

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

May 24, 2018 - 1:00 p.m.
49 Donovan Street
Concord, New Hampshire

DELIBERATIONS

Afternoon Session ONLY

{*Electronically filed with SEC 5-30-18*}

IN RE: SEC DOCKET NO. 2015-06
 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
 (*Deliberations on Motions for
 Rehearing; and City of Berlin
 Findings of Facts*)

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, <i>Designee</i>	Dept. of Environ. Serv.
Christopher Way, <i>Designee</i>	Dept. of Business & Economic Affairs
William Oldenburg, <i>Designee</i>	Dept. of Transportation
Patricia Weathersby	Public Member
Rachel Dandeneau	Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq. Counsel for 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

{SEC 2015-06} [Deliberations & Findings] {05-24-18/PM ONLY}

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1 (No verbal response)

2 PRESIDING OFFICER HONIGBERG: All right.
3 No one has volunteered anything so we're going
4 to move to the next order of business.

5 There was a request, the only request for
6 findings of fact in this matter was filed by the
7 City of Berlin. It was part of their memo, the
8 post-hearing memo, and it included a request for
9 findings. We didn't explicitly deal with those
10 in the order, but we're going to take the
11 opportunity now while we're all together to go
12 through them. There are roughly 20 or so and so
13 it will take a few minutes. We're going to do
14 them one at a time.

15 In order to do that, we probably should
16 take a motion to reopen the record for a limited
17 purpose, and I guess since we've discussed the
18 issue of reopening the record more broadly, we
19 should probably do that in two steps. Do a
20 motion to reopen the record on all issues, see
21 how that comes out. If it is denied, or if it's
22 rejected, then do a motion for the limited
23 purpose of considering Berlin's requested
24 findings.

1 Does that work for you, Mr. Iacopino?

2 MR. IACOPINO: Sure.

3 PRESIDING OFFICER HONIGBERG: Commissioner
4 Bailey?

5 COMMISSIONER BAILEY: Is there a difference
6 between reopening the record and reopening our
7 deliberations?

8 PRESIDING OFFICER HONIGBERG: There would
9 be a difference, yes. If I said reopen the
10 record, I misspoke.

11 COMMISSIONER BAILEY: You did say that.

12 PRESIDING OFFICER HONIGBERG: I meant
13 reopen deliberations.

14 COMMISSIONER BAILEY: Okay. Thank you.

15 PRESIDING OFFICER HONIGBERG: So I'd like
16 someone to make a motion, essentially your
17 motion from earlier today, Commissioner Bailey,
18 to reopen deliberations on all issues as
19 requested by the Applicant.

20 COMMISSIONER BAILEY: I would make a motion
21 to reopen deliberations based on an abundance of
22 caution that a reasonable person could read Site
23 220, Site Rule -- let me get the right number --
24 202.28 that a reasonable person might read the

1 plain meaning of this rule to require us to
2 consider all four criteria stated in the law.

3 PRESIDING OFFICER HONIGBERG: Mr. Wright,
4 you'll second?

5 DIR. WRIGHT: I'll second.

6 PRESIDING OFFICER HONIGBERG: Any further
7 discussion of that issue on top of what we
8 discussed earlier today?

9 (No verbal response)

10 PRESIDING OFFICER HONIGBERG: Seeing none,
11 all in favor say "aye"?

12 (Multiple members indicating "aye".)

13 PRESIDING OFFICER HONIGBERG: Opposed?

14 (Multiple members indicating "nay".)

15 PRESIDING OFFICER HONIGBERG: No. So the
16 no's have it, 5 to 2.

17 I would like a motion to reopen
18 deliberations for the limited purpose of
19 considering Berlin's requested findings.

20 COMMISSIONER BAILEY: So moved.

21 PRESIDING OFFICER HONIGBERG: Any further
22 discussion?

23 (No verbal response)

24 PRESIDING OFFICER HONIGBERG: Seeing none,

1 all in favor say "aye"?

2 (Multiple members indicating "aye".)

3 PRESIDING OFFICER HONIGBERG: Are there any
4 opposed?

5 (No verbal response)

6 PRESIDING OFFICER HONIGBERG: The "ayes"
7 have it, and it is unanimous.

8 All right. I don't know if there's an
9 efficient way to do this. We're going to do
10 them one by one. I guess probably have to read
11 them into the record.

12 I'll do that. I'll do it nice and slowly
13 for you.

14 COURT REPORTER: Thank you.

15 PRESIDING OFFICER HONIGBERG: Number one,
16 the requested finding is as follows:

17 "The Coos Loop is a 115 kV transmission
18 line that starts at the Lost Nation substation
19 in Northumberland, travels east through
20 Northumberland, Stark and Dummer to the Paris
21 substation, then travels south through Milan,
22 the City (through the Berlin substation), and
23 Gorham, then travels through Randolph,
24 Jefferson, and Whitefield, and completes the

1 loop by traveling north through Whitefield and
2 Lancaster back to Lost Nation substation."

3 Am I correct that everybody has this in
4 front of them as well? Okay. Commissioner
5 Bailey?

6 COMMISSIONER BAILEY: I'm not positive that
7 those facts are exactly correct, and I wonder
8 whether we have to make that finding. It
9 doesn't seem relevant to the decision that we
10 are or have reached. So I am reluctant to make
11 that finding at this point.

12 PRESIDING OFFICER HONIGBERG: Mr. Iacopino?
13 Would you help us understand what our
14 obligations are with respect to these requests?

15 MR. IACOPINO: Under RSA 541-A, when
16 specific findings of fact are requested, the
17 administrative agency is required to respond to
18 those requested findings of fact and to rule on
19 them.

20 Your ruling may be that it's granted, your
21 ruling may be that it is denied, your ruling may
22 be that it is irrelevant to whatever the
23 determination is that you must make, but those
24 are some of the rulings that you can make on

1 requests for findings of fact.

2 PRESIDING OFFICER HONIGBERG: Commissioner
3 Bailey?

4 COMMISSIONER BAILEY: I would move that we
5 find that the ruling is irrelevant to the
6 decision and that we don't need to make that
7 finding of fact.

8 PRESIDING OFFICER HONIGBERG: Is there a
9 second?

10 MS. WEATHERSBY: I second it for discussion
11 purposes.

12 PRESIDING OFFICER HONIGBERG: I think the
13 existence of the Coos Loop is a fact. Its
14 detailed route isn't tremendously significant.
15 We know generally what it does. I have no
16 reason to think that that description of it is
17 inaccurate, but I just don't know. I don't have
18 information in front me that would answer that
19 quickly, but it is true that the Coos Loop
20 generally does what this says it does.

21 COMMISSIONER BAILEY: Except this doesn't,
22 this particular finding doesn't say what it
23 does. It says where it is.

24 PRESIDING OFFICER HONIGBERG: What it is or

1 where it is.

2 COMMISSIONER BAILEY: Where it is.

3 PRESIDING OFFICER HONIGBERG: And what it
4 is.

5 COMMISSIONER BAILEY: Well, it's a 115 kV
6 line. Yes. And I happen to know that it's a
7 115 kV line, but I don't happen to know all
8 those other things, the exact location and the
9 towns that it goes through.

10 MS. WEATHERSBY: So can we grant the facts
11 that we know and say the others are -- I mean,
12 we know it's a 115 kV line, we know it starts in
13 a certain place, loops around, end up there
14 again. I don't know if it travels east through
15 that town or south or, you know, so I think a
16 lot of this we can grant but not all of it. So
17 I don't know what we do with that.

18 PRESIDING OFFICER HONIGBERG: Mr. Iacopino,
19 what can we do with that?

20 MR. IACOPINO: Yes, you can partially grant
21 and partially deny any request for a finding of
22 fact.

23 PRESIDING OFFICER HONIGBERG: Would it be
24 okay to say that the Coos Loop is a 115 kV

1 transmission line that starts and ends at the
2 Lost Nation substation in Northumberland?

3 COMMISSIONER BAILEY: I think so.

4 PRESIDING OFFICER HONIGBERG: It goes
5 through all of these places.

6 COMMISSIONER BAILEY: I don't know that. I
7 don't. I mean, show me a map.

8 MS. WEATHERSBY: We had testimony on this,
9 and we had maps. We just have to go back and
10 pull it up to verify it. So I don't know if
11 that's something we need to do? Seems like this
12 is going to take a really long time if we have
13 to go back into the record and look at every --
14 I think it's probably true, but I don't know
15 that.

16 COMMISSIONER BAILEY: And is it relevant?
17 Do we need to make this finding?

18 PRESIDING OFFICER HONIGBERG: Let's skip
19 one. Let's move to two. There are others we
20 can deal with. While we're looking at some of
21 the others, I'm going to ask one of our, one of
22 the people who can to find the route of the Coos
23 Loop.

24 Number 2 says, "The Coos Loop is a

1 critically important portion of the transmission
2 grid that allows small-scale hydro generation
3 and other renewable generation to get to the
4 local and regional energy markets and also
5 serves customers in the North Country."

6 My reaction to that one is that it's
7 compound. There are two requested findings
8 there. Maybe more. The first is that the Coos
9 Loop is a critically important portion of the
10 transmission grid. I don't know that to be
11 true, and I don't know that anybody testified
12 specifically to that. It's clear that many
13 people think that. But it's not something I can
14 find as a fact or really need to find as a fact,
15 I don't think.

16 The second part is that the Coos Loop
17 allows small-scale hydro generation and other
18 renewable generation to get to the local and
19 regional energy markets and also serves
20 customers in the North Country. That's really
21 two separate ones. But I believe we did hear
22 testimony to that effect, and it was not
23 disputed that that is true.

24 Ms. Weathersby.

1 MS. WEATHERSBY: What if we grant that the
2 Coos Loop is part of the transmission grid.
3 Just take out the words "critically important
4 portion" because I think that's a subjective
5 test that I'm not sure we have enough facts on
6 the record to make that finding. But I think we
7 probably can agree that the Coos Loop is a
8 portion of the transmission grid that allows
9 small-scale hydro generation and other renewable
10 generation get to the local and regional energy
11 markets and also serves customers in the North
12 Country.

13 PRESIDING OFFICER HONIGBERG: Ms.
14 Weathersby moves that we strike the words
15 "critically important" and otherwise grant the
16 requested findings. Is there a second?

17 DIR. WRIGHT: Second.

18 PRESIDING OFFICER HONIGBERG: Any further
19 discussion?

20 (No verbal response)

21 PRESIDING OFFICER HONIGBERG: Seeing none,
22 all in favor say "aye"?

23 (Multiple members indicating "aye".)

24 PRESIDING OFFICER HONIGBERG: Any opposed?

1 (No verbal response)

2 PRESIDING OFFICER HONIGBERG: There are no
3 opposed.

4 Number 3 is garbled in the text that we're
5 looking at, but I know what it's supposed to
6 say.

7 Number 3 says "Thermal, voltage, and
8 stability restrictions exist along the western
9 and northern portions of the Coos Loop running
10 from Whitefield to the Paris substation."

11 I believe there was testimony supporting
12 this proposed finding. I'm not remembering who
13 gave us that testimony. It may have been
14 Mr. Quinlan, and it also may have been Mayor
15 Grenier.

16 Is Mayor Grenier an electrical engineer? I
17 mean, he doesn't know that, does he? He only
18 knows what he's been told. I know it didn't
19 stop him from testifying, but he doesn't know
20 that. But I thought we got testimony from the
21 Applicant about what the Coos Loop is. I
22 believe that Berlin's lawyer asked one or more
23 of the witnesses, and I do believe it was
24 Mr. Quinlan, a number of questions that would

1 establish this and some of the other similar
2 findings.

3 Other thoughts? Commissioner Bailey.

4 COMMISSIONER BAILEY: We could go look at
5 the transcript. I'm reluctant to grant these
6 findings of fact unless they are in the record
7 and provided by a reliable witness.

8 PRESIDING OFFICER HONIGBERG: So we're
9 going to skip -- anybody disagree with that?
10 We're going to jump over 3. Circle back to it.

11 Number 4. "Thermal, voltage, and stability
12 restrictions limit the Coos Loop's ability to
13 transmit electricity to market and constrains
14 the ability of generators situated along the
15 Coos Loop to produce power."

16 I feel like we may want to have the same
17 work done to see who provided that information
18 and whether it was disputed at all.

19 COMMISSIONER BAILEY: Agree.

20 PRESIDING OFFICER HONIGBERG: Do we
21 disagree with that? Boy, the live tweeting of
22 this section of the deliberations is really
23 going to be interesting.

24 Number 5. "The Applicants have agreed to

1 upgrade and repair such portions of the Coos
2 Loop that are co-located with the Project Route,
3 specifically 12.1 points along PSNH Line 154 and
4 18 miles along PSNH Line D142."

5 COMMISSIONER BAILEY: I think that's the
6 same. I think I recall testimony that the
7 Applicants agreed to upgrade and repair the
8 portions of the Coos Loop that are co-located
9 with the Project route, but I would have to
10 check the record on the specifics. So I could
11 grant the finding of fact of the first part of
12 that request up through with the Project route.

13 PRESIDING OFFICER HONIGBERG: Stopping with
14 the phrase "specifically" to the end?

15 COMMISSIONER BAILEY: Yes.

16 PRESIDING OFFICER HONIGBERG: Although
17 someone could probably check that.

18 (Discussion off the record)

19 PRESIDING OFFICER HONIGBERG: So I'll ask
20 someone to check the latter part of that.

21 Number 6. "PSNH has further agreed to
22 upgrade a half-mile portion of the Coos Loop
23 that is not co-located with the Project up to
24 the Paris substation and upgrade the Coos Loop

1 leading from Whitefield to the Moore
2 Hydro-Electric Facility in Monroe."

3 MR. WAY: Mr. Chair?

4 PRESIDING OFFICER HONIGBERG: Mr. Way.

5 MR. WAY: Aren't we going to have the same
6 answer for every single one of these?

7 PRESIDING OFFICER HONIGBERG: No, we are
8 going to get to ones that are largely
9 irrelevant. That was a little unfair.

10 All right. Mr. Iacopino and others are
11 checking to see who it was who testified to
12 that.

13 Number 7. "PSNH has committed to request
14 permission from ISO-New England to perform a
15 study on a static VAR compensator ("SVC") at the
16 Berlin Substation and install an SVC at the
17 Berlin Substation should the study suggest the
18 installation of an SVC."

19 COMMISSIONER BAILEY: Again, I remember the
20 first half of the sentence, but I don't remember
21 the second half. I think Mr. Quinlan testified
22 that PSNH had committed to request permission
23 from ISO to perform the study, but I don't
24 remember that PSNH had committed under any

1 circumstance to install the SVC should the study
2 suggest the installation. I don't remember
3 that. So I would have to see if the transcript
4 reflected that.

5 PRESIDING OFFICER HONIGBERG: It's being
6 checked.

7 I think the way we're going to end up doing
8 this is we're getting all of these into the
9 record. We're going to be able to take a break,
10 confirm what can be confirmed, and then come
11 back and deal with them fairly quickly on the
12 second round because they will be in the record,
13 and we will have identified what work needs to
14 be done.

15 Number 9. "The proposed upgrades and
16 repairs to the Coos Loop associated with the
17 Project are in the public interest, will benefit
18 renewable energy generators, increase the value
19 of those generation facilities, and will benefit
20 local economies."

21 COMMISSIONER BAILEY: And I think you
22 skipped number 8.

23 PRESIDING OFFICER HONIGBERG: I'm sorry.
24 I'll circle back to 8. Let's do 8 and then

1 we'll get to 9.

2 8 says, "The Applicants' proposed upgrades
3 and repairs to the Coos Loop will improve
4 thermal, voltage, and stability constraints
5 along the Coos Loop, thereby allowing generators
6 located along the Coos Loop to transmit a
7 greater amount of renewable energy and
8 experience fewer constraints in the generation
9 of that renewable energy."

10 That was 8. So I think we'll check who
11 said what about that. I remember testimony
12 along those lines, but I don't remember details,
13 and there are multiple requests in that one
14 number.

15 With respect to number 9 which really is a
16 conclusion, not a specific finding of fact,
17 about what's in the public interest. That's a
18 different type of request, and I don't know that
19 it's relevant to what we're discussing here
20 today, but I don't know what others think about
21 that. The only thing preventing those upgrades
22 today is money. Someone willing to pay for it.
23 So those upgrades could happen tomorrow or could
24 be agreed to tomorrow. But whether it's in the

1 public interest depends on a lot of other
2 things.

3 COMMISSIONER BAILEY: I don't think we have
4 enough information in the record to determine,
5 to make a finding whether it's in the public
6 interest and especially whether it's in the
7 public interest for PSNH to pay for it.

8 PRESIDING OFFICER HONIGBERG: Mr. Iacopino,
9 if we conclude that there's insufficient
10 evidence in the record to support a requested
11 finding, is that a denial?

12 MR. IACOPINO: Yes.

13 PRESIDING OFFICER HONIGBERG: Okay.

14 MS. WEATHERSBY: I also don't recall any
15 testimony regarding increasing the value of the
16 generation facilities by virtue of the Coos Loop
17 upgrade. More energy getting out, et cetera,
18 but the value of those would increase? I don't
19 recall testimony. There may have been some, but
20 I don't recall it at all.

21 PRESIDING OFFICER HONIGBERG: It may just
22 be a logical conclusion from the other
23 statements in there. I mean, I think this one
24 should be denied for a variety of reasons.

1 Insufficient evidence in the record to support
2 it.

3 COMMISSIONER BAILEY: I agree.

4 PRESIDING OFFICER HONIGBERG: Commissioner
5 Bailey moves and I second that 9 be denied. Any
6 further discussion?

7 (No verbal response)

8 PRESIDING OFFICER HONIGBERG: All in favor
9 say "aye"?

10 (Multiple members indicating "aye".)

11 PRESIDING OFFICER HONIGBERG: Any opposed?

12 (No verbal response)

13 PRESIDING OFFICER HONIGBERG: The "ayes"
14 have it.

15 10. "The North Country of the State of New
16 Hampshire has struggled economically with the
17 closure of paper mills and other industries in
18 the North Country."

19 MR. WAY: Mr. Chair?

20 PRESIDING OFFICER HONIGBERG: Mr. Way.

21 MR. WAY: Actually, in looking at Mayor
22 Grenier's testimony, I mean, you could probably
23 accept, I mean I would accept 10, 11, 12, 13.

24 PRESIDING OFFICER HONIGBERG: Let's do them

1 one at a time, Mr. Way.

2 MR. WAY: I was just saying if you want
3 to -- that's fine. So I would accept 10.

4 PRESIDING OFFICER HONIGBERG: Mr. Way moves
5 that we grant 10.

6 COMMISSIONER BAILEY: Mr. Way, that's based
7 on Mayor Grenier's testimony?

8 MR. WAY: I think so. The issue is is it
9 word for word, no. But I think there's pieces
10 of all of these in the testimony that I feel
11 comfortable with accepting it.

12 PRESIDING OFFICER HONIGBERG: Does anyone
13 doubt 10 is true?

14 COMMISSIONER BAILEY: No, and he's
15 qualified to say that and nobody disagreed with
16 him or cross-examined him on it.

17 PRESIDING OFFICER HONIGBERG: Are you
18 seconding?

19 COMMISSIONER BAILEY: I'll second.

20 PRESIDING OFFICER HONIGBERG: Any further
21 discussion of 10?

22 (No verbal response)

23 PRESIDING OFFICER HONIGBERG: Seeing none,
24 all in favor say "aye"?

1 (Multiple members indicating "aye".)

2 PRESIDING OFFICER HONIGBERG: Opposed?

3 (No verbal response)

4 PRESIDING OFFICER HONIGBERG: The "ayes"
5 have it.

6 11. "The City of Berlin, being a
7 municipality in the New Hampshire's North
8 Country, has struggled economically and has
9 attempted to revitalize the City and the
10 region's economy through various initiatives."

11 After the first part of that which is
12 largely the same as 10, it's a pretty subjective
13 statement. I mean, again, I don't doubt that
14 it's true, but I don't really know what, how to
15 deal with it. I don't know what relevance it
16 would have under any part of the Site Evaluation
17 Committee statutes or rules.

18 MR. WAY: I'm comfortable with the fact
19 myself. I think it was a, once again, in Mayor
20 Grenier's Prefiled Testimony or at least to an
21 extent in his Prefiled Testimony.

22 COMMISSIONER BAILEY: But if it's in his
23 Prefiled Testimony, and it's not relevant to our
24 consideration, why would we make that finding?

1 PRESIDING OFFICER HONIGBERG: Mr. Iacopino?

2 MR. IACOPINO: Yes.

3 PRESIDING OFFICER HONIGBERG: There's a
4 "why" question pending.

5 MR. IACOPINO: I cannot answer "why"
6 questions for you, I'm sorry. That's properly
7 deliberations for you to determine. I can't
8 tell you whether something is relevant or not.
9 You as the Committee have to determine that so I
10 cannot answer. I can't participate in your
11 deliberations. Sorry.

12 MS. WEATHERSBY: So --

13 PRESIDING OFFICER HONIGBERG: Ms.
14 Weathersby?

15 MS. WEATHERSBY: We've already decided the
16 first part. Well, assuming it's a municipality
17 in the North Country is another fact, but we've
18 already granted the request that they've
19 struggled economically. So it's really that
20 last phrase whether they've attempted to
21 revitalize the city and the region's economy
22 through various initiatives. And whether or not
23 they've done that is really irrelevant to our, I
24 mean, I think that they have, but I don't know,

1 I don't think that's relevant to our decision
2 making process or the facts of this case.
3 Whether they've done initiatives.

4 PRESIDING OFFICER HONIGBERG: Ms.
5 Weathersby moves that we deny number 11 as being
6 irrelevant to the SEC's consideration of the
7 issues. Is there a second?

8 MS. DANDENEAU: Second.

9 PRESIDING OFFICER HONIGBERG: Mr. Way, do
10 you have anything further?

11 MR. WAY: I was just going to say, though,
12 when we're considering the views of
13 municipalities, this would seem to be another
14 consideration that should be before us.

15 PRESIDING OFFICER HONIGBERG: And it may
16 well be.

17 MR. WAY: So wouldn't that by itself be
18 relevance?

19 PRESIDING OFFICER HONIGBERG: That the City
20 has arguably attempted to revitalize itself
21 through various initiatives?

22 MR. WAY: Yes.

23 COMMISSIONER BAILEY: I don't think that's
24 relevant. I think it may be relevant that the

1 municipality has struggled economically and that
2 this Project may have improved their economics,
3 but we've already made a finding of fact that
4 they've struggled economically. To make a
5 finding that they've attempted to revitalize the
6 city, I don't --

7 MS. WEATHERSBY: I'd like to further
8 articulate the motion, and that is that this is
9 granted, as to the first part, that the City of
10 Berlin being a municipality in New Hampshire's
11 North Country has struggled economically, and
12 deny the latter fact that they've attempted to
13 revitalize the city and the region's economy
14 through various initiatives as being irrelevant
15 to our proceeding.

16 PRESIDING OFFICER HONIGBERG: Ms.
17 Dandeneau, will you accept a revised motion for
18 your second?

19 MS. DANDENEAU: Yes.

20 PRESIDING OFFICER HONIGBERG: Any further
21 discussion?

22 (No verbal response)

23 PRESIDING OFFICER HONIGBERG: Seeing none,
24 all in favor say "aye"?

1 (Multiple members indicating "aye".)

2 PRESIDING OFFICER HONIGBERG: Any opposed?

3 (No verbal response)

4 PRESIDING OFFICER HONIGBERG: The "ayes"
5 have it.

6 12. "Despite these efforts, the City of
7 Berlin continues to struggle economically."

8 COMMISSIONER BAILEY: I would strike
9 "despite these efforts" and agree to make a
10 finding that the City of Berlin continues to
11 struggle economically based on Mayor Grenier's
12 testimony.

13 PRESIDING OFFICER HONIGBERG: Is there a
14 second for Commissioner Bailey's motion?

15 MR. WAY: Second.

16 PRESIDING OFFICER HONIGBERG: Any further
17 discussion?

18 (No verbal response)

19 PRESIDING OFFICER HONIGBERG: Seeing none,
20 all in favor say "aye"?

21 (Multiple members indicating "aye".)

22 PRESIDING OFFICER HONIGBERG: Are there any
23 opposed?

24 (No verbal response)

1 PRESIDING OFFICER HONIGBERG: The "ayes"
2 have it.

3 13. "The City has the second highest tax
4 rate in the State of New Hampshire."

5 I believe that's based on Mayor Grenier's
6 testimony, but his testimony is not current
7 anymore. I don't know if it is still true. It
8 may well be. But his testimony was submitted in
9 review of the 2016 records of the Department of
10 Revenue Administration. It may be true for
11 2017. I don't believe anybody's provided us
12 with that information.

13 MR. WAY: Can we qualify it and say as of
14 2016?

15 PRESIDING OFFICER HONIGBERG: We certainly
16 can.

17 MR. WAY: Make a motion that adds the words
18 as of 2016 the City has a second highest tax
19 rate in the State of New Hampshire.

20 PRESIDING OFFICER HONIGBERG: I think "has"
21 becomes "had" in that sentence.

22 COMMISSIONER BAILEY: And that's based on
23 Mayor Grenier's testimony. And we're sure that
24 that's correct. I mean, nobody asked him any

1 questions about that to see if it was correct.
2 We really didn't talk about it.

3 MR. WAY: I don't recall.

4 COMMISSIONER BAILEY: I don't recall
5 talking about it.

6 PRESIDING OFFICER HONIGBERG: It was,
7 therefore, undisputed. But I don't -- not clear
8 that it's relevant, but it is probably true. I
9 have no reason to doubt Mayor Grenier's research
10 on that. So who seconded Mr. Way's motion? Did
11 anybody?

12 MS. WEATHERSBY: I'll second it.

13 PRESIDING OFFICER HONIGBERG: Any further
14 discussion?

15 (No verbal response)

16 PRESIDING OFFICER HONIGBERG: Seeing none,
17 all in favor say "aye"?

18 (Multiple members indicating "aye".)

19 PRESIDING OFFICER HONIGBERG: Any opposed?

20 (No verbal response)

21 PRESIDING OFFICER HONIGBERG: The "ayes"
22 have it.

23 14. "The City has the third highest
24 recorded unemployment rate in the State of New

1 Hampshire."

2 MR. WAY: I think I would go with the
3 Mayor's Prefiled, but I would change the third
4 highest because I don't see that he had said
5 "third." Could be the city has one of the
6 highest recorded unemployment rates in the State
7 of New Hampshire if we deem it relevant. As of
8 2016. I think that's what he used.

9 PRESIDING OFFICER HONIGBERG: Speak into
10 the microphone.

11 MR. WAY: I'm sorry. Department of
12 Employment Security 2016 New Hampshire Local
13 Area Statistics. So I think everything was of
14 2016, but I don't see the word "third" there so
15 I would just say one of the highest.

16 COMMISSIONER BAILEY: Can we make a finding
17 that says the city "had" one of the highest
18 recorded unemployment rates in the State of New
19 Hampshire in 2016?

20 PRESIDING OFFICER HONIGBERG: All right.
21 So did someone make a motion to that effect?

22 MR. WAY: I think you just did.

23 COMMISSIONER BAILEY: Okay. So moved.

24 MR. WAY: And I'll second that.

1 PRESIDING OFFICER HONIGBERG: Any further
2 discussion?

3 (No verbal response)

4 PRESIDING OFFICER HONIGBERG: Seeing none,
5 all in favor say "aye".

6 (Multiple members indicating "aye".)

7 PRESIDING OFFICER HONIGBERG: Any opposed?

8 (No verbal response)

9 PRESIDING OFFICER HONIGBERG: The "ayes"
10 have it.

11 15. "The City has one of the highest
12 recorded median ages in the State of New
13 Hampshire."

14 MR. WAY: According to Mayor Grenier, the
15 city's population is one of the oldest in the
16 state with a median age of 44.1 years compared
17 to the state median of 42.8.

18 Whether that's one of the highest, I don't
19 know, and I'm not sure as of the date on that.
20 I would imagine that's still 2016 from the Labor
21 Statistics so --

22 PRESIDING OFFICER HONIGBERG: His testimony
23 just gave you that it was above the median?

24 MR. WAY: Yes.

1 PRESIDING OFFICER HONIGBERG: Any opposed?

2 (No verbal response)

3 PRESIDING OFFICER HONIGBERG: The "ayes"
4 have it.

5 16. "The City is an economic hub of the
6 North Country."

7 That's awfully vague.

8 MR. WAY: Yes. Sure. It's not necessarily
9 "the" economic hub, but it is an economic hub.
10 Whether that was brought up in testimony, I have
11 to imagine it was, but I don't recall, but it's
12 nothing I would argue with.

13 COMMISSIONER BAILEY: Do you have Mayor
14 Grenier's testimony in front of you that you've
15 been looking at?

16 MR. WAY: Yes.

17 COMMISSIONER BAILEY: Can you find out what
18 he said about that?

19 MR. WAY: Give me a second. I think he's
20 silent on that.

21 COMMISSIONER BAILEY: I think if it's not
22 in his testimony, I don't recall talking about
23 the City of Berlin being an economic hub, and I
24 would deny it based on insufficient evidence in

1 the record.

2 MR. WAY: So moved.

3 MS. WEATHERSBY: Second.

4 PRESIDING OFFICER HONIGBERG: Any further
5 discussion?

6 (No verbal response)

7 PRESIDING OFFICER HONIGBERG: Seeing none,
8 all in favor say "aye".

9 (Multiple members indicating "aye".)

10 PRESIDING OFFICER HONIGBERG: Opposed?

11 (No verbal response)

12 PRESIDING OFFICER HONIGBERG: The "ayes"
13 have it.

14 17. "The Applicants have agreed, as a
15 condition of approval, to establish the \$200
16 million Forward NH Fund, the purpose of which is
17 to promote tourism, clean energy, and economic
18 development, with a focus on the North Country
19 of New Hampshire."

20 COMMISSIONER BAILEY: Well, I certainly
21 recall testimony about the \$200 million Forward
22 NH Fund and that it was going to be used to
23 promote tourism, clean energy, and economic
24 development. But I don't, I'm not sure I

1 remember that they committed to a focus on the
2 North Country. I think we talked about maybe
3 making that a condition. Or we might have been
4 thinking about making that a condition.

5 PRESIDING OFFICER HONIGBERG: I think, I
6 think the requested finding tries to pick that,
7 what you just said, Commissioner Bailey, tries
8 to pick that up in the first line where it says
9 the Applicants have agreed as a condition of
10 approval. Because I don't think it was -- I
11 agree with you. I don't think it was part of
12 the proposed fund, but I think during the course
13 of testimony, there was an agreement to focus at
14 least some portion of that money on the North
15 Country.

16 MR. WAY: And as I seem to recall with
17 Mayor Grenier, and I'm looking at his Prefiled,
18 he wanted it a little bit more focused on Coos
19 County and the city itself. And so I think that
20 might be one where we look at the transcripts
21 because I seem to remember that it was a desire
22 to focus it just on the North Country.

23 COMMISSIONER BAILEY: His desire to focus
24 it on the North Country.

1 MR. WAY: No. The Project's.

2 COMMISSIONER BAILEY: Okay.

3 MR. WAY: I think we ought to check the
4 record on that one.

5 COMMISSIONER BAILEY: Okay. I agree.

6 PRESIDING OFFICER HONIGBERG: We'll move on
7 from 17 for now.

8 18. "The Applicants have also agreed to
9 establish the \$7.5 million North Country Job
10 Creation Fund as a condition of approval for the
11 Project."

12 COMMISSIONER BAILEY: I think I remember
13 that. I would grant that one.

14 MR. WAY: Yes.

15 PRESIDING OFFICER HONIGBERG: Commissioner
16 Bailey moves, Mr. Way seconds. Is there any
17 further discussion?

18 (No verbal response)

19 PRESIDING OFFICER HONIGBERG: Seeing none,
20 all in favor say "aye".

21 (Multiple members indicating "aye".)

22 PRESIDING OFFICER HONIGBERG: Any opposed?

23 (No verbal response)

24 PRESIDING OFFICER HONIGBERG: The "ayes"

1 have it.

2 19. "The establishment of guidelines and
3 by-laws for the Forward NH Fund and the NCJCF
4 that emphasize disbursement of funds to the
5 North Country and, particularly, the City of
6 Berlin will ensure that the monies from these
7 funds will provide the greatest possible
8 economic opportunities possible."

9 MR. WAY: I agree with that, although the
10 part of it that says "particularly the City of
11 Berlin," I think that's more of a desire on the
12 part of the Mayor, but I don't disagree with the
13 rest of it.

14 COMMISSIONER BAILEY: I don't think there's
15 sufficient evidence in the record to make a
16 finding that it was particularly targeted to the
17 City of Berlin. So I would deny this request
18 for finding.

19 PRESIDING OFFICER HONIGBERG: There's a lot
20 of assertions in here.

21 MR. WAY: There are.

22 PRESIDING OFFICER HONIGBERG: That I'm not
23 sure are supported by the record and reach a
24 conclusion that may or may not be justified.

1 Mr. Oldenburg?

2 MR. OLDENBURG: I'm looking at the Mayor's
3 testimony. It seems to me that he actually
4 makes a request that we should require Northern
5 Pass Transmission to administer the Forward NH
6 Fund and the NCJCF in such a way as to strongly
7 emphasize and prioritize disbursement of funds
8 to Projects within Coos County and the city.

9 So this sounds in his testimony as more of
10 a request than it was a statement of fact.

11 PRESIDING OFFICER HONIGBERG: I don't
12 believe there's sufficient evidence in the
13 record to support making this finding.

14 COMMISSIONER BAILEY: I second the motion.

15 PRESIDING OFFICER HONIGBERG: Okay. Any
16 further discussion?

17 (No verbal response)

18 PRESIDING OFFICER HONIGBERG: Seeing none,
19 all in favor say "aye"?

20 (Multiple members indicating "aye".)

21 PRESIDING OFFICER HONIGBERG: Any opposed?

22 (No verbal response)

23 PRESIDING OFFICER HONIGBERG: The "ayes"
24 have it.

1 in increases because some municipalities argued
2 that the offset in taxes as a result of, I
3 forget what you call it when somebody says my
4 property is not worth as much money anymore.
5 Abatements. That I don't think we can make this
6 finding. Because we don't know, I mean, it may
7 be that the increase in taxes from the Project
8 outweigh the offsets from the abatements, but we
9 don't know. And so I can't make, I can't
10 conclude or make a finding that the Project will
11 result in tax-based increases.

12 PRESIDING OFFICER HONIGBERG: So you're
13 making an "insufficient evidence in the record"
14 argument?

15 COMMISSIONER BAILEY: Yes.

16 PRESIDING OFFICER HONIGBERG: Commissioner
17 Bailey has moved. Is there a second?

18 DIR. WRIGHT: Second.

19 PRESIDING OFFICER HONIGBERG: Mr. Wright.
20 Any further discussion?

21 (No verbal response)

22 PRESIDING OFFICER HONIGBERG: Seeing none,
23 all in favor say "aye".

24 (Multiple members indicating "aye".)

1 PRESIDING OFFICER HONIGBERG: Any opposed?

2 (No verbal response)

3 PRESIDING OFFICER HONIGBERG: The "ayes"
4 have it.

5 23. "The Project will result in tax base
6 increases for host counties."

7 MR. WAY: I was going to say if we denied
8 it for 22 that there was insufficient evidence,
9 I don't see how we could do it for 23 at the
10 county level.

11 PRESIDING OFFICER HONIGBERG: Mr. Way moves
12 that we deny 23 for insufficient evidence. Is
13 there a second?

14 COMMISSIONER BAILEY: Second.

15 PRESIDING OFFICER HONIGBERG: Any further
16 discussion?

17 (No verbal response)

18 PRESIDING OFFICER HONIGBERG: Seeing none,
19 all in favor say "aye".

20 (Multiple members indicating "aye".)

21 PRESIDING OFFICER HONIGBERG: Any opposed?

22 (No verbal response)

23 PRESIDING OFFICER HONIGBERG: The "ayes"
24 have it.

1 24. "For non-host municipalities located
2 in host counties, the Project will result in a
3 decrease in the county tax rate owed by those
4 non-host municipalities."

5 MS. WEATHERSBY: Move that we deny this
6 based on the same rationale. Insufficient
7 evidence in the record.

8 PRESIDING OFFICER HONIGBERG: Is there a
9 second?

10 MS. DANDENEAU: Second.

11 PRESIDING OFFICER HONIGBERG: Any further
12 discussion?

13 (No verbal response)

14 PRESIDING OFFICER HONIGBERG: Seeing none,
15 all in favor say "aye"?

16 (Multiple members indicating "aye".)

17 PRESIDING OFFICER HONIGBERG: Any opposed?

18 (No verbal response)

19 PRESIDING OFFICER HONIGBERG: The "ayes"
20 have it.

21 25. "The City of Berlin is a non-host
22 municipality located in a host county."

23 COMMISSIONER BAILEY: That's true. Did
24 Mayor Grenier's testimony state that?

1 PRESIDING OFFICER HONIGBERG: Any opposed?

2 (No verbal response)

3 PRESIDING OFFICER HONIGBERG: Motion

4 carries. That request is granted.

5 26. "The Project will result in a decrease
6 to the City of Berlin's county tax rate."

7 MS. WEATHERSBY: Move that we deny this
8 based on the same analysis as those above
9 concerning tax base increases. Insufficient
10 evidence in the record.

11 MR. WAY: Although I would suggest, too,
12 that Mayor Grenier specifically addressed that,
13 anticipates that the Project will reduce the
14 city's overall county tax burden.

15 PRESIDING OFFICER HONIGBERG: As
16 Commissioner Bailey pointed out, there's
17 conflicting evidence as to what the overall
18 effect on taxes will be in the host communities.
19 If the detractors are correct and in fact the
20 net effect is to lower the tax rate on those
21 other towns, Berlin will get a surprise in its
22 county tax rate.

23 So Ms. Weathersby moved that we deny for
24 insufficient evidence in the record. Is there a

1 second?

2 COMMISSIONER BAILEY: Second.

3 PRESIDING OFFICER HONIGBERG: Any further
4 discussion?

5 (No verbal response)

6 PRESIDING OFFICER HONIGBERG: Seeing none,
7 all in favor say "aye"?

8 (Multiple members indicating "aye".)

9 PRESIDING OFFICER HONIGBERG: Any opposed?

10 (No verbal response)

11 PRESIDING OFFICER HONIGBERG: The "ayes"
12 have it.

13 27. "The Applicant has pledged not to
14 bring suit against host municipalities that
15 assess the Project at the Project's "net book
16 value."

17 COMMISSIONER BAILEY: I agree that the
18 Applicant pledged to do that. So I would move
19 that we grant that finding on that basis but
20 that we specify that we're making no
21 determination on whether net book value is the
22 appropriate method to assess the value of the
23 Project.

24 MR. WAY: Second.

1 PRESIDING OFFICER HONIGBERG: Okay. Why do
2 we have any opinion about what the appropriate
3 method of valuation is?

4 COMMISSIONER BAILEY: We have no opinion
5 about -- oh, I see what you mean. Well, I mean,
6 they asked us to make a finding that the
7 Applicant pledged to do it on a net book value.
8 And that's true.

9 PRESIDING OFFICER HONIGBERG: So you're
10 just suggesting that we include that disclaimer
11 to make it clear that we have no opinion?

12 COMMISSIONER BAILEY: Yes.

13 PRESIDING OFFICER HONIGBERG: Okay.
14 There's a motion and a second. Is there any
15 further discussion?

16 (No verbal response)

17 PRESIDING OFFICER HONIGBERG: Seeing none,
18 all in favor say "aye"?

19 (Multiple members indicating "aye".)

20 PRESIDING OFFICER HONIGBERG: Any opposed?

21 (No verbal response)

22 PRESIDING OFFICER HONIGBERG: The "ayes"
23 have it.

24 28. "Net book value is not a reliable

1 indicator of the value of electric utility
2 assets and results in a tax assessment that is
3 unreasonably low."

4 COMMISSIONER BAILEY: Denied. I mean, I
5 would say denied because based on one way or the
6 other we just determined in the finding of fact
7 above that we aren't making any determination
8 about net book value and whether that is a
9 reliable indicator because we didn't --

10 PRESIDING OFFICER HONIGBERG: It's
11 completely irrelevant to us, isn't it?

12 COMMISSIONER BAILEY: It is irrelevant, and
13 I don't think that there's enough evidence in
14 the record to make that finding of fact.

15 PRESIDING OFFICER HONIGBERG: All right.
16 Commissioner Bailey has moved. Is there a
17 second?

18 DIR. WRIGHT: Second.

19 PRESIDING OFFICER HONIGBERG: We have
20 multiple seconds. I heard Mr. Wright's voice
21 first. Any further discussion?

22 (No verbal response)

23 PRESIDING OFFICER HONIGBERG: Seeing none,
24 all in favor say "aye"?

1 (Multiple members indicating "aye".)

2 PRESIDING OFFICER HONIGBERG: Opposed?

3 (No verbal response)

4 PRESIDING OFFICER HONIGBERG: The "ayes"
5 have it.

6 29. "The Committee's issuance of a
7 Certificate of Site and Facility for the Project
8 is not a finding that the Applicant's proposed
9 taxation methodology is a accurate methodology
10 for the determination of fair market value of
11 the Project for any state and/or local property
12 taxes, including, but not limited to, RSA 72:6,
13 RSA 72:8, and RSA chapter 83-F."

14 Commissioner Bailey.

15 COMMISSIONER BAILEY: Since we're not going
16 to grant a certificate, I don't believe, but we
17 haven't -- I can't remember where we are in this
18 proceeding.

19 PRESIDING OFFICER HONIGBERG: Isn't this
20 equally irrelevant?

21 COMMISSIONER BAILEY: It is irrelevant,
22 especially if we don't grant the certificate.

23 PRESIDING OFFICER HONIGBERG: I think
24 separate and apart from that, doesn't this have

1 the same problem as the previous one that we, we
2 don't know anything about it, and it's not
3 relevant to anything we have to do.

4 COMMISSIONER BAILEY: Yes.

5 PRESIDING OFFICER HONIGBERG: All right.
6 So go ahead. Ms. Weathersby. Sorry.

7 MS. WEATHERSBY: They're not asking us as
8 to the merit to this methodology. They're just
9 saying that if we grant a certificate, it's not
10 a finding as to the merit of methodology and
11 determination of market value of the Project,
12 blah, blah, blah. I think that, I actually
13 think this is true were we granting a
14 certificate, but we're not. At least as it
15 stands now, there's an order denying the
16 certificate. So I think it's denied as
17 irrelevant.

18 PRESIDING OFFICER HONIGBERG: I think it's
19 irrelevant. Ms. Weathersby moves that we deny
20 this as irrelevant. Is there a second?
21 Commission Bailey.

22 COMMISSIONER BAILEY: I'll second with the
23 condition that we don't change our mind on the
24 certificate.

1 PRESIDING OFFICER HONIGBERG: Okay. If a
2 certificate is ultimately issued, we have to
3 revisit this finding and perhaps change our
4 ruling on this finding. Is that agreeable?

5 COMMISSIONER BAILEY: Yes.

6 PRESIDING OFFICER HONIGBERG: All right.
7 So we have a motion and a second. Is there any
8 further discussion?

9 (No verbal response)

10 PRESIDING OFFICER HONIGBERG: Seeing none,
11 all in favor say "aye"?

12 (Multiple members indicating "aye".)

13 PRESIDING OFFICER HONIGBERG: Any opposed?

14 (No verbal response)

15 PRESIDING OFFICER HONIGBERG: The "ayes"
16 have it.

17 That is the last requested finding of -- we
18 have a number, on the order of 6 or 7 I think
19 that we're going to need to circle back to after
20 a break. Let's go off the record for a minute.

21 (Discussion off the record)

22 PRESIDING OFFICER HONIGBERG: We're going
23 to take a break and track down the answers to
24 the questions that are pending from the

1 requested findings. I'm going to guess 20
2 minutes.

3 (Recess taken 1:52 - 2:44 p.m.)

4 PRESIDING OFFICER HONIGBERG: All right.
5 If folks would return to their seats, we're
6 going to pick things up again.

7 During a break, I know some work was done,
8 we appreciate the work that was done, to help
9 identify where we could look to review
10 information relevant to the requested findings
11 that we were not able to rule on, and I gather
12 there may be one we may need to revisit.

13 So Mr. Iacopino, can you help me out here
14 as to which ones are still outstanding and what
15 information we might review to help us?

16 MR. IACOPINO: Yes. Berlin finding of fact
17 number 1, and I would ask if they could pull up
18 Counsel for the Public Exhibit 44 on the screen.
19 That may be helpful to you in making your
20 determination with respect to this.

21 Counsel for the Public Exhibit 44. Second
22 page. It's a map.

23 MS. MERRIGAN: Do you want it enlarged?

24 MR. IACOPINO: If you could, that would be

1 great.

2 COMMISSIONER BAILEY: That shows a picture
3 that has a circle, but it doesn't have the
4 specific facts that he's asking us to find. If
5 we could, could we look at the testimony from
6 Day 1 from Mr. Quinlan? And I think Mr. Boldt
7 was the first person to ask him questions. And
8 that's probably, it was so long, it was probably
9 a year ago. If we could look at that, that may
10 help us. I think 57 is when Mr. Boldt starts.

11 MR. WAY: If I could, isn't the difference
12 on this one where you just choose to start in
13 the loop?

14 COMMISSIONER BAILEY: It may be, but the
15 finding of fact that he's requesting says it
16 starts in Lost Nation. So let's go to the
17 testimony from Lost Nation, and it says south to
18 Whitefield is what the testimony says. And what
19 does the finding say? Lost Nation travels east
20 through Northumberland, Stark, and Dummer to the
21 Paris substation.

22 ADMINISTRATOR MONROE: Which page are you
23 on?

24 COMMISSIONER BAILEY: I'm looking at the

1 finding of fact, and I'm comparing it to the
2 testimony.

3 ADMINISTRATOR MONROE: Okay.

4 COMMISSIONER BAILEY: So if we start with
5 the finding of fact in Lost Nation --

6 MS. WEATHERSBY: I think what's happening
7 is one's going clockwise and one's going
8 counterclockwise and starting at different
9 points.

10 COMMISSIONER BAILEY: So can we make this
11 finding? My attorney says we can.

12 MR. IACOPINO: You have to make the finding
13 on your own.

14 PRESIDING OFFICER HONIGBERG: That's not
15 how it works.

16 MR. IACOPINO: I didn't say anything.

17 PRESIDING OFFICER HONIGBERG: Separate and
18 apart from the metaphysical question about
19 whether a loop has a beginning and an end and
20 whether it travels in one direction or
21 another --

22 COMMISSIONER BAILEY: Let's see the map
23 again, please?

24 I mean, from the testimony in the

1 transcript, it does seem like Mr. Quinlan agreed
2 with Mr. Boldt's description. So we can
3 probably grant that one.

4 MR. WAY: I would second that.

5 PRESIDING OFFICER HONIGBERG: We have a
6 motion and a second. Is there any further
7 discussion?

8 (No verbal response)

9 PRESIDING OFFICER HONIGBERG: Seeing none,
10 all in favor say "aye."

11 (Multiple members indicating "aye.")

12 PRESIDING OFFICER HONIGBERG: Any opposed?

13 (No verbal response)

14 PRESIDING OFFICER HONIGBERG: The "ayes"
15 have it.

16 The philosophy seminar will begin as soon
17 as we're done here this afternoon.

18 Mr. Iacopino, what's the next one we need
19 to look at or the next set?

20 MR. IACOPINO: My understanding is that you
21 ruled on number 2. So that we go to number 3.
22 And again, with respect to that one, I would ask
23 you to look at a number of different items.
24 Probably the quickest one is Mr. Quinlan's

1 testimony in the transcript of Day 1, again, at
2 page 59.

3 COMMISSIONER BAILEY: How about if we
4 granted it but changed the words a little bit to
5 say thermal, voltage, and stability restrictions
6 exist along portions of the Coos Loop. Get rid
7 of the geography.

8 MR. WAY: So the question now is whether we
9 eliminate the word "western"?

10 MR. IACOPINO: "Western" and "northern."

11 MR. WAY: As I look at Mr. Quinlan's
12 testimony, yes, generally the northwestern
13 quadrant of the existing loop would be upgraded
14 as well as the tie to Vermont.

15 So that would seem to be valid.

16 COMMISSIONER BAILEY: Okay.

17 PRESIDING OFFICER HONIGBERG: Mr. Way, are
18 you moving that we grant number 3?

19 MR. WAY: Yes.

20 PRESIDING OFFICER HONIGBERG: Mr. Way
21 moves. Is there a second?

22 COMMISSIONER BAILEY: Second.

23 PRESIDING OFFICER HONIGBERG: Any further
24 discussion?

1 (No verbal response)

2 PRESIDING OFFICER HONIGBERG: Seeing none,
3 all in favor say "aye"?

4 (Multiple members indicating "aye")

5 PRESIDING OFFICER HONIGBERG: Any opposed?

6 (No verbal response)

7 PRESIDING OFFICER HONIGBERG: The "ayes"
8 have it.

9 Mr. Iacopino, which one is next?

10 MR. IACOPINO: The next one that we skipped
11 was number 4, and, again, I would refer you to
12 the same portions of Mr. Quinlan's transcript.
13 Am I correct, Iryna?

14 COMMISSIONER BAILEY: I read that in
15 Mr. Quinlan's testimony. I'll move that we
16 grant that one.

17 PRESIDING OFFICER HONIGBERG: Is there a
18 second? This is on number 4.

19 DIR. WRIGHT: Second.

20 PRESIDING OFFICER HONIGBERG: Any further
21 discussion?

22 (No verbal response)

23 PRESIDING OFFICER HONIGBERG: Seeing none,
24 all in favor say "aye"?

1 (Multiple members indicating "aye")

2 PRESIDING OFFICER HONIGBERG: Any opposed?

3 (No verbal response)

4 PRESIDING OFFICER HONIGBERG: The "ayes"
5 have it.

6 Mr. Iacopino, which one is next?

7 MR. IACOPINO: Next is number 5. Same
8 portion of Mr. Quinlan's testimony as well as
9 Counsel for the Public Exhibit 46 which is a
10 Power Point from Eversource explaining what
11 they've agreed to do.

12 COMMISSIONER BAILEY: Can we see that Power
13 Point?

14 MR. IACOPINO: Counsel for the Public 46.

15 COMMISSIONER BAILEY: Our screen says "no
16 signal."

17 MR. IACOPINO: They're working on it.

18 COMMISSIONER BAILEY: You think those
19 specific 12 miles on the 154 line and 18 miles
20 on the D142 line are in Mr. Quinlan's testimony?

21 MR. IACOPINO: That's my understanding.

22 MR. OLDENBURG: They are part of the
23 Mayor's testimony. That whole line.

24 COMMISSIONER BAILEY: But the Mayor's, if

1 Mr. Quinlan didn't confirm that, I don't think I
2 would make that finding of fact. I don't
3 think --

4 PRESIDING OFFICER HONIGBERG: Let's wait
5 until we see the exhibit.

6 (Discussion off the record)

7 PRESIDING OFFICER HONIGBERG: Now that I
8 have a chance to look at this exhibit, I can see
9 that what I read into the record has a mistake
10 in it. So I'm going to read 5 into the record.

11 "The Applicants have agreed to upgrade and
12 repair such portions of the Coos Loop that are
13 co-located with the Project Route, specifically
14 12.1 miles along PSNH Line 0154 and 18 miles
15 along PSNH Line D142."

16 COMMISSIONER BAILEY: I think 12.1 plus 18
17 is 30.1 miles so that's -- and this says
18 approximately 31 miles. So although this
19 doesn't say that 12 miles is on the 154 line and
20 18 miles is on the D142 line, we could probably
21 grant this.

22 PRESIDING OFFICER HONIGBERG: Commissioner
23 Bailey has made that motion, I believe. Is
24 there a second?

1 MS. WEATHERSBY: Second.

2 PRESIDING OFFICER HONIGBERG: Any further
3 discussion?

4 (No verbal response)

5 PRESIDING OFFICER HONIGBERG: Seeing none,
6 all in favor say "aye."

7 (Multiple members indicating "aye.")

8 PRESIDING OFFICER HONIGBERG: Any opposed?

9 (No verbal response)

10 PRESIDING OFFICER HONIGBERG: The "ayes"
11 have it.

12 Mr. Iacopino, which one's next?

13 MS. IACOPINO: I have to defer to Ms. Dore
14 on number 6 because I don't have a note on it.

15 MS. DORE: Mr. Quinlan's testimony, the
16 same transcript you're on, Morning, April 13,
17 page 93.

18 MR. IACOPINO: I believe it starts on line
19 13?

20 COMMISSIONER BAILEY: Which line?

21 MR. IACOPINO: 13?

22 MR. WAY: I think that finding is
23 justified.

24 PRESIDING OFFICER HONIGBERG: Mr. Way moves

1 that we grant number 6. Is there a second?

2 COMMISSIONER BAILEY: Are we just assuming
3 that all the facts that are in number 6 mean the
4 same thing that is in the answer? Starting at
5 line 13? I guess it says up to the Paris
6 substation.

7 MR. WAY: Up to Paris substation.

8 COMMISSIONER BAILEY: And upgrade the Coos
9 Loop leading from Whitefield to the Moore Hydro
10 Facility in Monroe.

11 MS. WEATHERSBY: So regarding that last
12 point on page 60 of Mr. Quinlan's testimony,
13 lines 11, 12, 13, 14, 15, that region, there's
14 testimony concerning the upgrade of the lines
15 from Whitefield to the Moore Hydro-Electric
16 Facility on the Connecticut River in Monroe.

17 COMMISSIONER BAILEY: Okay.

18 PRESIDING OFFICER HONIGBERG: Mr. Way moves
19 that we grant number 6. Commissioner Bailey, I
20 think, seconds. Is there any further
21 discussion?

22 (No verbal response)

23 PRESIDING OFFICER HONIGBERG: Seeing none,
24 all in favor say "aye"?

1 (Multiple members indicating "aye.")

2 PRESIDING OFFICER HONIGBERG: Any opposed?

3 (No verbal response)

4 PRESIDING OFFICER HONIGBERG: The "ayes"
5 have it.

6 Which one is next?

7 MR. IACOPINO: Number 7, refer you to Day 1
8 of Mr. Quinlan's testimony in the morning, page
9 60.

10 COMMISSIONER BAILEY: I found that in the
11 testimony. I agree that's true. I would grant
12 that.

13 PRESIDING OFFICER HONIGBERG: Commissioner
14 Bailey moves that we grant number 7. Is there a
15 second?

16 MS. DANDENEAU: I'll second.

17 PRESIDING OFFICER HONIGBERG: Is there any
18 further discussion?

19 (No verbal response)

20 PRESIDING OFFICER HONIGBERG: Seeing none,
21 all in favor say "aye"?

22 (Multiple members indicating "aye".)

23 PRESIDING OFFICER HONIGBERG: That was
24 enthusiastic. Any opposed?

1 (No verbal response)

2 PRESIDING OFFICER HONIGBERG: The "ayes"
3 have it.

4 What's next?

5 MR. IACOPINO: Next one I have is number 8.
6 And, again, there's a series of Counsel for the
7 Public Exhibits 44, 45, 46 and 47, all of which
8 address the proposed upgrades and repairs to the
9 Coos Loop.

10 COMMISSIONER BAILEY: Can we see those
11 exhibits, please?

12 MR. IACOPINO: They're multiple page
13 exhibits. I would recommend you start with 44.
14 That's the Power Point.

15 MS. MERRIGAN: 44 is the map.

16 MR. IACOPINO: I'm sorry. The Power Point.

17 MS. MERRIGAN: This is 45.

18 COMMISSIONER BAILEY: Could you maybe
19 search the words "stability constraints"? Or
20 maybe "proposed upgrades"?

21 MR. IACOPINO: I think actually if we look
22 at, draw your attention to -- also Exhibit 46 on
23 page 8 indicates what the upgrades would do.

24 COMMISSIONER BAILEY: Okay. I'll accept

1 that. I would make a motion to grant this one.

2 PRESIDING OFFICER HONIGBERG: Commissioner
3 Bailey moves that we grant number 8. Is there a
4 second?

5 MR. OLDENBURG: I'll second it.

6 PRESIDING OFFICER HONIGBERG: Any further
7 discussion?

8 (No verbal response)

9 PRESIDING OFFICER HONIGBERG: Seeing none,
10 all in favor say "aye"?

11 (Multiple members indicating "aye".)

12 PRESIDING OFFICER HONIGBERG: Any opposed?

13 (No verbal response)

14 PRESIDING OFFICER HONIGBERG: The "ayes"
15 have it.

16 What number is next?

17 MR. IACOPINO: I believe the next one is
18 number 17. I understand that you should look at
19 Mr. Quinlan's testimony, Day 1, Morning, page
20 65. Page 65, line 6 through 11.

21 PRESIDING OFFICER HONIGBERG: In looking at
22 the testimony on page 65, line 6 to 11, the
23 question, I think it quotes from the Prefiled
24 Testimony to the effect that its target is to

1 assist, quote, "host communities," comma,
2 particularly host communities in the North
3 Country," close quote. And Mr. Quinlan is asked
4 is that correct. And Mr. Quinlan's answer is
5 yes, that's correct. So I'm not sure that
6 matches up with the requested finding.

7 MR. IACOPINO: My understanding is that
8 your concern is about whether it was focused on
9 the North Country.

10 PRESIDING OFFICER HONIGBERG: And I think
11 the question and answer, I understand that to be
12 a quote from the Prefiled Testimony, that its
13 focus is on host communities, particularly host
14 communities in the North Country, which is a
15 little different.

16 MR. WAY: My reading is the North Country
17 as a whole. I'm looking at page 168.

18 PRESIDING OFFICER HONIGBERG: 168 of what?

19 MR. WAY: Of the transcript, Mr. Quinlan's
20 testimony. That Project will likely drive jobs
21 in the North Country. That's why we selected
22 it. And here he also mentions economic
23 development and the tourism perspective.

24 COMMISSIONER BAILEY: But that's talking

1 about the Project, not necessarily the finding
2 that they're asking us, the specific finding of
3 fact that they're asking us to make.

4 MR. WAY: The purpose of the Forward NH
5 Fund leads off the answer. Let me see. Promote
6 tourism, clean energy, to drive economic
7 development, community investment. That was
8 referring to the Balsams. So I take that back.

9 COMMISSIONER BAILEY: That's a good quote
10 to get the finding of fact that the Forward NH
11 Fund, the purpose was to promote tourism, clean
12 energy, and economic development.

13 PRESIDING OFFICER HONIGBERG: And if we
14 change the last phrase to match the quote from
15 the earlier part of the transcript, which was
16 page 65, lines 6 to 11, I think, we would
17 then --

18 COMMISSIONER BAILEY: Make that finding.

19 PRESIDING OFFICER HONIGBERG: We could make
20 that finding.

21 MR. WAY: Page 65, line?

22 PRESIDING OFFICER HONIGBERG: I don't
23 remember.

24 MR. IACOPINO: 6 to 11.

1 PRESIDING OFFICER HONIGBERG: There's a
2 quote in that transcript from what purports to
3 be the Prefiled Testimony.

4 MS. WEATHERSBY: If it helps, we also have
5 as an exhibit the Forward NH Articles of
6 Agreement and Bylaws which may directly spell
7 out its purpose. That's, the Articles of
8 Agreement are CFP Exhibit 34. The Bylaws are
9 35. I don't have them up though.

10 MR. WAY: I think when you put all these
11 pieces together, I think it's clear that it's
12 the North Country and maybe with an emphasis on
13 host communities, but it's the North Country as
14 a whole. I feel comfortable with it.

15 COMMISSIONER BAILEY: Could we insert the
16 words in the last phrase with a focus on host
17 communities, particularly in the North Country?

18 MR. WAY: I would, I frankly feel
19 comfortable with the North Country.

20 ADMINISTRATOR MONROE: Sandie, can you go
21 to Article 3 on Exhibit 35?

22 MR. WAY: Article 1 doesn't specify.

23 PRESIDING OFFICER HONIGBERG: Let's look at
24 what's been requested.

1 MS. WEATHERSBY: That looks the same or
2 substantially similar to the purpose section of
3 the Articles. To me, it's much broader than the
4 North Country. I mean, it's the promoting the
5 economic well-being of the State of New
6 Hampshire, and North Country being part of that,
7 economically depressed areas, but I have trouble
8 agreeing to this request.

9 PRESIDING OFFICER HONIGBERG: Okay. Would
10 you be all right with it if we struck the last
11 phrase that starts with the words "with a
12 focus"?

13 MR. WAY: How about with an emphasis?

14 MS. WEATHERSBY: Or even changing the word
15 "the" to "a" meaning Forward NH Fund, a purpose
16 of which is to promote tourism, clean energy,
17 and economic development with a focus on the
18 North Country. But perhaps striking the clause
19 about the focus on the North Country would be
20 cleanest.

21 PRESIDING OFFICER HONIGBERG: Mr.
22 Oldenburg?

23 MR. OLDENBURG: Where they might have
24 gotten that wording is it looks suspiciously

1 familiar like the Mayor's Prefiled Testimony
2 where he's asked what is the City's position
3 regarding the Forward NH Fund and his answer was
4 Northern Pass Transmission has represented that
5 the Forward NH Fund will be established with a
6 focus on the North Country.

7 COMMISSIONER BAILEY: And that's Mayor
8 Grenier's --

9 PRESIDING OFFICER HONIGBERG: That's Mayor
10 Grenier's take.

11 MR. OLDENBURG: Mr. Grenier's Prefiled
12 Testimony.

13 PRESIDING OFFICER HONIGBERG: But that's
14 not Mr. Quinlan or the Articles or the Bylaws.

15 COMMISSIONER BAILEY: That's what he thinks
16 they're saying.

17 PRESIDING OFFICER HONIGBERG: Mr. Quinlan
18 testified that it was, it would focus on host
19 communities, particularly host communities in
20 the North Country.

21 The articles in the Bylaws are broader.

22 Tell me what your pleasure is, folks.

23 MR. WAY: My pleasure would be to accept
24 the finding as it is.

1 PRESIDING OFFICER HONIGBERG: Is there a
2 second?

3 (No verbal response)

4 PRESIDING OFFICER HONIGBERG: That's going
5 to fail for want of a second. Is there another
6 motion someone would like to make?

7 MS. WEATHERSBY: I move that we grant the
8 finding striking the last clause about the focus
9 on the North Country of New Hampshire because I
10 don't believe that that focus is in evidence in
11 the record.

12 PRESIDING OFFICER HONIGBERG: Is there a
13 second?

14 DIR. WRIGHT: Second.

15 PRESIDING OFFICER HONIGBERG: Any further
16 discussion?

17 (No verbal response)

18 PRESIDING OFFICER HONIGBERG: All in favor
19 say "aye"?

20 (Multiple members indicating "aye".)

21 PRESIDING OFFICER HONIGBERG: Any opposed?

22 MR. WAY: Opposed.

23 PRESIDING OFFICER HONIGBERG: The "ayes"
24 have it 6 to 1. What's next?

1 MR. IACOPINO: That's all of the ones that
2 you didn't decide. However, I have been asked
3 to --

4 PRESIDING OFFICER HONIGBERG: I think it's
5 27.

6 MR. IACOPINO: Yes. 27. That's the one
7 about the Applicant pledging not to bring suit.

8 PRESIDING OFFICER HONIGBERG: I'd like
9 someone to make a Motion to Reconsider the
10 decision to grant request number 27.

11 MS. WEATHERSBY: So moved.

12 PRESIDING OFFICER HONIGBERG: Is there a
13 second?

14 DIR. WRIGHT: Second.

15 PRESIDING OFFICER HONIGBERG: Any
16 discussion?

17 (No verbal response)

18 PRESIDING OFFICER HONIGBERG: We'll have a
19 discussion in a moment, but let's get it
20 reopened.

21 So all in favor please say "aye"?

22 (Multiple members indicating "aye".)

23 PRESIDING OFFICER HONIGBERG: Are there any
24 opposed?

1 (No verbal response)

2 PRESIDING OFFICER HONIGBERG: 27 is now
3 open for further discussion. Mr. Iacopino,
4 someone would like to draw our attention to a
5 particular limitation in that pledge is my
6 understanding.

7 MR. IACOPINO: Yes. I understand the
8 pledge is limited to a period of 20 years, and
9 that's in Applicant's Exhibit 6, Attachment I.

10 PRESIDING OFFICER HONIGBERG: So if the
11 phrase were added to the end "for a period of 20
12 years," it would make the proposed finding
13 correct?

14 MR. IACOPINO: Hold on. I might have the
15 wrong citation.

16 PRESIDING OFFICER HONIGBERG: Is it a wrong
17 cite?

18 So we should be looking at Day 1, the
19 Afternoon session, pages 54 and 55, and it's
20 Mr. Quinlan's testimony.

21 Under that testimony it appears that the
22 pledge is good for 20 years. I think our
23 options are either to add that phrase or to deny
24 the requested finding.

1 COMMISSIONER BAILEY: I move that we deny
2 the requested finding.

3 PRESIDING OFFICER HONIGBERG: Is there a
4 second?

5 (No verbal response)

6 PRESIDING OFFICER HONIGBERG: Motion fails
7 for want of a second. Is there another motion
8 someone would like to bring?

9 MR. WAY: Make a motion to add 20 years,
10 the phrase 20 years or for 20 years to the end
11 of the sentence for a period of 20 years.

12 PRESIDING OFFICER HONIGBERG: Is there a
13 second?

14 MS. WEATHERSBY: Second.

15 PRESIDING OFFICER HONIGBERG: The motion is
16 to add the phrase "for a period of 20 years" to
17 the end of the proposed finding. Is there any
18 further discussion?

19 (No verbal response)

20 PRESIDING OFFICER HONIGBERG: Seeing none,
21 all in favor say "aye"?

22 (Multiple members indicating "aye".)

23 PRESIDING OFFICER HONIGBERG: Any opposed?

24 MS. DANDENEAU: Opposed.

1 PRESIDING OFFICER HONIGBERG: The motion
2 carries 6 to 1. Are there any others that we
3 need to review or revise it?

4 MR. IACOPINO: I don't believe so.

5 PRESIDING OFFICER HONIGBERG: I will
6 entertain a motion to close deliberations.

7 COMMISSIONER BAILEY: So moved.

8 PRESIDING OFFICER HONIGBERG: Is there a
9 second?

10 MS. DANDENEAU: Second.

11 PRESIDING OFFICER HONIGBERG: I heard Ms.
12 Weathersby first. Ms. Dandeneau first. Sorry.
13 Any further discussion?

14 (No verbal response)

15 PRESIDING OFFICER HONIGBERG: Seeing none,
16 all in favor say "aye"?

17 (Multiple members indicating "aye".)

18 PRESIDING OFFICER HONIGBERG: Any opposed?

19 (No verbal response)

20 PRESIDING OFFICER HONIGBERG: The "ayes"
21 have it, and deliberations are closed.

22 We need a motion on the Applicant's Motion
23 for Rehearing. Mr. Oldenburg, you were ready to
24 jump earlier.

1 MR. OLDENBURG: See how well that went.

2 PRESIDING OFFICER HONIGBERG: Don't give
3 up.

4 MR. OLDENBURG: I'll make a motion that we
5 deny the motion for a rehearing.

6 PRESIDING OFFICER HONIGBERG: Is there a
7 second?

8 DIR. WRIGHT: Second.

9 PRESIDING OFFICER HONIGBERG: Is there any
10 further discussion? Commissioner Bailey?

11 COMMISSIONER BAILEY: I have a question for
12 Counsel. We've already voted that we won't
13 continue the deliberations. So this vote is
14 only with respect to the motions for rehearing
15 or does it encompass the whole entire motion?

16 MR. IACOPINO: It's my understanding that
17 it encompasses the entire motion. What you did
18 was you discussed the entire motion before you
19 went into, back into deliberations to deal with
20 the Berlin requests for finding of fact, and now
21 you came out of those deliberations, and the
22 motion before you is to deny the entire Motion
23 for Rehearing. At least that's what I heard.
24 Mr. Oldenburg needs to -- if that's not what he

1 intended, that's what I understood.

2 PRESIDING OFFICER HONIGBERG: Well, I'm
3 wondering if Commissioner Bailey would like us
4 to separate the question to vote separately on
5 the motion to resume deliberations.

6 COMMISSIONER BAILEY: Well, I made a motion
7 earlier to resume deliberations. Mr. Way
8 seconded it, and it was 5 to 2 not to resume
9 deliberations. So I'm just wondering what I'm
10 supposed to do with the Motion for Rehearing
11 which with the remainder for the motion for
12 rehearing I agree that the Applicant has not
13 demonstrated that we overlooked or made errors
14 in law, but I'm not sure about the one argument
15 in that Motion for Rehearing that says we should
16 have gone through the entire deliberations. So
17 I guess if there's a way to vote that way, you
18 know, if the majority says deny the rehearing, I
19 would say I agree with the majority in all
20 respects except for the Motion to Continue
21 Deliberations.

22 PRESIDING OFFICER HONIGBERG: I think,
23 Commissioner Bailey, the question about resuming
24 deliberations is over. That question was asked

1 and answered. You made the motion, and it was
2 rejected. So now we are -- the only question is
3 do we grant the Motion for Rehearing.

4 COMMISSIONER BAILEY: But the Motion for
5 Rehearing includes that. There's one Motion for
6 Rehearing, and there's several arguments.

7 I think we had a straw poll, and it looked
8 like it was going to be 5 to 2. And then later
9 on in the morning, I think it was before lunch,
10 Mr. Wright?

11 DIR. WRIGHT: I believe so, yes.

12 COMMISSIONER BAILEY: That you asked for a
13 motion on the issue of as to whether to reopen,
14 I guess to reopen deliberations, yes, before we
15 reopened deliberations on the Berlin thing. It
16 was just before that. I know we did it.

17 MS. DANDENEAU: That would be this
18 afternoon. We could check the transcript.

19 PRESIDING OFFICER HONIGBERG: You are
20 correct. We did that this afternoon just before
21 we reopened deliberations for the limited
22 purpose of discussing the Berlin request. So
23 that motion has been made and rejected.

24 COMMISSIONER BAILEY: Okay. So if that

1 motion has been made and rejected --

2 PRESIDING OFFICER HONIGBERG: You're on the
3 record as to what your position is on reopening
4 of deliberations.

5 COMMISSIONER BAILEY: Yes.

6 PRESIDING OFFICER HONIGBERG: All other
7 issues in the Motion for Rehearing haven't yet
8 been voted on.

9 COMMISSIONER BAILEY: So we're voting on
10 all the other issues, not the entire motion.

11 PRESIDING OFFICER HONIGBERG: In a sense,
12 that's right. I mean, I think to the extent
13 that's any ambiguity, you've just cleared it up.

14 COMMISSIONER BAILEY: Okay. Thank you.

15 PRESIDING OFFICER HONIGBERG: Is there any
16 further discussion?

17 (No verbal response)

18 PRESIDING OFFICER HONIGBERG: Seeing none,
19 all in favor of Mr. Oldenburg's motion to deny
20 the Motion for Rehearing, please say "aye".

21 (Multiple members indicating "aye".)

22 PRESIDING OFFICER HONIGBERG: Any opposed?

23 (No verbal response)

24 PRESIDING OFFICER HONIGBERG: The "ayes"

1 have, it and the Motion for Rehearing is denied.

2 One last piece of business. There's a
3 pending Motion to Strike certain attachments to
4 the Applicant's motion. They were a set of
5 exhibits that included possible conditions that
6 the Committee could have considered during its
7 deliberations according to the Applicant.
8 Commissioner Bailey?

9 COMMISSIONER BAILEY: Those conditions were
10 submitted after the record was closed, and after
11 briefs had been filed, correct?

12 PRESIDING OFFICER HONIGBERG: That's
13 correct.

14 COMMISSIONER BAILEY: On the other hand,
15 the conditions are kind of moot now that we have
16 voted to deny rehearing.

17 PRESIDING OFFICER HONIGBERG: I viewed them
18 as illustrative. They were the kinds of
19 conditions that we would have considered or
20 could consider if we chose to reopen the record.
21 People might disagree with that, but in terms of
22 understanding how the Applicant was making its
23 argument to us about rehearing, and reopening
24 deliberations, I understood them to be

1 illustrative only. And to that extent, I'm
2 willing to, you know, I have them on the record,
3 considered them, reviewed them, but they don't
4 ultimately change my decision on whether we
5 should reopen deliberations or grant the Motion
6 for Rehearing more generally.

7 That's my take on them. I would deny the
8 Motion to Strike. Would anyone like to make a
9 motion or was there any further discussion
10 before someone makes a motion?

11 MR. OLDENBURG: Could I ask a question?

12 PRESIDING OFFICER HONIGBERG: Take two.

13 MR. OLDENBURG: Just not knowing the
14 nuances of this process, if we admit these as
15 illustrative examples of what could have been,
16 would they become part of the record and how can
17 we do that?

18 PRESIDING OFFICER HONIGBERG: Well, they're
19 part of the record that was made in the motion,
20 in the rehearing phase of this proceeding. I
21 think if someone, if someone were to argue to
22 the Supreme Court that these are conditions that
23 the Supreme Court should impose, there would be
24 squawking from many quarters. I mean, feel free

1 to correct me if I'm wrong, Counsel, but --

2 MR. OLDENBURG: So it wouldn't necessarily
3 become part of the official record but they
4 would be paper that was submitted.

5 PRESIDING OFFICER HONIGBERG: There's a lot
6 of paper in this file. No question. And it's
7 all in one way, shape or form up for review, but
8 how it gets used at the Supreme Court, there's
9 rules and limitations and lot of people who will
10 try to police that if they get misused. If your
11 concern is that this somehow opens the door to
12 these conditions being part of the Application,
13 that's not what's been argued by the Applicant,
14 I don't think that's what they'll be saying
15 going forward, but I don't know. One would
16 never say never.

17 MS. WEATHERSBY: So then the record was
18 closed, rules don't allow any new evidence to
19 come in. Nobody asked for the record to be
20 reopened to admit this. But it's out there sort
21 of in this limbo. Why wouldn't we strike it and
22 just make it more clear that this clearly is not
23 part of the record or anything the Committee
24 considered?

1 PRESIDING OFFICER HONIGBERG: That would be
2 the other option.

3 MS. WEATHERSBY: And tell me again why you
4 think we should deny the Motion to Strike.

5 PRESIDING OFFICER HONIGBERG: Because
6 they're not doing any harm where they are. We
7 looked at them, we looked at them in the context
8 of the Motion for Rehearing to understand what
9 the Applicant had in mind. We heard from the
10 other parties about what those meant or what
11 they should mean or not mean. And then we made
12 our decision. They're not, to me they're not
13 doing any harm.

14 MS. WEATHERSBY: Just seems clearer to me.

15 PRESIDING OFFICER HONIGBERG: As I said,
16 that's the other way to go.

17 Ms. Weathersby, do you want to make a
18 Motion to Strike those exhibits? I've forgotten
19 whose motion it is.

20 MS. WEATHERSBY: It's CLF's, I believe.
21 Yes. I move that we strike --

22 PRESIDING OFFICER HONIGBERG: That we grant
23 CLF's Motion to Strike --

24 MS. WEATHERSBY: -- the attachments to the

1 Applicant's Motion for Rehearing.

2 PRESIDING OFFICER HONIGBERG: Is there a
3 second?

4 DIR. WRIGHT: Second.

5 PRESIDING OFFICER HONIGBERG: Any further
6 discussion?

7 (No verbal response)

8 PRESIDING OFFICER HONIGBERG: Seeing none,
9 all in favor of Ms. Weathersby's Motion to Grant
10 the CLF's Motion to Strike, please say "aye".

11 (Multiple members indicating "aye".)

12 PRESIDING OFFICER HONIGBERG: Any opposed?
13 No. The motion carries 6 to 1.

14 Mr. Iacopino, is there anything else
15 pending, anything else that we need to deal with
16 before we adjourn?

17 MR. IACOPINO: I do not believe so.

18 PRESIDING OFFICER HONIGBERG: I'll
19 entertain a motion to adjourn.

20 MR. WAY: So moved.

21 PRESIDING OFFICER HONIGBERG: Mr. Way
22 moves.

23 COMMISSIONER BAILEY: Second.

24 PRESIDING OFFICER HONIGBERG: Commissioner

1 Bailey seconds. All in favor say "aye"?

2 (Multiple members indicating "aye".)

3 PRESIDING OFFICER HONIGBERG: We are
4 adjourned. Thank you all.

5 (Hearing adjourned at 3:16 p.m.)

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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 May, 2018.

Cynthia Foster, LCR