, New Hampshire.

Q And I've given you two exhibits, and I would like to identify those for the record.

The first one was Joint Muni Exhibit 131 which is your Prefiled Testimony dated November

1 15th, 2016; and Joint Muni Exhibit 132 which is
2 your Prefiled Testimony dated April 17th, 2017.

3 Do you have both of those exhibits in front
4 of you?

5 A Yes, I do.

6 Q With respect to your Prefiled Testimony,
7 Exhibits 131 and 132, do you have any
8 corrections to the testimony that you would like
9 to make this morning?

10 A No.

11 Q With respect to that testimony, Exhibit 131 and
12 132, do you adopt all of that testimony and
13 swear to it today?

14 A Yes, I do.

15 Q I'd like to just briefly talk about the MOUs
16 that have been discussed in this proceeding and
17 has City of Concord received a Draft MOU from
18 Northern Pass?

19 A Yes, we.

20 Q And I understand that we received an original
21 one and then a revised one; is that also your
22 understanding?

23 A That is correct.

24 Q Okay. And in terms of both your original and

1 the revised one that the City of Concord
2 received, did it reference all of the applicable
3 ordinances and regulations in Concord that would
4 apply to a project of this nature?

5 A It did not. The original that was submitted did
6 not.

7 Q Okay. And has the City of Concord now had an
8 opportunity to revise it so that it would be
9 consistent with applicable ordinances and
10 regulations?

11 A Yes, we have.

12 Q And you understand that's now been sent to
13 Northern Pass to review?

14 A I understand that, yes.

15 Q Okay. And if Northern Pass was to agree with
16 the draft that we sent them, is it your
17 understanding that that would be acceptable to
18 Concord?

19 A Yes, that is my understanding.

20 Q Okay. And in the event an MOU is not able to be
21 agreed upon, is it your opinion that the
22 Subcommittee, if they approve this Project,
23 should require Northern Pass to comply with the
24 City's ordinances and regulations?

1 A That would be my opinion, yes.

2 Q Okay. That's all I have right now. Thank you.

3 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

4 MR. PAPPAS: Thank you, Mr. Chairman.

5 **CROSS-EXAMINATION**

6 **BY MR. PAPPAS:**

7 Q Good morning, Mr. Roberge.

8 A Good morning.

9 Q As you know, I'm Tom Pappas, and I'm Counsel for
10 the Public. I'll ask you some questions this
11 morning.

12 Now, I want to start out by asking you some
13 questions about Northern Pass's access to
14 right-of-ways from Concord city roads which you
15 mention in your Direct Testimony.

16 Now, your Supplemental Testimony that you
17 adopted this morning contains a list of roads in
18 Concord from which the Project will access the
19 right-of-way on page 2; do you see those?

20 A Yes, I do.

21 Q Are those roads considered collector and
22 arterial streets in Concord?

23 A I believe the list includes both.

24 Q So one or the other but they're both considered

1 one or the other?

2 A That's correct.

3 Q And am I correct that under Concord's
4 regulations for these type of roads, you need
5 certain things for access; for instance,
6 driveways need to be 200 feet from an
7 intersection; is that right?

8 A On arterials, yes.

9 Q And driveways should be, need to be 200 feet
10 from other driveways; is that right?

11 A That's correct.

12 Q And am I also correct that City of Concord would
13 consider access to the right-of-way for the
14 Northern Pass Project as it would treat a
15 driveway on one of these roads?

16 A That is correct.

17 Q Okay. Now, am I also correct that the intent of
18 Concord's driveway regulations is to provide
19 safe exit and entrance onto city streets?

20 A That's correct.

21 Q And also I assume to preserve the condition of
22 city streets?

23 A That is correct.

24 Q Would I also be correct that the City views

1 temporary access the same as they would a
2 permanent access? They treat them the same?

3 A Yes, we do.

4 Q Okay. Now, in your Prefiled Testimony, you
5 state that the proposed access points on
6 Northern Pass's plans for a number of areas
7 don't comply with Concord's access regulations.
8 Do you remember that?

9 A Yes, I do.

10 Q For instance, the width at some access points
11 exceeds the 28 feet limit in Concord's
12 requirements; is that right?

13 A That is correct.

14 Q And in some instances there's insufficient
15 separation from a driveway or an intersection
16 and the Northern Pass access point?

17 A That is correct.

18 Q Okay. So let me review some of the access
19 points so we can throw them on the screen and
20 talk about them.

21 Mr. Roberge, do you have something on the
22 screen in front of you?

23 A Yes, I do.

24 Q What's on the screen is page 67664 from

1 Applicant's Exhibit 200 which is the August 2017
2 Permit Application plans for the Alteration of
3 Terrain. And if you look, can you see Hoit Road
4 right across the page?

5 A Yes, I do.

6 Q And do you see the intersection between Hoit
7 Road and 132?

8 A Yes, I do.

9 Q Could you tell us, describe for us just briefly
10 or the Committee just briefly Hoit Road and 132.
11 What kind of roads are those?

12 A Well, NH 132 is a State maintained Class 4
13 highway. And Hoit Road is a local collector.

14 Q Are these business roads in terms of traffic
15 count?

16 A Certainly Mountain Road or 132 has a higher
17 traffic count than Hoit Road, but yes, they are
18 rural in nature with moderate volumes and
19 speeds. Speed issue is particularly prevalent
20 at this intersection.

21 Q So if you look at the map, do you see, let's
22 start on Hoit Road. Do you see the little
23 symbol that is a red close to the intersection
24 of Hoit Road and 132?

1 A Yes, I do.

2 Q And understand that denotes an access point
3 where the Project proposed to access the
4 right-of-way off of Hoit Road?

5 A I understand that. Yes.

6 Q Okay. And am I correct that that access point
7 is less than 200 feet from the intersection of
8 Hoit Road and 132?

9 A Yes. Based on visual, yes, I would say it's
10 less than 200 feet.

11 Q Now, there is a house on the corner of Hoit Road
12 and 132 which is at 41 Hoit Road, and if you
13 kind of look on this map, looks like the house
14 right to the left of where it says Hoit Road, do
15 you see that?

16 A I do.

17 Q And do you see their driveway?

18 A I do.

19 Q And would you agree with me that their driveway
20 is less than 200 feet from the proposed access
21 to the right-of-way?

22 A I would agree with that, too.

23 Q Now, are you familiar with the types of
24 construction vehicles and equipment that

1 Northern Pass would use to construct the towers
2 in this location?

3 A Although not specific I can surmise what I think
4 they would use.

5 Q Okay. Well, the Committee has had testimony and
6 evidence about that, and I don't think I need to
7 repeat it for them, but, for instance, they'll
8 use site equipment, and after they clear the
9 site they'll have to bring in gravel and
10 concrete trucks and cranes and so forth?

11 A Correct.

12 Q Okay. And you understand that they propose to
13 work 7 a.m. to 7 p.m.?

14 A That would be a limitation that we would, that
15 is part of our construction permitting
16 requirements.

17 Q For an access point such as this, would the City
18 require a police officer for safety and traffic?

19 A I think that would be subject to really a
20 detailed construction review and accompanied by
21 their traffic control plan.

22 Q If you look on Route 132, if you see the second
23 access to the right-of-way off 132?

24 A I see two that are shown on this particular

1 plan, both which would look like it would be
2 north and south of Hoit Road so I'm not sure
3 which one you're referring to.

4 Q Well, I was going to do one at a time, but there
5 are two, correct?

6 A That's correct.

7 Q So would you agree with me that at this
8 intersection with three access points and as you
9 describe the moderately busy road, there
10 certainly needs to be consideration for traffic
11 safety with the construction vehicles going on
12 and off the right-of-way?

13 A We share that concern.

14 Q Okay. And is that one of the things that
15 Concord looks at when it reviews permits for
16 access? The safety of entering on and off city
17 streets?

18 A Yes.

19 Q You mention in your Direct Testimony, you
20 thought it would be a good idea for the
21 Committee to have a condition if the Project is
22 approved to have to satisfy Concord's ordinance
23 and regulations, correct?

24 A Yes.

1 Q Would that be one of the things that is required
2 under your regulations is for each access point
3 to determine whether or not an officer is
4 required or a flagger or temporary signal or
5 some kind of traffic control to ensure safety?

6 A Yes.

7 Q Let me ask you a few questions about another
8 type of access off Concord roads. What's on the
9 screen now is 67665 from Applicant's Exhibit 200
10 which shows Sanborn Road in Concord. Do you see
11 that?

12 A Yes, I do.

13 Q Could you describe for the Subcommittee what
14 kind of road is Sanborn Road?

15 A Sanborn Road would be a local street.

16 Q And what's the neighborhood like in this area?

17 A Very rural.

18 Q And what is the traffic on Sanborn Road
19 typically from 7 a.m. to 7 p.m.?

20 A I would say light to moderate.

21 Q Now, you can see the Project proposes two access
22 points off Sanborn road, one on each side of the
23 road at the same location. Do you see that?

24 A I do see that.

1 Q Okay. And could you tell us what kind of
2 traffic control the City would be looking to
3 ensure at this type of location where you have
4 access from two different, from each side of the
5 road at the same location?

6 A Certainly from a safety perspective, adequate
7 sight distance becomes really important in the
8 event that there's heavy construction traffic
9 that's crossing directly from one side to
10 another. That's important to us.

11 The alignment of the two driveways, making
12 sure that they're not set right on top of each
13 other but there's, at least if there's two
14 turning vehicles that are taking opposing lefts,
15 per se, have adequate room to stage and stack.
16 But we would think that this would be a
17 favorable condition if sight distance was
18 adequate.

19 Q Okay. Let me ask you some questions about a
20 different access configuration in Concord.

21 On the screen now is page 67669 from
22 Applicant's Exhibit 200 which shows a portion of
23 Shaker Road. Do you see that?

24 A Yes, I do.

1 Q Could you tell us what type of road Shaker Road
2 is and what's the traffic during the day on that
3 road?

4 A Again, this is a local city street, and I would
5 say light to moderate traffic as well.

6 Q So if you look at the screen, can you see there
7 look like to be three access points in close
8 proximity to each other?

9 A I do see that, yes.

10 Q And these access points would be new access
11 points, correct? They don't exist today?

12 A That is correct. I believe that there is no
13 access to the corridor today.

14 Q What kind of traffic control would the city be
15 looking for in this type of configuration?

16 A Again, we'd look at driveway sight distance,
17 making sure that not only the vehicles using the
18 temporary or permanent access driveways can see
19 what's coming at them but more so existing
20 traffic along the corridor can see them so site
21 distance becomes important. Driveway separation
22 and perhaps even consolidation should be
23 considered here, I would think. Reducing the
24 number of driveway conflict points is something

1 that we would want to examine carefully with the
2 Applicant.

3 Q Okay. I'm going to ask you to look at one more
4 type of access on the screen.

5 On the screen now is page 67671 of
6 Applicant's Exhibit 200, and you see where
7 Appleton Street is.

8 A Yes, I can.

9 Q And could you describe for us the type of street
10 Appleton Street is and the neighborhood it's
11 shown on the map?

12 A Yes, Appleton, again, would be a local city
13 street, very rural in nature, and I would say
14 traffic is light and limited.

15 Q Okay. And do you see where in this area there
16 are, again, there are three access points
17 proposed?

18 A I do see that, yes.

19 Q And two of them are across the street from each
20 other, and one is a little further up the
21 street?

22 A I do see that, yes.

23 Q What kind of concerns or traffic control
24 measures would you be looking for in this type

1 of configuration?

2 A Again, we're outlining and looking at the safe
3 sight distance. Offset driveways that you see
4 right along the curvature of Appleton Street in
5 the particular area would be a concern. The
6 plans are showing essentially plan view 2-D. We
7 would want to make sure that there isn't a third
8 dimension like a hill or relief that needs to be
9 accounted for and making sure that you can see
10 in and out of those driveways.

11 Q Okay. Now, we've seen several different
12 locations in Concord where they had different
13 types of configurations for access, and if you
14 look at your Supplemental Testimony, you list
15 approximately 30 access points from roads in
16 Concord; is that right?

17 A That's correct.

18 Q Would I be correct in saying that virtually all
19 of these access points to the right-of-way are
20 new access points? They're not existing access
21 points?

22 A I can't say for certain that they're not
23 existing. They could be just, could have been
24 temporary access roads at one point to maintain

1 the facilities. So I would say that I'd have to
2 look at that to answer that question.

3 Q Okay. Fair enough. Let me ask you this
4 question. Tell us how you think these 30 access
5 points and the construction vehicles that will
6 be going on and off the right-of-way during the
7 day, what impact would that have on traffic in
8 Concord; and in particular, obviously, these 30
9 access points?

10 A Well, if you look at kind of the nature of the
11 Project as a whole, we have different levels of
12 roadways that are -- there are different types
13 of roadways. Arterials, major collectors and
14 rural collectors and then local streets so each
15 has its own unique characteristics. So
16 evaluating them almost on a case-by-case basis
17 is what we do on all of our permitting
18 processes. So looking at sight distance, making
19 sure that not only is the general public safe,
20 but the motoring traffic public is safe as well,
21 it would have some impacts, we would imagine
22 some impacts on some of the busier streets that
23 this corridor goes through, and then it would
24 probably have nominal impacts. In areas that

1 are specific, say, like say near a school we may
2 condition or we may suggest that let the school
3 busses get in and out and then proceed to do
4 your work.

5 So these are all evaluation elements that
6 go through our process that I think is really
7 important, and I think that's how I stress in my
8 testimony that it's important that we've
9 involved in the permitting process because we
10 know the unique characteristics of each of these
11 streets which are dramatically different.

12 Q Would it be safe to say that traffic is going to
13 be slow at these access points while
14 construction vehicles are entering and exiting
15 the right-of-way?

16 A I would say at intermittent times it could be
17 slow, and there could be even some traffic
18 control, either PD, PD details or even flaggers
19 that would kind of stop and direct traffic
20 around larger movements.

21 Q Now, you mentioned earlier that these are local
22 roads so I want to ask you some questions about
23 potential damage to local roads. Now, the roads
24 in Concord where the Project will access the

1 right-of-way are all paved streets; is that
2 right?

3 A That is correct.

4 Q And the right-of-way itself is either dirt or
5 gravel or some combination?

6 A That is correct.

7 Q So over time with heavy construction vehicles
8 entering and exiting the right-of-way
9 repeatedly, could you tell us whether or not in
10 your opinion that may cause some damage to the
11 paved Concord road, particularly where the
12 pavement meets the nonpavement?

13 A Yes, and our construction standards kind of
14 cover that. We'll look at truck pads so we're
15 not tracking a lot of dirt and debris into the
16 right-of-way. We may require paved aprons where
17 the temporary or even permanent driveway is
18 paved right up to the existing, the paved travel
19 way. Those are factors that, again, that are in
20 our construction standards that help protect the
21 public right-of-way as well as our
22 infrastructure on our streets.

23 Q So without these measures, would you expect to
24 see damage to the city streets from this

1 construction activity?

2 A I would expect that the threat would be higher.

3 Q Now, if any of the roads in Concord are damaged
4 by the construction activity, what would the
5 City expect the Project to do to restore the
6 damaged roads?

7 A I think I might have lost the direction of your
8 question.

9 Q Let me ask it again.

10 A Okay.

11 Q If the construction activity causes damage to
12 any of Concord's roads, whether or not they have
13 measures, what would Concord expect the Project
14 to do in order to restore the roads that are
15 damaged?

16 A We would expect the Project to repair any
17 necessary damage that they've done to the extent
18 that could match at least existing condition.

19 Q So, for instance, if an access point, the
20 pavement itself, was damaged, would you expect
21 the Project to just patch the damaged area or
22 how far would the restoration work need to go in
23 order to be effective in your view?

24 A I think that we'd evaluate that on a

1 case-by-case basis, and we have experience in
2 doing that. I don't think any construction
3 project is perfect, although intent is always to
4 be as best as we can, but we would evaluate that
5 with the Project team and have a full
6 understanding of what restoration would be
7 required, whether it's isolated and just in a
8 select area or something that would be broader
9 and more larger in scope.

10 Q So, for instance, if there are two access points
11 directly across the street from each other and
12 damage occurred at both those access points, you
13 may need to restore curb to curb, if you will,
14 in order to effectively restore that area.

15 A That is correct.

16 Q Would I be correct in saying that in your view,
17 that determination needs to be made on an
18 individual basis evaluating any damage and any
19 particular access point?

20 A Yes.

21 Q And the City of Concord has experience doing
22 that?

23 A Yes.

24 Q In your Prefiled Testimony, you state that

1 Concord places a seasonal weight restriction on
2 certain streets in Concord. Do you recall that?

3 A I do recall that.

4 Q Are any of the 30 access points proposed by the
5 Project in Concord on a street with seasonal
6 weight restrictions?

7 A I would say the majority of the rural locations
8 are probably all on that list.

9 Q What time of year do you impose those weight
10 restrictions?

11 A Again, it's generally weather-dependent, but
12 it's typically mid to late February to mid to
13 late April.

14 Q So let me ask you this. You had mentioned that
15 Concord has experience with access points in
16 construction. Do you have any specific
17 experience with transmission line work in the
18 City of Concord?

19 A Yes, we have.

20 Q Tell us what those Projects were.

21 A A few years ago we saw the, we call it the V 182
22 line which was a transmission line east to west
23 in orientation through Concord. We also saw
24 what we call a 317 line construction through

1 Concord as well.

2 Q Now, for those Projects, did the City of Concord
3 receive and review Permit Applications for work
4 to enter and exit the right-of-way from city
5 streets?

6 A Yes.

7 Q So the City of Concord reviewed those permits,
8 put what conditions you thought were necessary
9 and then provided those permits?

10 A Yes.

11 Q And did the City of Concord then review any
12 impacts to Concord's roads and make any
13 determination as to restoration that was
14 required?

15 A Yes.

16 Q In your experience, do you know whether or not
17 the, for example, Department of Transportation
18 does similar reviews for access off of
19 State-maintained roads?

20 A I would say although not, probably not specific,
21 but I know that they do have a right-of-way
22 permitting process as well, and I would say they
23 do the same thing we do.

24 Q Do you have any experience working with DOT in

1 terms of projects that may impact both City of
2 Concord's roads and State-maintained roads?

3 A Yes. We do.

4 Q In that instance, did the City of Concord work
5 with the DOT in order to, for that particular
6 project?

7 A Yeah. We work very collaboratively with DOT in
8 a number of projects, and in the case where
9 there may be permitting issues on both state and
10 city streets, we work closely with them.

11 Q Have you had a chance to review the Northern
12 Pass traffic management control plan with
13 respect to Concord?

14 A I have not.

15 Q Let me ask you a few questions about one more
16 topic, and that is the topic of business
17 outreach. Now, there's been testimony in these
18 hearings that Northern Pass recently retained
19 the firm Louis Karno for business outreach
20 during construction, and I understand that the
21 City of Concord also used Louis Karno when you
22 did the Main Street Project; is that right?

23 A That's correct.

24 Q And I assume you were rather involved in the

1 Main Street Project?

2 A Yes, I was.

3 Q Could you tell us what role the city, you and
4 the city played in that project?

5 A Well, we provided overall project management so
6 that's Program Management through the federal
7 grant that was part of the Project, as well as
8 our day-to-day management of the Project in the
9 field.

10 Q Did some City employees, was that their
11 full-time responsibility during this Project?

12 A Yes.

13 Q Did that Project require a significant amount of
14 time for City employees in order to do that
15 Project?

16 A Yes.

17 Q Would I be correct in saying that the goal of
18 the Project was essentially to improve Main
19 Street?

20 A I think that's fair.

21 Q Okay. Now, as part of that Project, did the
22 City meet with businesses about the Project?

23 A Yes, we did.

24 Q Were those face-to-face meetings?

1 A Most were, yes.

2 Q When did those meetings start in terms of
3 relationship with when construction of the
4 Project would start?

5 A The overall Project had specific deadlines but
6 we got a grant announcement in June of 2012 that
7 we were awarded the TIGER grant and with a
8 deadline of obligating the Project which means
9 to have it bid-ready by July 1 of 2013. So from
10 that short time frame, June to say July the
11 following year, not only went through a design
12 review process, very public, there were some 77
13 meetings with the public, and that's businesses,
14 that's residences, that's general public all
15 together, not only to the shape to the design
16 but once the design was approved by that July 1
17 deadline, then we went into kind of a
18 construction sequencing review with the downtown
19 merchants specifically. Those specifically how
20 this Project was going to be impacted with. So
21 there was probably an additional 30-some-odd
22 meetings during that time frame and construction
23 eventually began in September of 2014.

24 Q So how many city blocks did the Project cover?

1 A Nine.

2 Q So for nine city blocks you had over 100
3 meetings with businesses and other folks, public
4 meetings for that Project?

5 A Yes.

6 Q And that span started well, more than a year
7 before construction started?

8 A Better than a year. Yes.

9 Q And I assume it continued through construction
10 until the Project was done?

11 A That's correct.

12 Q Now, I understand that the City used Louis Karno
13 as part of its outreach efforts for the Main
14 Street Project; is that right?

15 A That's correct.

16 Q Tell us what role Louis Karno played.

17 A So after design development concluded and we got
18 into really the construction sequencing
19 planning, that's when we brought Louis Karno
20 group on. So mid part of 2014 Louis Karno
21 joined the Project team. Our goal really was to
22 have the ability for day-to-day, face-to-face
23 discussions and open conversations regarding
24 impacts as well as what the schedule, reporting

1 that schedule out. So the Louis Karno group
2 played that role which was an important role to
3 the Project. That communication is very
4 important, and we just, we knew with our
5 resources that we had dedicated to the Project
6 we wouldn't have had the time, the additional
7 time needed to go face to face talking with
8 people.

9 Q So was it at your experience that it was
10 important prior to construction to have those
11 meetings and face-to-face meetings with business
12 and impacted folks?

13 A I think it was imperative to the success of the
14 project, absolutely.

15 Q Then was it your experience that during
16 construction it was also important to have
17 face-to-face meetings with the affected
18 businesses and other affected stakeholders?

19 A Yes.

20 Q Now, was the City able to provide parking for
21 businesses on Main Street during the
22 construction in other locations?

23 A Yes. We did.

24 Q How were you able to do that?

1 A When we evaluated the construction sequencing
2 components of the project, we looked at kind of
3 an, even three approaches, and two of those
4 approaches had parking impacts. One of the
5 approach was, okay, we're going to leave as much
6 area open as possible, but it's going to extend
7 the project out possibly four years.

8 Another one looked at kind of what
9 everybody saw which was build one quadrant at a
10 time. Shift Main Street to a one-way direction,
11 work on the either the east side or the west
12 side at one time which would take the entire
13 space, eliminate parking on that side of the
14 street, while leaving the other side of the
15 street, the one-way direction whether it was
16 north or south open to parking. And the City at
17 the time offered free parking, free two-hour
18 parking, in that area just as a convenience
19 because of the disruption.

20 Q Now, I assume that throughout this you involved
21 the businesses and the other stakeholders in
22 working through alternative parking?

23 A Yes.

24 Q Were there sufficient either parking garages, I

1 know Concord has some parking garages and side
2 streets off Main Street to accommodate the
3 necessary parking for businesses?

4 A Yes.

5 Q And I assume that the City was able to maintain
6 access to businesses during the construction
7 time?

8 A That was imperative.

9 Q Okay. And again, I assume that was accomplished
10 by face-to-face meetings well in advance of
11 construction as well as during construction in
12 order to provide that access?

13 A Yes.

14 Q Okay. Would I be correct in saying that the
15 City's early and often meetings with businesses
16 and stakeholders contributed to lessening the
17 impact of the construction for the Main Street
18 Project?

19 A I would say it lessened the fear and uncertainty
20 because the impact was still significant. We
21 understand that. But making sure that people
22 understood what was going to happen and how it
23 was going to happen so that they could plan
24 around it, yes.

1 Q Thank you, Mr. Roberge. I have no other
2 questions.

3 PRESIDING OFFICER HONIGBERG: What
4 Intervenor Groups have questions for
5 Mr. Roberge? Anyone? I see not a single hand.
6 Mr. Needleman?

7 **CROSS-EXAMINATION**

8 **BY MR. NEEDLEMAN:**

9 Q Mr. Roberge, good morning. I'm Barry Needleman.
10 I'm a attorney. I represent Northern Pass in
11 this matter.

12 A Good morning.

13 Q Your testimony mainly focuses on your concerns
14 about Northern Pass complying with various City
15 ordinances and construction-related requirements
16 like blasting, road cuts, access road issues,
17 things like that, is that fair to say?

18 A That's correct.

19 Q And I take it from what you said this morning
20 that you've been involved in this Draft MOU
21 process that we've been going back and forth on?

22 A I have.

23 Q And would it be fair to characterize that MOU as
24 trying to address the concerns that are in your

1 testimony?

2 A I would say that's fair.

3 Q And during the course of the work that you've
4 done here, did you take the opportunity to
5 review the draft DOT permit and all of the draft
6 environmental permits that have been issued for
7 the Project?

8 A I have not.

9 Q Okay. So you're not then familiar with the
10 overlap between the proposed conditions in those
11 permits and how they might relate to some of the
12 concerns that the City has?

13 A I am not aware of that.

14 Q Okay. You mentioned a little while ago when
15 Mr. Pappas was questioning you that you had some
16 experience working in Concord on electric
17 transmission lines; is that right?

18 A That's correct.

19 Q Were those projects that you worked on projects
20 that were subject to the jurisdiction of the
21 SEC? In other words, did they go through this
22 SEC approval process?

23 A No.

24 Q So those projects were ones that instead had to

1 go through local approvals and get their
2 approvals in Concord; is that right?

3 A That is correct.

4 Q Have you ever been involved in a SEC process
5 before?

6 A No.

7 Q So with respect to the actual requirements in
8 City permits and ordinances that you've
9 referenced in your testimony, are you aware of
10 the fact that by and large the Applicants don't
11 have any concerns about complying with most of
12 those substantive requirements?

13 A I'm not aware that they are or aren't concerned.

14 Q Are you aware of the fact that the main concern
15 the Applicants have is that they don't want to
16 have to go to the City to actually apply for and
17 receive permits or get approvals from the City?
18 Is that your understanding? Have you been told
19 that?

20 A I would say that would be my understanding.

21 Q So given those two points, would I be correct in
22 saying that the City is more concerned about
23 getting the Applicants to comply with
24 substantive requirements that the City might

1 have rather than getting the Applicant to go
2 through procedural process and permits? Is that
3 an accurate characterization?

4 A Well, I want to be careful about that because I
5 understand that the City as a whole has an
6 opinion. I think what my role here as the
7 permitting authority is really limited to the
8 permitted action. So from the standpoint of
9 requiring our permits, our general permit
10 conditions and construction standards we apply
11 that in all Projects. So that's my, my
12 testimony is to support that.

13 Q So let me try to be more specific. So, in other
14 words, if we found a way, if the Project and
15 Concord found a way, say, for example, with your
16 encumbrance permit to agree to all of the
17 requirements that would be in the encumbrance
18 permit but just not apply for and get that
19 permit from Concord, would that satisfy the
20 City's concerns here?

21 A It wouldn't satisfy my concerns.

22 Q So why is that? If we agree to all of the
23 requirements within the permit but just didn't
24 go through your permit process, what would be

1 missing here?

2 A I think the consistency and precedents that that
3 presents. We want to make sure that we evaluate
4 all projects, whether or not it's a major
5 utility project or it's a small park project, we
6 think we have a fairly robust and sound process
7 that's fair. And that consistency, we want to
8 apply that, that same information that we care.
9 We have direct knowledge of rights-of-way of
10 City properties. We want to make sure that we
11 convey that on all Projects. So I think from a
12 consistency or precedent-setting standard, that
13 becomes really important to us.

14 Q So if, hypothetically, the Committee were to
15 issue a Certificate to Northern Pass, and it
16 were to include in that Certificate all of the
17 substantive requirements of a particular City
18 permit but just didn't require Northern Pass to
19 actually go and get the permit from the City,
20 that wouldn't be enough for the City of Concord
21 in that case?

22 A Again, I think it's important to uphold what we
23 do from a permitting standpoint within our --
24 we're the stewards of the public right-of-way,

1 and in that comes a permitting requirement. We
2 think that's important, and it should be applied
3 consistently to all projects. I understand some
4 projects are larger than others, but at the same
5 time we want to consistently apply our
6 stewardship to the corridor, the right-of-way.
7 That's my opinion.

8 Q Let me ask you a couple of specific questions,
9 and I guess I'm not sure you're going to be able
10 to answer these just because I understand you
11 didn't look at the State permits.

12 On page 6, line 12 of your testimony, you
13 raised a concern about tracking of debris onto
14 public roads; do you remember that?

15 A Are you referring to my, is it document 131?

16 Q Yes. It's 131. It's on page 6, line 12. It
17 sounded like it was a general concern about
18 tracking construction debris on public roads.

19 A That is correct.

20 Q And this is part of the MOU process we're
21 working on. I guess my question is, in the DOT
22 permit, Condition 39 there said that roadways
23 shall be cleared of all foreign material at the
24 end of each working day.

1 If a condition like that also applied to
2 Concord roads, would that satisfy your concern
3 with respect to this issue?

4 A If it's achieving the same requirement, I would
5 say yes.

6 Q There's another element in your testimony also
7 on page 6, line 13 where you talk about
8 financial assurance for road repairs, and there
9 are conditions in the DOT permit that deal with
10 that issue, like requiring a surety bond and
11 making sure that damage is repaired to roads.
12 Would conditions like that satisfy your
13 concerns?

14 A I think from a legal standpoint, the only surety
15 to the benefit of the City of Concord is the
16 only surety that we could guarantee the general
17 public. So if it was surety by another agency
18 like DOT as you just described, I don't think
19 our legal, I don't think it would meet a legal
20 standard as a financial surety.

21 Q But if, for example, the surety actually was for
22 the benefit of the City. So, in other words, it
23 was ensuring repairs of Concord roads to the
24 extent the Project damaged them, then I take it

1 that would satisfy your concern?

2 A I think I would leave that up to legal review.

3 Q Okay. I think what I'm going to do is probably
4 cut this short because all of my questions
5 really pertain to asking you about the DES
6 permit conditions and the DOT permit conditions,
7 and there are, in our view, a large number of
8 them that seem to overlap with the concerns you
9 expressed in the MOU, but given that you haven't
10 looked at them, I don't think it would be
11 helpful for me to ask you questions about them.

12 I just wanted to ask you one other
13 question. On pages 10 and 11 of your
14 Supplemental Testimony, you reference several
15 instances where utility lines in Concord have
16 been buried in your experience. Do you recall
17 that?

18 A I do.

19 Q My understanding is that all of the instances
20 that you reference those were distribution
21 lines; is that correct?

22 A That is correct.

23 Q So are you aware of any instances in Concord
24 where electric transmission lines were buried?

1 A I am not aware, no.

2 Q Okay. Thank you.

3 PRESIDING OFFICER HONIGBERG: Members of
4 the Committee? Who has questions for Mr.
5 Roberge? Mr. Way.

6 **QUESTIONS BY MR. WAY:**

7 Q Good morning, Mr. Roberge.

8 A Good morning.

9 Q My name is Christopher Way. Thank you for your
10 patience over the last couple days.

11 Just a few questions. Do you envision that
12 the City will have to increase staffing to
13 interact with this Project?

14 A No.

15 Q And when we talk about flaggers and public
16 safety, can I assume that that is something that
17 the cost is passed on to the Applicant?

18 A That is correct.

19 Q What is the process on your end? Who makes all
20 the arrangements? Is it, how does the City
21 interact with that?

22 A Application is submitted to us, we look at
23 driveway location or locations. We would ask
24 for a traffic control plan which would kind of

1 detail schedule and location and frequency of
2 truck traffic and construction traffic. We'd
3 make a determination through review with the
4 Applicant on whether or not these are critical
5 locations that would require, say, a police
6 detail versus a flagger, and then understand
7 those conditions would be written into the
8 permit.

9 Q And once implemented, I'm assuming that the City
10 has sort of a hands-off approach or do you need
11 to go and review, do you need to follow up to
12 make sure that everything is being complied
13 with?

14 A We have a permitting engineer that would be
15 actively involved as is he with other permits.
16 And to the extent that the work could, I
17 wouldn't say we would require full-time,
18 although there may be some locations that we
19 would have concerns with that could require
20 additional time for inspections and just making
21 sure that everything is still in order. So it
22 would vary in terms of -- it's not kind of a
23 hands-off approach, by any means.

24 Q Loudon Road. I think you were available

1 yesterday as we were talking extensively about
2 that Gateway area, and it occurred to me that
3 Loudon Road has been upgraded considerably over
4 the last year, and I know there's been several
5 plans for the last few years. So is it fair to
6 say that Loudon Road has changed considerably in
7 terms of plans over the last couple years or
8 last few years in terms of what was planned and
9 how it eventually got upgraded or is that fair
10 to say?

11 A I think it's fair to say.

12 Q So knowing that this Application has been now,
13 for several years has been in discussion, are
14 there any changes that have occurred to Loudon
15 Road -- I'm trying to phrase this correctly.
16 Are there any changes that have occurred to
17 Loudon Road that raise new issues that you may
18 not have anticipated when you first addressed it
19 when you were doing your testimony?

20 A No. From my perspective, as City Engineer, we
21 managed the Loudon Road paving infrastructure
22 project, both sides, the east end and the west
23 so those plans were in place. We executed those
24 plans. I wouldn't say that this Project had any

1 impact on the infrastructure structure project
2 that I was working on.

3 Q Do you have any comments or concerns about the
4 I-393 crossing that was discussed?

5 A I have no comment on that.

6 Q Do you have any comment or concern about the
7 configuration at the Sabbow Company that we were
8 talking about? I'm thinking about for the
9 corner piece on the property of the lines? Or
10 have you reviewed that?

11 A I think in my Original Testimony I, we outlined
12 several locations that we, actually might have
13 been in my Supplemental. Several locations
14 that, driveway locations, in and around the
15 Chenell Drive or Regional Drive or Industrial
16 Park Drive area. Just positioning of driveways
17 and access points. We wanted to have a better
18 definition of that, and that would be brought up
19 in a permit review process.

20 Q And I found that in your Supplemental.

21 A Um-hum.

22 Q Also knowing that there's been some design
23 changes that have occurred in that area as well.
24 But you would say that that would come up in

1 permit design at another point.

2 During your discussion with the Main Street
3 construction project, interacting with the
4 businesses, when you first brought the issue up,
5 did any businesses raise a concerns that from
6 what they could tell about the Project that it
7 could impact their business to the point that
8 they probably would not be able to do business?
9 They might have to lay off or it might even
10 affect their long-term viability?

11 A Yes.

12 Q What did you, were there certain things that you
13 did specifically to address those concerns?

14 A I think really the face-to-face communication
15 became really important to ease those, to ease
16 the concerns. We knew that the, Main Street was
17 a major infrastructure improvement Project, and,
18 I mean, it went from wall to wall. And in doing
19 that, people really needed to understand how the
20 project was going to progress along, what was
21 their immediate impact, and would we be able to
22 stay true to our schedule.

23 So that if we said we were going to start
24 south and work our way north, and during the

1 days Tuesday, Wednesday, Thursday of this
2 particular week we're going to be right in your
3 front door, they had options. They had options
4 whether or not they would want to change their
5 hours or modify their hours. Some maybe even
6 decided to close on a particular day knowing
7 that we were removing the sidewalk right at
8 their front door.

9 Access became really important, and while
10 they sacrificed some of the parking during the
11 construction, making sure that those front doors
12 were always able to be opened was really a
13 concern to them.

14 So outlining schedule, reinforcing
15 schedule, maintaining the schedule and
16 delivering what we said we were going to do,
17 that's the crux of the entire project right
18 there, and we had to demonstrate that we would
19 do what we were saying. That built confidence.

20 So that by the time we got to the later
21 phases of the Project, everybody knew what was
22 going to happen. So it was, that face to face
23 delivering what we said we were going to do
24 became very important.

1 Q And I have to imagine you can't please
2 everybody. Did you find after having those
3 discussions and then taking the steps to address
4 those issues, were there any businesses that
5 were not satisfied? Were there any businesses
6 that realized layoffs, were there any businesses
7 that closed or were in your opinion
8 significantly impacted?

9 A Yesterday there was testimony that talked about
10 six businesses coming in even during midstream
11 of construction.

12 What I believe I'm aware of is there were
13 three businesses, one of them closed, actually
14 two closed, essentially by choice, and one of
15 them relocated from the North Main Street
16 section to the South Main Street section and
17 once the North Main Street construction was
18 complete moved back to the North Main Street.
19 It's YoYo Heaven. So it makes sense that he
20 would bounce back and forth.

21 Q Glad you did that joke.

22 A But, overall, I know that new businesses entered
23 Main Street downtown during construction, and of
24 the two that did leave town, that was by choice.

1 They were, I believe they were thinking of
2 leaving before the project anyway, but those
3 businesses that left quickly were refilled, and,
4 again, those two businesses that left, one of
5 them now is, one of them was the yogurt shop, I
6 mean, one of the yogurt shops, and he built,
7 he's now working out of a truck which is what he
8 wanted to do. More of a mobile service. And
9 the other one was a hairdresser that I think
10 relocated her business to Chichester. So of
11 that, I think that was the immediate impact.

12 Q Did either of them say that it was the
13 construction that sort of was the tipping point
14 for them?

15 A I don't recall that.

16 Q I asked Mr. Van de Poll yesterday about the
17 decommissioning plans. Do you have any concerns
18 or opinion with regard to decommissioning in the
19 City of Concord?

20 A No.

21 Q The discussion that we just had about the MOU,
22 if they did go through the permitting process,
23 what would be sort of the time frame that you
24 could envision knowing what you know of the

1 Project?

2 A I would say that it follows our typical standard
3 permitting process which is applications are
4 submitted. Although this a larger project, I'm
5 going to guess that there would be a bulk
6 delivery of applications, particularly if
7 they're working at simultaneous locations along
8 the corridor. We would evaluate that. We
9 typically evaluate within 72 hours. And we
10 would set conditions and permit documentation.
11 I don't see that there would be any significant
12 delay. I don't think there's anything
13 significantly extraneous about our permitting
14 process either.

15 Once it's documented, we would assign a
16 project engineer to the project and that would
17 become the primary contact. With any major
18 construction project similar to this, there's
19 always going to be changes and modifications
20 that are required along the way. So having that
21 primary contact out of our office is, I think,
22 is a benefit to the Project.

23 Q Thank you. And the MOU as I recall the
24 red-lined version was just, was it just

1 submitted? With comments?

2 A Yes. I understand that it was. Yes.

3 Q And so the expectation then, it's up to the
4 Applicant to then respond?

5 A That's right.

6 Q And I guess since we've talked about a lot of
7 the conditions here, is Draft MOU's something
8 that we can take a look at with this Committee?
9 And I'm looking over at counsel as well? Is
10 that something -- in other words, if there's
11 been requests for revisions, is that something
12 that we can look at?

13 MR. IACOPINO: That would typically be up
14 to the parties to agree to. Negotiations are
15 normally not considered as evidence --

16 MR. WAY: That's what I'm wondering.

17 MR. IACOPINO: -- in a litigated
18 proceeding. But if the parties were inclined to
19 agree that the draft memo can be marked as an
20 exhibit and deliberated on by the Committee,
21 then the Committee can do so.

22 PRESIDING OFFICER HONIGBERG: Are you
23 looking to Mr. Needleman and Counsel for
24 the City of Concord?

1 MR. WAY: Counselors, is that something
2 that we can take a look at?

3 PRESIDING OFFICER HONIGBERG: Mr.
4 Needleman, rather than put you on the spot to
5 answer this question on your own, I think it
6 would be appropriate for you to confer with
7 counsel for the City unless you're prepared to
8 answer the question right now.

9 MR. NEEDLEMAN: Well, what I was going to
10 say is I can't answer it without talking to
11 Danielle, and part of what would confuse me even
12 if we agreed to it is what would the Committee
13 want? Do they want the entire course of
14 dealing, all the back and forths, all the
15 red-lining? I think it might get confusing.

16 MR. WAY: Let me tell you what I'd be
17 interested in is just more of a punch list of
18 what the City would consider to be the
19 nonnegotiables that they're interested in seeing
20 the MOU convey.

21 PRESIDING OFFICER HONIGBERG: I think it
22 would definitely be appropriate for Mr.
23 Needleman and Ms. Pacik to confer, and they can
24 decide how or they can either agree on how to

1 respond to this or can provide their own
2 responses, not right now off the cuff.

3 MR. NEEDLEMAN: We'll talk.

4 MR. WAY: Thank you, and that will do it
5 for me. Thank you, Mr. Roberge.

6 PRESIDING OFFICER HONIGBERG: Mr.
7 Oldenburg?

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

9 **QUESTIONS BY MR. OLDENBURG:**

10 Q Good morning.

11 A Good morning.

12 Q We know each other, but just for introduction
13 sake, I'm Bill Oldenburg from the DOT.

14 So I just want to continue with some of the
15 questions about the Main Street Project. You
16 sort of heard the leadup questions that I had
17 yesterday with the others, Panel for the City.
18 Now, you had mentioned to Mr. Pappas that it
19 covered nine city blocks, and you had, did I
20 hear right? 100 public meetings?

21 A Yes.

22 Q Wow. Okay. But at that point you had received
23 the TIGER grant, and you had a project, and you
24 were moving forward, correct?

1 A That is correct.

2 Q So they have a 192-mile Project, and the design
3 isn't quite set. So with public meetings, and I
4 think one of your concern is you haven't really
5 heard a lot from the Applicant about what
6 they're going to do in the City. So we've heard
7 other testimony. It's hard for them to come to
8 the City and say what they're doing without
9 knowing exactly when and how it's going to
10 happen. Because I think some of the concern
11 might be what questions are remaining. So I
12 struggle with you were able because of the nine
13 city block area, you knew exactly what you had
14 planned. They're a little bit less unsure.

15 How would you think of managing a project
16 of that scale? I think of it myself. I've
17 managed big projects, and you've managed big
18 projects. A 192-mile Project, how do you manage
19 meetings of that scale? What would your
20 expectation be?

21 PRESIDING OFFICER HONIGBERG: Mr.
22 Oldenburg, let him answer one of those
23 questions.

24 Q All right. I'm just --

1 A I would agree that a project of that magnitude
2 is a lot different than the Main Street Project
3 which had, you're right, a very defined corridor
4 with a very distinct start and finish. While
5 the Northern Pass Project is large and this has
6 a distinct beginning and end, that's a whole
7 different separate strategy from either our US
8 Route 3 Corridor Project which was six and a
9 half miles, our Main Street Project which was
10 nine blocks or our Sewalls Falls Bridge Project.

11 We pride, when I say we, the City of
12 Concord, we pride ourselves on open project
13 development, probably more so, I don't know any
14 other communities that would exhaust themselves
15 with over 100 public meetings on a particular
16 project.

17 But even something like Sewalls Falls
18 Bridge which took a decade and it took a lot of
19 public participation, the public component and
20 understanding what the project is and what it
21 isn't, that's what we try to convey.

22 So stressing the importance of public
23 input, oftentimes more than less, we've excelled
24 in that over the years, and we're proud of that.

1 So it's hard for me to say if I were managing
2 the Northern Pass Project what I would do any
3 differently. I know that it would be, it's a
4 megaproject and megaprojects sometimes get split
5 up into small entities, different pieces, which
6 maybe that's what they're doing now.

7 But that open public process I think is
8 critical and key to any project success.
9 Understand what the limitations are, understand
10 what you can do, and then manage the
11 expectations, I think, is critically important,
12 too. So that's probably how I can answer your
13 question but you're right, struggling with a
14 megaproject like that is a big challenge.

15 Q So that was my off-the-cuff question which
16 wasn't very formulated. I have much more
17 succinct questions now.

18 So I try to compare the issues that you
19 went through with the work on Main Street with
20 what the Applicant is going to do to, an impact
21 like downtown Plymouth, for example, where
22 they're going to go right down Main Street. The
23 plan is to close the road to one-way traffic and
24 use detours. So it's similar in that sort of

1 function of what happened on Main Street.

2 But on your Main Street Project, in the
3 nine-block area, the businesses were going to
4 see a benefit. Right? So one of the things
5 that could be relayed to those businesses, it
6 will be better when it's done. In Plymouth, the
7 hope is that when they're done, you never knew
8 they were there. So in the areas of downtown
9 Concord that weren't in the nine-block area,
10 there were areas that were detoured.

11 So I'm looking like the south end towards
12 the Capitol Center and that area where the
13 businesses had detours, traffic detoured around
14 them so they didn't get as much traffic. And
15 they were in the area. But there was no benefit
16 to them directly as part of that Project.

17 How were those businesses, how did you
18 reach out to those businesses?

19 A Well, we tried to maintain the same level of
20 care that we exhibited for all the other
21 businesses in the active, say the active
22 streetscape construction project area.

23 I will say that we did hear from those,
24 those businesses, some of those businesses that

1 indicated we're not really, we're not getting
2 anything out of this. What benefit is it to me,
3 and we'd probably had that classic 20 percent in
4 support before a project starts and 80 against,
5 basically based on what I'd say is uncertainty
6 and concern about how the construction will
7 impact.

8 That's obviously flipped itself completely.
9 We're probably at 98 percent support, should
10 have done it a decade and a half ago, to the two
11 percent that's always out there that we may not
12 be able to please everybody all the time.

13 The scheme of the Project here is that
14 you're right, and you said it, there's a direct
15 benefit that the businesses are getting, and
16 we're seeing that now. We're seeing that with a
17 thriving downtown. With vacancy rates that have
18 all but disappeared. Everybody wants to be
19 there and now continued growth on the outskirts,
20 you know, a block north, I mean, a block east
21 and a block west.

22 So that careful consideration went into the
23 businesses thought process when we were
24 approaching them and talking to them about the

1 project and making sure that they understood
2 that that, quote, that you probably saw that a
3 lot in a lot of the project documentation, it's
4 going to be worth it. It's worth it. It will
5 be worth it in the end. And I think we're
6 seeing that now.

7 So we did have some brush-back with some of
8 the folks that were on the periphery. What are
9 we getting out of it. What we're getting out of
10 it is a future scheme. We started with nine
11 blocks on Main Street. Now the scheme with our
12 City Council is to add depth to the downtown.
13 So that means going easterly to Storrs Street
14 and westerly to North State Street and start to
15 infill and make a broader downtown. The
16 economic catalyst was that Main Street Project.
17 So that's what we're trying to deliver to
18 downtown.

19 And when these big projects come along, we
20 have that communication piece that we've pulled
21 together that's strong and it will be expected
22 in the future, but just talking to people what
23 the expectation would be I think will go a long
24 way for our future.

1 Q So you had just mentioned next phases of that
2 project in the future or at least the thought
3 is. So is that, a lot of the traffic was
4 redirected down Storrs Street or to North State
5 Street around the project area. Was that sort
6 of the, if you received complaints, I have to
7 believe the added traffic got you some
8 conversation with those businesses about the
9 concerns they had with traffic, was that sort of
10 the lead-in to that was don't worry, your time
11 is going to come in the future? Or you'll see
12 improvements?

13 A I'm not sure if we announced it kind of like
14 that way, but knowing that downtown as a core
15 has a future, and it's not just Main Street,
16 that's the message that we've been trying to
17 talk about even before this Project. Before the
18 Main Street Project. The downtown is not just
19 one street. It's more than that.

20 And yes, we did divert some traffic during
21 the Main Street Project, Storrs Street was
22 utilized. We had to do signal timing
23 modifications during different interim stages
24 depending on what direction we were going in on

1 Main Street. So there was a lot involved on the
2 periphery. Everybody saw the dust and dirt on
3 Main Street, but there was also a lot of support
4 work that needed to happen on the periphery of
5 the project.

6 Q So there's a lot of work that went not just into
7 the project area but elsewhere --

8 A That's correct.

9 Q -- that had to be done.

10 It was touched upon earlier about some of
11 the DOT conditions that were placed upon the
12 Applicant, and I know you said you hadn't read
13 them, but there's 13 pages of them. And one of
14 the requirements is that they develop a Traffic
15 Management Plan that meets the requirements of
16 the DOT Traffic Control Committee, and they're
17 in the process of doing that now.

18 But would you be satisfied, so if they have
19 to come up with a DOT Traffic Management Plan
20 at, the example that was shown was 132 and Hoit
21 Road, obviously 132 being a State road they're
22 going to come up with a plan that just in my
23 mind would have to incorporate Hoit Road
24 intersection in that plan.

1 Are you comfortable with having one plan
2 for that intersection or with the State
3 controlling that intersection or would you want
4 City approval as well?

5 A I think what's really important is, well, to
6 answer the question is no, I'm not comfortable
7 with that, and there's a number of factors
8 involved in that. The DOT is looking at it from
9 the DOT's perspective, and we always know that
10 your 13-page condition letter, DOT stacks it up
11 all the time so that's really big.

12 But you don't have detailed information
13 about our City streets. It would be like asking
14 me to issue a permit on Mountain Road where I
15 don't know how Mountain Road was constructed. I
16 can understand how Mountain Road might have been
17 constructed back in the day. I don't have
18 physical records of Mountain Road.

19 But we know everything about our City
20 streets, and that's why I've always taken the
21 position that permitting authority within the
22 City is pretty unique. We understand the
23 characteristics of the street. We know its use.
24 We know its traffic volumes. We know what

1 neighborhood concerns are. We know that it was
2 built -- if it's Bog Road, we know that it's
3 built on a wooden corduroy. Those are all
4 aspects that DOT would have full understanding
5 of construction and safety and all the aspects
6 that goes into issuing permits for right-of-way
7 use. However, you don't have the detail of how
8 those individual City streets exist and how
9 they're used today.

10 So the point that I make here in stressing
11 the importance of City involvement and issuing
12 permits is for that. Is to protect the City's
13 investment in its infrastructure with the
14 knowledge that we know. So I do see that it
15 may, some may consider, maybe it's extraneous to
16 have a DOT permit on Mountain Road or 132, and
17 then immediately adjacent to that another permit
18 from the City's perspective, but I think it
19 captures all of the important elements of what
20 we're trying to protect. Life safety on our
21 City streets, not only for the traveling public
22 but also for the Applicant to actually do their
23 work.

24 Q So sort of to allay your fears a little bit, on

1 that letter which just for the record was April
2 3rd of 2017, condition number 5, is the
3 Applicant shall be responsible for the
4 acquisition of all other applicable permits and
5 compliance with all local, state and federal
6 rules, ordinances and regulations.

7 So to me that's, from that standpoint they
8 have to come to you for a permit, if I read that
9 right.

10 A Not having read that, I would agree that that
11 would suggest that the Applicant will come to
12 the City to get all its necessary permits for
13 work within the City's public right-of-way.

14 Q So there's another condition, specifically it's
15 number 22, it's under traffic control heading,
16 which is D, detour of State highway traffic
17 requires prior approval by the Department and
18 shall be in accordance with an approved Traffic
19 Management Plan. The Department's review and
20 approval of Traffic Control Plans and measures
21 apply to New Hampshire DOT roadways only.

22 So I have a feeling that the DOT is not
23 going to approve traffic plans on local roads so
24 that's where your required permits are or review

1 would come in, and that's what you're looking
2 for, correct?

3 A We appreciate that.

4 Q So in your review of the plans that you've seen
5 to date, have you seen any, like, I don't know
6 what you'd call them, showstoppers or anything,
7 things that you say there's no way they can do
8 this? Or is it really, you need that one-on-one
9 discussion of how they're going to manage
10 traffic. Is that really what you're looking
11 for?

12 A Yes. I think, again, as I've noted before, I
13 think our permit process is fair and reasonable
14 and we'll look at these details once they're
15 provided to us. And we didn't see any
16 showstoppers from a permitting perspective.
17 Defining what's permanent access versus
18 temporary access and then how to protect against
19 permanent access so that we don't have migration
20 of people kind of running up and down the
21 corridors like we've seen in the past, those are
22 all elements that we want to have better
23 defined, and through our permitting process
24 we'll shape that. I'm not aware of any

1 showstoppers that we've seen yet.

2 Q Okay. All right. That's all the questions I
3 have.

4 PRESIDING OFFICER HONIGBERG: Thank you.
5 Mr. Wright.

6 **QUESTIONS BY DIR. WRIGHT:**

7 Q Good morning, Mr. Roberge. Craig Wright with
8 the Department of Environmental Services.

9 Just a couple. I want to follow up on a
10 couple things. Mr. Needleman was asking you
11 some questions about the tracking of debris onto
12 the roadway, and I assume that's both a public
13 safety and an environmental issue?

14 A Correct.

15 Q I assume there's fairly standard techniques to
16 prevent the tracking of debris onto roadways
17 from construction sites?

18 A That is correct.

19 Q I know you haven't had a chance to review the
20 DES final permit conditions they recommended to
21 this Committee, but there is a requirement that
22 the Applicant develop construction Best
23 Management Plans which I assume would contain
24 pretty standard conditions for controlling dust

1 and debris being dragged onto the roadway. Does
2 that alleviate your concerns or do you still
3 have specific concerns regarding that issue?

4 A Yes. I think that would certainly alleviate or
5 we would want to address that. We typically
6 address that, and it's in our construction
7 standards as well under our general permit
8 conditions.

9 I think maintaining that is usually the
10 biggest challenge is you've got the standard
11 practices for say a truck apron pad, a shake
12 pad, at right-of-ways, and then they go on and
13 through month and month they're ignored at
14 times, and we want to be there to remind them to
15 freshen those truck areas up, those truck aprons
16 up so they're not dragging debris. That's, from
17 an enforcement standpoint, I think that's an
18 important factor of why we would want
19 permitting.

20 Q Okay. So you have seen situations where the
21 maintenance is the problem, not necessarily the
22 technique that's being used?

23 A Correct.

24 Q Just one other question on your driveway width

1 limitations of 28 feet and the 200 feet, what
2 I'm calling a setback. I don't know what you
3 would call it. Does the City ever issue
4 variances or waivers to those in construction
5 sites?

6 A Yeah, we do. And one of the things that we've
7 talked about, they've shown and I would venture
8 to guess that we'd enter into this discussion,
9 some of the driveway openings are in excess of
10 or nearly 50 feet. We would expect that if
11 they're delivering really long structures, that
12 may be a requirement. So we typically would
13 work with the Applicant on some of those
14 conditions and issue waivers. Whether or not
15 it's, can we get a safe, if it's not, if it's
16 safe to have a driveway setback at 140 feet
17 versus 200 on an arterial, then we have the
18 ability to issue those waivers. So every permit
19 is unique.

20 I think we're prepared to evaluate with the
21 Applicant, making sure that A, they can safely,
22 we understand that they need to get in and
23 access and do the work that they need to do if
24 this Project is approved. How do we do it as

1 safe as possible without damaging and without
2 hurting anybody?

3 Q So it's fair to say it's kind of a case-by-case
4 review, but it may lead to other specific
5 conditions you may require in exchange for
6 granting that waiver?

7 A That's correct.

8 Q Okay. Thank you.

9 PRESIDING OFFICER HONIGBERG: Commissioner
10 Bailey?

11 **QUESTIONS BY COMMISSIONER BAILEY:**

12 Q Good morning. I'm Kate Bailey from the Public
13 Utilities Commission.

14 A Good morning.

15 Q Did I hear you say that you can, that you
16 generally grant permits in 72 hours?

17 A We try.

18 Q Okay. So if we required the Applicant to get
19 permits from Concord, would you be able to do
20 that in 72 hours?

21 A Our goal is to issue permits within 72 hours.

22 Q Okay. I'm not asking you about what your goal
23 is. I'm asking you how long you think it would
24 take to do it for a project this size.

1 A I think if we got 30 applications all at one
2 time or however many curb cuts we're talking
3 about, that may exceed 72 hours. So it's hard
4 to -- it's really hard to tell.

5 Q How long? If it were 30 applications.

6 A I would say that it's probably a week or a week
7 National Forest.

8 Q Okay.

9 A I'm speculating right now. I probably shouldn't
10 even do that.

11 Q Okay. Assume, hypothetically, that the
12 Committee grants a Certificate and the Committee
13 decides that they should have to comply with all
14 of the requirements of Concord but not have to
15 fill out the paperwork and get the permits as
16 Mr. Needleman was suggesting. Is there a way
17 for us to know what all those requirements would
18 be?

19 A Well, our general permit conditions in
20 construction standards are published documents.
21 Those are, one could go on line right now and
22 pull them up off of the engineering webpage of
23 the City's web site and see what all those
24 conditions are. There's a lot of elements in

1 there about construction timing, in restoration
2 requirements.

3 The concern that I have, again, expressing
4 the need for local permitting authority, is
5 two-fold. One, it engages us with the Applicant
6 directly. And two, it extends the Applicant the
7 authority to be in place. One of the things
8 that I always argue is if you're doing work
9 within the City's right-of-way and somebody hits
10 you, the first thing that from a legal
11 standpoint they're going to say is why were you
12 there and do you have authority to be there. If
13 you don't have a City of Concord permit, then
14 one could be exposed.

15 Q Even if they were under the Site Evaluation
16 Committee permit?

17 A I look at this as a Project independent of SEC.
18 I'm simply saying that this is work being done
19 within the public right-of-way of Concord, and
20 they should comply like everybody else.

21 Q Okay. I have no further questions. Thank you.

22 MR. OLDENBURG: Can I ask a followup
23 question on that?

24 PRESIDING OFFICER HONIGBERG: Sure.

1 QUESTIONS BY MR. OLDENBERG:

2 Q So if we didn't require them to get a permit
3 from the City and they had to meet all the
4 requirements, that means they would have to
5 build per the ordinance and wouldn't be able to
6 get a waiver so if they needed an additional
7 width of an access because of large equipment
8 they wouldn't be able to do that unless they
9 came to you for a permit and got a waiver,
10 correct?

11 A There would be no authority for us to waive at
12 that point if we're not part of a permitting
13 process.

14 Q So they would have to build by the ordinance
15 requirements and have access by the ordinance.

16 A I would agree.

17 Q All right. Thank you.

18 PRESIDING OFFICER HONIGBERG: Ms.
19 Weathersby?

20 QUESTIONS BY MS. WEATHERSBY:

21 Q So just a quick followup.

22 I appreciate that the City of Concord knows
23 its roads best and wants to be involved in the
24 process. But I struggle a little bit about what

1 you're suggesting concerning, say, for example,
2 access roads. If an access road doesn't meet
3 the distance to an intersection or the site
4 lines or other conditions of the permit, what
5 you're suggesting, I think, is that the access
6 roads needs to be moved to conform as best it
7 can, but the implications of that are, well,
8 maybe then it has a wetland implication or it
9 affects something else about the Project,
10 invasive species or an endangered species, more
11 importantly. So I'm wondering how you would
12 respond to the balance of the city's needs and
13 all of the others.

14 A You use the keyword right there is balance. So
15 in our evaluation process and we go through this
16 all the time, the fact of the matter is that
17 maybe some of those driveways that are shown
18 today are in the best most reasonable most safe
19 location as possible. We want to be able to
20 evaluate that. And our process is almost a
21 partnership of sorts, and in most cases there's
22 a balance involved. There are a number of
23 factors. Dozens of factors that go into any
24 design element when it comes to either road

1 access, right-of-way issues, so we do. We do
2 extend that balance, that review, that
3 understanding, and there's really give and take.

4 The end is the Applicant that comes to us
5 has a right to be there, and we need to find the
6 best way for them to complete their work.
7 That's the way that we review it. It's always a
8 balance on most factors, I would say. It's hard
9 to, it's hard to have a clean, unless it's new
10 construction, it's hard to have a consideration
11 of some sort of engineered solution without some
12 sort of consideration made.

13 Q So if there is a tension between a City
14 requirement that you'd like to hold them to and
15 the Application that's put before us, who do you
16 think should have the final say?

17 A Again, I would say that, and I stress the
18 importance of the City's authority in our
19 permitting process that's fair and reasonable.
20 I do think that holding the Applicant to our
21 permitting process is fair and reasonable.

22 Q Thank you.

23 PRESIDING OFFICER HONIGBERG: Mr. Iacopino?

24 **QUESTIONING BY MR. IACOPINO:**

1 Q Mr. Roberge, I just have two questions.

2 The first one is are you comfortable that
3 your Prefiled Testimony, both the Prefiled and
4 the Supplemental, encompasses reference to all
5 of the City ordinances, standards or other
6 criteria that apply to the road crossings in
7 Concord?

8 A I believe I am.

9 Q Okay. And is your agency, what's it called,
10 Division of Engineering Services?

11 A The Engineering Services Division.

12 Q Okay. Are they the point person for all of
13 these issues in Concord or do you have a
14 separate Public Works agency or something?

15 A No. We are the primary lead. Yes.

16 Q So to the extent that there would be a condition
17 of cooperation, evaluation or even filing
18 permits, that would all be through that
19 division.

20 A That's correct.

21 Q Okay. Nothing further.

22 PRESIDING OFFICER HONIGBERG: Anything else
23 from the Committee? Yes. Mr. Way.

24 **QUESTIONS BY MR. WAY:**

1 Q I want to follow up on a previous request. I
2 think I'm going to withdraw my request. I think
3 I've got enough information based on what we
4 talked about to get a sense of where the
5 priorities are, and I don't want to create just
6 paperwork for the sake of paperwork. So I
7 withdraw my request.

8 PRESIDING OFFICER HONIGBERG: Okay. Sounds
9 good. Any other questions from the
10 Subcommittee?

11 Ms. Pacik, do you have any redirect?

12 MS. PACIK: I do just a little bit. Thank
13 you.

14 **REDIRECT EXAMINATION**

15 **BY MS. PACIK:**

16 Q First, Mr. Roberge, I think at the beginning of,
17 somebody asked you this question, but there was
18 a discussion about the noise ordinance and you
19 had talked about the fact that 7 a.m. to 7 p.m.
20 which is what Northern Pass proposed is
21 consistent with the City's noise ordinance and I
22 just want to clarify. Monday through Friday
23 construction noise is allowed from 7 a.m. to 7
24 p.m., correct?

1 A That's correct.

2 Q And on Saturdays, what's the time frame?

3 A 9 a.m. to 7 p.m.

4 Q And why is it so important to start at 9 versus
5 7 on Saturdays?

6 A Well, the ordinance was developed a number of
7 years ago in response to neighborhoods saying
8 look it, it's Saturday, we'd like to sleep in
9 and not worry about backhoes being started at 7
10 a.m.

11 Q Okay. And in terms of construction startup and
12 idling, just to clarify, I believe in the MOU
13 you originally received from Northern Pass it
14 had allowed it at I believe 6:30 which was
15 before 7 a.m. Does the City of Concord
16 typically consider idling and startup of
17 vehicles as part of construction which shouldn't
18 start until 7 a.m.?

19 A Yes, and in our construction standards, we do
20 outline that as well as our preconstruction
21 conferences that we always have. That's usually
22 a typical source of a neighborhood complaint,
23 and that is one thing that we enforce with
24 certain contractors and probably more than

1 others, but starting up and idling for a half
2 hour or fueling up vehicles starting at 6 a.m.
3 is always a struggle when you're in the middle
4 of neighborhoods. So that is something that we
5 would work, we work with all contractors and
6 most projects just trying to respect the time.

7 Q Okay. There is a lot of discussion about DOT
8 permit and DES permit that have been issued in
9 this case. And you talked about the fact that
10 there are projects that you review which often
11 involve both State roads and local roads. Is
12 that correct?

13 A Yes.

14 Q For example, the V 182 Project would be one
15 example which is it's a line that went in the
16 same corridor that the Northern Pass
17 transmission line is being proposed; is that
18 correct?

19 A That's correct.

20 Q And in that particular construction process, it
21 was involving Eversource and they came and they
22 complied with all of the City's ordinances,
23 right?

24 A That's correct.

1 Q So in terms of the DOT permit conditions and the
2 DES permit conditions, those are standard
3 conditions that are frequently issued in all
4 projects that you review which involve both City
5 and local roads. Is that fair to say?

6 A I think that's fair to say.

7 Q Okay. So the fact that DES may have some
8 conditions and DOT has conditions, does that
9 satisfy the need, well, let me rephrase this.

10 The fact that there's a DES permit or a DOT
11 permit, that wouldn't satisfy your concern about
12 Eversource not complying and going to the City
13 of Concord for permits; is that correct?

14 A That is correct. We would want them to come to
15 us to secure permits to be very specific about
16 our areas.

17 Q Okay. So, for example, a general condition that
18 debris shouldn't be tracked in public roads that
19 was issued by DES, that's very different than
20 what the City reviews, isn't it?

21 A That's a general, pretty general statement. Our
22 permitting process would be a little bit more
23 specific than that.

24 Q Okay. And in terms of the permitting process

1 and the variances that you allow, it's frequent
2 during your review with Engineering Division
3 that you'll look at different areas and that you
4 would allow variances during the permitting
5 process; is that correct?

6 A That is correct.

7 Q And in terms of a potential conflict between
8 perhaps the access roads that had been shown to
9 DES or DOT or to the Site Evaluation Committee,
10 do you frequently encounter that type of
11 situation with wetland impacts and DES permits
12 that have been issued when you're looking at a
13 request to also travel on local roads?

14 A We do.

15 Q And you said that you've been able to balance
16 that process?

17 A We do, yes.

18 Q In terms of the construction of the 317 line and
19 the V 182 line, just to confirm, both of those
20 were Eversource projects?

21 A I believe so. Yes.

22 Q And are you aware of any issues that were run
23 into with those Projects?

24 A We had an issue on Appleton Street on one of the

1 Projects that was resolved.

2 Q Okay. But generally speaking, they were able to
3 comply with the permitting process, and it was a
4 fairly easy process for them to comply with?

5 A Yes.

6 Q Okay. In terms of Louis Karno there was a brief
7 discussion about the use of Louis Karno, first
8 to confirm, the individuals at Louis Karno that
9 worked on the Main Street Project, are they
10 still employed there?

11 A I don't believe so. No.

12 Q So there were two primary contacts working with
13 City of Concord for the Main Street?

14 A Yes.

15 Q And neither of them are there today?

16 A As I understand, no.

17 Q Okay. And there's been also, there was some
18 discussion about what role Louis Karno had, and
19 just to be clear, in terms of going out and
20 meeting with business owners, finding out their
21 needs for deliveries or when they were open and
22 then developing a construction schedule to meet
23 the needs of the merchants, that was the role of
24 City of Concord, wasn't it?

1 A We developed the overall plan. We initially
2 scouted all of the downtown merchants, developed
3 a pretty significant database of the whos and
4 whens of all the folks there. We maintained,
5 when I say we, the Project team, meaning City
6 and general contractor, developed the weekly
7 schedules.

8 Karno came in just before the construction
9 execution with the intent of being able to
10 communicate that on a regular basis, attend the
11 hotline. They played a, I would say, an
12 important role, but as far as that initial
13 scouting, I would say, is that, as a term, we as
14 the City did that.

15 Q Okay. And then just lastly, to clarify, the
16 opinion that you're when rendering today is only
17 about what should occur if the Project is
18 approved, and you're not providing any opinion
19 as to whether or not the Project should be
20 approved; is that correct?

21 A Yes.

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

23 PRESIDING OFFICER HONIGBERG: Thank you,
24 Mr. Roberge. Thank you for your patience and

1 your willingness to come back over and over.

2 Let's take a ten-minute break while the
3 next set of witnesses gets set up.

4 (Recess taken 10:42 - 10:56 a.m.)

5 PRESIDING OFFICER HONIGBERG: We have new
6 witnesses in position. Would you please do the
7 honors.

8 (Whereupon, *Lise Moran* and *Lore Moran Dodge*
9 were duly sworn by the Court Reporter.)

10 **LISE MORAN, DULY SWORN**

11 **LORE MORAN DODGE, DULY SWORN**

12 PRESIDING OFFICER HONIGBERG: Mr. Reimers.

13 MR. REIMERS: Thank you, Chair.

14 **DIRECT EXAMINATION**

15 **BY MR. REIMERS:**

16 Q I want to note that Ms. Moran is also a witness
17 for the town of Whitefield as the President of
18 the Whitefield Historical Society, and she'll be
19 testifying on that testimony at a later date
20 when she appears with that Panel.

21 Would you each please state your names for
22 the record?

23 A (Dodge) Lore Moran Dodge.

24 A (Moran) Lise Moran.

1 Q And Lise, can you move the microphone a little
2 closer to you.

3 And you have each submitted Prefiled
4 Testimony as witnesses for the Society for the
5 Protection of New Hampshire Forests, correct?

6 A (Moran) Yes. We have.

7 A (Dodge) Yes.

8 Q Do you each have your Prefiled Testimony in
9 front of you.

10 A (Moran) Yes.

11 A (Dodge) Yes. We do.

12 Q And that is marked as SPNHF 141.

13 Your testimony pertains to a shared family
14 residence and properties in Whitefield is that.

15 A (Panel) Yes.

16 Q Ms. Moran, your primary residence is in New York
17 City, correct?

18 A (Moran) It is correct.

19 Q Did you travel up here from New York City to
20 testify?

21 A (Moran) Yes, I did.

22 Q And Ms. Dodge, your primary residence is in
23 Florida, correct?

24 A (Dodge) Yes.

1 Q Did you travel up here for the purpose of
2 testifying?

3 A (Dodge) Yes, I did.

4 Q The existing Eversource right-of-way goes
5 through a corner of your property; is that
6 correct?

7 A (Dodge) Yes.

8 Q And do you currently have transmission line
9 structures as part of your view?

10 A (Moran) No.

11 Q I'm showing you Mr. DeWan's proposed visibility
12 map. Is your property in the area of dark
13 purple that I circled?

14 MR. NEEDLEMAN: Mr. Chair, I'm going to
15 object. This all seems like it's just
16 repetition of their testimony.

17 PRESIDING OFFICER HONIGBERG: Yes. Can we
18 have them adopt their Prefiled Testimony, and
19 then we'll see if there's anything more you need
20 to ask them?

21 MR. REIMERS: Sure.

22 BY MR. REIMERS:

23 Q Are there any corrections to your Prefiled
24 Testimony that you would like to make?

1 A (Dodge) No.

2 Q Ms. Moran?

3 A (Moran) I would just like to add that there were
4 no manmade structures in the view except the
5 existing one, but that was when my childhood in
6 1952 there was just a little tiny, tiny glimpse
7 of what was on top of Mt. Washington but nothing
8 else. Nothing.

9 Q Do you adopt and swear to that testimony today
10 with that one correction?

11 A (Moran) Yes.

12 Q Thank you, Mr. Chair. The witnesses are
13 available for cross-examination.

14 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

15 **CROSS-EXAMINATION**

16 **BY MR. PAPPAS:**

17 Q Good morning, ladies. My name is Tom Pappas. I
18 represent Counsel for the Public in this
19 proceeding. I just want to ask you a few
20 questions about your Prefiled Testimony.

21 Do you have something on the screen in
22 front of you?

23 A (Dodge) Yes.

24 A (Moran) Yes.

1 Q And do you see the, sort of the light yellow
2 area, that's the town of Whitefield. Can you
3 see that?

4 A (Dodge) Yes.

5 Q And if you see the dark yellow spot, do you
6 recognize that as the general location of your
7 property?

8 A (Moran) Yes.

9 Q Okay. Good. So and for the record, that's
10 Counsel for the Public Exhibit 609.

11 So now I'm going to show you Counsel for
12 the Public Exhibit 610. And if you look at
13 that, do you see what's indicated as parcel
14 number 28 on the Whitefield tax map?

15 A (Moran) Yes.

16 Q And do you recognize that as being one of your
17 parcels of land on the east side of Route 116?

18 A (Moran) Yes.

19 Q Okay. And as I understand it, that's roughly
20 101 acres in size?

21 A (Dodge) Yes.

22 Q Okay. Now, if you look on the right-hand side
23 of this map, do you see the double lines that
24 start at the top near number 5 and go all the

1 way down to most of the page?

2 A (Moran) Yes.

3 Q Is this now a little clearer on your screen?

4 A (Moran) Yes.

5 Q So if you look at the red lines that start at
6 the top right-hand side and come down the page,
7 do you recognize that to be the current
8 right-of-way? It just goes along the parcel for
9 a little area?

10 A (Moran) Yes, it does.

11 Q Okay. So earlier you had testified that you
12 don't see the structures in the current
13 right-of-way; is that correct?

14 A (Moran) Yes.

15 Q Okay. And so any of the structures in that
16 right-of-way that's shown by the double dashed
17 red line you don't see from your property; is
18 that right?

19 A (Moran) That's right.

20 Q Okay. What's on the screen now is Counsel for
21 the Public Exhibit 611 which is the property
22 card from the Town of Whitefield for 688
23 Jefferson Road. Is this one of your two
24 properties?

1 A (Dodge) Yes.

2 Q Am I correct that this is the original
3 farmhouse?

4 A (Dodge) Yes.

5 Q And what's on the screen now is Counsel for the
6 Public Exhibit 612, and do you see tax map lot
7 number 15?

8 A (Dodge) Yes.

9 Q Is that your other property which is located on
10 the west side of Route 116?

11 A (Moran) Correct.

12 Q And that's about 95 acres in size?

13 A (Dodge) Yes.

14 A (Moran) Yes.

15 Q That also contains a farmhouse; is that right?
16 Or a house?

17 A (Moran) It's a house.

18 Q Okay. And that's the house that your
19 grandfather built that you mentioned in your
20 Prefiled Testimony?

21 A (Dodge) Yes.

22 Q Okay. What's on the scene now is Counsel for
23 the Public 613 which is the property card for
24 659 Jefferson Road in Whitefield. Do you see

1 that?

2 A (Dodge) Yes.

3 Q And that's the house that's on lot 15 that you
4 own?

5 A (Dodge) Yes.

6 Q Okay. What's on the screen now in front of you
7 is a portion of Applicant's Exhibit 201, and,
8 specifically, page 67879, and if you look, you
9 can see Route 116; do you see that?

10 A (Moran) Yes.

11 Q And you see the current right-of-way going
12 across the middle of the page?

13 A (Moran) Yes.

14 Q And am I correct that if you look on the
15 right-hand side, and if you see parcel 2536
16 which is this large parcel on the right-hand
17 side which abuts the right-of-way, do you see
18 that?

19 A (Moran) Yes.

20 Q Am I correct that that's one of your two parcels
21 of land?

22 A (Moran) Yes.

23 Q And if you look down at the bottom of the map
24 right above where the notation says the Northern

1 Pass Transmission Line Project, do you see that
2 little structure is a white dot?

3 A (Dodge) Yes.

4 Q Is that one of your two houses?

5 A (Moran) Yes, it is.

6 Q So your view of the right-of-way is depicted on
7 this Project map from your house and you can see
8 what your view of the right-of-way is, correct?
9 At least in the direction of the right-of-way?

10 A (Dodge) Yes.

11 Q If you look on this map, do you see the, within
12 the right-of-way do you see the little white
13 squares with an "X" going through them?

14 A (Moran) Yes.

15 Q That's the existing transmission line, and you
16 indicated you don't see that now from your
17 house?

18 A (Moran) Yes.

19 Q And you will see, in the little red squares is
20 the proposed Northern Pass Project. Do you
21 understand that?

22 A (Dodge) Yes.

23 Q There's an orange line? That's where the
24 proposed transmission line is to go, and if you

1 look at the green squares that's the existing
2 one relocated; is that your understanding?

3 A (Moran) Yes.

4 Q Okay. Now, which direction, if you look from
5 your property towards the right-of-way, in which
6 direction are you looking?

7 A (Moran) East.

8 Q And east/northeast in the general direction?

9 A (Moran) Yes. East/northeast. Yes.

10 Q And I understand you have currently a view of
11 the Presidential mountains; is that right?

12 A (Dodge) Yes.

13 Q And you have a view of some other mountains in
14 that area?

15 A (Dodge) Yes.

16 Q Would I be correct in saying that -- or let me
17 ask you this question.

18 Do you know whether other properties along
19 Route 16 have a similar view of those mountains
20 than you do?

21 A (Moran) The Casgrain property which is now the
22 Doherty property would share some of it.

23 Q Okay.

24 A (Moran) They were abutters on our side, south

1 side.

2 Q Okay. All right.

3 Your Prefiled Testimony indicates that if
4 the Northern Pass Transmission line structures
5 are built, it will diminish the view from your
6 property. Do I have that right?

7 A (Dodge) Yes.

8 Q Do you believe that the view, the diminishment
9 of your view will have an unreasonable adverse
10 impact on the views from your property?

11 MR. NEEDLEMAN: Objection. It's calling
12 for new opinion or expansion of their testimony.

13 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

14 MR. PAPPAS: I'm just asking these
15 witnesses their opinion using the terminology
16 and the regulations of the SEC, just to be
17 apples to apples if you will. Their testimony
18 is in, and they've already said they think the
19 view is diminished. I just want to put it in
20 the language of the regulation for the benefit
21 of the Committee. I don't think it's a new
22 opinion. I think it's simply clarifying what
23 their opinion is.

24 PRESIDING OFFICER HONIGBERG: Nor are we

1 likely to be surprised by the answer.

2 Overruled. You can ask the question and get the
3 expected answer.

4 MR. PAPPAS: Okay.

5 BY MR. PAPPAS:

6 Q I'll ask it again so that you're clear.

7 Do you believe that the view of the
8 Northern Pass, proposed Northern Pass
9 Transmission line structures will have an
10 unreasonably adverse impact on the views from
11 your property?

12 A (Dodge) Yes.

13 A (Moran) Yes.

14 Q Now, you also testified in your Prefiled
15 Testimony that you think your property value
16 will drop if the Northern Pass line is built.
17 Do you recall that?

18 A (Moran) Yes.

19 Q But you didn't explain in your Prefiled
20 Testimony why you believe that. What's the
21 basis of your opinion?

22 MR. NEEDLEMAN: Same objection.

23 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

24 Is either of these people a real estate expert?

1 MR. PAPPAS: No, but I think under New
2 Hampshire law it's recognized that an owner of
3 property knows the value of their property,
4 and --

5 PRESIDING OFFICER HONIGBERG: And they've
6 given their opinions that it's going to drop.

7 MR. PAPPAS: That's fine. I thought it
8 would help the Committee to understand the basis
9 of it, but if that --

10 PRESIDING OFFICER HONIGBERG: I think we
11 already know they think it's going to have an
12 unreasonable adverse impact on their view.

13 MR. PAPPAS: Right. I asked about the
14 property.

15 PRESIDING OFFICER HONIGBERG: Pretty
16 important to most property owners. I think
17 we're getting into cumulative territory as well.

18 MR. PAPPAS: All right. Let me ask it this
19 way then.

20 BY MR. PAPPAS:

21 Q Are you aware of any studies or appraisals
22 regarding your specific property and any impact
23 to your property values from the Northern Pass
24 Project?

1 A (Moran) I've just heard the -- I mean, I read
2 local newspapers. I read the *Union Leader* and I
3 read the *Coos County Democrat* a lot so some of
4 my answer would be based on just generally
5 opinion.

6 Q But nothing specific to your property?

7 A (Moran) If you meant, did we have an appraisal?

8 Q Or any studies that relate specifically to your
9 property.

10 A (Moran) We did have an appraisal. That's all I
11 can go by. But it wasn't recent but we did have
12 one done and I know what that valuation was.

13 Q Okay. And I assume that appraisal was -- let me
14 ask it this way.

15 Did that appraisal in any way factor into
16 the proposed Northern Pass Project?

17 A (Moran) It did not because the Northern Pass
18 wasn't even thought of at the time.

19 Q Okay. All right. Thank you. I have no other
20 questions.

21 PRESIDING OFFICER HONIGBERG: The only
22 people who indicated are the Pemi Group. Ms.
23 Draper, you have questions?

24 MS. DRAPER: I do. I just have a few

1 questions. I'm over here.

2

CROSS-EXAMINATION

3

BY MS. DRAPER:

4

Q I'm Gretchen Draper, and I'm representing the
5 Pemigewasset River Local Advisory Committee. I
6 just had a few questions about when, how did you
7 first hear about the Northern Pass Project?

8

A (Dodge) It started, you know, different areas up
9 in northern New Hampshire where I am.

10

Franconia, Sugar Hill, Lancaster. I mean, it
11 started its momentum probably about five or six
12 years ago, I think.

13

Q So you heard it from other people in the area?

14

A (Dodge) Yes.

15

Q Okay. And have you ever met with Northern Pass
16 representatives about your property?

17

A (Dodge) Yes.

18

Q And was that a satisfactory meeting?

19

A (Moran) No. I don't think it was very
20 satisfactory.

21

Q Was there any mitigation offered of your
22 property?

23

A (Moran) No mitigation.

24

Q And has the status of your home changed since

1 your last testimony? I mean, is it occupied?
2 Is it a functioning farm?

3 A (Moran) It's a functioning -- two things. The
4 parcel 659 is definitely functioning with four
5 family members and spouses or best friends.

6 And the other part of the property is just
7 temporarily not using a tenant. The farmhouse
8 you saw does have tenants from time to time.
9 Purposely, at the moment, we don't want any
10 tenants because we'd like to focus on perhaps
11 fixing it up.

12 Q Do you feel like the Northern Pass Transmission
13 lines, I know that you're concerned about the
14 view, but if this Project goes through, is there
15 something that would have an impact on, say, the
16 work of the farm or the people living there?

17 MR. NEEDLEMAN: Objection. This is now
18 going beyond the scope of the testimony.

19 PRESIDING OFFICER HONIGBERG: Ms. Draper?

20 MS. DRAPER: That's fine. I have no more
21 questions. Thank you.

22 PRESIDING OFFICER HONIGBERG: Any other
23 Intervenors? No one indicated they had
24 questions for this Panel. Is that correct?

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Mr. Needleman, do you have any questions?

1 MR. NEEDLEMAN: No. Thank you.

2 PRESIDING OFFICER HONIGBERG: Do any
3 members of the Committee have questions for the
4 Panel?

5 Mr. Reimers, do you have any redirect?

6 MR. REIMERS: I do not.

7 PRESIDING OFFICER HONIGBERG: Thank you,
8 ladies. We appreciate your time.

9 Mr. Reimers, the next witnesses are yours
10 as well. We'll go off the record while you get
11 them set up.

12 (Discussion off the record)

13 (Whereupon, *Donald Bilodeau, Diane Bilodeau, Dana*
14 *Bilodeau and Dawn Bilodeau Scribner* were duly sworn
15 by the Court Reporter.)

16 DONALD BILODEAU, DULY SWORN

17 DIANE BILODEAU, DULY SWORN

18 DANA BILODEAU, DULY SWORN

19 DAWN BILODEAU SCRIBNER, DULY SWORN

20 PRESIDING OFFICER HONIGBERG: Mr. Reimers.

21 MR. REIMERS: Thank you, Mr. Chair.

22 DIRECT EXAMINATION

23 BY MR. REIMERS:

24 Q Would you each please state your name for the

1 record?

2 A (Dana Bilodeau) Dana Bilodeau.

3 A (Dawn Scribner) Dawn Scribner.

4 A (Diane Bilodeau) Diane Bilodeau.

5 A (Donald Bilodeau) Donald Bilodeau.

6 Q You have each submitted Prefiled Testimony as
7 witnesses for the Society for the Protection of
8 New Hampshire Forests; is that correct?

9 A (Panel) Correct.

10 Q And do you each have your Prefiled Testimony in
11 front of you that is marked SPNHF 143?

12 A (Panel) Yes.

13 Q And you all have primary residences in Gilford,
14 New Hampshire, correct?

15 A (Panel) Yes.

16 Q And your testimony pertains to a shared family
17 residence in Clarksville, correct?

18 A (Panel) Correct.

19 Q And your residence is along the proposed new
20 overhead right-of-way, correct?

21 A (Panel) Correct.

22 Q I'm showing you what is marked as Applicant's
23 Exhibit 1, Appendix 17, page APP14344. Does
24 Mr. DeWan's photo show your home in it?

1 PRESIDING OFFICER HONIGBERG: Off the
2 record.

3 (Discussion off the record)

4 BY MR. REIMERS:

5 Q On your screen, does Mr. DeWan's photograph show
6 your home in it?

7 A (Donald Bilodeau) Yes.

8 A (Diane Bilodeau) Yes.

9 A (Dana Bilodeau) Yes.

10 A (Dawn Scribner) Yes.

11 Q And I'm showing you Mr. DeWan's photo simulation
12 at page APP14347. Do you expect that if the
13 Northern Pass is approved that you would have
14 about the same view as Mr. DeWan's photo
15 simulation shows? From Young's Cemetery?

16 A (Donald Bilodeau) No.

17 Q Can you explain that?

18 MR. NEEDLEMAN: Mr. Chair, I'm going to
19 object. This was all material that was included
20 in the original Application, and all of this
21 information should have been included in their
22 testimony.

23 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

24 MR. REIMERS: Mr. DeWan's report or his,

1 neither his photo simulations or anything, they
2 don't identify the Bilodeau residence.

3 Mr. DeWan's photo simulation has been shown in
4 this proceeding without objection. It's
5 relevant for the Committee, I think, for the
6 witnesses to confirm that the photo simulation
7 shows their home and what they expect their view
8 would be from there.

9 PRESIDING OFFICER HONIGBERG: In light of
10 almost certainty that Mr. Pappas is going to
11 cover this ground, we'll let you do it and then
12 Mr. Pappas won't have to.

13 BY MR. REIMERS:

14 Q Mr. Bilodeau, you do not think that this photo
15 simulation shows about the same?

16 A (Donald Bilodeau) No, it does not. It doesn't
17 even show the lattice tower that should be in
18 this picture. They only show the monopoles.

19 Q Now, this photo simulation, though, was taken
20 not from your property. It was taken from
21 Young's Cemetery which is next door, correct?

22 A (Donald Bilodeau) No. The photograph was taken
23 from my property.

24 Q This photo simulation is from your property?

1 A (Donald Bilodeau) That's correct.

2 Q When you say it doesn't show a lattice tower,
3 where would that lattice tower be?

4 A (Donald Bilodeau) Well, if you look at, I think
5 it's tower number DC 41, the one below the hill
6 has DC 41. And the next tower, DC 42, which is
7 behind Dolittles' house that we can see quite
8 plainly, it doesn't show the lattice tower.

9 Q Are you talking about a lattice tower that would
10 be toward the left of the property more or less
11 where those trees are?

12 A (Donald Bilodeau) It would be about where those
13 trees that you see on the left-hand side, just a
14 little to the right, in that area.

15 Q Is it your opinion that you would see that
16 lattice tower from your porch?

17 A (Donald Bilodeau) No question.

18 Q And you mentioned the Dolittle home. Is that
19 more or less in the center of the picture down
20 the hill and you can see a little bit of where
21 it appears to be a distribution line running?

22 A (Donald Bilodeau) Well, if you look down at the
23 bottom of the green field, you'll see that's a
24 residential telephone or electrical line. In

1 fact, it wasn't there when we built our
2 property. Just to the, just where that
3 electrical line is to the left, that's about
4 where his house is.

5 Q Are there any corrections to your Prefiled
6 Testimony that you would like to make?

7 A (Donald Bilodeau) Yes. I don't believe, when we
8 filed our testimony, we did not have these
9 pictures. I think these pictures, I may be
10 wrong, were after our testimony. That's why I
11 didn't mention anything about it.

12 And yes, there are some changes that I have
13 from the testimony. It's not a big thing, but
14 the height of the towers, of course, when we
15 submitted this testimony, we had older maps, and
16 the maps I have were dated October 2nd, 2015.
17 I'm sorry. October 2nd, 2015. So the heights
18 of the towers did change a little bit. I don't
19 know if you want to get into that. But I can
20 give you the difference in the heights. But if
21 you look at page 2, I believe, it says,
22 aesthetics and so on. It says two of these
23 towers, it says 90 feet. Well, it's presently
24 at now 80 feet. And the next tower is at 90

1 feet, and that's the lattice tower. It's behind
2 Dolittles' house. And to go on as a couple of,
3 another one, the next tower was 100 feet. It's
4 now 85 feet. I'm just trying to correct the
5 difference between the map that I had originally
6 and the new one. I don't even have the new one.
7 Like I say, this one is October 2nd, 2015.

8 Q So with the correction of those tower heights,
9 other than those, if you were asked the same
10 questions today, would your answers be the same?

11 A (Donald Bilodeau) As what, the heighth?

12 Q Other than the corrections you just made, if you
13 were asked all of the questions, and this is for
14 all of you, if you were asked all of the same
15 questions that you answer in your Prefiled
16 Testimony, would your answers be the same today?

17 A (Diane Bilodeau) Yes.

18 A (Dawn Scribner) Yes.

19 A (Dana Bilodeau) Yes.

20 A (Donald Bilodeau) Yes.

21 Q Do you now adopt and swear to your testimony
22 with the corrections to the tower heights?

23 A (Donald Bilodeau) Yes.

24 A (Diane Bilodeau) Yes.

1 A (Dawn Scribner) Yes.

2 A (Dana Bilodeau) Yes.

3 MR. REIMERS: The witnesses are available
4 for cross-examination.

5 PRESIDING OFFICER HONIGBERG: Mr. Aslin.

6 **CROSS-EXAMINATION**

7 **BY MR. ASLIN:**

8 Q Good morning. My name is Chris Aslin, and I've
9 been designated as Counsel for the Public in
10 this proceeding.

11 I just have a couple quick questions to
12 follow up on what you were just discussing.

13 You should have on the screen one of the
14 Project maps. Is it up on your screens now?

15 A (Donald Bilodeau) Yes.

16 A (Diane Bilodeau) Yes.

17 Q Is your property shown on this map?

18 A (Donald Bilodeau) Yes.

19 A (Diane Bilodeau) Yes.

20 Q Is it the property to the right of Wiswell Road
21 on this map just before it hits Route 145?

22 A (Donald Bilodeau) Well, actually it's above
23 Wiswell Road. It's just above Wiswell. I'm
24 sorry. My property is just, the triangle in the

1 upper right-hand corner, Wiswell Road is in
2 purple and 145 is up on the right. That
3 encompasses Wiswell. Well, actually Wiswell,
4 our property fronts Wiswell Road from 145.

5 Q Okay. So let's try, you see 145 in the corner
6 of the picture?

7 A (Diane Bilodeau) Yes.

8 Q Is your property, and this photo is not directed
9 perfectly north/south, so we'll just say up and
10 down, but is your property above or below the
11 junction of Wiswell Road and 145?

12 A (Donald Bilodeau) It's below.

13 Q Okay. And so do you see the number in the
14 middle of the parcel just below 145 that says
15 10274?

16 A (Diane Bilodeau) Yes.

17 Q Is that your property?

18 A (Diane Bilodeau) Yes.

19 A (Donald Bilodeau) Yes.

20 A (Dawn Scribner) Yes.

21 A (Dana Bilodeau) Yes.

22 Q The yellow Dot that's shown there, is that your
23 house?

24 A (Dawn Scribner) Yes.

1 A (Diane Bilodeau) Yes.

2 A (Donald Bilodeau) Yes.

3 A (Dana Bilodeau) Yes.

4 Q Now we're all talking about the same property.
5 And you see the proposed power line that's
6 coming across the page and then makes a
7 right-hand turn down and crosses Wiswell Road?

8 A (Donald Bilodeau) Yes.

9 A (Diane Bilodeau) Yes.

10 A (Dawn Scribner) Yes.

11 A (Dana Bilodeau) Yes.

12 Q That terminates at the Transition Station that's
13 just beyond your property, correct?

14 A (Donald Bilodeau) Yes.

15 Q And you were just testifying a minute ago,
16 Mr. Bilodeau, about the tower heights. There
17 are, do you see there are red squares indicating
18 the proposed structures?

19 A (Donald Bilodeau) Yes.

20 Q And they have labels?

21 A (Donald Bilodeau) Yes.

22 Q And you were discussing, I believe, the four
23 towers coming down from where the proposed
24 Project makes that sharp right-hand turn, and

1 those are DC 40, 41, 42, and then what's
2 indicated here is DC 4 C-1. Do you see those
3 towers?

4 A (Donald Bilodeau) Yes. May I make a comment
5 here on the maps? The map that you showed me on
6 the screen is not the map that I had.

7 Q Yes. I understand that. This is an updated map
8 from August of this year.

9 A (Donald Bilodeau) Right.

10 Q That's why I want to just clarify the tower
11 heights.

12 So do you see on this page which is APP
13 67756, and these maps are part of Applicant's
14 Exhibit 201, do you see the list of structures
15 in the top left-hand corner on the screen?

16 A (Donald Bilodeau) Yes.

17 Q And the same structures we were just discussing,
18 DC 40, 41, 42, and DC 4 C-1 and 1-A are listed
19 there.

20 A (Diane Bilodeau) Yes.

21 A (Donald Bilodeau) Yes.

22 Q And do you understand that the structure height
23 here is indicating the proposed heights of those
24 towers, and this is, again, the updated plans

1 from the Applicant?

2 A (Diane Bilodeau) Yes.

3 A (Donald Bilodeau) Yes.

4 A (Dawn Scribner) Yes.

5 Q So at this point it's looks like the tower where
6 the proposed line makes a turn is DC 40, and
7 that's a 90 foot tower, and then as it
8 progresses down towards your property, we have
9 80, 85, 90, and 80?

10 A (Donald Bilodeau) Yes.

11 Q You understand that's the current proposal for
12 that part of the Project?

13 A (Donald Bilodeau) Yes.

14 Q And then if you see the two diagrams here, they
15 have labels segment N 1-1 and N 1-1 T. Those
16 are the cross-sections for the Project?

17 A (Donald Bilodeau) Yes. I see that.

18 Q And you are indicating there was a lattice
19 structure proposed near your property?

20 A (Donald Bilodeau) Correct.

21 Q And that is what's shown in segment N 1-1? Do
22 you see in the little key on the left that there
23 are two structures that have that designation
24 under the cross section?

1 A (Donald Bilodeau) Yes.

2 Q And those are the two, DC 42 and the DC 4 C-1?

3 A (Donald Bilodeau) That is correct.

4 Q So do you understand that the towers in the
5 vicinity of your property will be monopoles
6 except for those two structures of lattice
7 structures?

8 A (Donald Bilodeau) That's correct.

9 Q So those two lattice structures would then be
10 the two structures on either side of Wiswell
11 Road?

12 A (Donald Bilodeau) That is correct.

13 Q Okay. And based on your discussion with
14 Attorney Reimers, am I correct that you believe
15 that both of those structures will be visible
16 from your home?

17 A (Donald Bilodeau) I don't know about DC 4 C1.
18 That's questionable. The transition station
19 itself is hard to say. I don't know?

20 A (Dana Bilodeau) We will be seeing all of these
21 towers in my opinion because our land is up so
22 high that we have quite a view. We will be
23 seeing those towers in my opinion.

24 Q And Mr. Bilodeau, in your opinion you'll at

1 least see the last lattice structure at DC 42?

2 A (Donald Bilodeau) Yeah, you asked me about --

3 A (Dana Bilodeau) We're going to see all of them.

4 A (Donald Bilodeau) We're not sure if we're going
5 to see the transition station, put it that way.

6 We're not sure. Dana, do agree with that? We
7 really don't know. But all the others yes, you
8 will see, at least 6 or 7 monopoles and one
9 lattice tower. Definitely.

10 Q Okay. Thank you. And you clearly from your
11 testimony oppose this Project being put in near
12 your property. Have you had discussions with
13 the Applicant to discuss how they might mitigate
14 the impact to your property?

15 A (Donald Bilodeau) Well, we received a call way
16 back to sell, if that's what you mean.

17 Q That's one communication. Have you had any
18 subsequent communications after that?

19 A (Donald Bilodeau) Yes. I'd say, they called us,
20 I think, at about 2011 to sell. We said no.
21 And they called us again in I'd say 2014. We
22 were in Gilford at the time, and the person that
23 called was from Berlin, and he asked if we'd
24 sell or changed our mind, and we said no. And

1 he said well, if you'd like I'll come down right
2 now and write you out a check. And I said no,
3 we're not interested.

4 Q Okay. Other than discussions about potentially
5 selling your property, have you had any
6 communications with the Applicant about
7 mitigating impacts?

8 A (Diane Bilodeau) No.

9 A (Donald Bilodeau) Not at all.

10 Q Have you reached out to the Applicant to try to
11 initiate any conversations?

12 A (Donald Bilodeau) No.

13 A (Diane Bilodeau) No.

14 Q Okay. Thank you. I have no further questions.

15 PRESIDING OFFICER HONIGBERG: Ms. Draper, I
16 think you're the only one who signed up to ask
17 questions of the Panel.

18 **CROSS-EXAMINATION**

19 **BY MS. DRAPER:**

20 Q Some of my questions have just been asked, but
21 I'm Gretchen Draper and I'm with the
22 Pemigewasset River Local Advisory Committee,
23 and we're interested in kind of the human side
24 of this Project. So my question is how did you

1 first hear about Northern Pass?

2 A (Donald Bilodeau) Oh, we're going back to 185.
3 I'm sorry. Yeah. 1985. Oh, did you say hear
4 about the Project?

5 Q The Project.

6 A (Donald Bilodeau) Sorry. Thanking about the
7 land. It was in 2010. We were at the Spar
8 Restaurant in Stewartstown, and that's when we
9 first heard about it.

10 Q Right.

11 A (Diane Bilodeau) We actually heard it from a
12 neighbor.

13 Q All right. Thank you. And you have been active
14 in a lot of the meetings up in your area; is
15 that correct?

16 A (Diane Bilodeau) Yes, it is.

17 Q And did you go to any of the meetings that
18 Northern Pass held early on in the Project?

19 A (Diane Bilodeau) Oh, yes.

20 A (Donald Bilodeau) Yes.

21 Q Did you have a chance to talk to anyone at those
22 meetings? Did anyone show you pictures of where
23 the Project was going to be or --

24 A (Diane Bilodeau) I believe my husband spoke to

1 someone.

2 A (Donald Bilodeau) Yeah. We spoke the first time
3 at the Colebrook school. That was our first
4 meeting.

5 Q And so, and I'm assuming then, is it correct
6 that there was nothing that came from these
7 meetings that was helpful to you?

8 A (Diane Bilodeau) No.

9 A (Donald Bilodeau) No.

10 Q And were your neighbors also contacted to sell
11 their land?

12 A (Diane Bilodeau) Yes, they were.

13 A (Donald Bilodeau) Yes.

14 Q Did anyone one sell?

15 A (Donald Bilodeau) Yes.

16 A (Diane Bilodeau) Unfortunately, yes.

17 Q And you've also put land into conservation; is
18 that right?

19 A (Diane Bilodeau) Yes. We did.

20 A (Donald Bilodeau) Yes.

21 Q How many acres did you put into conservation?

22 A (Donald Bilodeau) 25.

23 Q And where is that in relation to your house?

24 A (Donald Bilodeau) Well, the house is not in the

1 middle of it, but it's in this 25-acre piece.

2 Q Okay. And I guess I'm just looking at anything
3 that has changed, not so much in your property,
4 but in your area since you put in your Prefiled
5 Testimony. I'm thinking of your area, other
6 people, plans that have come up, anything that's
7 changed?

8 A (Diane Bilodeau) Well, my neighbors right below
9 us, if this Project goes through, are going to
10 be definitely selling. She had a medical, she's
11 already had cancer, and her four doctors told
12 her if those towers go right by her property
13 that she should sell.

14 Q All right. How about you folks? Are you going
15 to stay put if this Project goes through?

16 A (Scribner) I can't speak for my sister, but for
17 myself, I would, if this Project goes through,
18 and the property gets passed on to my sister and
19 myself, I don't know if I could ever go back up
20 there to, and feel the same way. I'm going to
21 see these towers, and I'm going to feel like I
22 have let down my family for not doing more to
23 push against this Project. I mean, I had hoped
24 that -- you know, this was a retirement home for

1 my parents, and our children have grown up
2 there, as you can see from our testimony,
3 planting trees with babies, and our packs and
4 whatnot, I know you've heard this all before
5 from other people, and I just don't know if I
6 could ever go back.

7 A (Dana Bilodeau) I agree with my sister. I think
8 we're at a crossroads where my parents are
9 getting older, and they're thinking of handing
10 of the camp off to us, that responsibility, and
11 it's just we're not sure if we're going to be
12 able to stay there and look out there every day
13 and see -- I don't think anybody realizes the
14 visual impact this will have. It's my opinion
15 that these photos are a watered-down version.
16 I'm not sure who made them. I work in the
17 engineering field myself with a lot of 3-D
18 visuals, and I can tell you that in my opinion
19 it's going to be a lot more devastating than
20 what you see on a piece of paper. And, yeah,
21 it's a family camp. It's where our kids have
22 grown up, and that's the only thing that has
23 changed for me is we're just at a crossroads
24 with what to do with this property going

1 forward.

2 Q Thank you very much. I have no more questions.

3 PRESIDING OFFICER HONIGBERG: Did I miss
4 any Intervenors who have questions for the
5 Panel? I see none. Mr. Needleman?

6 MR. NEEDLEMAN: Thank you. No questions.

7 PRESIDING OFFICER HONIGBERG: Any members
8 of the Committee have questions for the Panel?
9 Commissioner Bailey?

10 COMMISSIONER BAILEY: Would it be possible
11 for Counsel for the Public to put that map back
12 up, please?

13 **QUESTIONS BY COMMISSIONER BAILEY:**

14 Q Mr. Bilodeau, the Transition Station that was on
15 the map, do you know what number transition
16 station that is?

17 A (Donald Bilodeau) Yes, the Transition Station is
18 tower DC 4 C-1 and monopole DC 4 C-1-A.

19 Q The transition stations are numbered 1, 2, 3, 4,
20 5. It's not on the map, I don't think.

21 A (Diane Bilodeau) No.

22 Q Let me ask you this. Another way. Is that the
23 transition station that's near Mr. Brad
24 Thompson's house?

1 A (Donald Bilodeau) No. Not even close to Brad
2 Thompson's house.

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

4 PRESIDING OFFICER HONIGBERG: Any other
5 members of the Committee?

6 MR. OLDENBURG: Just a quick question.

7 **QUESTIONS BY MR. OLDENBURG:**

8 Q On the map that you see there, you were shown a
9 the photo simulation from Mr. DeWan. I think
10 Mr. Reimers showed it. And you had mentioned
11 another house that was the Dudleys?

12 A (Donald Bilodeau) Dolittle.

13 Q Which one is that? Is that on the sharp curve
14 of Wiswell Road?

15 A (Diane Bilodeau) Yes, it is.

16 Q So one other thing, this is sort of obvious.
17 One of the mitigation efforts to sort of hide
18 the towers would be screening but that would
19 block the view. Correct? And that's the reason
20 why you have fields. Correct? So screening
21 doesn't make sense.

22 A (Diane Bilodeau) No, it doesn't.

23 A (Donald Bilodeau) Can I make a comment?

24 Q Sure.

1 A (Donald Bilodeau) If you look at the drawing,
2 you see where our house is up in the vicinity of
3 145 and Wiswell Road, that yellow dot. See that
4 yellow dot?

5 Q Yes.

6 A (Donald Bilodeau) Okay. Standing on our deck,
7 we look down at Dolittles' house, the other
8 yellow dot on the corner, and their house is
9 visible right from our deck. And you see where
10 the tower is? Tower DC 42? It's actually to
11 the right of his house. Now, we see his house
12 as plain as day right now. So we know or I know
13 that tower, that lattice tower, is going to be
14 in plain view which does not show on the maps
15 that or the drawings or the pictures that we
16 have.

17 Q And the Exhibit I think it's Exhibit number 3
18 of, if I remember. That's their house? That
19 you had submitted in your -- at the bottom?

20 A (Dawn Scribner) Yes.

21 A (Donald Bilodeau) That's correct. Now, you see
22 their house, and the tower is actually to the
23 right of that house. So it's quite visible
24 which is not shown on their Photoshop.

1 Q Okay. Great. Thank you very much.

2 PRESIDING OFFICER HONIGBERG: Anyone else
3 from the Committee? Mr. Wright.

4 **QUESTIONS BY DIR. WRIGHT:**

5 Q I just want to follow up on that. Exhibit 2.
6 That's the house that you were just talking
7 about with him. So that is within the viewshed
8 of the photo simulation as well? So that's
9 looking in the same direction as the photo
10 simulation?

11 A (Dana Bilodeau) Yes. That is what we can see.

12 Q Okay. I was unclear. Thank you very much.

13 PRESIDING OFFICER HONIGBERG: Are there any
14 other questions from the committee? Seeing
15 none, Mr. Reimers, do you have any redirect?

16 MR. REIMERS: No.

17 PRESIDING OFFICER HONIGBERG: Well, thank
18 you for being here and providing your testimony.
19 You can step down.

20 Let's go off the record for a minute.

21 (Discussion off the record)

22 (Whereupon, *William Fowler* was duly
23
24

1 sworn by the Court Reporter.)

2 **WILLIAM FOWLER, DULY SWORN**

3 PRESIDING OFFICER HONIGBERG: Mr. Anderson.

4 MR. ANDERSON: Thank you.

5 **DIRECT EXAMINATION**

6 **BY MR. ANDERSON:**

7 Q Good morning, Mr. Fowler. Bruce Anderson. New
8 England Power Generators Association. At first
9 if you could for the record please state your
10 name and where you work?

11 A My name is Bill Fowler. I'm President of Sigma
12 Consultants.

13 Q And in front of you do you have a document
14 premarked NEPGA Exhibit 1 which is a copy of
15 your Direct Prefiled Testimony?

16 A I do. I have it.

17 Q Do you have any corrections or amendments to
18 that testimony?

19 A I do not.

20 Q And do you swear by, adopt and affirm that
21 Prefiled Testimony?

22 A I do.

23 Q Thank you Mr. Fowler.

24 I'd like to start with some questions about

1 deliverability. You know, essentially ability
2 of the Project to qualify for the Capacity
3 Market on a deliverability basis. And in your
4 Direct Prefiled Testimony you explain that
5 there's an open question as to whether Northern
6 Pass can qualify for the Capacity Market on this
7 basis; is that correct?

8 A That's correct.

9 Q If you would, please, just briefly, if you could
10 explain what you mean by deliverability, what
11 that means with respect to qualifying for the
12 Forward Capacity Market?

13 MR. NEEDLEMAN: Objection, Mr. Chair. This
14 sounds like it's just repetition of the existing
15 testimony at this point.

16 PRESIDING OFFICER HONIGBERG: Mr. Anderson?

17 MR. ANDERSON: I am going to be getting
18 into some of Mr. Fowler's responses to testimony
19 that Ms. Frayer has given since Mr. Fowler filed
20 his Predirect. I just wanted to very briefly
21 set up for the benefit of the Committee what
22 deliverability means. It's really simply just
23 one question.

24 PRESIDING OFFICER HONIGBERG: Okay. You

1 can do that, but you don't need to repeat what's
2 in his testimony already.

3 MR. ANDERSON: Indeed. Thank you.

4 BY MR. ANDERSON:

5 Q So Mr. Fowler, if you could just briefly explain
6 what you mean by deliverability?

7 A Right. One of the tests that ISO New England
8 has to participate in the Capacity Markets is
9 that you have to prove that your capacity is
10 deliverable which means that if you look at the
11 system on a peak load day and you run all the
12 other existing generators on the system that
13 have capacity obligations at their max
14 capability, is it also possible to squeeze those
15 additional megawatts in from this new project
16 without trying to turn off other projects in the
17 vicinity. So, basically, is that capacity
18 providing an incremental benefit to the system
19 over what's there today.

20 Q Okay. Thank you, Mr. Fowler. If I could please
21 bring your attention to the screen in front of
22 you. Is there a document showing up on the
23 screen if I could just check?

24 PRESIDING OFFICER HONIGBERG: Off the

1 record.

2 (Discussion off the record)

3 MR. ANDERSON: If I may?

4 PRESIDING OFFICER HONIGBERG: Yes, go
5 ahead.

6 MR. ANDERSON: Thank you.

7 BY MR. ANDERSON:

8 Q Thank you. So Mr. Fowler, if I may bring your
9 attention to the screen in front of you. For
10 the record I've put in front of Mr. Fowler
11 Exhibit Applicant 102, the Rebuttal Testimony of
12 Ms. Julia Frayer. If I can bring your attention
13 to page 12 and the highlighted portion in
14 yellow. If you could please just read that for
15 the record?

16 A Sure. "LEI does not expect deliverability of
17 Northern Pass's capacity to be an issue since
18 ISO New England and the Applicant have already
19 performed studies to identify required
20 transmission upgrades if any."

21 Q And Mr. Fowler, do you know what studies LEI is
22 referring to in that passage?

23 A My understanding is those are the System Impact
24 Studies that were done under ISO's process.

1 Q And can you explain what those system impact
2 studies are?

3 A Right. That's a requirement of all new
4 generation and supply that comes into the
5 system. You're required to go through a study
6 process that identifies whether or not you can
7 inject energy into a particular spot on the
8 system and do that in a way that does not
9 adversely affect the transmission system or the
10 system of any market participant. That's kind
11 of the formal definition.

12 Q Are the System Impact Studies or SIS's, if we
13 may, SIS, are those used to determine whether or
14 not a capacity resource can qualify for the
15 Forward Capacity Market?

16 A No. That's a completely different study.

17 Q Okay. Can you explain in general terms the
18 basic difference between the System Impact Study
19 and the study used to measure deliverability of
20 capacity?

21 A Sure. So the System Impact Study that's
22 referenced here on the screen is typically done
23 by injecting, in this case, a thousand
24 megawatts, say, so you inject a thousand

1 megawatts into the grid at this specific
2 location where they interconnect, and then you
3 would then remove a thousand megawatts from
4 somewhere else on the grid because you have to
5 balance load and supply. So take some load
6 level, insert a thousand megawatts here, take a
7 thousand megawatts out somewhere else and then
8 see whether any system problems develop.

9 And as part of that process, it is
10 perfectly legitimate to, say, inject a thousand
11 megawatts at this station, and then if you've
12 got another generator two minutes down the road
13 that's that same size, just turn that generator
14 off. So you can, and that's just called
15 redispatching.

16 So typically you would inject your
17 megawatts here and then you would remove an
18 equivalent amount of megawatts in some other
19 places and see if any problems develop.

20 Q And then with respect to the deliverability test
21 used for qualification for the Forward Capacity
22 Market, how does that differ from the SIS?

23 A The redispatch is the key thing there. So in
24 the System Impact Study, as I mentioned, you can

1 inject your thousand here and take a thousand
2 megawatts away, you know, from the plant ten
3 feet down or 100 feet down the road.

4 In the deliverability test, you are
5 required to run all the other generators that
6 exist inside that load zone. In this case, the
7 load zone is New Hampshire. You would be
8 required to keep all the other generation on in
9 New Hampshire at the same time as you inject
10 your thousand megawatts, but then to preserve
11 system balance you would remove a thousand
12 megawatts from somewhere distant from here, in
13 Massachusetts or, you know, in New York on
14 imports, but you would not be allowed to reduce
15 any generation inside New Hampshire.

16 Q So is it fair to characterize the difference
17 between the two tests is that the SIS or the
18 System Impact Study is a less stressful test on
19 the system whereas the capacity deliverability
20 test is much more stressful? It creates greater
21 stress on the system as a measure of
22 deliverability?

23 A Yes.

24 Q If I may, for the record, I'm scrolling to show

1 Mr. Fowler another page.

2 For the record, I'm showing Mr. Fowler,
3 again, from Applicant Exhibit 102 here at page
4 27 of Julia Frayer's Rebuttal Testimony, Mr.
5 Fowler, you see two highlighted passages there.
6 Could you please read into the record the first
7 highlighted passage?

8 A Sure.

9 In his December 20, 2016, testimony, Mr.
10 Fowler stated that Northern Pass 2013 System
11 Impact Study, or SIS, highlighted his, quote,
12 concern about deliverability, unquote, of 1000
13 megawatts of capacity over Northern Pass. While
14 an updated version of the Northern Pass SIS from
15 2016 was available at the time of Mr. Fowler's
16 testimony, he based his evaluation on his review
17 of the 2013 version.

18 Q Thank you. And have you since had a chance to
19 review the 2016 System Impact Study referred to
20 in that passage?

21 A I have.

22 Q Based on that review, are your conclusions, I
23 guess as it was stated in there, your concerns
24 about deliverability, were they changed,

1 decreased, increased in any way following the
2 review of the more recent 2016 SIS?

3 A I would say the 2016 study heightens the
4 concern.

5 Q Can you explain why?

6 A Sure. So the way that the System Impact Studies
7 are done, as I mentioned, you take the project
8 injected and then remove other generation from
9 other nearby facilities.

10 In the 2013 study, I ISO looked at, I
11 believe, five different dispatches. They
12 injected Northern Pass megawatts into southern
13 New Hampshire, and then in every one of those
14 dispatches but one they reduced the equivalent
15 amount of generation inside New Hampshire. In
16 the one dispatch they reduced, I believe, about
17 150 megawatts from generation outside New
18 Hampshire in Maine and then 850 megawatts still
19 in New Hampshire.

20 So looking at the 2013 study seems like,
21 you know, virtually everything they looked at
22 other than that small 150 megawatt run was
23 dispatching against New Hampshire units, and
24 then that just indicates that, indeed, this

1 Project may have difficulty running if those New
2 Hampshire units were on.

3 The 2016 study did additional tests, they
4 actually did 7 dispatches in the 2016 study, and
5 every one of those dispatched entirely against
6 other New Hampshire facilities. So those
7 studies show not, in my reading, not a single
8 megawatt of Northern Pass being dispatched
9 against a project outside New Hampshire which is
10 really what you need for the deliverability
11 assessment. So the 2016 study is actually more
12 restrictive because there is no dispatch outside
13 of New Hampshire.

14 Q Okay. Thank you, Mr. Fowler.

15 If I may, I'm going to scroll down briefly
16 again Applicant Exhibit 102. At the bottom of
17 page 27 into page 28 you see there's that a
18 highlighted text there. If you could please
19 read that into the record as well?

20 A Sure. Since this topic is outside LEI's area of
21 expertise, LEI will refer the SEC to the March
22 2017 Prefiled Testimony of Robert D. Andrew
23 which concluded that the Northern Pass will be
24 able to interconnect with the New England

1 transmission system in a manner that assures
2 system stability and reliability. Reflections
3 on my screen here.

4 Q A tongue twister either way. Thank you, Mr.
5 Fowler.

6 So have you had an opportunity to review
7 that part of Mr. Andrew's testimony?

8 A I have.

9 Q Is there anything in Mr. Andrew's testimony that
10 changes your conclusion with respect to either
11 the 2013, 2016, system Impact Studies or more
12 generally with respect to the deliverability of
13 the Project?

14 MR. NEEDLEMAN: Objection. This is
15 information that could have been addressed in
16 Supplemental Testimony.

17 PRESIDING OFFICER HONIGBERG: Mr. Anderson?

18 MR. ANDERSON: I would say that Mr. Fowler
19 didn't have an opportunity at that time to
20 address that specific point in Supplemental or
21 perhaps more accurately wasn't asked by counsel
22 at that time to provide Supplemental Testimony
23 on that point.

24 PRESIDING OFFICER HONIGBERG: If it was

1 important, why not?

2 MR. ANDERSON: That I can't answer,
3 Mr. Chair.

4 PRESIDING OFFICER HONIGBERG: Sustained.

5 MR. ANDERSON: Okay. All right. We'll
6 move on then.

7 BY MR. ANDERSON:

8 Q Mr. Fowler, next I'd like to ask you some
9 questions about the Net Installed Capacity
10 Requirement on particular values that you've
11 become aware of quite recently.

12 If I could, I'm going to bring up a
13 different document.

14 For the record, I have on screen a copy of
15 Data Request Response TS 11, 1-9. Mr. Fowler,
16 do you see that in front of you?

17 A I do.

18 Q And below that do you see a figure titled Figure
19 10?

20 A I do.

21 Q Okay. And would you agree that this table shows
22 a steadily increasing NICR or Net Installed
23 Capacity Requirement beginning with FCA 11 and
24 running through FCA 21?

1 MR. NEEDLEMAN: Objection. These are
2 discovery responses. If Mr. Fowler wanted to
3 speak to these, he could have done so in April
4 in Supplemental Testimony.

5 PRESIDING OFFICER HONIGBERG: Mr. Anderson?

6 MR. ANDERSON: I have no response to that.

7 PRESIDING OFFICER HONIGBERG: Sustained.

8 BY MR. ANDERSON:

9 Q Mr. Fowler, if I could ask about recent NICR or
10 Net Installed Capacity Requirement values that
11 were filed by ISO New England with regard to FCA
12 12, are you aware of those?

13 A I am.

14 Q Do you know when those were filed?

15 A They were filed on November 7th.

16 Q Of what year?

17 A This year.

18 Q And how do those NICR values compare to the NICR
19 values shown here for FCA 12?

20 MR. NEEDLEMAN: Objection.

21 PRESIDING OFFICER HONIGBERG: I'm not sure,
22 I'm not sure how the question is working since
23 they both seem to refer to FCA 12. What's your
24 objection, Mr. Needleman?

1 MR. NEEDLEMAN: Well, to the extent that
2 there is some new information that he'd like to
3 speak to, that's fine, but the new information
4 has to be tied to his testimony or it has to be
5 rebutting something in the April 17th testimony,
6 and I don't hear that part of it.

7 PRESIDING OFFICER HONIGBERG: Yes. What
8 happened, let's find out what happened on
9 November 7th and what it relates to. If it
10 relates to something in his testimony, something
11 in Ms. Frayer's testimony, something else,
12 because all you've done is tie it to a document
13 that's in front of him on the screen which
14 doesn't at this point have any meaning to
15 anyone.

16 MR. ANDERSON: Understood. It certainly
17 refers to Ms. Frayer's Rebuttal Testimony, and I
18 can certainly get a cite to that if I could have
19 a moment. But she does testify in there with
20 respect to the NICR values, Net Installed
21 Capacity Requirement values, about her outlook
22 on load growth as well as its effect on pricing.

23 PRESIDING OFFICER HONIGBERG: I'm inviting
24 you to ask some additional questions so we

1 understand what it is that happened on November
2 7th and what he wants to say about it.

3 MR. ANDERSON: Okay.

4 BY MR. ANDERSON:

5 Q So on November 7th when I ISO New England filed
6 the Installed Capacity Requirements for FCA 12,
7 what is the purpose of that filing?

8 A That filing establishes the amount of capacity
9 that gets purchased in the upcoming Capacity
10 Auction which will be this February.

11 Q And for whose benefit does ISO New England file
12 those values?

13 A The values get filed with the FERC and
14 ultimately they underpin how the entire Auction
15 is run. So that will determine what can
16 potentially clear, what cannot clear and what
17 the prices ultimately will be.

18 Q Okay. And absent any FERC action on those
19 values, will those be the values that actually
20 will apply for FCA 12?

21 A Right. I think FERC affirmatively will have to
22 approve them, but that's typically what they do.

23 Q If you could, could you say, how does that
24 value, the value filed most recently on November

1 7th, how does that compare to the NICR value
2 that Ms. Frayer used for purposes of her
3 analyses?

4 MR. NEEDLEMAN: Same objection. If he's
5 going to refer to something specific in the
6 April 17th testimony, I think it should be in
7 front of the witness so we can all see it.

8 PRESIDING OFFICER HONIGBERG: I actually
9 think that would be helpful for us to understand
10 what it is you're about to do. I actually think
11 we're going to be interested, and if you don't
12 ask it, we'll ask it, but I think you're going
13 to need to set it up for us so we see what Ms.
14 Frayer said, what estimates she was using, and
15 how whatever happened on November 7th should
16 affect how we view what she said.

17 MR. ANDERSON: If I may, the Data Request
18 response I have here are the values that she
19 used.

20 PRESIDING OFFICER HONIGBERG: In her
21 Supplemental Testimony, she used the values that
22 are in front of you to do calculations, not
23 calculations but underpin her opinions.

24 MR. ANDERSON: Correct.

1 PRESIDING OFFICER HONIGBERG: And so he's
2 going to explain or you're going to explain how
3 what happened on November 7th should affect our
4 view of what she said?

5 MR. ANDERSON: That's correct.

6 PRESIDING OFFICER HONIGBERG: Go ahead.

7 MR. ANDERSON: Thank you, Mr. Chair.

8 BY MR. ANDERSON:

9 Q So going back again, so if I could, Mr. Fowler,
10 the NICR value filed on November 7th by ISO New
11 England, the most recent for FCA 12, how does
12 that compare to the NICR value that Ms. Frayer
13 used for purposes of her analyses?

14 A The new values that ISO New England filed for
15 FCA 12 are 33,725 megawatts for FCA 12. That is
16 about 440 megawatts less than what was used in
17 Ms. Frayer's testimony in the underlying report
18 for that same period.

19 Q Okay. And on that basis, if you were to use,
20 let's say, for example, the same methodology
21 reflected in this Data Response which indicates
22 a 14.4 percent reserve margin? If you were to
23 use that same methodology to project out ICR
24 values for FCAs 13 through 21, would you expect

1 those values to each be lower than the NICR
2 values reflected in this Data Response?

3 A I would.

4 Q Okay. And could you speak to how the lower NICR
5 values, how would that bear on projections of
6 Capacity Market pricing?

7 A Yes. So we use what's called a demand curve in
8 there. To clear the Auction you have a supply
9 offering at difficult prices and then a demand
10 curve that is fixed that says we will buy this
11 much capacity at this kind of price.

12 So typically when you have a movement in
13 the ICR, when ICR increases, then the demand
14 curve will shift to the right. We'd say that
15 it's easier with the diagram. But just from a
16 high perspective, as the ICR increases, with the
17 same amount of supply in the system, the price
18 goes up. If the ICR goes down, then similarly
19 you would expect the ultimate Clearing Price to
20 go down. And I think in a range of, you know,
21 440 megawatt decrease in Net ICR, I think that
22 would probably translate to a change in the
23 Clearing Price of somewhere around \$2 a kilowatt
24 month, all else being equal.

1 Q Okay. And that 440 value, that is the value,
2 the difference between the FCA 12 NICR value we
3 see here in this Data Response and the value
4 that ISO New England just filed on November 7th?

5 A Correct.

6 Q Okay. All right. Next, if I could, Mr. Fowler
7 I want to ask you some questions about the
8 Maximum Capacity Limit, and just briefly for the
9 benefit of the Committee, could you explain what
10 the Maximum Capacity Limit is?

11 A Yes. That is another key part of the operation
12 of the Capacity Auction that we have. So we
13 have, New England is divided into different
14 capacity zones. Right now we have a zone that
15 includes New Hampshire, Vermont and Maine. It's
16 called the Northern New England zone. And when
17 they operate the Capacity Market, we establish
18 in areas what are called export constraints so
19 these are areas that have surplus capacity
20 versus what their load is.

21 When they're export constrained, ISO
22 identifies a limit that says if I am going to
23 put more generation into this area that's
24 already surplus, it's going to be very difficult

1 for that generation to move through the
2 interfaces down to the rest of New England where
3 the other load is.

4 So we would have a zone that would then
5 produce a different price. In this case it
6 would be a lower price if you add the more
7 surplus inside of a particular zone. And the
8 Max Capacity LIMIT is kind of a rough number at
9 which point you start to see a very material
10 change in the prices at the border.

11 So that would be a number and a number that
12 has a certain number of megawatts inside
13 Northern New England. Once you approach that
14 and exceed that, then you start to see
15 significant price separation and price reduction
16 in Northern New England.

17 Q Thank you, Mr. Fowler.

18 I'm going to bring another page up on
19 screen for you.

20 Okay. Mr. Fowler, if you could bring your
21 attention to the screen in front of you. For
22 the record, I'm showing the witness from
23 Applicant Exhibit 102, this is page 18, Figure
24 3, titled Shift in the Northern New England

1 Zonal Demand Curve for FCA 12.

2 Can you show or explain based on this
3 figure the approximate MCL values that LEI used
4 both for FCA 12 and FCA 11?

5 A Sure. So for FCA 11 we have a number on there,
6 looks like about 8,980 megawatts. That would
7 be, if you can look on the blue line in their
8 chart in front of you, you can start to see,
9 what happens is you start to see a material
10 price difference at that 8980 megawatt level
11 that grows substantially as you go further to
12 the right and add capacity in the Northern New
13 England. And then you can see on the chart on
14 the left that's kind of a dollar impact so at
15 the MCL maybe we're seeing a \$0.10 reduction or
16 so in the price, and as you move forward to the
17 right, then you see a much, much greater price
18 suppression effect in Northern New England.

19 Q Okay. And can you tell from the figure the MCL
20 value that LEI used for FCA 12 indicated on the
21 red line?

22 A Yeah. It looks like about 9,450 megawatts.

23 Q Okay. And referring back to ISO New England's
24 November 7th filing of FCA 12 values, what is

1 the actual MCL value for FCA 12?

2 A It's 8,790 megawatt.

3 Q And so that is a difference of approximately 660
4 megawatts; is that correct?

5 A Correct.

6 Q Now, if you were to take that red line in figure
7 3, again, indicating the FCA 12 MCL line, and
8 you were actually to apply the actual MCL value
9 for FCA 12, would that red line move to the left
10 of the blue line rather than being to the right
11 of the blue line?

12 A Yes, it would.

13 Q Okay. And if, as you can see or can you see on
14 that figure 3 a line indicating a projection of
15 capacity that will clear an FCA 12?

16 A The number identified in the chart, I think FCA
17 12, NNE capacity, I assume that means the total
18 amount of existing capacity that they would
19 expect in FCA 12, and that looks to be at about
20 9,050 megawatts.

21 Q Okay. So if you were to, say, accept that
22 number for purposes of this discussion, and move
23 that red line to the left of the blue line, and,
24 again, if the Auction were to clear that amount

1 of capacity in Northern New England in FCA 12,
2 would you expect there to be price suppression?
3 Rather, strike that.

4 Would you expect there to be price
5 separation in the Northern New England zone?

6 A Absolutely. That's right. Because the curve
7 then would show, the red curve would be moved to
8 the left about 600 megawatts which if you
9 intersect that FCA 12 NNE capacity line, the
10 vertical line, then that would probably come out
11 to a 2 or \$3 reduction in price in Northern New
12 England versus the rest of New England.

13 Q And just to be clear about how the price
14 separation works, if there were, say, to be a \$3
15 price separation and the market itself
16 system-wide cleared at \$5, that means Northern
17 New England resources would get paid \$2 in that
18 example; is that correct?

19 A Correct.

20 Q The FCA 12 MCL value, does that represent a
21 decrease from the FCA 11 MCL value?

22 A Yes, it does.

23 Q And were you surprised by that decrease in MCL
24 value from FCA 11 to FCA 12?

1 A No. We go through a stakeholder process that
2 takes many, many months to develop these
3 numbers, and ISO works with the stakeholders to
4 try to explain the rationale on how they came up
5 with that. This is driven a lot by load growth,
6 and I think the expected load growth in Northern
7 New England, particularly up in Maine and other
8 areas, there have been mill closings, a lot of
9 negative impacts on load growth. So in fact
10 they're projecting the load in Northern New
11 England to go down, and that has driven this.
12 So that has been pretty well known to most
13 market participants that this was expected, we'd
14 see a reduction on the FCA 12.

15 Q And given the projections or expectations of
16 negative load growth in Northern New England,
17 would you expect, therefore, this trend in the
18 MCL value to continue in the FCA 13, FCA 14 and
19 so forth?

20 A It's very much linked to load growth, and if
21 load growth continues to go negative, then
22 absolutely, yes.

23 Q Okay. Thank you, Mr. Fowler.

24 So to the extent that there is price

1 separation between Northern New England and the
2 rest of system, what potential effect could have
3 that on existing resources in New Hampshire or
4 elsewhere in Northern New England?

5 MR. NEEDLEMAN: Objection. I think this is
6 beyond the scope.

7 PRESIDING OFFICER HONIGBERG: Mr. Anderson?

8 MR. ANDERSON: I'm not sure beyond the
9 scope of what?

10 MR. NEEDLEMAN: Is it responding to
11 something specific in Ms. Frayer's April 17th
12 report?

13 PRESIDING OFFICER HONIGBERG: Or something
14 she testified to?

15 MR. ANDERSON: She testified to this, that
16 there would be an increasing MCL value from 11
17 to 12, and that she also testified to the fact
18 that that, therefore, would have no impact on
19 potential retirements in Northern New England.

20 PRESIDING OFFICER HONIGBERG: So your
21 question now is?

22 MR. ANDERSON: Will the actual MCL values,
23 will that bear on whether or not there's a
24 likelihood of retirements in Northern New

1 England.

2 PRESIDING OFFICER HONIGBERG: You can
3 proceed.

4 MR. ANDERSON: Thank you.

5 BY MR. ANDERSON:

6 Q So Mr. Fowler, if I may repeat the question.
7 You've testified that based on the FCA 12 MCL
8 values and holding constant the assumed clearing
9 of existing resources in Northern New England
10 that you would expect price separation. You
11 also testified that if system Clearing Price was
12 \$5 and we had \$3 a price separation, you'd be
13 looking at \$2 Clearing Price for Northern New
14 England assets.

15 Given that, I'd like to know if you think
16 that might have any bearing on the likelihood of
17 existing resource retirements either in New
18 Hampshire or in Northern New England.

19 A Absolutely, yes. The Capacity Market is a
20 critical source of revenue to all generators in
21 New England, and to the extent those prices get
22 pushed down to very low levels, then that would
23 put a loss of stress on existing units and the
24 likelihood of some or many of those retiring

1 would be significantly increased, yes.

2 Q Okay. And are you aware of any resources in
3 Northern New England or in New Hampshire,
4 without naming any names, but are you aware that
5 there are resources that are perhaps older,
6 perhaps are more likely to retire or otherwise
7 experiencing economic conditions that might make
8 them more likely to retire than others?

9 A Sure. Yes.

10 Q Thank you, Mr. Fowler.

11 If I could just revisit what we were
12 discussing about deliverability earlier. This
13 decrease in MCL value from FCA 11 to FCA 12 and
14 perhaps beyond, depending on negative load
15 growth or not, the change in MCL value, does
16 that bear on at all on the likelihood of the
17 Project to be able to qualify based on
18 deliverability? In other words, does it make it
19 harder, so to speak, for it to establish
20 deliverability?

21 A Deliverability -- yes, deliverability is, again,
22 measured by your ability to generate with all
23 the other units in the state also running, and
24 if you have load growth that is decreasing, then

1 you have less load, but you still have the same
2 amount of generation so it becomes harder to
3 meet that deliverability standard.

4 Q So it's tied to the load growth with load growth
5 both fitting into the MCL and into the
6 deliverability issue?

7 A Yes.

8 Q Is that correct?

9 A Yes.

10 Q Okay. Thank you. And I just have one last
11 topic in the public session, and this concerns
12 something that is colloquially being called
13 CASPR, the Competitive Auctions and Sponsored
14 Policy Resources proposal. Is it your
15 understanding that the Committee had several
16 questions for the Brattle Group on that subject
17 matter?

18 A I have heard that, yes.

19 Q Okay. Thank you. If you could just briefly
20 explain your experience or your role with the
21 CASPR or IMAPP process?

22 A So I'm Vice Chair of the NEPOOL Markets
23 Committee, and that is where the bulk of
24 negotiations have been around CASPR development.

1 We've been working on this since probably about
2 May of this year in a long series of meetings
3 that works through various ISO proposals,
4 participants' concerns and then a long drawn-out
5 voting process to decide really where we want to
6 end up. So I've been involved in all those
7 meetings.

8 Q Okay. And the CASPR proposal, that came out of
9 another kind of umbrella effort called IMAPP; is
10 that correct?

11 A That is correct.

12 Q And could you just briefly explain what your
13 role is in the IMAPP process?

14 A So IMAPP is a acronym for the Integrated Markets
15 and Public Policy Committee. It's a joint group
16 of the six New England states, ISO New England
17 and the New England Power Pool. And it was set
18 up little over a year ago, close to a year ago,
19 to try to come up with mechanisms to address the
20 concern that state-subsidized resources would
21 probably fail or MOPR that we have and as a
22 result would not be able to get a capacity
23 supply obligation. So are there waste that we
24 can bring those kind of resources into the

1 market in a way that doesn't damage the market.

2 So that's what IMAPP was really all set up
3 about. I'm the Chair of that group so I've been
4 participating in that since its inception.

5 Q All right. Thank you, Mr. Fowler.

6 Now, if I refer to the Mass. RFP process,
7 and there's been a lot of discussion on that
8 before this Committee, do you understand that to
9 be the 83D procurement of clean energy that
10 Massachusetts is currently engaged in?

11 A Yes.

12 Q Would you expect if Northern Pass were to be
13 awarded a contract via the Mass. RFP, would that
14 likely qualify as a sponsored resource under the
15 CASPR proposal?

16 A Under the way CASPR seems to be going, yes.

17 Q Could you explain how a large resource like
18 that, and let's assume a thousand megawatts for
19 purposes of discussion, how might a thousand
20 megawatts of sponsored resources actually come
21 into the market? Would it likely come in in a
22 single Auction? Would it likely come in over
23 several Auctions? How might that happen?

24 A The way CASPR works is if you have a resource

1 that is subsidized and has been rejected under
2 the MOPR as not competitive, that can still
3 enter the markets through this second auction
4 where they pair that new entry with a retiring
5 resource or a series of retiring resources.

6 So if you had a thousand megawatts that was
7 going to come in in this process, you'd need a
8 thousand megawatts of retiring resources to come
9 in and pair with that at the same time. So you
10 could potentially see a thousand megawatts all
11 in one slug or you may just see pieces of that,
12 200, 300 megawatts come in one year and that
13 could pair off with 300 megawatts, say, of
14 Canadian hydro in one year, then another couple
15 hundred megawatts the next year. It all depends
16 on what kind of retirement offers actually go
17 into this CASPR second auction. You know, and
18 then, of course, how everybody prices things.

19 Q So but for, say, a thousand megawatt retiring
20 resource or a combination of retiring resources
21 summing to a thousand megawatts, if that
22 condition doesn't exist in the auction in which
23 a thousand megawatts sponsored resource tries to
24 enter the market, you could ration that

1 sponsored resource. Some part of it could get
2 in in that Auction and then maybe some part of
3 it could come in in a future Auction; is that
4 correct?

5 A Yes.

6 Q Under the CASPR proposal, the year in which a
7 sponsored resource enters the market, does that
8 have any effect on the Capacity Clearing Price
9 in that Auction?

10 A If it comes through CASPR, then it doesn't
11 because it's paired exactly with the megawatts
12 that are retired. So the retired megawatts are
13 in the market, they go through the process
14 normally, and then they get swapped with the
15 subsidized resource in the CASPR auction. So
16 the whole intent is that this would not affect
17 the main auction if this works as planned.

18 Q Okay. And I think you alluded to it, but that
19 is in fact one of the underlying kind of bedrock
20 principles, if you will, of the CASPR design as
21 stated by ISO New England that the intent is to
22 allow the sponsored resource in but for it not
23 to affect price in the auction in which it comes
24 in; is that correct?

1 A That is the underlying concern.

2 Q Yes. So given that, let's assume that that
3 thousand megawatts sponsored project cannot come
4 in, so to speak, all at once; that as you
5 discussed, as we discussed, it comes in in
6 pieces, how might that affect the potential
7 effect on the Clearing Price versus if all
8 thousand megawatts were to come in all at once?
9 Does that have any effect on clearing prices
10 going out beyond the auction in which it enters?

11 A Yeah. CASPR does, I think, well, if approved as
12 planned, will do a good job in preserving the
13 market prices in the initial Auction where
14 you're doing that swap. But longer term, there
15 still is some price suppression that comes from
16 that subsidized resource coming in because
17 imagine that it is replacing an older unit that
18 is probably very inefficient and would naturally
19 be bidding potentially at a higher level inside
20 those future Auctions because they're just
21 inefficient, and it needs more money to run.

22 So had the substitution not occurred, that
23 older resource might stay around for a longer
24 period of time and probably would have the

1 potential to push prices up or keep prices at
2 some sustained level. Whenever the resource,
3 the CASPR'd resource comes in in future years,
4 it is considered a price, assumed to be a price
5 taker, will offer zero into those markets, and
6 that could potentially change the way the future
7 markets clear because you now have a cheap
8 zero-priced resource offering in versus absent
9 that substitution you may have a much more
10 expensive resource still sitting in the market
11 offering it at a higher level.

12 Q Okay. Thank you. Just one last question on
13 CASPR.

14 If, again, assuming, let's say, Northern
15 Pass were to be awarded the RFP, the Mass. RFP,
16 would that be the only sponsored resource
17 competing for a CSO or would other types of
18 sponsored resources also be eligible to compete
19 for the CSO with other sponsored resources?

20 A It's open to any sponsored resource of any kind.
21 So there's no limits on that.

22 Q And at present did that definition include both
23 state-sponsored and municipal light department
24 sponsored resources?

1 A Yes.

2 Q So all of those types of resources would be
3 eligible?

4 A Correct.

5 Q So then would it be fair to say that, again, if
6 Northern Pass were to be awarded the Mass. RFP
7 that it would not necessarily be first in line,
8 so to speak, for a CSO relative to other
9 sponsored resources that might be competing?

10 A No. Not necessarily. Could be anybody albeit
11 price-based if there's multiple people in there.

12 Q Okay. And just briefly if you could just go
13 back again to retirements in the CASPR proposal.

14 If resources don't, in fact, seek to retire
15 in the year in which a sponsored resource is
16 seeking to enter the market, and let's assume it
17 didn't clear economically in the Forward
18 Capacity Auction, is there any opportunity for
19 that sponsored resource to acquire CSO in that
20 year? If no retirements?

21 A If there's no retirements, then the way CASPR
22 designed, no, they could not come into the
23 market.

24 Q Through the CASPR design.

1 A Through the CASPR.

2 Q Okay. Okay. Great. Thank you. That's all I
3 have in public, in terms of public questions.

4 PRESIDING OFFICER HONIGBERG: All right.
5 So we'll adjourn for lunch and return at quarter
6 to 2 because Commissioner Bailey and I have some
7 business at the PUC.

8 Let's go off the record and make sure
9 everybody understands how it's going to work
10 when we come back.

11 (Lunch recess taken at 12:31
12 p.m. and concludes the **Day 61**
13 **Morning Session**. The hearing
14 continues under separate cover
15 in the transcript noted as **Day**
16 **61 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 22rd day of November, 2017.

Cynthia Foster, LCR

