

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

November 21, 2017 - 9:22 a.m. **DAY 63**
49 Donovan Street **Morning Session ONLY**
Concord, New Hampshire

{Electronically filed with SEC 12-4-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

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

ALSO PRESENT FOR THE SEC:

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

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 9:22 a.m.)

PRESIDING OFFICER HONIGBERG: Good morning everyone. Sorry for the delay. We're ready to resume, I think. I see everyone is in place. Mr. Walker, whenever you're ready.

MR. WALKER: Thank you, Mr. Chairman.

CROSS-EXAMINATION CONTINUED

BY MR. WALKER:

Q Mr. Sansoucy, just following up from our discussion yesterday, I want to go back to Exhibit 39, Sansoucy Exhibit 39, and for ease for you I provided you a full hard copy of that exhibit, correct? That's in front of you?

A Yes.

Q And that is the -- and, Dawn, if you could pull up Exhibit 39, please, for the Committee?

Again, that is a compilation of the tables that you prepared summarizing the tax cards for five different towns where there are major transmission corridor lines going through, correct?

A Yes.

Q And that's Concord, Dunbarton, Goffstown, Hudson

1 and Pembroke, correct?

2 A Yes, sir.

3 Q And all five of those tables have the same
4 format?

5 A Yes, they do.

6 Q And did you prepare these tables?

7 A My staff did under my direction. I did not
8 personally and physically prepare them.

9 Q Did you review them before you submitted them to
10 this Committee?

11 A To the best of my ability. There's a tremendous
12 amount of data here.

13 Q Okay. And just to recap what we mentioned
14 yesterday, you have a column in Exhibit 39, and
15 it's column D, mass appraisal market value
16 before easement adjustments, and then you
17 present a column after those adjustments, and
18 then you provide a net change, right?

19 A Correct.

20 Q And I take it what you are purporting to show by
21 these different tables for each of the towns are
22 the townwide impact, what you've described as
23 the impact from the easement, correct, along
24 that, the corridor easement?

1 A When you say townwide?

2 Q Of the properties that you've provided for these
3 individual tables.

4 A These tables are properties for which there is a
5 known adjustment to the land. Not all
6 properties are adjusted, and generally assessors
7 won't adjust properties for any type of
8 adjustment if it's generally less than five
9 percent.

10 Q Okay. But my understanding from your Prefiled
11 Testimony is that the total net change shows the
12 diminution caused by the transmission line
13 easement for the properties reflected in these
14 tables, right?

15 A Not quite.

16 Q Why is that?

17 A Because the first round of changes are to
18 develop the final net cost of the acreage of the
19 land after the land adjustments that are made to
20 the land itself, the size adjustments, the
21 neighborhood adjustments, the back land and
22 front acre valuation adjustments. When that
23 series of adjustments are completed, then the
24 remaining adjustment is either for an easement

1 or a general adjustment that includes an
2 easement but is not specifically stated. It may
3 include some other components of adjustment
4 also.

5 So it's net of the first round of
6 adjustments, but it's not net of just a single
7 utility easement in all cases. In some cases,
8 they're not, it's not called out specifically
9 other than an adjustment, and we picked up that
10 adjustment, we know the easement is inside
11 somewhere, but we don't know exactly what it is.
12 Other cards we know, we know exactly what they
13 propose for a change.

14 Q All right. I am not precisely sure I understand
15 what you just described, but let me show you the
16 bottom column for Dunbarton. We're going to
17 look back at Dunbarton in Exhibit 39.

18 And Dawn, if you could pull up the last
19 page, 3896, please?

20 And do you see, Mr. Sansoucy, on your
21 screen --

22 A Yes, I do.

23 Q And that is the column totaling up all the net
24 changes; you see that?

1 A Totaling up the net changes that we developed in
2 Column E.

3 Q All right.

4 A That's not the total net changes on all of the
5 tax cards.

6 Q Correct.

7 A There are other changes on the tax cards that
8 are taken out first.

9 Q I understand that, Mr. Sansoucy. What I'm
10 asking is this \$1.6 million, are you suggesting
11 that that is the amount of diminution due to the
12 easements alone, that net change?

13 A No. It's partially the easement alone and
14 partially the easement with other diminutions.
15 It's not clearly spelled out on the tax cards.

16 Q I see. So when you title these "diminution due
17 to power line easements included," you're not
18 suggesting to this Committee that the total
19 number reflects just the easement diminution?

20 A No. If we can pull out just the easement, we
21 will, but in some instances, the easement after
22 all of the primary land adjustments, then the
23 easement is included in other adjustments but
24 whatever the lister did. It's different listers

1 will go out during a revaluation, and they have
2 their own method of listing, and they'll either
3 put a complete adjustment or they'll actually
4 spell out like some cards spell out "New England
5 Power Company easement." You'd have to actually
6 interview the lister who did it at that time.

7 And that's part of whether what I wrote in
8 my testimony that it's a growing, it's an
9 everchanging but improving system as our lands
10 and houses become more valuable of pulling these
11 numbers out and presenting them so the taxpayer
12 can see them.

13 Q So why is it that you would produce to the
14 Committee these tables showing a number, in this
15 case 1.6 million, that's not showing what the
16 diminution is to the easement alone.

17 A It includes the easement diminution, but there
18 may be and certainly are some other diminutions
19 that are all part of the locus. But it's not
20 all of the diminutions. That's taken out first
21 because of the change in the neighborhood values
22 and the increase and decrease, adjustment
23 factors for the land.

24 I think what I've stated, I wrote it in my

1 testimony, that this is not an exact science,
2 but it is absolutely clear that we as assessors
3 under the rules developed by the DOR and adopted
4 by the DOR, part 600 rules, we are taking into
5 account these easements, and I say "we" as the
6 assessing community, we are taking into account
7 these easements so that taxpayers can see, all
8 else being equal, the estimated impact on their
9 properties. And, historically, these are some
10 of the impacts that you see for these 8
11 communities or 6 communities. But going
12 forward, you will begin to see what the future
13 impacts are going to be as properties and as
14 projects are built.

15 Q I understand. I guess my confusion is your
16 column D says market value before easement
17 adjustments, specifically easement adjustments,
18 and then you show a net change. And it suggests
19 to someone reading this that that net change is
20 due to the easement adjustments --

21 A I think the title, Mr. Walker --

22 (Court reporter interruption
23 for simultaneous talking)

24 PRESIDING OFFICER HONIGBERG: Mr. Sansoucy,

1 please wait until Mr. Walker is finished with
2 his question because as good as Cindy is, she
3 can't take when both of you are talking at once.

4 COURT REPORTER: Thank you.

5 BY MR. WALKER:

6 Q I'm referring to particularly column D, where it
7 says the market value before the easement
8 adjustments, and then when you get into column F
9 it's showing a net change suggests that you are
10 showing a net change due to the easements, and
11 that's where my confusion arises.

12 A Mr. Walker, I'll help you with your confusion.
13 The title is crystal clear. Diminution due to
14 power line easements included.

15 Q Understood.

16 A Crystal clear. There's nothing else that's more
17 clear than that. And if you read my testimony,
18 it's equally as clear.

19 Q Well, let me show you your testimony. If you
20 could go to SAN 2 which is your December 30th
21 Prefiled Testimony.

22 And it's page 25, Dawn, if you could pull
23 that up, please.

24 And it's question 31. And the question

1 says have you prepared exhibits demonstrating
2 samples as to how the towns and cities measure
3 the impacts of electric transmission easements
4 around the state, and then you go on to explain
5 that you provided tax card which demonstrate the
6 methodology for assessing the impact of electric
7 transmission lines, so the impact of the lines,
8 by some communities in New Hampshire. And then
9 you have Dunbarton is presented in complete
10 format and measures the total impact.

11 And it goes on on the next page, and it
12 says the impacts are measured against the
13 baseline value in the neighborhood so that
14 equitability of the tax system recognizes the
15 diminution caused by the transmission line and
16 easement.

17 So, again, you're suggesting that these
18 tables show the net change due to the
19 transmission line and easement. That's how I
20 read your testimony.

21 A Yes, but the table is crystal clear.

22 Q All right. I understand.

23 A If I look at the amount, if you look at the
24 amount of work that went into the tables and the

1 development and the tax cards that we provided,
2 it's crystal clear. Some easements are
3 absolutely clear on the tax cards. Some are
4 not.

5 Q Okay. I understand. We're going to agree to
6 disagree on this point. But let me ask you
7 this. So yesterday, last night when I was
8 looking at this, there was some confusion
9 because I was looking at an earlier version of
10 the table you had provided for Dunbarton. And
11 I've provided that to you today so you have it
12 in hard copy. And this was, the first
13 production of documents you gave us had this
14 table for Dunbarton.

15 And Dawn, if you could pull up, that's
16 actually Exhibit 433. And when you produced
17 that one, I was asking you some questions about
18 particular properties on this table at your Tech
19 Session, and I've noticed that now the table
20 that you produced in Exhibit 39 has a number of
21 changes, including to the ones that I asked you
22 about at your Tech Session. Just, can you
23 explain why there are changes, why changes were
24 made to this table?

1 A Yes, I can.

2 Q Okay.

3 A You brought up some very valid points at the
4 Tech Session regarding the trying to show and
5 find and articulate to the best of our ability
6 just the easements as opposed to all of the
7 various adjustments up and down that are made to
8 a piece of property. You brought up some valid
9 questions. You and I had valid dialogue. I did
10 tell you at the time that we were working
11 through this, we were working through all the
12 tables, and we did continue to work on it, and
13 we did take into consideration a number of your
14 questions. And to the best of our ability we
15 netted out a number of those noneasement
16 concerns, and the difference is, was --

17 Q And it's on the screen. You can see the two
18 different --

19 A Right. All adjustments to the property of all
20 kinds was 4.28 million in that suite of
21 properties, and to the best of our ability
22 netting down to 1 million 609 which is the
23 testimony before the Committee.

24 Q All right. And I understand what you're saying

1 today is that still is showing adjustments other
2 than just easement adjustments.

3 A I believe there's other adjustments in there,
4 but we're getting closer to easement
5 adjustments. It's not a perfect science, but we
6 are getting closer to easement adjustments.
7 Some of them are crystal clear. Others are not
8 on the tax cards.

9 Q And I will represent to you that Dr. Chalmers
10 has gone through the different tax cards as well
11 that support your Dunbarton table and netted out
12 the noneasement adjustments, and he comes to a
13 number that for the easement adjustments of
14 around \$280,000. I take it you disagree with
15 Dr. Chalmers?

16 A Yes, I do.

17 Q Okay. Let me look at just a few properties to
18 illustrate to the Committee what the tax cards
19 show. So in Exhibit 39, the table for
20 Dunbarton, you've listed 64 different
21 properties, and you can see the property ID on
22 the left of the table, correct?

23 A Yes.

24 Q And for each you provided in discovery the tax

1 cards for each of those properties as well as
2 the tax maps showing where the easement is
3 located, correct?

4 A Yes.

5 Q And I'll represent to you that we went through
6 all 64 and each of the 64 that you provided for
7 Dunbarton show the easement actually encumbering
8 the parcels. Do you have any reason --

9 A They should be. That's correct, sir.

10 Q So you're not showing any of the secondary
11 properties that are abutting, or the third, the
12 tertiary properties, that are away from the
13 corridor?

14 A That's correct.

15 Q So I'm just going to pull up a couple for the
16 Committee's benefits.

17 Dawn, if you could pull up Exhibit 433,
18 86873.

19 This is property B50205 from your table.
20 This is the tax card for that particular
21 property. And looking down at the bottom area
22 where it says Land Line Valuation Section, and
23 again, just for the Committee's benefit, you
24 will see that on the left-hand side, and I don't

1 think you need to blow it up any more, Dawn, if
2 you look there's five different components of
3 this parcel.

4 So you see the first line has 43560 square
5 feet so one acre. It shows a price for that. A
6 unit price for that. And it shows New England
7 Power easement as a note for an adjustment.

8 Do you see that?

9 A Yes, I do.

10 Q So in this case, the assessor noted that there
11 is an easement and if you look at the C. Factor
12 it says .9 which I understand means it's a ten
13 percent discount, a reduction for that
14 particular easement, correct?

15 A Yes, it is.

16 Q So in that case, you have the assessor showing
17 the reduction for the easement, right?

18 A That's correct.

19 Q And then if you look down, there's other
20 components of that parcel and there are
21 different adjustments made. For instance, the
22 third line down shows topo, and it looks like a
23 ten percent discount for that, correct?

24 A No. Third line down? No. This is part of

1 where we disagree with what --

2 Q I'm sorry. I misspoke. I misspoke. All right.
3 I see it. It's the third line down. There is a
4 15 percent discount, correct?

5 A The column before the C. Factor. C. Factor is
6 the power line adjustment. The column before
7 the C. Factor is the land adjustments, and this
8 is what I was saying is that we've, the
9 difference between the 4.8 million and the 1.6
10 million is to go back through and strip out the
11 previous, the left-hand column, the previous
12 column that deals with the various, and they
13 call them acre discounts.

14 Q Right.

15 A And these are not that things are bad. It's
16 just size compared to the neighborhood or in
17 this particular case a topo discount or
18 whatever. And then the C. Factor 90 percent we
19 believe is ascribed to the easement straight
20 across.

21 Q Even though there's no note suggesting that it's
22 due to the easement.

23 A Well, there's no note, but there's 90 percent of
24 or ten percent off all of the adjusted land

1 values. Remember, the adjusted land value is
2 the column to the immediate left which is the
3 acre discount. That gives you the final land
4 value, and then we believe that the easement is
5 actually then applied to all five of those
6 categories across the boards.

7 Q But there again, other than the area discount
8 which I've looked at the tax card, I've looked
9 at the code, we've actually talked with some of
10 the assessors. I understand what that means,
11 the area discount.

12 A Acre discount. Acre.

13 Q It says acre discount, but the code for the
14 Vision appraisal, it says acre area discount.
15 And I'll read to you what it says. This is from
16 the Vision Appraisal Guide.

17 A Right.

18 Q It says area discount. If utilized, this
19 discount is applied to a large tract of back
20 land. For example, a town may have a 20 acre
21 threshold so once a property is more than 20
22 acres, the back land price per acre may be
23 reduced.

24 A Which town are you reading from?

1 Q This is the Vision Appraisal Guide, and it's
2 actually an exhibit. We've marked it as 445.
3 It's one that you provided in discovery.

4 A Okay. That's Vision's basic -- Vision, by the
5 way, is, they're not the reval house. They are
6 the software sellers that actually build the
7 software, that sell it to the town, that then
8 the town and the revaluation companies go
9 through.

10 Q Okay.

11 A And prepare.

12 Q I just want to stay focused on this particular
13 card, Mr. Sansoucy.

14 The point we're making or I was trying to
15 make was if you look at the different lines, the
16 first line points out a discount. It notes
17 specifically it's due to the easement. The
18 other lines do not, correct? Where there are
19 discounts made, they do not note the easement.

20 A The easement is only noted once at .9 and .9 is
21 carried down through.

22 Q And that's --

23 A Let me finish, let me finish. The unit price in
24 Dunbarton, the \$3000 per acre in that

1 neighborhood is already discounted for size. So
2 that when it has an I. Factor of 1, that means
3 that they've already gone out in that area,
4 they've already valued large acreage farmland,
5 for example, or large acreage woodland at \$3000
6 an acre. They've made that size adjustment
7 first in the unit price. Now they're looking at
8 remaining adjustments on that size, and they
9 only find one adjustment for the 7.49-acre
10 parcel, and they give a 15 percent adjustment
11 for topo.

12 Now, the remaining adjustment that's made
13 on this card is for the power line easement at
14 10 percent off, and they reduce all categories
15 ten percent so they're reducing the entire
16 parcel ten percent. Land parcel. That's the
17 way I read this card.

18 Now, Mr. Chalmers obviously subscribes to
19 what you're cross-examining me on saying it's
20 only listed once.

21 Q Well, and also, and I don't want to get bogged
22 down on this, but you just said there is a .85,
23 it says area discount. That is the discount for
24 the acreage, correct?

1 A No. No. That's incorrect. The acreage is
2 already valued at its size discount of \$3000 an
3 acre under unit price. That's a topo discount
4 on that particular piece of 15 percent.

5 Q Even though it says area discount .85, and then
6 the C. Factor points --

7 A It says acre discount.

8 Q .85.

9 A .85. That's 15 percent --

10 Q The very next column is a C. factor that says
11 .9.

12 A That's the easement discount.

13 Q Okay. That's your position.

14 A That's correct. That is my position.

15 Q Your position is not the topo.

16 A No. The topo is 15 percent off first. And when
17 we gave you the 1.6 million, that is already
18 netted out on that card as a good example that
19 15 percent discount for topo. That's already
20 gone.

21 Q Okay. Let me show you another card.

22 Dawn, if you could pull up 86876, please.

23 A B6?

24 Q No. The property number is D40209. But Dawn is

1 pulling that up if you look at it here. And on
2 the bottom, and I'm only going to ask you this.

3 Again, there is an easement showing up, New
4 England Power easement, right?

5 A Yes.

6 Q And there is a C. Factor .95 so a five percent
7 discount, correct?

8 A Where are you?

9 Q Down at the bottom.

10 A The C. Factor, the power line discount is five
11 percent on the total land.

12 Q Right. So, again, the assessors would clearly
13 mark when there is adjustment due to the
14 easement on these cards.

15 A In this particular instance. On this card. And
16 it's 95 percent of the total land.

17 Q Let me now pull up -- Dawn, if you could pull up
18 B50301 which is 46897.

19 A D?

20 Q It's B5. It's Exhibit 433. 86897. This is
21 property B50301. Do you see that?

22 A Please go back on the screen. I want to, I see
23 it on the chart. Can I see the top of the card?

24 Q Right.

1 A B50301. Okay.

2 Q Now on your table on Exhibit 39, which you have
3 in front of you, correct?

4 A Yes.

5 Q You have a net change for that as 95,600.
6 That's what's on your table for this property.
7 That's on your table.

8 A Correct.

9 Q Now, if you look at this card, you can see in
10 the second line there is 104 acres, unit price
11 3000, and there is a .61 acre discount so a 39
12 percent discount, correct?

13 A Yes.

14 Q Where is there a discount shown on this card for
15 a transmission corridor easement?

16 A There is not a discount shown on this card for
17 transmission corridor easement. But the cards
18 each, similar cards, which you just brought up
19 do have a discount. This one does not, and this
20 card is questionable in that regard.

21 Q All right.

22 A And I have cautioned that this one does not.
23 But it is impacted by an easement. This
24 particular card, this particular parcel, they

1 elected not to specifically point that out.

2 Q So the assessors haven't pointed it out, you're
3 saying.

4 A But likely they felt it was not significant
5 enough on the one hand. On the other hand, this
6 parcel is impacted. So this is a questionable
7 card and a questionable amount.

8 Q I see.

9 A That's a valid question between you, me and
10 Mr. Chalmers. I agree with you on that.

11 Q And this Committee?

12 A And the Committee. That's correct.

13 Q Dawn, just to show if you could pull up Exhibit
14 39 again and SAN 3892.

15 That's the table. And again, this is
16 B50301, and you show a net change of 95-6 and
17 that ends up going into your total of 1.6
18 million?

19 A Right.

20 Q And we just looked at that card. There's no
21 reference to an easement on that card, yet this
22 table attributes the entire change to that
23 easement.

24 A The table does. That is correct.

1 Q Okay.

2 A But I caution that it may or may not be the
3 entire -- obviously, there's some wet and topo
4 going on, but there also is easement impairment
5 on that card also.

6 Q Well, but there's no adjustment shown by the
7 assessor.

8 A No. There's no adjustment.

9 Q Fair enough.

10 A But the easement goes through land so the
11 property owner is impaired on that parcel.
12 Remember, these are all primary parcels. So the
13 assessor has not put it on, but the easement
14 resides on that parcel. It's impacted.

15 Q I was trying to understand where you got the
16 number on your table, and you've explained
17 today, you've cautioned that that shouldn't be
18 taken out.

19 A That's right. That's correct.

20 Q I don't want to, I'm not going to, it's going to
21 take too long. We're not going to go through
22 all of these. I will represent to you, though,
23 that Dr. Chalmers has gone through all 64, and
24 he has found that 27 of them on that list of 64

1 have no mention of the easements being a reason
2 for the adjustment, and I mentioned to you that
3 when you look at just the easements adjustments,
4 it totals 280,000 which is substantially less
5 than the four million and substantially less
6 than the new table of 1.6 million.

7 A Well, it totals 246, did you say, Mr. Walker?

8 Q 280,000.

9 A 280,000 on your interpretation of the cards, and
10 we just saw one card where they applied it to
11 the entire parcel, but you interpreted it to be
12 only the first line. So your 280, I disagree
13 with. I've cautioned you that my 1.6 shows
14 impact, historic impact, and that we really will
15 ultimately be looking at what the prospective
16 impact is going to be when the line is built.
17 But my number does include all of those impacted
18 parcels, but I do caution. It is demonstrated,
19 as I said yesterday, to show that easements
20 impact the value of land. The DRA is requiring
21 us to now even try to come up with an impact so
22 that, all else being equal, there's equity in
23 the tax system, and going forward in the future,
24 I believe as an assessor and appraiser that

1 there will be a greater diminution than
2 historically shown on a number of these parcels
3 with major transmission line systems.

4 Q Understood. So to sum up here, it's fair to say
5 that when this Committee looks at Exhibit 39 and
6 the tables for those five different towns, the
7 final column and the net change, they should not
8 rely on that number as change due entirely to
9 the easements, correct? That's what you've
10 explained today.

11 A Some of those cards, no. It's not entirely due
12 to the easement.

13 Q All right.

14 A That's correct.

15 Q And whatever you suggest is the diminution to
16 the individual properties due to the easement,
17 isn't it the case that the easement holder, so a
18 particular utility, is taxed for the value of
19 that easement on the flip side?

20 A Most of the towns in the State of New Hampshire
21 do not tax the value of the easement to the
22 utility. Most of them do not. They're not
23 owned in fee. If they're owned in fee they do
24 because it's a fee parcel. Most of the

1 assessors and appraisers do not actually go back
2 and try to value the actual easement. There's a
3 small handful of us in the state that do.

4 Q And they have the ability to do that, correct?

5 A They do have the ability, but it's not
6 necessarily -- it's a lot of work because you've
7 got to calculate the square footage of the
8 easement and come up with the back land value
9 and value it. We do value it for our
10 communities, but not everybody does.

11 Q Okay. Thank you, Mr. Sansoucy.

12 A You're welcome, Mr. Walker.

13 MS. PACIK: Can I just get the exhibit
14 number of the tax cards that were shown?

15 MR. WALKER: Applicant's Exhibit 433.

16 MS. PACIK: Thank you.

17 PRESIDING OFFICER HONIGBERG: Members of
18 the Subcommittee who have questions for
19 Mr. Sansoucy? Mr. Wright?

20 **QUESTIONS BY DIR. WRIGHT:**

21 Q Good morning, Mr. Sansoucy.

22 A Good morning.

23 Q I wanted to follow up on your thoughts regarding
24 the capacity factor of the Northern Pass line,

1 and I can follow your math, I think, in your
2 testimony where you are multiplying two factors
3 to get to the 31 percent factor?

4 A Correct.

5 Q One of those factors is the 8 months, the peak
6 months.

7 A Correct.

8 Q So that's 8 out of 12. That's one of your
9 factors. The other factor is the 5 to 16 block
10 which equates the 16 hours a day, five days a
11 week.

12 A 80 hours.

13 Q 80 hours a week. What is the 5 to 16 block? I
14 think it means 16 hours, but I can't do the math
15 and get the 16 hours.

16 A Okay. The 5 by 16 block is the 7 a.m. to 11
17 p.m. peak period of operation of the electric
18 grid during the working week.

19 Q Okay.

20 A ISO New England uses what they call the 5 by 16.
21 It's an excellent question because it's not
22 clear in anyone's testimony. But that is what
23 ISO uses to establish the peak time of use as
24 opposed to the offpeak time of use. It's 80

1 hours per week times 4.33 weeks per month minus
2 the holidays. So when we deal with peak, and my
3 analysis shows the price of power for peak
4 versus off peak.

5 Q I get it now. I just couldn't translate that 16
6 number.

7 A Five times 16 is 80 hours.

8 Q I get that.

9 A 7 a.m. to 11 p.m.

10 Q Okay.

11 A Monday through Friday. Excluding holidays.

12 Q Okay.

13 A Including, but you've got to add Super Bowl Day
14 in.

15 Q Okay. So what you're basically assuming is that
16 there would be never any power flow in the
17 shoulder months, correct?

18 A The shoulder months, no power flow because it's
19 going to go negative.

20 Q Okay.

21 A Likely drive the prices to negative because the
22 indigenous, must-run, self-dispatched plants
23 that already exist in New England have to run
24 first, and all of the renewables have to fill in

1 first. There's no room left for Hydro-Quebec.

2 Q Okay. Okay.

3 A Okay?

4 Q So then you're also assuming that there's never
5 any power flow during the peak months outside of
6 that 5 to 16 block. So 11 p.m. to 7 a.m.

7 A During the peak months, there's no offpeak power
8 flow because it will likely drive the prices
9 negative and create congestion even during the
10 peak months because the offpeak time, you're now
11 11 p.m. at night to 7 a.m. in the morning. And
12 the weekends you now still have all of your
13 current capacity, must-run capacity, like
14 Seabrook, Millstone, et cetera, all your
15 renewables, all your photovoltaics that are
16 behind the meter and all of your self-dispatched
17 properties or plants that the bilateral contract
18 self-dispatch and everything that the states
19 have already contracted for, no matter what the
20 price is. You know, the RFPs that have already
21 gone out in Massachusetts, Connecticut, Rhode
22 Island, and any of the contracted
23 interconnections with New York. That all has to
24 run first. That's already in the queue. That's

1 already part of the system. You're now layering
2 a Northern Pass on top of what we already
3 contractually and physically have to perform,
4 and you just can't layer in Northern Pass and
5 say I've got this cheap electricity that's being
6 electricity. I'm going to come in push Seabrook
7 up to curve. You can't do that.

8 Q So I want to push it a second here. So some of
9 the renewables like photovoltaics and stuff,
10 behind the meter stuff, that's not going to run
11 in those nighttime hours, correct?

12 A That's correct. It does not.

13 Q And wind only blows when wind blows, right? So
14 those renewables may or may not be dispatched.

15 A That's correct. But you raise a very good
16 point. What we are doing, us, is we are
17 reducing even the nighttime feed. We are
18 converting the streetlights to LEDs, for
19 example. We continue to reduce this peak. And
20 we have this baseload must-run, and you see more
21 and more negative values at night where people
22 pay to run to stay up on line. Our combined
23 cycle plants will come down and steam and stay
24 at a reduced amount. They don't go off line

1 because then they're going to cool down and they
2 can't come up quick enough. And ISO continues
3 every year to make it more difficult not to
4 perform. So that they'll steam down but they'll
5 still run, and then come back up at 7 a.m. All
6 of that has to occur while we're reducing
7 electric demand even at night.

8 Q Okay. All right.

9 A And Northern Pass is up here. It's not built
10 yet. It has to try to come in and sell into
11 this market that has already got this base built
12 that is already creating problems. They're
13 never going to get in and fill those holes,
14 those voids.

15 Q Okay. Thank you. I think I understand your
16 position.

17 PRESIDING OFFICER HONIGBERG: Commissioner
18 Bailey?

19 **QUESTIONS BY COMMISSIONER BAILEY:**

20 Q So are you saying that offpeak price is always
21 negative?

22 A No. Not, offpeak prices are not always
23 negative, but we're seeing more and more
24 negative pricing.

1 Q Okay. So you can't count it as zero.

2 A What say?

3 Q You can't count it as zero.

4 A What do you mean?

5 Q The price is not always negative.

6 A No. It's not always negative, but we're seeing
7 more and more.

8 Q Okay. All right.

9 A If you load it in and you said we're going to
10 put Northern Pass at 83 percent capacity factor
11 into the system, there's going to be more
12 negative prices than we would have otherwise
13 seen. Northern Pass itself may be the recipient
14 of a negative price. It may have to pay to get
15 in.

16 Q And if Northern Pass wins the Mass. RFP, is your
17 answer the same?

18 A No. Absolutely not. What I said yesterday was
19 that the only way Northern Pass can be
20 successful is if it is legislated into
21 existence, and somebody is going to get kicked
22 out.

23 Q Okay.

24 PRESIDING OFFICER HONIGBERG: Mr.

1 Oldenburg.

2 MR. OLDENBURG: Thank you.

3 **QUESTIONS BY MR. OLDENBURG:**

4 Q Good morning, Mr. Sansoucy.

5 A Good morning, sir.

6 Q My name is Bill Oldenburg, and I'm with the
7 Department of Transportation.

8 A How are you?

9 Q Good.

10 A Good.

11 Q Just a few clarifying questions from yesterday.
12 I think when you were questioned by Mr.
13 Needleman, he showed you a document, a DOT
14 document about the depth --

15 A Yes.

16 Q -- of the line.

17 A Right.

18 Q And you had stated a few times that the depth
19 was 24 inches.

20 A On the surface.

21 Q Below the surface. Okay. Did you get that from
22 the document that Mr. Needleman showed you or --

23 A That was in the ABB document, and that was in
24 the, yesterday. That was also in the original

1 Application where the wires are no less than 30
2 inches down and then you've got that base of
3 sand and at the 24-inch level of conduit and
4 everything. Has a minimum depth of 24 inches,
5 but then they said the maximum depth was going
6 to be four feet, and then, of course, as you
7 know, it's unclear underneath that they're
8 putting in Di-Electric sand. If somebody digs
9 under it, the sand falls out.

10 Q So what I'd like to do is go back and review
11 this because I think there's a misunderstanding
12 or you might have misread the document that Mr.
13 Needleman showed you. So I won't bring it up,
14 but let me just read it to you. So it's the
15 April 3rd, 2017, DOT comments, and it's number
16 15.

17 The top of the proposed facility shall be
18 placed under all existing utilities and drainage
19 structures to the maximum extent possible.
20 Minimum separation shall meet standard code
21 requirements but in no case be less than a
22 minimum of 24 inches below any existing utility
23 or drainage structure.

24 So if you're talking a water and sewer

1 line, those are usually four or five feet down.
2 So this would be below it so the line is
3 actually under utilities, it's going to be 6, 7,
4 8 feet, if not more. So it's 24 inches below
5 the utilities.

6 So there's another condition that was put
7 which is number 14, the one above it, which
8 talks about where there's no utilities, it's
9 just buried under the road, and I'll paraphrase
10 it because it's a long paragraph.

11 For safety and future maintenance
12 considerations, all proposed underground
13 electrical conduit and electrical equipment
14 shall meet separation and cover requirements set
15 forth in the UAM. The UAM is the Utility
16 Accommodation Manual.

17 A Correct.

18 Q And at the bottom it says when recommended
19 minimum pavement depths are included, the
20 minimum depth to the protective layer will be 59
21 inches in Tier 2 roads and 46 inches in Tier 3
22 and 4 roads.

23 So if you add all of that up, it's
24 basically five feet down to the top of the cap

1 which puts the lines 6 feet, if not more, on
2 Tier 2 roads, and then probably like five feet
3 down under Tier 3 and 4 roads.

4 So does that change your consideration
5 about the line being too shallow in the
6 underground section?

7 A Yes and no. The "yes" portion is that's a step
8 in the right direction. I actually had stated,
9 I think, in my testimony that it should be down
10 closer to 8 feet to make sure we clear for
11 utilities and to assure people that they will
12 always clear in the future, even in roads that
13 do not have utilities at this time and to assure
14 that there's adequate dissipation of any heat so
15 our trucks don't fall through and especially in
16 the shoulder months when we have freeze/thaw.

17 So it is definitely a step in the right
18 direction. I, as an engineer, would demand that
19 it go further to an 8 foot to the conduit so
20 you've got 7 feet to the protective layer, and
21 generally we can work around something that
22 deep.

23 On the first one, the "no" portion goes to
24 your comment "to the maximum extent possible."

1 Having worked in so many of these types of
2 situations, whether it was Portland Natural Gas
3 transmission line and the advantage that many of
4 the nationwide, the national engineers take of
5 that clause, where, you know, everything is an
6 exception and nothing is a rule, I would be much
7 more firm that it must be as previously stated,
8 in my case 8 feet, your case five feet, but
9 clearly, as an engineer, you're going, we're
10 going in the right direction. But they must do
11 it and they must make special application to
12 demonstrate why. It's not a foregone to the
13 maximum extent possible, period, you've got to
14 do it, and then you have to file special
15 application not to do it.

16 Then the last remaining portion of that is
17 how to deal with the pits, get the pits out of
18 the road, because the pits are large, they're
19 going to be shallow, deep, somehow get them out
20 of the road because they are going to have
21 significant interference or get them down deep.

22 So I agree with you, sir, that it's clearly
23 a step in the right direction, but I would not
24 give them the opening of "to the maximum extent

1 possible." I would be directive. Five feet,
2 especially in the North Country, we like to see
3 our water lines at 6. We know why. They're
4 going to freeze. So we need a 24-inch
5 separation that's 8 feet to the line, and that's
6 what's driving my 8 feet because I want to see a
7 water line at 6 in the North Country. Maybe
8 down in southern part of the state, but it's not
9 underground there. It's in the north. And
10 trucks drive frost deep. If it was off the road
11 and in its own right-of-way, it doesn't have to
12 be, but then, again, we wouldn't have a
13 discussion if it was off the road.

14 Q So you had mentioned what you call nonflexible
15 utilities. So water to some degree is flexible
16 because it's more pressured, it isn't grade
17 dependable, but sewer, drainage, are grade
18 dependent. So those are I guess what I would
19 consider critical nonflexible utilities where --

20 A Grade dependent.

21 Q They're very grade dependent.

22 A Right.

23 Q Do you know, besides the drainage, and in the
24 underground section except for the stuff up

1 north, all the drainage is in the DOT
2 right-of-way. Do you know how many, what
3 community water or sewer, did you review the
4 plans? Which communities have water and sewer
5 that are going to be impacted?

6 A I think Franconia does.

7 Q Okay.

8 A I don't believe Easton does. When it comes down
9 through -- I have not gone through each one of
10 them. So I'm only going by memory. Because
11 Woodstock has some sewer. Plymouth has sewer.

12 Q Plymouth has sewer.

13 A Yeah, Plymouth has sewer.

14 Q So you don't really know which --

15 A I don't know which plans exactly have sewer.

16 Q So one of the things that we were shown was a
17 Memorandum of Understanding, I believe, for the
18 town of Plymouth Water & Sewer where they have
19 an agreement or reached some sort of agreement
20 with the Applicant concerning work. If they
21 were concerned about that, have you seen that
22 agreement?

23 A No, I have not.

24 On your previous question, though, on

1 sewer, I do want to point out that I know where
2 you and I come from in highway, and I know the
3 life of bridges and these types of things. Keep
4 in mind that you read, everything you've read is
5 a 40-year life. That is not true. It's a
6 40-year book life. These plants, this is
7 designed for 100-year life. And if there's any
8 question of whether or not that's true or false,
9 the line that goes down Hydro-Quebec now, the
10 twin 230,000 volt line, the large DC lines in
11 the middle and there's two towers. Those were
12 built and commissioned in 1930. They're 87
13 years old. All of the design specifications
14 related to high voltage transmission is 100- to
15 140-year physical property life.

16 So you need to think about what communities
17 are going to need in the future, and if you read
18 my testimony, it's about all of the future
19 impacts that are going to occur. So where
20 there's no sewer and water, I think you have to
21 be very judicious if there might be in the
22 future, especially if we want to clean up or add
23 an additional level of clean in a river. Yes,
24 there will be some roads that may not have sewer

1 and water in the future, but I have to somehow
2 impress upon the Committee the life of this
3 asset in our roads and dealing with it.

4 Q Okay. So just going back to the MOU with
5 Plymouth Water & Sewer. You haven't read it so
6 you don't know if they've addressed that in any
7 way.

8 A I have not read the MOU in the town of Plymouth.

9 Q Okay.

10 A I have not.

11 Q Thank you very much. That's all I have.

12 A Thank you, sir. Pleasure.

13 PRESIDING OFFICER HONIGBERG: Ms.
14 Weathersby?

15 **QUESTIONS BY MS. WEATHERSBY:**

16 Q Good morning, Mr. Sansoucy.

17 A Good morning.

18 Q Following up on your conversation with Mr.
19 Oldenburg, do you know if the contractors that
20 work on water lines, sewer lines, electric
21 lines, buried utilities, if they're around a
22 buried high voltage transmission line whether
23 they need any special licenses or insurance
24 requirements or are the contractors facing

1 any -- I know their work will be more difficult
2 and more technical, but do they have any special
3 requirements to work around a power line such as
4 what is being proposed?

5 A My answer is this to you. First and foremost,
6 here in New Hampshire, we do not have anything
7 buried of this magnitude. This is a first.
8 It's highly unusual, highly unusual in the
9 streets where contractors would be working. Our
10 contractors are not at all trained, and there is
11 no real licensing system to train them to work
12 around high voltage.

13 Now, that being said, anyone who works on
14 high voltage has its own training and licensing
15 under federal requirements. Anyone. Whether
16 they're up on the high voltage pole or whether
17 they're pulling high voltage wire. Our
18 contractors in New Hampshire largely are not
19 trained to handle any of that type of work.

20 So what they are going to have to do in the
21 future to work past or come in underneath these
22 types of, this type of utility, a high voltage
23 line, we don't have a system in place. But
24 there will be something in place and it will

1 cost them something, but we don't know what it
2 is because we haven't gotten to that step of
3 what do we do when this thing is buried and how
4 do we work around it.

5 I think initially contractors will work
6 around it, but they'll be supervised by somebody
7 from the electric company that they'll pay that
8 supervision just like we pay supervision to go
9 underneath railroads or work around railroads.
10 I think we'll pay for that supervision
11 initially. Certain contractors may rise to the
12 level of becoming prequalified by the electric
13 utility to work near this line and a town can
14 bid out to them. That will be a special niche,
15 and it will be more expensive. But those types
16 of activities over the years will likely occur.
17 But they don't exist today.

18 Q Okay. Changing gears a little bit. Talking
19 about the assessed value of lands encumbered by
20 utility power line easements. We looked at the
21 tax card and the one in Dunbarton where there
22 was a five percent adjustment. Is that five
23 percent adjustment for the land that's
24 encumbered by the power line easement a typical

1 amount or does the adjustment depend on factors
2 like the types of towers, number of towers?

3 A The adjustment of five percent is a minimum
4 adjustment. Less than five and the revaluation
5 companies don't adjust. The measurers and
6 listers who go out and measure list this
7 property and then the revaluation appraisers
8 that try to come up with the impact are fairly
9 conservative. So you see adjustments up to ten,
10 20, 30 percent maximum. You don't necessarily
11 see large ones unless it's a power line like
12 Hydro-Quebec that goes right through an entire
13 lot that fronts on a road and the lot is
14 completely unusable. Then you'll see a major
15 adjustment because you can't build anything.

16 Now, what's very important is we provided
17 as an exhibit to your question exhibit, would be
18 my Exhibit 38. Is that a different number for
19 SAN exhibit? We provided a number of Board of
20 Tax and Land Appeal cases where people have
21 appealed their valuation and a higher authority
22 than me has ruled on the amount of the
23 adjustment and the effect on the land. We
24 provided almost a dozen cases, I think, of what

1 the BTLA said for specific properties in our
2 exhibit, and that is Exhibit --

3 MS. PACIK: It's Sansoucy Exhibit 40.

4 A 40? Exhibit 40. Now, the BTLA has put in much
5 larger adjustments, some of them upwards of 25,
6 30 percent on the parcels than what was
7 originally on the cards. Does that answer, am I
8 answering your question?

9 Q That's helpful. Thank you. Changing subjects a
10 little bit, reading your testimony, I know it's
11 not our role to necessarily consider every
12 nuance of every alternative, but I just was
13 curious about the Hydro-Quebec Phase 1/Phase II
14 line, and you had indicated that it was
15 constructed for 2000 megawatts of capacity, and
16 at this time it's, in your opinion, seems like
17 it's considerably underutilized, and I'm trying
18 to understand some of the points that you were
19 making. Are you saying that there's, in your
20 belief, sufficient capacity in that line now to
21 deliver an additional thousand megawatts of
22 power?

23 A In my Original Testimony, which was 2016, I came
24 out of the slot, out of the gate saying we don't

1 need -- and I have two things about me. One is
2 we don't need to open a new corridor. We have
3 three primary corridors that we can work with.
4 This Hydro-Quebec corridor, this New England
5 Power owns the corridors, 350 feet wide, and the
6 Hydro-Quebec line was put in the middle. That
7 line when it was built, and just a very quick
8 history on that, that was built under emergency
9 conditions in the 1980s when Seabrook was not
10 going to come on line soon enough, and it was
11 highly likely that we were going to have at
12 least rolling brownouts throughout New England
13 if not blackouts in the Boston area. So that
14 line was jammed down that right-of-way at 2000
15 megawatts.

16 In the early days, the 1990s, before
17 Seabrook came on line, it flowed at nearly full
18 capacity. Over the years with Seabrook on line,
19 and the reduction of growth of electricity, the
20 use of utilization of that line has dropped on
21 an almost a, not a linear basis but has
22 systematically dropped down to the point where
23 it got down to a certified capacity utilization
24 of 440 megawatts, 441 megawatts, and it bounces

1 up and down.

2 And we have, I say we, New England, ISO,
3 has committed, the owners, to allow New York to
4 rely on portions of that power. And they've
5 limited that power for the, on behalf of New
6 York to a lower limit so that if something ever
7 happened to the line, the inrush of electricity
8 to feed the hole, let's say an airplane flew
9 through the line and went down, then New York
10 might have to have an inrush of current to feed
11 the hole temporarily, so to speak, so they've
12 made that accommodation to them.

13 During these proceedings in one year to the
14 best of my knowledge, all of the capacity was
15 bought for one year, and it went back up to 2000
16 on a capacity basis but not necessarily on an
17 electric flow basis. That line has had anywhere
18 from 400 to 1600 megawatts of available capacity
19 on a daily basis on and off. For years, that
20 line has been underutilized. And when I made my
21 Original Testimony, it's a very simple question.
22 Why are we talking about a new corridor for 1000
23 megawatts when we have an unused portion of this
24 line. Now, we also have an unused portion of

1 the right-of-way. So my second half of that is
2 why aren't these utilities getting together.

3 Q Just on your first point, it's your testimony
4 that you still believe that there's 1000
5 megawatts of capacity on that Phase II?

6 A I believe there's still available capacity. I
7 don't know the exact amount. It think it's at
8 least 500. It could very well be a thousand.
9 And there have been special conditions where the
10 company has looked at going to 2600 megawatts on
11 that line which would be certainly a thousand or
12 more available on that line.

13 Q Okay. And then I think your second point is
14 that there's room in the corridor that if
15 Eversource wanted to string another line or bury
16 another line, put Northern Pass through that
17 corridor, you believe there's room there. I
18 think that would be your second point.

19 A Absolutely, there's room. In my engineering
20 opinion.

21 Q In your testimony and Prefiled Testimony in
22 yesterday's testimony you indicated it was your
23 opinion that Northern Pass isn't needed, and,
24 therefore, it's not in the public interest. You

1 made that leap.

2 A That's correct.

3 Q And, therefore, the SEC can't approve the
4 Project.

5 A I didn't say you can't approve it. I just say
6 it's not needed. I mean, you're going to do
7 what you're going to do.

8 Q Well, we have to find that it's in the public
9 interest.

10 A Right. I don't believe it is.

11 Q You don't believe it is. So are you thinking
12 that any non-Reliability Project is not in the
13 public interest, and, therefore, the SEC
14 shouldn't approve it?

15 A Any non-Reliability Project? I think, I think,
16 and it's a great question, that you have to be
17 very careful about non-Reliability Projects.

18 This is a Hail Mary shot to build something
19 for rate base that is really not a, it's not
20 going in as under a certificate of need. It's
21 not there for reliability or it's not there for
22 need. It's there as a market-based project, but
23 it is using regulatory norms. I don't think
24 that we need non-Reliability Projects today in

1 New England. I've always said, at this time we
2 don't need this and appears we're not going to
3 need anything like this through 2030.

4 Q So taking what you're saying then, any wind
5 projects, solar farm, et cetera, none of those
6 should be --

7 A Those are not, no, I'm talking, when you said
8 non-Reliability, I'm talking about the
9 transmission system.

10 Q Okay.

11 A Where the ISO says we need to reinforce or add
12 transmission in this area.

13 PRESIDING OFFICER HONIGBERG: Mr. Sansoucy,
14 I know you're eager to answer the questions. I
15 know you think you know what the end of the
16 question is going to be, but please wait
17 until --

18 A Thank you, sir.

19 PRESIDING OFFICER HONIGBERG: -- the person
20 asking the question is done.

21 A Thank you. Thank you. I apologize.

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

23 A Thank you.

24 PRESIDING OFFICER HONIGBERG: Mr. Way?

1 **QUESTIONING BY MR. WAY:**

2 Q Good morning, Mr. Sansoucy.

3 A Good morning.

4 Q I was interested in the back and forth with
5 Mr. Walker on Exhibit 39, and the final
6 conclusion, I think, was that there was some
7 points that were questionable. And so I want to
8 make sure I understand the questionable point
9 was that when you go back to the tax cards that
10 you use for Exhibit 39 to look at the impact of
11 the easements, my understanding from that entire
12 conversation was that on some of the tax cards,
13 the easement is clearly defined as an impact
14 from utility line, correct?

15 A Correct.

16 Q And your opinion is it doesn't necessarily have
17 to be defined or should it be defined, what
18 makes it questionable in your mind?

19 A Well, what makes it questionable in my mind is
20 there's a definite easement and a definite
21 impact, but there is no adjustment. Whoever did
22 the pickup, whoever wrote the card out, they
23 didn't make an adjustment. They made one for,
24 say, water or wet because it was obvious.

1 There's a swamp there or whatever. But there's
2 no adjustment to the underlying impact to that
3 land.

4 Now, they may have assumed they picked it
5 up adequately within say a wetland adjustment
6 and it's part of that because it goes through a
7 wetland. You're not going to build on a
8 wetland, you're not going to build on a swamp,
9 but there's nevertheless a continued diminution.
10 There is on each side of it. Those are
11 questionable entries, and more and more those
12 are getting cleaned up, so to speak, as more and
13 more towns are more diligent in describing it.

14 But that's an example where what we have
15 said has, there's, it's not a completely clear
16 science. It's that yes, there is something. I
17 believe there's something there. So I'm going
18 to take and I'm going to record it, but I
19 caution that I may overrecord the historical
20 impact because I'm trying to demonstrate that
21 there is an impact.

22 Q And I think you're going to my next question
23 that as you're doing this data mining, you're
24 hitting the tax cards, and in your mind or your

1 staff's mind they're saying oh, this is a
2 questionable point, and you might put it in this
3 bucket over here and you're totaling it up.

4 So for us to assess the value of Exhibit
5 39, when I hear the words that one data set is
6 questionable, I'm trying to get a sense of how
7 much of it is questionable, whether the table is
8 even useful. Do you have anything to offer? I
9 mean, did you folks separate that out when you
10 were doing this data mining?

11 A Yes, and I think that a way to give you some
12 numbers to work with on that is that some
13 communities make no adjustment. They just don't
14 do it. So we don't, we didn't present those
15 cards because they're just not there. Other
16 communities are very diligent in how they do it.
17 If you look at Concord's card, the City of
18 Concord's cards in general are pretty explicit.
19 And then many of the smaller communities where
20 these lines are placed are in between on that.

21 And I think that a very reasonable thing
22 for you to view is that the larger communities
23 that do do it, that data is going to be on the
24 plus 50 percent side of reliability. And then,

1 of course, the bottom is that they don't do
2 anything. And then I think on the smaller
3 communities that have tried to, I think that if
4 you take that number and look at it and say
5 okay, at least half appears to be solid, and
6 that's the debate we have with Mr. Walker where
7 that 90 percent on that particular card covers
8 all the land, that will cover more than half of
9 the total value.

10 But I would not say that my number is 100
11 percent the total number. It demonstrates that
12 there is an impact, but I would discount it 25
13 to 40 percent if you chose to. But I wouldn't
14 go below 50 percent discounts because I think
15 that would understate the historic impact that
16 the assessors were trying to articulate.

17 Q So you're saying as we look at Exhibit 39 at the
18 end of it, we discount it by 20 to 40 percent?

19 A Twenty to 40 percent depending on the size of
20 the community. I wouldn't necessarily discount
21 Concord very heavily. There's pretty good
22 diligence there. But I think on the smaller
23 communities, Hudson is very good diligence. The
24 assessors work very hard at this because the

1 company is building so many new medium voltage
2 transmission lines.

3 But some of the smaller rural communities I
4 would discount some of it, you know, and you're
5 not offending me if you discount it because I've
6 been very clear that it's not completely
7 intended to be dollar-for-dollar accurate so
8 that you can say Dunbarton has a 280,000 or \$1.6
9 million impact. You can't say that on a
10 historic line. What you can say is that that
11 was the impact then on an existing line. What's
12 it going to be on a future line.

13 Q Okay. So for this chart to be of utility to us,
14 we should take it with a real grain of salt, 20
15 to 40 percent at the end number?

16 A I don't think that's a grain of salt. I think
17 you're above, you're well above 50 percent. And
18 I don't think it's a grain of salt because I
19 think it's very probative. I don't think Public
20 Service has presented anything to you like it.
21 I think -- or Eversource, I apologize. I think
22 it's very probative that these impacts are very
23 real, and they're real in these towns that try
24 to deal with this on these tax cards, and

1 different vendors have different computer
2 systems that provide for different ways to
3 actually assess this. And you've got these
4 different tax cards. Vision is one of the
5 better computer systems that provide clarity to
6 us. Others are not as clear. So when you say a
7 grain of salt, I find that, I'm telling you how
8 to handicap it.

9 Q Well, that's true, but I'm also trying to think
10 from our standpoint, you know, the 3.8 million,
11 you know, the difference of 20 percent versus 40
12 percent is a fairly significant amount.

13 A Right, but it's 3.8 million on a historic line.
14 It's a percentage of land values on a historic
15 line. When Northern Pass comes through, we're
16 going to be dealing with future land values and
17 future impacts that I believe are going to be
18 greater than historic impacts.

19 Q Okay. Fair enough. And then I think the
20 statement was made that Mr. Chalmers found that
21 there was probably 27 different properties. I
22 think I understood that to be the case. When
23 you were doing your data mining back at the
24 office, did you come up with a similar number

1 that --

2 A Yes, we did. That's correct.

3 Q So that seems to be a fair --

4 A Oh, yeah. That's a fair representation. Those
5 are the ones that are not clear.

6 Q Just one other question that might be helpful
7 for us that when we were talking yesterday about
8 property valuations. The phrase "realtime" came
9 up several, in several instances. And trying to
10 get a sense, your idea of realtime and my idea,
11 not being in your field, could be completely
12 different. What do you mean by realtime?

13 A Realtime is very real.

14 Q And very timely.

15 A Yes, and very timely. When we value properties
16 in New Hampshire or when we value them for the
17 BTLA, we as appraisers work with comparable
18 sales that go back one year. We also in
19 difficult properties may look at three to five
20 years back. The sale of a hydroelectric plant,
21 sale of a power plant. Sale of a nuclear plant
22 you might go back 8 to 10 years, and that's not
23 what the issue is here. But realtime is our
24 comparable sales looking backwards which is

1 anywhere from yesterday to upwards of three
2 years. It is in certain special property cases
3 five. So that takes us back into the recession
4 and these types of things, especially if you're
5 doing paired sales or anything else. You're
6 going to be, you're going to be hemmed in very
7 tight if you're doing a federal appraisal, doing
8 an eminent domain appraisal on the time
9 backwards.

10 Going forward, some states require a cutoff
11 date of the valuation year. New Hampshire is a
12 little bit more flexible in that we get to go
13 forward anywhere from 6 months to 7 months
14 because we don't send the tax bills for another
15 six months or the valuation. But realtime is
16 today. And realtime is tomorrow. Today I'm
17 looking at a parcel of property saying what is
18 going to be the impact on this property if
19 Northern Pass comes through. It's largely
20 visual. And in this area there's big towers and
21 it's going to fill the viewshed. What is going
22 to be the impact on that parcel. So it's
23 realtime today. I don't care what the impact
24 was in Montana in 1967 or what it was in New

1 Hampshire other than the fact that there's an
2 impact in 1980.

3 Q But realtime could be back three years?

4 A Yes.

5 Q Okay. All right. Thank you.

6 A Thank you.

7 PRESIDING OFFICER HONIGBERG: Are any there
8 any other questions from members of
9 Subcommittee? Seeing none, Mr. Whitley. Is
10 there any redirect?

11 MR. WHITLEY: Yes, Mr. Chair.

12 **REDIRECT EXAMINATION**

13 **BY MR. WHITLEY:**

14 Q Good morning, Mr. Sansoucy.

15 A Good morning, Mr. Whitley.

16 Q I'm going to go through a couple of topics that
17 have been addressed at various times yesterday
18 and this morning.

19 I'm going to start with the Bow PSNH case
20 that you discussed yesterday with the Project's
21 attorneys, and you recall that case is the one
22 where Judge McNamara disagreed with your opinion
23 of value.

24 A Yes.

1 Q And ultimately found the utility experts were
2 more credible in that case?

3 A Yes.

4 Q And your opinion at the time of the case, I
5 believe, was that the value of the plant in
6 question was about 130 million. Does that sound
7 familiar?

8 A Around 130 million. Right after the scrubber
9 was completed.

10 Q That's right. And the court ultimately put the
11 value at about 5.6 million; does that sound
12 correct?

13 A That is correct.

14 Q And that was in, was that tax year 2012?

15 A Tax year 2012. It was five years ago.

16 Q Okay. And since that time, you have continued
17 to value that plant, correct?

18 A Each year we value it for tax assessment
19 purposes up through 2016.

20 Q Okay. And those subsequent valuations, has your
21 number changed in those years?

22 A The subsequent valuation systematically came
23 down as we went, as we went through the
24 recession, as the price of natural gas came down

1 and the value of the Bow plant kept dropping on
2 an annual basis.

3 Q Okay. And just recently, are you aware that the
4 plant sold?

5 A Yes.

6 Q And do you recall what the value or what the
7 sale number was?

8 A About 75 million.

9 Q Okay. And your most, do you recall what your
10 most recent assessment of the plant was before
11 it was sold?

12 A The plant alone was 47 million. The total lands
13 were ten million. For 57 million total.

14 Q Okay. Okay. So your most recent assessment was
15 fairly close to the ultimate sale price of the
16 plant?

17 A We believe it is. There's a little bit of fuel
18 in the sale price. There's the CT that nobody
19 knows what they've paid, but we believe that our
20 value was probably a little less than the actual
21 sale price.

22 Q Okay.

23 A In realtime.

24 Q In realtime. Yes.

1 A 2017.

2 Q Next I want to turn to a discussion you had with
3 Mr. Needleman about a FERC proceeding in 1984, I
4 believe.

5 A Yes.

6 Q And I wanted to give you an opportunity to
7 address that proceeding and just very briefly,
8 give some background about what occurred.

9 A Certainly. Mr. Needleman brought up the fact
10 that I was censured by FERC for 90 days as an
11 engineer in 1984 based upon a dispute that I had
12 with FERC on a hydroelectric plant that we were
13 the engineers of record on in Maine, in
14 Falmouth, Maine, in 1984.

15 This was an existing plant unlicensed by
16 the original owners, and that was a private
17 family in Maine, and we were the engineers of
18 record to work on fixing the dam and we were
19 operating under a state of Maine emergency
20 permit to fix the dam.

21 FERC came to us and asked us if we would
22 write or convince the owner and I think I can
23 give you a 30-second, very quickly, the owner
24 was an older gentleman who, self-made person in

1 the state of Maine, as a mechanic, very
2 successful, and very independent. And we were
3 the ones handling the permit with the state of
4 Maine on the construction of the plant and the
5 safety of the dam and the river as an engineer.

6 But also FERC came to me and said Skip, can
7 you convince Mr. Smith to prepare an exemption
8 application so we don't have to deal with
9 whether or not this river is a navigable river
10 and whether or not they need a license. We know
11 that it's there because he owns other plants
12 that are there and generating. And I said I'll
13 try. I don't know. And he said, you know, we
14 just don't need, you know, try not to deal with
15 this if we don't have to.

16 And I did convince him to. And we did
17 write an application. There was no provision in
18 the law to write an application in the future
19 tense that allowed you to state what occurred
20 currently onsite. So the exemption law said
21 explain the proposed construction. So you would
22 explain the proposed construction which is what
23 was there because that's the way the application
24 was written.

1 So we were just about finished
2 construction, we were in the river doing the
3 critical portion of the dam reconstruction at
4 the base in the summer. They had diverted the
5 water through one of the new turbines, and they
6 were generating electricity through one turbine
7 while we were in the river. FERC showed up
8 onsite and ordered the owner to cease
9 construction, and we're about ready to pour
10 concrete in the river. They called me from a
11 distance, and I told them no, I said ask FERC to
12 leave the site because we're under state of
13 Maine permit. Leave the site. And I said who
14 is it. Well, it's such and such, it's a new
15 enforcement officer, and they just had a change
16 in enforcement the week before in Washington,
17 and I said leave the site, I'll call, but you
18 guys can pour, you've got to pour. If we get a
19 rainstorm, somebody's going to get hurt. So we
20 did pour.

21 FERC was furious. So they accused me of
22 lying in the application because I wrote it in
23 the future tense and then brought these
24 proceedings against me as an engineer.

1 Now, keep in mind, we represent Bank of
2 England, Hospital Rhode Island Trust, Maine
3 Savings Bank as the engineer of record on
4 multiple construction projects. These clients
5 came to me, and said you have to settle this
6 issue. You have to. We've got projects going
7 on.

8 So what you see is a stipulation in
9 settlement, whether I was right or wrong,
10 whether I was wrong to tell FERC to leave and
11 pull my guys and the owner out of the river.
12 That was between them and the state of Maine. I
13 had a safety problem. And the result of it is
14 this censure. It comes up at every trial, it's
15 come up at the PUC every time we testify and
16 it's come up again here. And there's nothing
17 more I can say.

18 Q Thank you, Mr. Sansoucy. I want to turn now to
19 a discussion that you've had with a couple of
20 the Committee members and also I believe it was
21 Mr. Needleman about the public interest finding
22 that is required by the enabling legislation,
23 and I believe you said it earlier but your
24 testimony is that there's no need for the

1 Project and so in part that's why you don't
2 think the Project is in the public interest. Is
3 that a fair --

4 A That's fair. That's correct.

5 Q So I want to put up for you now, this is the
6 administrative rule for the SEC which talks
7 about the criteria relative to finding of public
8 interest. You see that on your screen there?

9 A Yes, I do.

10 Q And we're looking at Site 301.16.

11 A Correct.

12 Q Okay. And you were asked, I believe it was by
13 one of the Project attorneys, where in the law
14 you found the basis for your opinion. And I
15 wanted to give you an opportunity to look at
16 this administrative rule and to respond to that
17 question.

18 A Yes. I think clearly item A, the welfare of the
19 population. There is no welfare of the
20 population with the construction of this line.

21 Q Okay.

22 A It is a speculative project utilizing laws that
23 allow it to be built in our streets in New
24 Hampshire, but there's no welfare to the

1 population at this time.

2 Q Thank you. And just before I started, I believe
3 it was Ms. Weathersby was asking you about a
4 non-Reliability Project and this public interest
5 finding, and I wanted to ask you a related but
6 kind of a slightly different question.

7 So your opinion is that this Project is not
8 in the public interest.

9 A Correct.

10 Q But I wanted to ask you is it possible that a
11 lesser project in terms of size and scope that
12 was also a non-Reliability Project, would that,
13 could that potentially be found to be in the
14 public interest?

15 A When you say a lesser project, are you talking
16 about a smaller Northern Pass or something
17 different?

18 Q I'm talking about, I guess I'm asking you if
19 it's possible for a different sort of project
20 that doesn't present the issues that you've
21 identified to be found to be in the public
22 interest. Even if it's a non-Reliability
23 project.

24 A I think there are a number of projects that

1 could be found to be in the public interest, and
2 first and foremost, my pet project is the
3 Hydro-Quebec Phase I and II incremental upgrades
4 to an existing facility like Hydro-Quebec.

5 Q And you're talking about, are you referencing
6 one of your alternative design proposals?

7 A Yes. I think that is a winner. Good or bad,
8 right or wrong, it's built. We have already got
9 the impacts embedded with that line, and the
10 incremental expansion of that line could
11 certainly be in the public interest. I think
12 that the legislature was right on in 2015 when
13 it invited people to look at the Interstate 93,
14 and I think that really we should be looking, if
15 we're going to open a new corridor, if we are,
16 for a lack of better word, hell-bent on opening
17 a new corridor, then Interstate 93 is the
18 appropriate, is one of the appropriate utility
19 corridors that with study, collaboration, I
20 think, could be a better more appropriate
21 alternative that could be also built in phases.
22 You could put conduit, you can put six conduit
23 in and fill 3 or 2 and built in phases.

24 The third one that nobody wants to talk

1 about, but it's in our backyard in the North
2 Country, is we have a longstanding utility
3 corridor that was ordered by the President in
4 the '40s and during World War II which is
5 Portland Pipeline as a national security to get
6 oil from Portland, Maine, to Montreal to the
7 refineries that were out of the range of bombers
8 and everything else during World War II. And we
9 have three pipelines in the ground as we speak.
10 We have an existing corridor. We have an
11 easement that goes all the way from Portland,
12 Maine, to Montreal. That has been used, it's
13 been reversed for natural gas flow and
14 everything else. It's got pipes in the ground.
15 It is an ideal corridor to bury Northern Pass or
16 something like Northern Pass in it from Canada,
17 Montreal, all the way, and in Montreal, Canada,
18 Hydro-Quebec doesn't have to build \$600 million
19 worth of facilities and come down to Portland
20 and go under water into South Boston. And
21 that's a short run.

22 And these people, these engineers and
23 companies like ABB, they go under water all over
24 Europe. It's no sweat for them. And then you'd

1 come right down an existing corridor. Portland
2 Pipeline is at the end of its life. We have
3 been coming down in its value. It is down below
4 ten percent of its historic utilization, but the
5 corridor exists. It's the only one where the
6 railroads went through and goes through
7 Jefferson, Gorham, Shelburne, and Lancaster, and
8 then into Vermont, and that's the Route 2 Notch
9 between the Kilkennys and the White Mountains,
10 you go right through there underground. I have
11 always, I believed and I've tried to kind of
12 shake the trees on that particular idea. It's
13 fallen on deaf ears, but I think it could cost
14 half as much as Northern Pass. So there are,
15 there's certainly ways to do this that are less
16 disruptive and less expensive.

17 Q Thank you. You were also shown and asked about
18 a recent PSNH Supreme Court decision that upheld
19 a decision by the BTLA. Do you recall that?

20 A Yes, I do.

21 Q And I believe it was put up there because it
22 showed you quoted longstanding law in New
23 Hampshire about the various approaches to value
24 that are available.

1 A Correct.

2 Q But I just wanted to have you confirm that the
3 BTLA and the Court ultimately found in favor of
4 the Towns' methodology; is that correct?

5 A That's right.

6 Q And they ultimately found more credible your
7 opinion of value on behalf of the towns,
8 correct?

9 A Correct.

10 Q And did the utility experts in those cases, what
11 methodology did they advocate for?

12 A They advocated the net book methodology.

13 Q Okay.

14 A For all practical purposes.

15 Q And both the BTLA and the Supreme Court agreed
16 that net book value was not the appropriate way
17 to measure value?

18 A Right. We have Supreme Court decisions back
19 into the 1980s and even further back, some in
20 the '50s, that have long stated that net book,
21 while it might coincidentally be value is not an
22 appropriate method of value for electric utility
23 property valuation for ad valorem tax, and that
24 is what's being advocated by Dr. Shapiro.

1 Q Thank you. Now I want to turn to Attorney
2 Walker's questions and his contrasting of your
3 opinion at Burrillville, Rhode Island, and I'm
4 talking about the potential property value
5 impacts at that location versus the opinions
6 you've rendered here in Northern Pass. Do you
7 recall that conversation?

8 A Yes, I do.

9 Q Are those two utility corridors, and I'm
10 speaking of the one in Burrillville and the one
11 here in New Hampshire, are they comparable in
12 your mind?

13 A No. They're not.

14 Q And why not?

15 A The corridor which is the transmission corridor
16 already has in it large 345,000 volt
17 transmission lines.

18 Q Which corridors are you speaking of?

19 A The Burrillville corridor.

20 Q Thank you.

21 A It's one of the widest corridors in Rhode
22 Island. It's similar to the Hydro-Quebec
23 corridor owned by New England Power. It has
24 345,000 volt lines in it, it has two large lines

1 as we speak, and it was just rebuilt with even
2 larger towers in northwestern through north
3 central Rhode Island into Massachusetts below
4 the Taunton area.

5 The power line that we were assessing the
6 impact of is the generator leads from this
7 proposed generator plant at 345,000 volts that
8 are going to go up the corridor to the
9 substation, largely going in between and shorter
10 than the existing towers. But on the corridor.
11 It skirts off sections of the corridor because
12 the gas company owns 1000 acres along that
13 corridor itself where it purchased for gas
14 transmission and stays actually on its private
15 property for parts of the way also. But it's
16 largely an existing line, shorter on an existing
17 line, the corridor, between two large 345,000
18 volt lines. So there's very little impact in
19 that instance.

20 Then, secondly, the power plant itself,
21 power plant siting is very different than
22 transmission line siting because it can be, it
23 is generally in an either highly rural or it's
24 in an area of industrial use already. In this

1 application, it's in an area of already
2 industrial use. It's sited at one of the
3 largest compressor station sites in all of New
4 England, planted right on the site. So it gets
5 its gas and then it's building its transmission
6 line and the site is beside the transmission
7 line so it really is apples and oranges.

8 Q Thank you. Now, there's been a good bit of
9 discussion this morning about Exhibit Sansoucy
10 39 which is the tables that you created based on
11 the tax cards for a number of communities,
12 correct?

13 A Correct.

14 Q And I just want to discuss a couple of points on
15 this. One, is it fair to say that some of the
16 communities you looked at do a better job of
17 recording the historic impact due to the
18 existing corridor?

19 A Yes. Of late they've been doing a better job.

20 Q And I believe the example that you used was that
21 the larger communities such as Concord are a
22 good example of one of the communities you
23 looked at that do a better job.

24 A Correct. Hudson and Concord.

1 Q Okay.

2 A Are trying to do a better job.

3 Q And is it fair to say that one of the purposes
4 of this table that you compiled was to
5 demonstrate kind of a minimum order of magnitude
6 impact that we could expect going forward if
7 Northern Pass is, in fact, constructed?

8 A It could certainly be construed to be a minimum.

9 Q Okay. But in terms of applying a potential
10 discount to some of the numbers that you arrived
11 at for the communities, and I'm talking now
12 about your exchange with Mr. Way about the, you
13 know, the size of the grain of salt, if you
14 will, for some of these numbers, it sounds like
15 your sense is that a discount shouldn't be
16 applied to the total value for all the
17 communities that you came up with, but the
18 discount should really depend on how well that
19 particular community can capture the historical
20 impact of the line.

21 A If you're discounting or handicapping my work,
22 that is true, but I think just handicapping it
23 isn't the point of my work. And if you're
24 searching for a number that this may be the

1 minimum, but in the future that number is going
2 to be in realtime very different and likely much
3 higher.

4 Q Correct. And I guess what I wanted to get
5 across and have you respond to was that just
6 say, for example, the Committee finds that the
7 numbers in Hudson, just to pick an example,
8 should be discounted 30 or 40 percent. That
9 doesn't necessarily mean that the discount to
10 Concord should be the same magnitude.

11 A That's correct. All values local.

12 Q Okay. That's all I have, Mr. Chair. Thank you,
13 Mr. Sansoucy.

14 A Thank you.

15 PRESIDING OFFICER HONIGBERG: Thank you,
16 Mr. Sansoucy. I think we're done with you for
17 now. It's time for a break. And when we come
18 back, I believe we'll have a new witness. It
19 will be Mr. Martland.

20 (Recess 10:50 - 11:03 a.m.)

21 PRESIDING OFFICER HONIGBERG: We have
22 another new witness.

23 (Whereupon, **Carl D. Martland**, was
24 duly sworn by the Court Reporter.)

1 **CARL D. MARTLAND, DULY SWORN**

2 PRESIDING OFFICER HONIGBERG: Mr. Reimers,
3 I understand you're going to be helping
4 Mr. Martland get his testimony into the record.

5 MR. REIMERS: I am. He asked me to
6 introduce him.

7 PRESIDING OFFICER HONIGBERG: Thank you.

8 **DIRECT EXAMINATION**

9 **BY MR. REIMERS:**

10 Q Would you please state your name for the record?

11 A My name is Carl D. Martland. M A R T L A N D.

12 Q And do you represent the North Country Scenic
13 Byway Council?

14 A Yes.

15 Q And have you submitted two pieces of testimony,
16 a Prefiled Testimony and then a Supplemental
17 Prefiled Testimony that are marked as HIST
18 Exhibits 12 and 13?

19 A Yes. I have submitted two items. I'll take
20 your word that those are the numbers.

21 Q That's what I saw on the exhibit list.

22 A Okay.

23 Q Is there anything that you would like to correct
24 in your Prefiled Testimony based upon

1 information that has recently become available?

2 A There are a couple of mistakes I would like to
3 correct, and one item, couple items, I'd like to
4 add.

5 Q Okay. Would you like to make a correction to
6 the introduction of Appendix A?

7 A Yes. This is the first page of Appendix A that
8 shows the maps.

9 Q Mr. Martland, I'm sorry. Is this Appendix A to
10 your Supplemental or your original Prefiled
11 Testimony?

12 A To the original Prefiled.

13 Q So it would be to Historic Exhibit 12. Go
14 ahead.

15 A The introduction should read, these maps are
16 from the Corridor Management Plans approved in
17 2015. In Figures A1, A3 and A4 the primary
18 routes of the Presidential Range Trail, the
19 Moose Path Trail and the River Heritage Trail
20 are highlighted in blue. Other roads designated
21 as scenic in Cultural Byways are shown in green.

22 Figure A2 shows the Woodland Heritage Trail
23 as it existed in 2015. In November, 2017, the
24 northeastern portion of this rail was routed

1 from West Milan to Berlin via NH 110A, 110 B, in
2 and NH 16. The portion of NH 110 between West
3 Milan and Berlin was designated by the New
4 Hampshire Scenic Byway Council.

5 Q And was there a comment that you wanted to make
6 about the Final EIS?

7 A Yes. In my Prefiled Testimony, and in comments
8 to the Department of Energy, I suggested that
9 the average scenic impact was not a good measure
10 and that the aggregate scenic impact would be
11 better, and I just wanted to note that the Final
12 EIS adopted my recommendation and has shown the
13 aggregate scenic impact. I say this because
14 this issue has come up several times before this
15 group.

16 Q And I believe that there are two mislabeled
17 photos in your Supplemental Testimony that you
18 want to correct?

19 A Yes. This is in the presentation that was
20 attached to my Supplemental Prefiled Testimony.
21 It's a Power Point entitled Impact of Northern
22 Pass on North Country Scenic and Cultural
23 Byways, Pittsburg to Stark. The next to the
24 last slide is what's shown right here, and that,

1 obviously, is the Woodland Heritage Trail going
2 through Stark, not the Moose Path Trail.

3 Q So in both instances where it says Moose Path,
4 it should say Woodland Heritage?

5 A Correct.

6 Q And I'm showing you another photo that you had
7 in your Power Point presentation.

8 A Correct.

9 Q What changes do you want to make?

10 A This a photo I took on the famous snow day where
11 the SEC and others visited various sites in the
12 North Country, and there was confusion because
13 the bus never really stopped at NH 145 but I
14 figured out later on that this picture was in
15 fact on Route 145, not on Diamond Pond Road.

16 Q And this photograph is a photograph that you
17 took of someone holding a photo simulation?

18 A Correct.

19 Q And this photograph, you said, is at Route 145
20 and where Ben Young Cemetery is?

21 A Ben Young Cemetery, correct.

22 Q Aside from these corrections, do you adopt and
23 swear to your Prefiled Direct and Supplemental
24 Direct Testimonies?

1 A I do.

2 Q And Mr. Chair, the witness is available for
3 cross-examination.

4 PRESIDING OFFICER HONIGBERG: Thank you,
5 Mr. Reimers. Mr. Pappas?

6 MR. PAPPAS: Thank you Mr. Chair.

7 **CROSS-EXAMINATION**

8 **BY MR. PAPPAS:**

9 Q Good morning, Mr. Martland.

10 A Good morning.

11 Q I'm Tom Pappas. I represent Counsel for the
12 Public in these proceedings.

13 Do I understand correctly that the
14 testimony you're providing is on behalf of the
15 North Country Scenic Byways Council?

16 A Yes.

17 Q And your Council is involved in Coos and Grafton
18 County; is that correct?

19 A All the way down to Plymouth, yes. Coos and
20 Grafton.

21 Q Now, your testimony relates to a number of
22 scenic and cultural byways that you refer to in
23 the testimony. Are you personally familiar with
24 the different byways that you refer to in your

1 testimony?

2 A Yes. I at one point or another have driven all
3 these roads, and I've driven on most of them in
4 the last year or two.

5 Q Your testimony also refers to roads in Coos and
6 Grafton County that are not formally designated
7 as scenic and cultural byways, but you mentioned
8 some that you claim have scenic and cultural
9 value. Are you also familiar with those roads?

10 A Yes, I am.

11 Q So let me ask you some questions about
12 visibility of the Northern Pass Project which
13 you discuss in your Direct Testimony.

14 Am I correct that visibility of the line
15 from the road falls into three basic categories
16 that you've identified? One is where the
17 transmission line crosses the road, that's one
18 category?

19 A Yes.

20 Q The second category is where a transmission line
21 runs along the side of the road?

22 A Yes.

23 Q And then the third category is a transmission
24 line is visible in the foreground from the view

1 from the road; is that correct?

2 A Yes.

3 Q Are there any other categories or are those the
4 three?

5 A I think those three cover.

6 Q Okay. So as I understand it, in your opinion
7 all three categories of visibility can detract
8 from a scenic and cultural road, correct?

9 A That is correct. And it's not just from the
10 byways but from the places the byways access.

11 Q Okay. And in your opinion the Northern Pass
12 transmission line impacts scenic and cultural
13 byways in each of these three categories,
14 correct?

15 A Yes.

16 Q And you've opined that the impacts range from
17 moderate to severe or unreasonably adverse; is
18 that right?

19 A That is correct.

20 Q Okay. So let me ask you some questions about
21 your analysis and how you got there.

22 Now, I understand that what you did is you
23 looked at several factors; is that right?

24 A Yes.

1 Q Okay. And one of them is distance, how far away
2 or how close structures are to the road?

3 A Yes.

4 Q The other, another kind of factor that you
5 looked at was comparing what exists today in
6 terms of the structures in the transmission
7 corridor versus what it would look like with the
8 new transmission structures, the monopoles and
9 the lattice towers, correct?

10 A Correct.

11 Q And the third factor that you considered is what
12 you call duration which is how long a structure
13 would be visible?

14 A Well, I think the visual, the VIA experts
15 considered that, and there's been a lot of
16 discussion of that. I wasn't doing a visual
17 impact analysis.

18 Q No, I understand that, but I just want to get an
19 understanding of what you considered to reach
20 your opinion.

21 A Well, certainly. If you're stopping at overlook
22 on Route 2 east of Lancaster, you're looking
23 right at the lines, and you might be there for
24 five minutes. There's been some testimony that

1 on the byways you have a fleeting glimpse of a
2 tower as you're traveling along at 50 miles per
3 hour, and that really is not how the visual
4 impact would affect the towers or would affect
5 the visitors.

6 Q Finally, am I correct that you also considered
7 certain sensitive areas in the location of
8 towers and sensitive areas?

9 A Yes.

10 Q So let me look at a couple of examples of these
11 categories to get a sense of how you analyzed
12 the Northern Pass Project to arrive at your
13 opinion. So let's start with distance. Is
14 there something on the screen in front of you?

15 A Yes.

16 Q So what's on the screen in front of you is
17 Historical Exhibit 13, page 37, and this is part
18 of your Prefiled Testimony. Now, what I'm
19 interested in is just the picture and this shows
20 a proposed lattice tower right next to a road,
21 correct?

22 A Correct.

23 Q So in terms of distance, this would be something
24 that you would consider how close the tower is

1 to the road in terms of the distance factor you
2 considered?

3 A Well, at this point, this is a photograph taken
4 for the, I think it was for the Draft
5 Environmental Impact Statement by Northern Pass
6 consultants, and what's in red here is
7 unreasonably adverse which is the opinion of the
8 people that wrote the Draft Environmental Impact
9 Statement, and they had a whole methodology that
10 came out with an impact rating which went from
11 zero to 45. This particular one shows severe,
12 40. When they translate from the numbers to
13 words, that came out as unreasonably adverse.

14 All I'm doing here is showing a picture and
15 showing an opinion of a VIA expert that this
16 would be unreasonably adverse to the casual
17 observer.

18 Q Okay. Thank you. But I indicated, what I
19 really want to do with the pictures because
20 they're your pictures so I assume you're
21 familiar with them is use them to get
22 understanding of how you consider the various
23 factors.

24 A Right.

1 Q Okay. So for instance, in distance, this would
2 be an indication to you that because it is so
3 close to the road that would, you would consider
4 that more adverse than if it were farther from
5 the road. Am I correct in that?

6 A No. That's not correct. What's correct here is
7 that someone standing 500 feet from a structure
8 that looked like that would find the visual
9 impact to be unreasonably adverse. It doesn't
10 matter if it's next to a road or on the Coos
11 Trail, you know, 20 miles from the nearest major
12 road.

13 Q So in terms of distance, it's how close you are
14 to the structure.

15 A Correct.

16 Q And your testimony contains various levels, and
17 I don't need to go through them in detail, but,
18 for instance, less than 800 feet you would
19 consider that to be likely severe or
20 unreasonable adverse impact?

21 A I would consider that to be true because the VI
22 experts who prepared their assessments based
23 upon their experience in every instance where
24 there was a view like this within 800 feet, they

1 said the visual impact would be unreasonably
2 adverse to a casual observer.

3 Q Okay.

4 A In other words, anybody like us sitting in the
5 room, and we went out on the drive and saw these
6 towers, we would find it unreasonably adverse.

7 Q Okay. Towers that are up to 1800 or 2000 feet
8 you put into a different category, correct?

9 A Correct. That was their next lower down, and,
10 again, every one that was within that distance
11 was, might be considered unreasonably adverse,
12 but it would be adverse.

13 Q Okay. And beyond 2000 feet up to a couple of
14 miles, you put into a third category. Is that
15 right?

16 A Again, that's an area where, depending on what
17 you're looking at, it might be weak, weak impact
18 if you're only seeing the tips of the towers,
19 but if you're looking right down the
20 right-of-way at a row of towers it would be
21 unreasonably adverse or adverse.

22 Q Okay. In addition to distance, you also
23 considered the duration and extent of view,
24 correct?

1 A Correct.

2 Q So what's on the screen now is Historical
3 Exhibit 13, page 39, and you recognize this
4 picture from your testimony?

5 A Yes.

6 Q And this shows a string of towers in the view.
7 Correct?

8 A Correct.

9 Q And would this be an example of both distance
10 and duration where the road in this picture, and
11 I'll represent to you this is down in Deerfield,
12 and it shows it right here in Deerfield, where
13 it's both close to the road and you see the
14 towers, over long duration you can see them?

15 A Right.

16 Q Okay.

17 A Right. What I say is that anywhere you're
18 looking at row of towers like this or a string
19 of towers, the visual impact would be similar.

20 Q What's on the screen now in front of you is
21 Historical Exhibit 13, page 28, which also comes
22 from your Prefiled Testimony, and this shows
23 towers in a distance, correct?

24 A Correct.

1 Q So would this be an example of what you
2 testified earlier of a view from a distance, but
3 you can see a string of towers?

4 A Yes.

5 Q What's on the screen now is page 29 from
6 Historical Exhibit 13, and you can see the
7 string of towers in the distance. Do you see
8 that?

9 A Yes.

10 Q So when you were considering the impact from a
11 Scenic Byway, what would you consider if you
12 were driving along and this was your view? How
13 did that factor into your analysis?

14 A Well, the reason I had this presentation is to
15 say if you came to any location where you were
16 looking out from a side of a mountain and you
17 see the towers and what's visible here in this
18 picture is the right-of-way slicing across an
19 area that's otherwise almost completely
20 undeveloped, I would agree with the experts who
21 deem that this view right here is adverse and
22 possibly unreasonable.

23 Q Okay.

24 A The only place you're going to be in a road in

1 New Hampshire that gets this high would be, I
2 guess, on the Mt. Washington Auto Road or at
3 Weeks State Park.

4 Q I want to do one more example, and this will
5 have several photos.

6 A Okay.

7 Q But it's going to be the area that you touched
8 upon in your introduction.

9 A Okay.

10 Q So what's on the screen now is a photo
11 simulation, a photo of actual conditions,
12 existing conditions from the Applicant, and it's
13 Applicant's Exhibit 71-2, Bates stamped 36147,
14 and this is the Moose Path Connecticut River
15 Scenic Byways Route 145 north of Young Cemetery
16 in Clarksville which you talked about earlier.
17 So you recognize this spot?

18 A Yes.

19 Q This is the same location with the photo
20 simulation from the Applicant along that ridge.
21 Do you see that?

22 A Yes.

23 Q Okay. On the screen now is Bates stamp 36145
24 from the same exhibit, and that's the same

1 location also from the Applicant in the existing
2 conditions. Do you recognize that?

3 A Yes.

4 Q And then finally, on the screen is the
5 Applicant's photo simulation of this same
6 location which is Bates stamp 36146. Do you see
7 that?

8 A Yes.

9 Q So this is along a Scenic Byway, correct?

10 A Yes.

11 Q When you considered your analysis, tell us what
12 was the factors that you considered or let me
13 just put it this way.

14 Is this an example of duration as well as
15 distance in your analysis?

16 MR. NEEDLEMAN: Objection. This material
17 is all material that was available to
18 Mr. Martland when he prepared his testimony, and
19 this particular location, the Moose Path Scenic
20 Byway, is specifically discussed in his
21 testimony.

22 PRESIDING OFFICER HONIGBERG: Yes. I
23 think, I think that would have been a good
24 objection to the few questions that Mr. Pappas

1 hinted at before the one he got to. So I think
2 the one he got to was okay, and I'm going to
3 overrule the objection as to the question he
4 actually asked.

5 BY MR. PAPPAS:

6 Q Do you recall the question?

7 A Would you repeat the question, please?

8 Q I'll give it a shot. Is this an example of both
9 duration and distance that you considered in
10 your analysis?

11 A I actually did not do an analysis of distance
12 and duration.

13 Q In arriving at your opinion, did you consider
14 both duration and distance as we discussed
15 earlier?

16 A My opinion was that there, any place along a
17 Byway, and this on Route 145 is clearly a place
18 if you're driving along the Byway, you could
19 stop and take a picture. I mean, these pictures
20 that are provided here could be used in New
21 Hampshire tourist materials. They're beautiful
22 pictures, beautiful landscapes. And what I
23 provided in my testimony was a statement that in
24 locations where you were within a certain

1 distance and had a view of the towers, that you
2 could use the ratings that we have just been
3 discussing ranging from weak to unreasonably
4 adverse by comparing the features of those sites
5 with features that experts had examined. This
6 clearly is a place where you would stop and take
7 a look. The SEC, I believe, stopped and took a
8 look at the view from this location so it's, it
9 is a point along a Byway where someone might
10 stop and not spend four or five seconds but
11 several minutes having a look at what's there.

12 Q Okay. Let me just ask you about the fourth type
13 of area that you identified in your Prefiled
14 which was sensitive areas.

15 What's on the screen now is Historical
16 Exhibit 13, page 33, and my only question is is
17 this an example of a sensitive area that you
18 talked about in your Prefiled Testimony?

19 A Again, it was, this is a picture taken by
20 someone else with the result of an analysis done
21 by someone else. Obviously putting towers along
22 a wetlands that is a sensitive area. And it's,
23 I believe it's a place where people go canoeing
24 or fishing or hiking or whatever so that would

1 be a more sensitive area both environmentally
2 and in terms of usage.

3 Q Okay. Last example, and you made a correction
4 to this picture in your Direct Testimony, but my
5 question is is this another example of a
6 sensitive area.

7 A This is not the one with the correction I made.

8 Q Oh, I'm sorry. I stand corrected then.

9 A This is, as I understand it, this is the view
10 across Dummer Pond toward the side of a hill,
11 and on the bottom where you can barely see it
12 it's an existing set of structures low on the
13 ridgeline. Proposed towers would go up higher
14 on the ridgeline which has been discussed at
15 length here, and I believe this is all Wagner
16 Forest land so that this is a wonderful picture
17 of what a working forest looks like. And for
18 anybody that ends up fishing or walking through
19 there, they would have a view that, in my
20 opinion, would be adverse, possibly
21 unreasonable.

22 Q But is this area, do you consider this a
23 sensitive area?

24 A I think for anybody that's walking or fishing

1 there, that would be a sensitive area. Yes.

2 Q So in your Prefiled Testimony you also talk
3 about Transition Stations and you have a picture
4 of them so I just want to ask you a few
5 questions about transition stations in Coos
6 County and Grafton County.

7 What's on the screen now in front of you is
8 Applicant's Exhibit 201, Bates stamped page
9 67741, from the August 2017 Project maps, and it
10 shows a location of Transition Station 1 and
11 Transition Station 2. And if you look at the
12 map on the top right-hand corner, can you see
13 where it says Transition Station?

14 A Yes.

15 Q And then if you look below that you can see
16 another location where it says Transition
17 Station. Do you see that?

18 A Yes.

19 Q And you can see Route 3 right on the right side
20 of the map?

21 A Yes.

22 Q Now, are you familiar with this location?

23 A Yes, I am.

24 Q Is Route 3 a Scenic Byway?

1 A Route 3 is part of the Connecticut River
2 National Scenic Byway.

3 Q Okay.

4 A And the Old Canaan Road that is shown on there
5 on the other side of the river I believe is the
6 access over toward the Indian Stream Republic
7 area which is an important historic and cultural
8 site off the Byways.

9 Q Okay. And that is off of Route 3, and you can
10 sort of see it on the top right-hand corner?

11 A Yes.

12 Q Okay. What's on the screen in front of you now
13 is from Applicant's Exhibit 200, Bates stamp
14 67305, which is a page from the August 2017
15 Alteration of Terrain Permit Application plans.
16 Do you see where it shows a site of Transition
17 Station #1?

18 A Yes.

19 Q And you can see Route 3 and Old Canaan Road
20 which you talked about just a moment ago?

21 A Yes.

22 Q And if you look, it looks like the road, the
23 road is at a Level 1140, if you can make that
24 out? It's kind of small. But if you look right

1 to the right of Transition Station #1?

2 A Yes.

3 Q Okay. And then the Transition Station itself,
4 if you kind of go up the topography, it's at
5 about 1220 if you can read the really small
6 print. I'll represent to you that's what it
7 says.

8 A I'll take your word.

9 Q And these Transition Stations are going to be
10 aboveground, correct?

11 A Correct.

12 Q Do you believe that the Transition Station will
13 be visible from Route 3?

14 A I have no idea whether they would be visible
15 from Route 3.

16 Q Okay. Fair enough.

17 A Presumably the, there's been quite a bit of
18 analysis presented that would show exactly where
19 they're visible from.

20 Q Okay. Fair. Do you know if it would be visible
21 from Old Canaan Road?

22 A Again, I can't say.

23 Q All right. Fair enough. Mr. Martland, what's
24 on the screen now is from Applicant's Exhibit

1 200, page 67306. Again, the Permit Application
2 Plans for the Alteration of Terrain, and can you
3 see where Transition Station 2 is located?

4 A Yes.

5 Q And it's your understanding that's off of
6 Beecher Falls Road which is off of Route 3?

7 A Yes.

8 Q I'll represent to you that the grade from
9 Beecher Falls Road up to Transition Station #2
10 is about 200 foot uphill that you can make out
11 from the very small writing on this map.

12 A Yes.

13 Q Do you know whether or not Transition Station #2
14 will be visible from either Route 3 or Beecher
15 Falls Road?

16 A Again, I have not done a visual impact analysis.
17 I did have one of the charts in my Supplemental
18 Prefiled where it shows that along this stretch
19 of Route 3 for about three miles there would be
20 many views of the towers, the structures, and
21 the lines, the conductors. So all I know is
22 that the Project would be visible from many
23 locations along that portion of Route 3.

24 Q Okay. Mr. Martland, what's on the screen now is

1 from Applicant's Exhibit 201, page 67757, from
2 the August 2017 Project maps, and can you see
3 where there is a Transition Station which is
4 Transition Station #3 on the right-hand side?

5 A Yes.

6 Q And that's off of Wiswell Road?

7 A Yes.

8 Q And you're familiar with this area?

9 A I believe I spent about an hour there in March
10 when we were stuck in a bus on one of the SEC
11 trips.

12 Q Were you on the bus stuck or the bus unstuck?

13 A I was on the stuck bus.

14 Q I was on the unstuck bus waiting for you.

15 A You were lucky.

16 Q Mr. Martland, what's on the screen now is from
17 Applicant's Exhibit 71-2, page 36155. This is a
18 photograph taken by the Applicant's expert of
19 existing conditions in the area in the area of
20 Transition Station #3. Do you recognize this
21 scene?

22 A I do.

23 Q What's on the screen now is page 36156 from
24 Applicant's Exhibit 71-2 which is the

1 Applicant's expert's photo simulation of this
2 area that shows the transmission lines and
3 Transition Station #3. Do you see that?

4 A Yes, I do.

5 Q Now, this is taken from Moose Path Connecticut
6 River Scenic Byways Route 145. Can you make
7 that out on the right-hand side?

8 A Yes.

9 Q And your testimony touched upon this Transition
10 Station, correct?

11 A I believe so.

12 Q And correct me if I'm wrong, but you opined that
13 the view from the Scenic Byway of this proposed
14 Transition Station would be adverse, possibly
15 unreasonable; was that your testimony?

16 A I don't believe that is in my testimony. The
17 one I mentioned specifically would be the one on
18 302 in Bethlehem.

19 Q Okay.

20 A This is probably maybe in one of my photos.

21 Q This Transition Station is in one of your
22 photos.

23 A I said it may be. I've seen this photo, and I
24 recognize the photo, and I can see the monopoles

1 up against, above the horizon, above the
2 ridgeline, but if I had the details on distance
3 and number of structures visible, I could use my
4 tables of critical observation point analysis
5 and figure out where it would fit.

6 Q Okay. What's on the scene now is Historical
7 Exhibit 13, page 30, that comes out of your
8 Prefiled Testimony. Do you recognize this
9 picture?

10 A Yes.

11 Q And this is a picture of proposed Transition
12 Station #3, correct? Do you see where it's
13 Clarksville?

14 A It's up in Clarksville, yes.

15 Q Now, on your photo, you have adverse possibly
16 unreasonable. Do you see that?

17 A Yes.

18 Q Is that your opinion or are you just taking that
19 from somewhere else?

20 A No. That is the opinion of whoever was doing
21 the Draft Environmental Impact Statement for
22 DOE.

23 Q Okay.

24 A This is one of their KOPs, Key Observation

1 Points, and when you looked in the text you
2 could find how they rated the photos even though
3 the adverse possibly unreasonable wasn't written
4 on the photo.

5 Q Okay. Are you familiar with the location of
6 Transition Station #4 which is on Bear Rock Road
7 in Stewartstown?

8 A Yes.

9 Q The Committee visited that and has seen numerous
10 pictures of it so I don't need to show it to
11 them again, but let me just ask you this
12 question. Is that area, Bear Rock Road, an area
13 that in your opinion has scenic and cultural
14 value?

15 A That area is one that I visited with my wife
16 Nancy to go to a meeting at Brad Thompson's
17 house which is on a hillside perched perfectly
18 to have a view of that station and the emerging
19 lines, and we got up there early and took a ride
20 around and found it to be one of the most
21 remarkably scenic and beautiful areas we have
22 ever seen anywhere. Not just in northern New
23 Hampshire. If you go past there, you go down
24 toward Harvey Swell Road and you go up towards

1 Coleman State Park, and it is just
2 extraordinary. Don't go on Heath Road like we
3 did, shortcut to the park, because you'll
4 probably get stuck. But that was one of the
5 first ski trails in the United States, the farms
6 along there probably look like prosperous farms
7 in the late 1800s. The fields are beautiful.
8 It's a stunning area, and if you put
9 transmission lines through there, it would be a
10 major insult to a region that the National Trust
11 for Historic Places has called all of northern
12 New England a national treasure. National Trust
13 for Historic Preservation, I think is the
14 correct name.

15 Q Would your opinion be the same for the
16 Transition Station #4? In other words --

17 A Right, the Transition Station is a major
18 structure that would be right there leading into
19 the lines.

20 Q On the screen now is from Applicant's Exhibit
21 201, page 67905, which is from the August 2017
22 Project maps, and this shows the location of
23 Transition Station #5 on Route 302. Do you see
24 that?

1 A I do.

2 Q And you indicated earlier that you're familiar
3 with this area?

4 A Very familiar.

5 Q Is Route 302 in this area a Scenic Byway?

6 A Yes, it is.

7 Q And is it your, well, you said earlier that you
8 have an opinion in terms of the impact of
9 Transition Station #5, correct?

10 A This station. Yes.

11 Q That's the one that you had in your Prefiled
12 Testimony?

13 A Yes.

14 Q And what was your opinion?

15 A I believe I was referring to Mr. DeWan's
16 testimony that you would not, it would not be
17 visible if you were out on the pond, and I
18 pointed out if you're out on the pond, if you
19 were fishing or canoeing or if you're just
20 stopping to take a look. We once ran into a
21 couple from England who had spent some thousands
22 of dollars to visit northern New England, and
23 they were stopped at that specific overlook to
24 see the pond.

1 My statement is that once you turn around
2 and go back to your car, you would be looking
3 smack at the, straight at the Transition Station
4 which is a pretty big structure and totally out
5 of character with the rural area. There's a
6 little historic site right next to that. I
7 think it's called the Baker River cabins or I'm
8 not sure what the name is, but the old tourist
9 cabins that were once the mainstay of tourism in
10 this region.

11 Q Are you familiar with Transition Station #6
12 which is in Bristol?

13 A No.

14 Q Let me ask you just a couple of questions about
15 your statistical analysis that you did in your,
16 you talked about in your Prefiled Testimony.

17 A Okay.

18 Q Now, as I stamped it, what you did is you
19 aggregated the visual impact of the Northern
20 Pass Transmission line, correct?

21 A I'm not sure what you're referring to exactly.

22 Q Okay. Let me see if I can back up and do it in
23 smaller steps.

24 The Applicant's aesthetic expert assessed

1 visual impacts from Key Observation Points,
2 correct?

3 A Yes.

4 Q And the DOE also used Key Observation Points in
5 the EIS?

6 A Yes.

7 Q And those are all from individual locations; is
8 that right?

9 A Yes.

10 Q And am I correct that you did some statistical
11 analysis, you aggregated Key Observation Points
12 to do your statistical analysis?

13 A One thing I did was to look at the set of
14 observations that had been done for DOE and the
15 set of observations that were done for Northern
16 Pass and looked at how many were within specific
17 distance ranges. So the DOE set had a few that
18 were very close and a few that were quite far
19 away, and the Northern Pass set had some that
20 were, more that were very far away and none that
21 were very close.

22 Q Am I correct in saying that your analysis
23 concluded that the viewshed would increase from
24 20 square miles to 53 square miles?

1 MR. NEEDLEMAN: Objection, Mr. Chair. This
2 is just repetition of testimony that's in the
3 record.

4 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

5 MR. PAPPAS: I'm just trying to set up what
6 I'm going to ask questions. I tried to shortcut
7 it and that didn't work so I'm sort of
8 babystepping to it.

9 PRESIDING OFFICER HONIGBERG: Overruled.
10 You can continue.

11 MR. PAPPAS: Okay. Thank you.

12 A Right. That's the average impact assessment
13 that's in Figure 5 in my testimony.

14 Q Okay. Could you please briefly describe how you
15 arrived there? What analysis you did to get
16 there?

17 A I looked at the tables in the Draft
18 Environmental Impact Statement which showed the
19 miles of viewshed currently and the miles in
20 the, if you had Northern Pass, and then there
21 was an average impact, scenic impact, before and
22 after, and I just multiplied the two.

23 Q Your analysis also found that the miles of road
24 exposed Northern Pass would be 45 miles, and

1 that the current transmission line the miles
2 exposed is 21 miles, correct?

3 A Yes. It's correct in that I found those numbers
4 in the Draft EIS.

5 Q Okay. I was going to ask you, did you take
6 those from the Draft EIS or did you do that
7 analysis yourself?

8 A No. That was Draft EIS.

9 Q Now, with your looking at those two results that
10 you refer to in your Prefiled Testimony, did you
11 relate those to the factors that we went through
12 earlier today such as duration, distance, and so
13 forth?

14 A No. It's a completely separate analysis.
15 Basically all that analysis does is to say you
16 have to look at an aggregate impact, not the
17 average. If you were to build a second Northern
18 Pass line exactly like the one that's proposed,
19 but shift it 20 miles and have exact same
20 impacts everywhere, the average scenic impact
21 would be identical. No change. But of course,
22 any common sense would say the impact has
23 doubled. That's all I was trying to do with
24 using this average impact analysis.

1 Q Okay. So would I be correct in saying that when
2 considering an individual location such as
3 Transition Station #5 that we just looked at a
4 moment ago, you would consider the factors that
5 we reviewed earlier, but that's a separate
6 analysis than the aggregation that you did?

7 A Right. I would say that anybody could take a
8 location and look at a simulation of what it
9 would look like. You don't need a simulation.
10 You just need a notion that there's a 120-foot
11 tower that's going to be built 500 feet away
12 from your house and visible in a field, and you
13 would say that would have an unreasonably
14 adverse visual impact.

15 Q Let me just ask you a few questions on the last
16 topic that you touch upon in your Prefiled
17 Testimony, and that is impact on property
18 values.

19 A Okay.

20 Q Now, you indicated that you studied property
21 values along the right-of-way in Sugar Hill; is
22 that right?

23 A That is correct. There I did do my own study.

24 Q And as I understand it, you looked at only

1 residential properties; is that right?

2 A It's hard to look at anything other than
3 residential properties in Sugar Hill. Yes.

4 Q What period of time did you study?

5 A Well, this, in this morning's terminology, was
6 done in realtime. So I was looking at recent
7 property records that were available from Sugar
8 Hill and tax assessment records, and I was
9 driving around our 30 miles of roads and taking
10 a look at what was there.

11 Q Would I be correct in saying it's within the
12 last three years?

13 A Yes.

14 Q And am I correct that that's the only area you
15 studied was the Sugar Hill area?

16 A That's correct.

17 Q You testified that no houses were built after
18 1950 that had a view of the power line. Do you
19 remember that?

20 A Yes. I believe my statement was actually I
21 could not find a single house that had been
22 built since 1950 with a clear view of the power
23 lines.

24 Q How did you make that determination?

1 A Well, as you drive along, we have 7 miles of
2 right-of-way in Sugar Hill. And I'm on the
3 Board of Directors of the Sugar Hill Historical
4 Museum so I was aware of various historical
5 maps, and if you get a map from, I forget the
6 exact dates, but before 1950, and it shows the
7 location of houses, and if you drive along Crane
8 Hill Road and Jesseman Road which are
9 paralleling the power line for about three
10 miles, you can see on the old maps the houses
11 were there, and you look out the windows of your
12 car, and you see that those old houses are still
13 there. And at the end when you come to a wooded
14 area where the line is not visible, you notice
15 four or five houses that look new. And just
16 repeat that on the other roads that are near the
17 line, and you find that the only new houses that
18 are being built close to the line are in wooded
19 areas, areas where the trees that have grown up
20 in 1950s fields have now grown to be 40, 50, 60
21 feet high, and they're blocking the line so now
22 they're selling lots and a few of them are being
23 developed.

24 Q Is that how you also determined that after the

1 trees had grown to block the views property than
2 was developed which you just described?

3 A Yes. You could see the houses that were there,
4 and you could look out in back of the houses,
5 and you would see trees, not lines.

6 Q Now, in your Supplemental Testimony, you state
7 that the Northern Pass Project would destroy the
8 scenic beauty of thousands of potential home
9 sites; do you recall that?

10 A Yes, I do.

11 Q Now, were you referring to home sites in the
12 area where there's going to be a new
13 right-of-way or were you referring to other
14 areas as well?

15 A That was referring to the whole 182 mile, I
16 believe.

17 Q Okay.

18 A But I used a calculation in a footnote that
19 related to the new right-of-way in Coos County.

20 Q And that's what I, I saw the footnote so I just
21 wanted clarification is in the footnote you made
22 the calculation for the new right-of-way but
23 your opinion as I understand it extends to
24 anywhere where there's aboveground.

1 A Correct.

2 Q Okay.

3 A Correct.

4 Q And do you base that on a similar analysis that
5 you did in Sugar Hill?

6 A Yes. It's based upon the conclusion of the
7 critical observation point analysis and simple
8 geography. The KOP analysis says that if you
9 have a view of a property within 800 feet, that
10 is going to be unreasonably adverse. So if you
11 put a right-of-way, put towers in it, then all
12 the property on the edge of that right-of-way is
13 within 800 feet. So anybody that was going to
14 buy land or owned land on a hillside or next to
15 the right-of-way would have a view of the lines
16 from within 800 feet. So every acre of land if
17 it was cleared or had partial clearance along
18 the entire 120 miles or so of right-of-way on
19 both sides would have an unreasonably adverse
20 view of this Project. And there's approximately
21 25 acres of, if you took a 200 foot swath of
22 right-of-way, and an acre is 200 by 200 so you
23 get about 25 acres on either side of the
24 right-of-way, it adds up very, very quickly.

1 There are thousands of acres that would be
2 potentially impacted. So.

3 And like that picture of the Wagner Forest
4 that we looked at a little while ago that shows
5 the line going across a hillside, we keep
6 hearing well, this is a private forest, this is
7 a working forest. It's also a beautiful area
8 and the whole northern woods pretty much used to
9 be a working forest, and then it started to be
10 sold off some years ago, and this is being
11 developed for recreation, being developed for
12 summer homes and resorts and all kinds of
13 things. The fact that something is a working
14 forest today doesn't mean that that's the best
15 use tomorrow and forever. So even in the Wagner
16 Forest, there's a potential loss there to Yale
17 University which owns the land, and I won't
18 belabor the point. It's in the testimony. You
19 can do the math yourself.

20 Q Thank you, Mr. Martland. I have no other
21 questions.

22 PRESIDING OFFICER HONIGBERG: Do the
23 Municipal Groups have questions? I see shaking
24 heads.

1 MS. PACIK: No. We do not. Thank you.

2 PRESIDING OFFICER HONIGBERG: Ms. Saffo?

3 MS. SAFFO: Yes. Just briefly.

4 (Discussion off the record)

5 **CROSS-EXAMINATION**

6 **BY MS. SAFFO:**

7 Q So obviously from your Prefiled Testimony,
8 you're familiar with the Scenic and Cultural
9 Byways?

10 A Oh, yes.

11 Q Very familiar, correct?

12 A Yes.

13 Q And in front of you is a New Hampshire
14 Department of Transportation website, the part
15 that has Programs, and this is their Scenic and
16 Cultural Byways part of the website. Are you
17 familiar with their website?

18 A Yes.

19 Q And as you scroll down, it says Byways
20 Nomination Application. What is that?

21 A If a town or group of towns wants to have a road
22 designated as a byway, they have to submit an
23 application to the New Hampshire Scenic Byways
24 Council that states why this road would qualify

1 in terms of its providing access to scenic and
2 cultural resources, what are the scenic and
3 cultural resources that you see as you drive
4 along the road. You have to say what is the
5 traffic volume, is it a safe place to travel.
6 There's a bunch of criteria and you fill out
7 the, list the scenic and cultural resources, and
8 you ask the Committee to designate it.

9 Q So this is a fluid process. So it began in
10 1992, but you're still accepting Applications?

11 A Yes. There was one accepted last June at a
12 meeting I was at.

13 Q When, the other part of the website, you can
14 actually click, and it has a link for Scenic and
15 Cultural Byway Tours, correct?

16 A Correct.

17 Q And that's kind of an overview map of the ones
18 designated so far, correct?

19 A Correct.

20 Q And for the record, we're still on the New
21 Hampshire DOT website, and I have screen shots
22 of this to upload as Grafton Exhibit 63.

23 Now, when you look at this, it says Great
24 North Woods White Mountains, and under the White

1 Mountains there are three particular trails,
2 correct?

3 A Correct.

4 Q And these are the New Hampshire Scenic and
5 Cultural Byways, correct?

6 A They're the New Hampshire and the National.

7 Q Exactly. Because New Hampshire actually has
8 three of the 53 national roads, correct?

9 A Two or three. The Kancamagus and the White
10 Mountain Trail. I'm not sure if they're one and
11 two, and I'm the Chair of the Council so --

12 Q I'll go into that in a second. I actually
13 believe we have three. But the nationally, does
14 it make sense that there's about 53 national
15 trails?

16 A Yes.

17 Q And so we actually have a high percentage of the
18 national designated areas.

19 A Yes.

20 Q And the Kancamagus starts right where we plan
21 on, the national part of the trail, starts right
22 at the intersection of 11 and Route 3, correct,
23 in Lincoln?

24 A The Kancamagus?

1 Q Yes.

2 A Okay. Right.

3 Q Now, if you click on the White Mountain Trail
4 National Scenic Byway, you're still in the New
5 Hampshire DOT website, and it actually now notes
6 the highlights which are 7 covered bridges, 32
7 scenic outlets, roadside waterfalls, historic
8 and interpretive sites; do you see that?

9 A Yes.

10 Q And they have a tour detail and map you can
11 click on, and it links you to Visit the White
12 Mountains.com. And there is a White Mountains
13 Northern Loop that I'm now clicking on, and I'd
14 like to read from it.

15 You're familiar with the roads in the
16 Franconia/Sugar Hill/Easton area, correct?

17 A Yes.

18 Q And what it says is this gentle countryside is a
19 bit more rural, the pace slower and the views
20 absolutely gorgeous. So get off the highway and
21 explore this beautiful area, correct?

22 A Correct.

23 Q Because that's the whole point of this program
24 is to get off the highway, correct?

1 A Yes.

2 Q And it starts with don't miss the Frost Place,
3 once the mountain farm of New Hampshire poet
4 Robert Frost which today has a resident poet and
5 a nature trail; the stone stack Iron Foundry
6 Interpretive Center; the Sugar Hill Museum, a
7 gem of a small historical museum with changing
8 exhibits that reflects two centuries of North
9 Country life.

10 And it goes on to then say Franconia's
11 Abbie Greenleaf Library, and then significantly
12 for our discussion, and the drives along Routes
13 116, 117 and Sunset Hill Road. And then we go
14 into the first ski school in America, correct?

15 A Correct.

16 Q The Frost Museum, are you familiar with where on
17 116 it's located?

18 A It's not on 116. You have to go through several
19 back roads to get there.

20 Q But when you travel to get there, can you go on
21 the Route 116?

22 A Yes.

23 Q That they plan on digging up?

24 A Yes.

1 Q And there's a sign to turn right up there?

2 A Yes.

3 Q And that's how you can access it, correct?

4 A That's how you get there. There's no other way
5 to get there. Well, you can come down from
6 Sugar Hill.

7 Q So this is a major access for the eastern
8 Franconia area, and 116 is a major road,
9 correct?

10 A 116 is very major road for north/south and also
11 for local business.

12 Q And major as far as a scenic cultural byway,
13 correct?

14 A Yes.

15 Q As a matter of fact, it's right on the, it's a
16 link directly from the DOT website, correct?

17 A 116 itself is a Scenic Byway.

18 Q Exactly. Thank you. No further questions.

19 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

20 **CROSS-EXAMINATION**

21 **BY MR. REIMERS:**

22 Q Hello, Mr. Martland.

23 A Hello.

24 Q You testified just a little while ago the

1 National Trust for Historic Preservation called
2 northern New Hampshire a National Treasure. Is
3 that a formal designation?

4 A They've identified several dozen areas across
5 the nation as National Treasures, yes.

6 Q Are you aware of any other regions in New
7 England with the same designation?

8 A I'm not aware of which areas have or have not
9 been designated.

10 Q In your Supplemental Testimony, that Power Point
11 presentation, you have a photo of like a tourist
12 brochure booth with a brochure of the Byways.

13 A Yes.

14 Q Who uses the designated Byways?

15 A There are several classes of people that use
16 them. First of all, since they're all the major
17 roads, everybody who lives up north of Plymouth
18 is using the byways day after day after day.
19 And many of the people who have retired up there
20 came there because of the fact that they can
21 travel on the byways wherever they go. Then you
22 have the visitors to their friends and relatives
23 who live up there, and we take them out for
24 rides on the Byway. We drive to, through

1 Crawford Notch, and we drive up to Moose Alley,
2 and we drive around on the Connecticut River.

3 Then you have people who are tourists who
4 are coming and staying in the B&Bs and the
5 hotels and camping and hiking and fishing and
6 riding their ATVs and whatever else people do.
7 Gliders in Franconia.

8 Then you have people who are staying for a
9 week or have summer homes. And so there's a
10 tremendous number of people are coming to New
11 Hampshire to enjoy the scenery and the
12 recreation and the historic areas and every one
13 of them is using the Byways.

14 Q The T.J. Boyle witnesses testified to their
15 opinion that most roads in New Hampshire are
16 scenic. Would you agree with them?

17 A I would agree with that for New Hampshire. For
18 northern New Hampshire, I would say almost all
19 roads are scenic.

20 Q In Mr. Varney's report which is Appellant's 1, I
21 believe Appendix 43. He has a section on Scenic
22 Byways, and he talks about the North Country
23 Scenic Byway Council recently adopting Corridor
24 Management Plans.

1 A Yes.

2 Q Are you familiar, you must be familiar with that
3 process?

4 A Yes, I am.

5 Q And he states that it is anticipated that the
6 North Country Byway Council will formally
7 request these changes to the designation status
8 in 2016. Has the Council formally requested
9 certain changes to designation status?

10 A Mr. Varney's statement was incorrect, and we did
11 not request such changes. We have not requested
12 such changes, and we have, in fact, voted not to
13 de-designate any road, any Scenic Byway in the
14 North Country.

15 Q So on page 23 of his report where he states if
16 adopted by the New Hampshire Scenic and Cultural
17 Byways Council, the proposed changes would
18 reduce the number of crossings of scenic and
19 cultural byways, that is an incorrect statement?

20 A That's a true statement. He says if they
21 adopted it. If they de-designated, then that's
22 a true statement. But to de-designate a Scenic
23 Byway requires input from the municipalities
24 involved, and up in our area it would involve

1 the North Country Scenic Byway Council and the
2 North Country Council.

3 Q And does the Council have any plans that you're
4 aware of to de-designate?

5 A In January 2016, I mean, the question, the
6 Corridor Management Plans say that there are
7 several locations, several roads where the
8 action should be consider de-designation, and
9 it's spelled out in the Corridor Management Plan
10 for the Presidential Range Trail to say, to
11 consider whether or not to de-designate.

12 The Council in January or February of 2016
13 voted not, we considered whether or not to
14 de-designate any of these, and we voted that we
15 should not de-designate. North Country Council
16 confirmed that, and in 2017, April, we sent a
17 letter to the New Hampshire Scenic Byway Council
18 that included the recommendation not to
19 de-designate any roads. The only road that has
20 been de-designated, as I said before, NH 110
21 between West Milan and Berlin, and that was
22 because the Woodland Heritage Trail was rerouted
23 to go through Milan and come down along the
24 Androscoggin River.

1 Q Thank you. I don't have any further questions.

2 PRESIDING OFFICER HONIGBERG: Mr. Baker.

3 **CROSS-EXAMINATION**

4 **BY MR. BAKER:**

5 Q Thank you, Mr. Chair. I will be extremely
6 brief.

7 Before I get to Mr. Martland, I just want
8 to make a correction to the record yesterday. I
9 represented to the Committee that Ms. Widell had
10 made certain statements during my examination of
11 her. We did not have the material in front of
12 us, and this illustrates why we should always do
13 that because I was wrong. And I was referring
14 to testimony of Ms. Widell that I was recalling
15 she gave in questions from Counsel for the
16 Public. So having corrected that record, I hope
17 the Committee will forgive me.

18 Mr. Martland, I just have a very, very
19 brief group of questions for you. Are you
20 familiar with the Site Evaluation Committee's
21 definition of historic sites which I have in
22 front of you on the screen?

23 A I have just read it. Yes.

24 Q Okay. When I questioned Ms. Widell, and I do

1 have her transcript with me if we need it, she
2 said she did not classify the Moose Path Trail
3 or the Woodlands Heritage Trail as historic
4 sites in accordance with this definition.

5 My question to you is simple. Do you agree
6 with her or do you disagree with her?

7 A I disagree.

8 MR. NEEDLEMAN: Objection. This is beyond
9 the scope of Mr. Martland's testimony.

10 PRESIDING OFFICER HONIGBERG: Mr. Baker?

11 MR. BAKER: I don't think it's beyond the
12 scope of his testimony. I think he is giving
13 the Committee information that it needs to
14 classify historic sites or culturally
15 significant aspects of the -- and it's a very
16 simple question. I'm asking him if he agrees or
17 not with the Applicant's witness who testified
18 here after he did his Prefiled Testimony.

19 PRESIDING OFFICER HONIGBERG: Well, but all
20 that testimony was in her original analysis but
21 the answer is no. He's already said no. We
22 heard that. So are you going to ask another
23 question about it?

24 MR. BAKER: I was simply going to ask him

1 if he agreed with her reasoning which was that
2 these roads were not 50 years old or culturally
3 significant. And then I'm done.

4 PRESIDING OFFICER HONIGBERG: All right.
5 We'll going to let you go. I think we already
6 know what the answer is, but go ahead.

7 A The roads are clearly more than 50 years old.
8 In most cases, they date back to the 19th
9 century in terms of the routes. The scenic and
10 cultural byways were established because those
11 roads go through next to or near areas that are
12 known for their scenic and cultural resource and
13 historic resources.

14 Q Just to correct my prior question, she also said
15 that they do not have exceptional importance.
16 Do you agree with that?

17 A Well, I obviously disagree with that. I believe
18 they do have exceptional importance for many
19 different reasons.

20 Q Thank you, Mr. Martland. I have no further
21 questions.

22 PRESIDING OFFICER HONIGBERG: Ms. Menard?

23 **CROSS-EXAMINATION**

24 **BY MS. MENARD:**

1 Q Good morning, Mr. Martland.

2 A Good morning.

3 Q I'm Jeanne Menard, member of the Deerfield
4 Abutter Intervenor Group, and I'd like to ask
5 you questions relating to your property value
6 assessment and impacts. That's the theme of my
7 questions.

8 A Fine.

9 Q And a lot of it ties back to some of the
10 discussions that we've been having regarding
11 orderly development and land use and your
12 opinions regarding that. And I'd like to start
13 off with a statement made by Ms. Widell and I'll
14 put this up on the ELMO. And this is from Day
15 27 in the morning. And I'm particularly
16 interested in her comment that starts on line
17 10. And she's being asked about the structures
18 and the impact of the Northern Pass structures
19 on the existing line. And her response is, and
20 so what I don't think many people realize, we
21 actually looked historically at the transmission
22 line corridor and found that it was primarily
23 located in bottom lands.

24 Do you agree? What is your

1 characterization of the 40 miles of land in that
2 area that you have spent time considering for
3 the Committee?

4 A Well, the region in Coos County you have to go
5 up and over ridges in many different locations
6 so some of it will be in the valleys, but you
7 also have to get across the ridges.

8 Q So you wouldn't necessarily agree with her
9 assessment --

10 A She is talking here about the existing line.

11 PRESIDING OFFICER HONIGBERG: Hang on.
12 Hang on. Hang on. I'm sorry. What, Mr.
13 Needleman?

14 MR. NEEDLEMAN: I wanted to be sure the
15 question was done.

16 PRESIDING OFFICER HONIGBERG: Yes.

17 MR. NEEDLEMAN: I'm going to object to the
18 characterization because I think as Mr. Martland
19 is now saying they're talking about two
20 different things.

21 PRESIDING OFFICER HONIGBERG: So I'm not
22 sure where we are. I thought Ms. Menard's
23 question got cut off. I think he was answering
24 the question he expected. And I'm not sure

1 you're going to object if that's what he's
2 saying.

3 MR. NEEDLEMAN: I think he understands
4 they're talking about two different things so
5 I'll withdraw the objection.

6 PRESIDING OFFICER HONIGBERG: All right.
7 Mr. Martland. Wait a minute. Let's back up.
8 Can you finish the question, Ms. Menard?

9 MS. MENARD: Thank you.

10 BY MS. MENARD:

11 Q My question is historically as Ms. Widell is
12 referring to 90-year-old corridors, would the
13 characterization of them as being bottom lands
14 be correct in the North Country area which you
15 are familiar with?

16 MR. NEEDLEMAN: And that's what I'll object
17 to. It's an apples and oranges comparison.
18 That's not what Ms. Widell was saying.

19 PRESIDING OFFICER HONIGBERG: I think that
20 may be right, but I'm going to overrule the
21 objection, and let Mr. Martland answer.

22 A I can answer that in Sugar Hill. The line goes
23 through -- it's not necessarily on the bottom,
24 but it's along the sides of valleys. There is

1 no, where the corridor is in the North Country,
2 it seems to be in the bottom lands in most
3 places, but I'm not familiar with exactly where
4 it goes over ridges.

5 Q Okay. Thank you.

6 Are you familiar with, let me put this up
7 on the screen and then ask you a question.

8 A I can't see the top.

9 Q I just put this up as a reference point. Are
10 you aware that Northern Pass commented on
11 Chalmers' work in the, in an argument with the
12 Department of, excuse me, the Draft EIS? Are
13 you aware that they posted a set of comments?

14 A No.

15 Q In their comments, they refer to a statement
16 from page 2 of this document that except for 32
17 miles of the northernmost 40 miles of the
18 Project, where there are only a few and widely
19 dispersed residence properties.

20 So what I'm trying to get to, Mr. Martland,
21 is we have the Applicant characterizing the
22 North Country as a few residential properties.
23 In your Supplemental Testimony you are rendering
24 a pretty strong opinion that there's undeveloped

1 land in this area that has potential. How would
2 you summarize from a land use perspective the 40
3 miles of the Project in the area that you're
4 familiar with?

5 A Well, as I said before, that area near Coleman
6 State Park and other areas that we visited with
7 the SEC, they're extraordinarily beautiful
8 areas, extraordinarily rich in recreational
9 opportunities, and second homeowners and
10 retirees I believe are major growth areas for
11 those towns, and every retired couple that goes
12 up there is probably supporting one or two
13 full-time jobs ranging from restaurants and
14 grass cutting to fixing the roof. I'll leave it
15 there.

16 Q So this is page 5 of the comment posted by the
17 Applicant, and they, basically, this is a
18 summary of Mr. Chalmers' work and the statement,
19 the market value of vacant land is generally not
20 affected by HVTL. Would you, and I'll give you
21 a minute to finish reading the sentence and then
22 I'll ask my question.

23 A Is this a conclusion from his study of the
24 developments along the right-of-way? He did a

1 bunch of case studies.

2 Q This is a summary of Mr. Chalmers' real estate
3 reports as they pertain to the land studies.
4 The subdivision studies.

5 A That he did for Northern Pass.

6 Q Correct.

7 A Right.

8 MR. NEEDLEMAN: If there is a question now
9 pending, I'm going to object. It wasn't clear
10 to me that Ms. Menard was finished.

11 PRESIDING OFFICER HONIGBERG: I'm not sure
12 either. Ms. Menard, what's --

13 MS. MENARD: How can he object when I
14 haven't even asked the question yet?

15 PRESIDING OFFICER HONIGBERG: He's psychic.

16 MR. NEEDLEMAN: I'm concerned that it was
17 being answered.

18 PRESIDING OFFICER HONIGBERG: Ms. Menard,
19 what's happening is the witness is sometimes
20 beginning to answer the question that he
21 expects, and, therefore, Mr. Needleman is trying
22 to cut that off. So let me, before I turn back
23 to your question, let me ask Mr. Martland to
24 please try to wait until the question is done

1 before you start to answer.

2 A I'll try.

3 PRESIDING OFFICER HONIGBERG: That does a
4 number of good things. It helps make a better
5 transcript, and it allows for the counsel who
6 might want to make an objection to make it. Ms.
7 Menard. Your question?

8 BY MS. MENARD:

9 Q My question is do you agree with the summary
10 statement that the market value of vacant land
11 is generally not affected by the HVTL?

12 MR. NEEDLEMAN: I object because
13 Mr. Martland has no expertise in this area, and
14 it's beyond the scope of his testimony.

15 PRESIDING OFFICER HONIGBERG: Ms. Menard.

16 MS. MENARD: I believe that Mr. Martland
17 has than demonstrated through his analysis of
18 property value impacts in Sugar Hill that he is
19 in a position to have an opinion with regards to
20 the value of the HVTL and in his area. Not
21 outside his area, but certainly within the area
22 which he has filed testimony in with regards to
23 this topic.

24 PRESIDING OFFICER HONIGBERG: While what

1 you've said is true, he chose not to offer that
2 opinion in his Original Testimony. You're
3 asking for a new opinion. So I'm going to
4 sustain the objection.

5 MS. MENARD: May I ask for a clarification?

6 PRESIDING OFFICER HONIGBERG: Maybe.

7 MS. MENARD: The opinion being new, is it
8 the topic of the HVTL or is it new because he
9 hasn't, he didn't render an opinion of the
10 Applicant's opinion? I'm not understanding why
11 this is being objected to because it's a new
12 topic.

13 PRESIDING OFFICER HONIGBERG: It's
14 something that he could have testified to but
15 didn't. But chose not to for whatever reason.

16 MS. MENARD: Okay. Thank you.

17 BY MS. MENARD:

18 Q Mr. Martland, have you had an opportunity to
19 review this Technical Report?

20 A No.

21 Q From the Northern Pass Transmission line
22 Project?

23 A No.

24 Q I believe, but you can correct me if I'm wrong,

1 are you familiar with the literature studies
2 that were utilized by the Department of Energy
3 in their analysis of HVTL impacts on property
4 values?

5 A I made a very thorough review of what was in the
6 Draft EIS, submitted comments, and some changes
7 were made in the Final EIS. I'm familiar with
8 this draft which I think is the -- this is the
9 Final? EIS which includes some corrections
10 based upon my comments.

11 Q And is this HIST Exhibit 8, is this an exhibit
12 that you have filed? I didn't have an
13 opportunity to double-check to see if this was
14 your code for your group.

15 A No. This is Peter Colwell's paper. My Exhibit
16 8 was the, I had the comments, review of all the
17 sources used in the Draft EIS of which this was
18 one.

19 Q Okay. So this has been labeled Historic 8. I'm
20 not exactly sure who, doesn't matter, it is in
21 the docket. In the Final Environmental Impact
22 Statement there was a 1990 article by Peter
23 Colwell and the name, it's the same name that is
24 on this particular document, and it is a

1 statistical study that explores the growth of
2 trees to obscure the views of towers and lines.
3 Are you familiar with this article?

4 A I believe this is the article that was used as
5 one of the references in that previous chart in
6 which case I read it and reviewed it and
7 submitted detailed comments to EIS which are
8 somewhere in this document.

9 Q Yes. So what I'm asking to just verify for the
10 record, so this is the same study that the
11 Environmental Impact Study was utilizing in one
12 of their comparisons and summaries?

13 A I believe it is. Yes.

14 Q Okay. Thank you.

15 Do you recall the conclusion of this
16 particular study which was, as you can see, they
17 were attempting to discern whether or not the
18 growth of trees might have a role in the
19 diminishment of HVTL effects over time?

20 A I read this study and presented detailed
21 comments 18 months ago, and do I remember what
22 was in this study? Exactly, no. Do I remember
23 what my conclusion was? No. But the notion
24 that trees grow up to block the lines so that

1 the timing of the analysis is important, that is
2 certainly true. Some of these analyses look at
3 the effect on property values at the time a line
4 is either constructed or announced. Others say
5 what will the value be ten years down the road.
6 If you go 10 or 20 years down the road, then
7 trees have grown up and could be blocking the
8 line. So it's an important factor. Yes.

9 Q I'm going to put up an exhibit that is labeled
10 Joint Muni 247. 32 years ago there was a
11 findings report from the Phase II New England
12 Hydro Project, and it is a topic that was
13 summarizing the orderly development argument
14 that is reliant upon the use of the existing
15 right-of-way.

16 And the sentence that I would like to ask a
17 question about is the single most important fact
18 bearing on this finding is that the proposed
19 transmission line occupies or follows existing
20 utility transmission rights-of-way or
21 utility-owned properties.

22 Do you think this argument still holds true
23 today?

24 MR. NEEDLEMAN: Objection. Calling for a

1 legal conclusion and beyond the scope of his
2 testimony.

3 PRESIDING OFFICER HONIGBERG: Ms. Menard?

4 MS. MENARD: I'm not asking him the
5 question because I know that he's not an
6 attorney. This isn't, I'm not considering this
7 asking for a legal opinion. He has opinions
8 about orderly development, and so from an
9 orderly development standpoint, is this an
10 argument that, would he agree.

11 PRESIDING OFFICER HONIGBERG: I'm not sure
12 I quite understand exactly where you're going,
13 but I'll overrule the objection for that
14 question and see what happens. You can answer.

15 A I should start by saying that we own property
16 that has a half mile of the existing
17 transmission line in Sugar Hill. We got heavily
18 involved in this whole Project because the
19 towers were going to be put in that corridor.

20 PRESIDING OFFICER HONIGBERG: Mr. Martland,
21 that was not the question. Ms. Menard, can you
22 repeat the question?

23 BY MS. MENARD:

24 Q My question, Mr. Martland, is do you believe

1 that the utilities reliance on the argument that
2 using an existing corridor has a minimum impact
3 on the orderly development of the region, do you
4 think that that is a valid argument today?

5 A Their argument is totally invalid.

6 Q Can you explain why?

7 PRESIDING OFFICER HONIGBERG: Wait.

8 MR. NEEDLEMAN: Same objection.

9 PRESIDING OFFICER HONIGBERG: That's not
10 something he chose to do in his testimony. It
11 sounds like a new opinion you're asking him to
12 give. I'm going to sustain the objection.

13 BY MS. MENARD:

14 Q The witnesses in this particular docket from the
15 utility side concluded that the potential
16 effects on adjacent land uses would be minimal
17 and would be related primarily to incremental
18 visual impacts.

19 Would you describe -- so first of all, do
20 you agree that this is an acknowledgment back in
21 1985 that even though they've viewed them as
22 minimal the idea that there is incremental
23 visual impacts that that could be a result of a
24 project being introduced to a corridor?

1 MR. NEEDLEMAN: Objection. This is well
2 beyond the scope of Mr. Martland's testimony,
3 and it's also asking him to just confirm what
4 the document says.

5 PRESIDING OFFICER HONIGBERG: Ms. Menard?

6 MS. MENARD: I think it is well within his
7 scope of, the scope of his testimony given a
8 large portion of his testimony has to do with
9 visual impacts and, specifically, the visual
10 impacts as they pertain to this Project.

11 PRESIDING OFFICER HONIGBERG: What is this
12 document again? Isn't this about a project from
13 20 years ago?

14 MS. MENARD: That is true.

15 PRESIDING OFFICER HONIGBERG: So how is a
16 conclusion or assertion made about that project
17 20 years ago relevant to what we're talking
18 about right now? This very specific statement
19 that I'm reading.

20 MS. MENARD: Thank you. Thank you for
21 asking. Mr. Chalmers has claimed no incremental
22 impact due to this Project. The ultimate, he
23 was asked repeatedly, so the fact that you're
24 putting Northern Pass Transmission into this

1 corridor, you're not going to have any impact,
2 you know, visual impact, and he said no. And
3 here we have a docket back in 1985 which
4 clearly, well, that is suggesting that there are
5 incremental impacts. In fact, it's minimal, but
6 it's there, and I think that's an important
7 distinction that is relevant to this discussion.

8 PRESIDING OFFICER HONIGBERG: Mr.
9 Needleman, you look like you want to say
10 something?

11 MR. NEEDLEMAN: Yes. I'm not sure that's
12 exactly what Mr. Chalmers said, but
13 notwithstanding that, if Ms. Menard believes it
14 was, she should have asked Mr. Chalmers.

15 PRESIDING OFFICER HONIGBERG: I'm going to
16 sustain the objection on relevance grounds, on
17 beyond the scope, and I think it misstates the
18 record.

19 MS. MENARD: Okay.

20 BY MS. MENARD:

21 Q Last question, Mr. Martland.

22 With regards to orderly development and
23 property value impacts, you have touched upon
24 public perception. Do you think that the public

1 perception today is challenging a well-worn
2 threshold that is moving us into having
3 different opinions and different views as
4 opposed to what literature might be saying,
5 literature that is dated, old docket
6 information, do you feel from a, do you think
7 we're moving into a new era with regards to the
8 public's perception on this topic?

9 MR. NEEDLEMAN: Objection. It calls for
10 speculation, it's beyond the scope of his
11 expertise, and it's beyond the scope of his
12 testimony.

13 PRESIDING OFFICER HONIGBERG: Ms. Menard,
14 that's an extremely confusing question.

15 MS. MENARD: I'm sorry.

16 PRESIDING OFFICER HONIGBERG: I'm not even
17 sure what it is you're asking. Do you want to
18 address Mr. Needleman's objection, perhaps try
19 and reword the question? Maybe do it in a
20 couple of bites?

21 MS. MENARD: Okay.

22 PRESIDING OFFICER HONIGBERG: See how that
23 goes?

24 MS. MENARD: Yes.

1 BY MS. MENARD:

2 Q Do you think the public's perspective on this
3 Project is influencing in any way -- no. That's
4 not going to be any better. Sorry. I'm trying.

5 He has mentioned, he is one of the few
6 Intervenors that has raised the issue of public
7 perspective. Can you, please -- why is that
8 important?

9 MR. NEEDLEMAN: Objection.

10 Q -- beyond what you've said in your testimony
11 with regards to orderly development. I believe
12 you raised this in your testimony with regards
13 to orderly development?

14 PRESIDING OFFICER HONIGBERG: Mr. Martland,
15 do you understand what Ms. Menard is asking?

16 MS. MARTLAND: I understand perfectly what
17 she's trying to ask. Yes.

18 PRESIDING OFFICER HONIGBERG: Wow. Ms.
19 Menard, I'm going to let him answer this
20 question.

21 MS. MENARD: Thank you.

22 PRESIDING OFFICER HONIGBERG: Because he
23 seems to have connected with you in some way. I
24 don't know what else you'll be allowed to do

1 with it, but go ahead, Mr. Martland.

2 A I believe she is asking within a general context
3 are public perceptions towards environmental
4 issues and development issues in orderly
5 development changing over time. I, in fact,
6 have taught a course on project evaluation,
7 written a textbook on sustainable development.
8 I am well aware that public attitudes have
9 changed so the fact that towers were built in
10 the past in one way may no longer be relevant
11 today. The fact that people understand there
12 are new ways to do things means that groups like
13 the SEC should be looking at new ways of doing
14 things. So I would say yes, public perceptions
15 about whether it's transmission lines or
16 electricity production or whatever, are changing
17 and they are relevant to the orderly development
18 because we don't -- I mean, the way I would look
19 at it is why should New Hampshire be the last
20 place to have gigantic transmission lines built
21 for power that may or may not be needed for
22 decades when people understand that there are
23 other sources of energy, people understand there
24 are other ways to transmit that energy, and I'll

1 leave it there.

2 MS. MENARD: Thank you.

3 PRESIDING OFFICER HONIGBERG: You should
4 thank him.

5 MS. MENARD: That's all I have.

6 PRESIDING OFFICER HONIGBERG: Did I miss
7 any Intervenor Group that has questions? Ms.
8 Draper? Mr. Cote? Who had not, neither of whom
9 had raised their hands before. What do you have
10 for this witness, Mr. Cote?

11 MR. COTE: Jeanne was going to introduce me
12 for one question.

13 MS. MENARD: I apologize.

14 PRESIDING OFFICER HONIGBERG: And Ms.
15 Draper, you have questions as well?

16 MS. DRAPER: Yes, I do.

17 PRESIDING OFFICER HONIGBERG: All right.
18 Mr. Cote.

19 **CROSS-EXAMINATION**

20 **BY MR. COTE:**

21 Q Bob Cote from the Deerfield Abutters Group.

22 And, Dawn, could I have Apple TV, please?

23 I have a couple of exhibits to show you
24 before I actually get to my question. And this

1 is a little bit of a followup on Mr. Pappas's
2 question but also on cross-examination with
3 Mr. DeWan when he was here. And this is
4 Deerfield Abutter 144, but it's also from the
5 DOE report. And this is Nottingham Road in
6 Deerfield.

7 And I'd like to bring up the transcript of
8 the DeWan testimony regarding this point. And
9 you can see he starts at the bottom of the page,
10 we're introducing the subject of this
11 photograph, and then on the next page, the
12 question was whether or not he had done an
13 evaluation on that location, and his response
14 was that it was not a Key Observation Point. Do
15 you see that?

16 A Yes.

17 Q And that's a public road. And I'm going to move
18 to Deerfield Abutter 39 which is a listing that
19 Mr. Berglund did of vehicle travel in Deerfield,
20 and if you look in that, so all these points on
21 this table are all the roadway locations in
22 Deerfield where they, traffic either passes
23 under the transmission lines or by, you can see
24 that there's about 8,290 vehicles per day in the

1 vicinity of the Project. Do you see that?

2 A Yes.

3 Q So my understanding is that Mr. DeWan picked one
4 location in Deerfield to assess as part of his
5 Visual Impact Assessment, and during the
6 cross-examination the question was with regard
7 to other Key Observation Points.

8 So now getting to my question, given that,
9 do you think that a Visual Impact Assessment
10 should have taken approach in Deerfield that
11 considered all of these roadway exposure points
12 in aggregate?

13 MR. NEEDLEMAN: Objection. This is beyond
14 the scope of his testimony. He's here on behalf
15 of the North Country Scenic Byways Council and
16 said nothing about roads in Deerfield.

17 PRESIDING OFFICER HONIGBERG: Mr. Cote?

18 MR. COTE: I believe this witness has a
19 perspective on Scenic Byways and historic
20 properties both that are similar in his area to
21 the situation in Deerfield.

22 PRESIDING OFFICER HONIGBERG: And I know
23 there's a picture from Deerfield in his set of
24 pictures. I'll overrule the objection and allow

1 him to answer.

2 A I think that there is a very strong visual
3 impact at any of the hundred or so locations
4 where Northern Pass Transmission lines would
5 cross a road. There are various definitions
6 that can be used for what is a scenic resource,
7 what is a scenic location. All I can say is
8 that the visual impact for someone standing at
9 any one of these crossings, they're going to be
10 looking down the line at a row of towers and
11 that will be unreasonably adverse using the
12 methodology used by VIA experts.

13 To what extent the SEC should be taking
14 into consideration these crossings is, I guess,
15 up to the SEC. I think most people that I'm
16 aware of say that if you are using a road, the
17 North Country will be a Scenic Byway but
18 anywhere, and you're going to a historic village
19 center, town center such as in Deerfield, you
20 would, your experience would be diminished by
21 seeing those towers every time you crossed under
22 them. So it's, I would say, common sense says
23 that, yeah, we should take it into account.
24 Whether there's a bureaucratic or legal or clear

1 definition that says how much you take it into
2 account I don't know. But everybody that I have
3 ever talked to is concerned about the towers
4 crossing -- I mean, these aren't small volume
5 locations. These are locations with hundreds of
6 cars every day. These are locations where, you
7 know --

8 PRESIDING OFFICER HONIGBERG: Mr. Martland,
9 do you remember the question?

10 A Perhaps not.

11 PRESIDING OFFICER HONIGBERG: I thought
12 not. Mr. Cote?

13 MR. COTE: Thank you. I think you've
14 answered it. Thank you, Mr. Martland.

15 PRESIDING OFFICER HONIGBERG: Ms. Draper?

16 MS. DRAPER: Thank you. Mr. Chairman, I am
17 on the list of people who requested time.

18 PRESIDING OFFICER HONIGBERG: Ms. Draper,
19 ask your questions.

20 MS. DRAPER: Okay. Thank you.

21 **CROSS-EXAMINATION**

22 **BY MS. DRAPER:**

23 Q I am Gretchen Draper, and I'm one of the
24 Intervenors from the Pemigewasset River Local

1 Advisory Committee. And I'm interested, I'm
2 going to be asking questions mainly about the
3 report by the New Hampshire Scenic and Cultural
4 Byways Council which you are part of, and this
5 is the report for 2013 to 2015, and I'm
6 wondering if there is a more recent report that
7 has come out.

8 A First let me clarify. That report is from the
9 New Hampshire Scenic Byways Council. I am the
10 Chair of the North Country Scenic Byways
11 Council. So we are actually a part of the North
12 Country Council and not part of the New
13 Hampshire Scenic Byways Council.

14 I am familiar with that report for 2013 to
15 '15, and two weeks ago the New Hampshire Council
16 discussed the update of that report which would
17 be for, I guess, the next two years. I have not
18 seen that report, the update.

19 Q Okay. So you're not involved then in sitting
20 with this Council when they talk about --

21 A I am not a member of that group. I've been to
22 some of their meetings.

23 Q All right. Well, one of my questions is I'm
24 wondering if a designation of a National Scenic

1 Byway is dramatically different from a state, a
2 New Hampshire Byway.

3 A Well, it applies to a road that has higher
4 scenic, yes, it's substantially higher.

5 Q Substantially higher.

6 A Yes.

7 Q Does it have a different group that oversees its
8 maintenance or designation?

9 A Well, each Byway requires some sort of
10 management group, and White Mountain Attractions
11 has been handling that for many years, and North
12 Country Scenic Byways Council is also
13 coordinating with that group.

14 Q All right. When you meet with as part of your
15 North Country group, have you included
16 discussions on Northern Pass throughout the last
17 few years?

18 A Yes.

19 Q And are they included in a report or do you, is
20 it more discussing what the concerns are?

21 A Our discussions resulted in a detailed report,
22 20, 30, 40 pages, that was voted on and approved
23 by the North Country Scenic Byways Council, and
24 that report was submitted as a comment to DOE

1 and I think to SEC, but that report was the
2 basis for my Prefiled Testimony.

3 Q All right. Thank you very much. That's all I
4 have.

5 PRESIDING OFFICER HONIGBERG: Did I miss
6 anybody else? All right. Off the record.

7 (Discussion off the record)

8 PRESIDING OFFICER HONIGBERG: We'll do a
9 quick a lunch as we reasonably can and try to
10 start again at quarter to 2.

11 (Lunch recess taken at 12:54
12 p.m. and concludes the **Day 63**
13 **Morning Session**. The hearing
14 continues under separate cover
15 in the transcript noted as **Day**
16 **63 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 30th day of November, 2017.

Cynthia Foster, LCR