STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

May 24, 2018 - 1:00 p.m.        DELIBERATIONS
49 Donovan Street
Concord, New Hampshire        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
(Presiding Officer)
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:

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
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P R O C E E D I N G S

(Hearing resumed at 1:00 p.m.)

PRESIDING OFFICER HONIGBERG: We have reviewed our records, and we think that we have addressed all of the issues raised in the Motion for Rehearing. We don't believe -- or actually, the two motions, the earlier one and the later one. We don't believe there are any substantive issues raised by any other party who filed joinders or "me too" filings associated with that Motion for Rehearing, but I want to give the parties a chance to identify something that is pending in the nature of rehearing, make sure we haven't missed anything.

Mr. Needleman? Are you aware of anything?

MR. NEEDLEMAN: Mr. Chair, thank you. We had a lot of issues in our motion, as you well know, and I think until we've had a chance to go through that again very carefully and compare it to the transcript, it's just not something I think we're capable of answering today.

PRESIDING OFFICER HONIGBERG: Anyone else that can identify an issue that we've missed in our discussions?
PRESIDING OFFICER HONIGBERG: All right. No one has volunteered anything so we're going to move to the next order of business.

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

In order to do that, we probably should take a motion to reopen the record for a limited purpose, and I guess since we've discussed the issue of reopening the record more broadly, we should probably do that in two steps. Do a motion to reopen the record on all issues, see how that comes out. If it is denied, or if it's rejected, then do a motion for the limited purpose of considering Berlin's requested findings.
Does that work for you, Mr. Iacopino?

MR. IACOPINO: Sure.

PRESIDING OFFICER HONIGBERG: Commissioner Bailey?

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

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

COMMISSIONER BAILEY: You did say that.

PRESIDING OFFICER HONIGBERG: I meant reopen deliberations.

COMMISSIONER BAILEY: Okay. Thank you.

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

COMMISSIONER BAILEY: I would make a motion to reopen deliberations based on an abundance of caution that a reasonable person could read Site 220, Site Rule -- let me get the right number -- 202.28 that a reasonable person might read the
plain meaning of this rule to require us to
consider all four criteria stated in the law.

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

DIR. WRIGHT: I'll second.

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

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Opposed?
(Multiple members indicating "nay.")

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

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

COMMISSIONER BAILEY: So moved.

PRESIDING OFFICER HONIGBERG: Any further
discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Are there any opposed?

(No verbal response)

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

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

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

COURT REPORTER: Thank you.

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

"The Coos Loop is a 115 kV transmission line that starts at the Lost Nation substation in Northumberland, travels east through Northumberland, Stark and Dummer to the Paris substation, then travels south through Milan, the City (through the Berlin substation), and Gorham, then travels through Randolph, Jefferson, and Whitefield, and completes the
loop by traveling north through Whitefield and Lancaster back to Lost Nation substation."

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

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

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

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

Your ruling may be that it's granted, your ruling may be that it is denied, your ruling may be that it is irrelevant to whatever the determination is that you must make, but those are some of the rulings that you can make on
requests for findings of fact.

PRESIDING OFFICER HONIGBERG: Commissioner Bailey?

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

PRESIDING OFFICER HONIGBERG: Is there a second?

MS. WEATHERSBY: I second it for discussion purposes.

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

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

PRESIDING OFFICER HONIGBERG: What it is or
where it is.

COMMISSIONER BAILEY: Where it is.

PRESIDING OFFICER HONIGBERG: And what it is.

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

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

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

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

PRESIDING OFFICER HONIGBERG: Would it be okay to say that the Coos Loop is a 115 kV
transmission line that starts and ends at the Lost Nation substation in Northumberland?

COMMISSIONER BAILEY: I think so.

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

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

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

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

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

Number 2 says, "The Coos Loop is a
critically important portion of the transmission grid that allows small-scale hydro generation and other renewable generation to get to the local and regional energy markets and also serves customers in the North Country."

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

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

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

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

DIR. WRIGHT: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?
(No verbal response)

PRESIDING OFFICER HONIGBERG: There are no
opposed.

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

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

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

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

Other thoughts? Commissioner Bailey.

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

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

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

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

COMMISSIONER BAILEY: Agree.

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

Number 5. "The Applicants have agreed to
upgrade and repair such portions of the Coos Loop that are co-located with the Project Route, specifically 12.1 points along PSNH Line 154 and 18 miles along PSNH Line D142."

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

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

COMMISSIONER BAILEY: Yes.

PRESIDING OFFICER HONIGBERG: Although someone could probably check that.

(Discussion off the record)

PRESIDING OFFICER HONIGBERG: So I'll ask someone to check the latter part of that. Number 6. "PSNH has further agreed to upgrade a half-mile portion of the Coos Loop that is not co-located with the Project up to the Paris substation and upgrade the Coos Loop
leading from Whitefield to the Moore Hydro-Electric Facility in Monroe."

MR. WAY: Mr. Chair?

PRESIDING OFFICER HONIGBERG: Mr. Way.

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

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

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

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

COMMISSIONER BAILEY: Again, I remember the first half of the sentence, but I don't remember the second half. I think Mr. Quinlan testified that PSNH had committed to request permission from ISO to perform the study, but I don't remember that PSNH had committed under any
circumstance to install the SVC should the study suggest the installation. I don't remember that. So I would have to see if the transcript reflected that.

PRESIDING OFFICER HONIGBERG: It's being checked.

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

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

COMMISSIONER BAILEY: And I think you skipped number 8.

PRESIDING OFFICER HONIGBERG: I'm sorry. I'll circle back to 8. Let's do 8 and then
we'll get to 9.

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

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

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

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

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

MR. IACOPINO: Yes.

PRESIDING OFFICER HONIGBERG: Okay.

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

PRESIDING OFFICER HONIGBERG: It may just be a logical conclusion from the other statements in there. I mean, I think this one should be denied for a variety of reasons.
Insufficient evidence in the record to support it.

COMMISSIONER BAILEY: I agree.

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

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.


MR. WAY: Mr. Chair?

PRESIDING OFFICER HONIGBERG: Mr. Way.

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

PRESIDING OFFICER HONIGBERG: Let's do them
one at a time, Mr. Way.

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

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

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

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

PRESIDING OFFICER HONIGBERG: Does anyone doubt 10 is true?

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

PRESIDING OFFICER HONIGBERG: Are you seconding?

COMMISSIONER BAILEY: I'll second.

PRESIDING OFFICER HONIGBERG: Any further discussion of 10?

(No verbal response)

PRESIDING OFFICER HONIGBERG: Seeing none, all in favor say "aye"?
(Multiple members indicating "aye"."

PRESIDING OFFICER HONIGBERG: Opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

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

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

COMMISSIONER BAILEY: But if it's in his Prefiled Testimony, and it's not relevant to our consideration, why would we make that finding?
PRESIDING OFFICER HONIGBERG: Mr. Iacopino?

MR. IACOPINO: Yes.

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

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

MS. WEATHERSBY: So --

PRESIDING OFFICER HONIGBERG: Ms. Weathersby?

MS. WEATHERSBY: We've already decided the first part. Well, assuming it's a municipality in the North Country is another fact, but we've already granted the request that they've struggled economically. So it's really that last phrase whether they've attempted to revitalize the city and the region's economy through various initiatives. And whether or not they've done that is really irrelevant to our, I mean, I think that they have, but I don't know,
I don't think that's relevant to our decision making process or the facts of this case. Whether they've done initiatives.

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

MS. DANDENEAU: Second.

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

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

PRESIDING OFFICER HONIGBERG: And it may well be.

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

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

MR. WAY: Yes.

COMMISSIONER BAILEY: I don't think that's relevant. I think it may be relevant that the
municipality has struggled economically and that this Project may have improved their economics, but we've already made a finding of fact that they've struggled economically. To make a finding that they've attempted to revitalize the city, I don't --

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

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

MS. DANDENEAU: Yes.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

PRESIDING OFFICER HONIGBERG: Seeing none, all in favor say "aye"?
PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

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

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

MR. WAY: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Are there any opposed?

(No verbal response)
PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

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

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

PRESIDING OFFICER HONIGBERG: We certainly can.

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

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

COMMISSIONER BAILEY: And that's based on Mayor Grenier's testimony. And we're sure that that's correct. I mean, nobody asked him any
questions about that to see if it was correct. We really didn't talk about it.

MR. WAY: I don't recall.

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

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

MS. WEATHERSBY: I'll second it.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

PRESIDING OFFICER HONIGBERG: Speak into the microphone.

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

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

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

MR. WAY: I think you just did.

COMMISSIONER BAILEY: Okay. So moved.

MR. WAY: And I'll second that.
PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

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

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

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

MR. WAY: Yes.
PRESIDING OFFICER HONIGBERG: I don't know that we can make this finding.

MS. WEATHERSBY: Can we grant it to the extent that this suggests or states that the city has a median -- 2016 the city had a median age higher than the median age for the State of New Hampshire? Recorded median age.

COMMISSIONER BAILEY: We could, but that's not what they asked us for. I think we should deny what they asked us to find because we don't need to make that finding.

MS. WEATHERSBY: Denied based on insufficient evidence in the record.

COMMISSIONER BAILEY: Yes.

PRESIDING OFFICER HONIGBERG: Commissioner Bailey moves we deny it based on insufficient evidence. Is there a second?

MS. DANDENEAU: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

PRESIDING OFFICER HONIGBERG: All in favor say "aye".

(Multiple members indicating "aye".)
PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

That's awfully vague.

MR. WAY: Yes. Sure. It's not necessarily "the" economic hub, but it is an economic hub.

Whether that was brought up in testimony, I have to imagine it was, but I don't recall, but it's nothing I would argue with.

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

MR. WAY: Yes.

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

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

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

MR. WAY: So moved.

MS. WEATHERSBY: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye").

PRESIDING OFFICER HONIGBERG: Opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

COMMISSIONER BAILEY: Well, I certainly recall testimony about the $200 million Forward NH Fund and that it was going to be used to promote tourism, clean energy, and economic development. But I don't, I'm not sure I
remember that they committed to a focus on the North Country. I think we talked about maybe making that a condition. Or we might have been thinking about making that a condition.

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

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

COMMISSIONER BAILEY: His desire to focus it on the North Country.
MR. WAY: No. The Project's.

COMMISSIONER BAILEY: Okay.

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

COMMISSIONER BAILEY: Okay. I agree.

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

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

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

MR. WAY: Yes.

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

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes"
have it.

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

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

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

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

MR. WAY: There are.

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

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

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

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

COMMISSIONER BAILEY: I second the motion.

PRESIDING OFFICER HONIGBERG: Okay. Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.
Number 20. "With these guidelines and by-laws in place, the Forward NH Fund and the NCJCF will be in the public interest, benefit regional and local economies, and provide needed employment opportunities."

Commissioner Bailey?

COMMISSIONER BAILEY: I think since we denied the requested guidelines that he wants to put in place, I would deny this as insufficient evidence in the record to make this finding.

MS. DANDENEAU: I would agree with that.

PRESIDING OFFICER HONIGBERG: Commissioner Bailey moves, was that Ms. Dandeneau seconded?

MS. DANDENEAU: Yes.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.
Number 21. "The Project will result in the construction of taxable electric utility property in host municipalities."

COMMISSIONER BAILEY: I think we do have evidence in the record that suggests that. I think we have testimony from Dr. Shapiro so I would be comfortable granting that fact.

MR. WAY: Second.

PRESIDING OFFICER HONIGBERG: Commissioner Bailey moves and Mr. Way seconds. Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

22. "The Project will result in tax base increases for host municipalities."

Commissioner Bailey?

COMMISSIONER BAILEY: There was conflicting testimony about whether the Project would result
in increases because some municipalities argued
that the offset in taxes as a result of, I
forget what you call it when somebody says my
property is not worth as much money anymore.
Abatements. That I don't think we can make this
finding. Because we don't know, I mean, it may
be that the increase in taxes from the Project
outweigh the offsets from the abatements, but we
don't know. And so I can't make, I can't
conclude or make a finding that the Project will
result in tax-based increases.

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

COMMISSIONER BAILEY: Yes.

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

DIR. WRIGHT: Second.

PRESIDING OFFICER HONIGBERG: Mr. Wright.

Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)
PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

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

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

COMMISSIONER BAILEY: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.
24. "For non-host municipalities located in host counties, the Project will result in a decrease in the county tax rate owed by those non-host municipalities."

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

PRESIDING OFFICER HONIGBERG: Is there a second?

MS. DANDENEAU: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

COMMISSIONER BAILEY: That's true. Did Mayor Grenier's testimony state that?
PRESIDING OFFICER HONIGBERG: Isn't it true regardless of who --

COMMISSIONER BAILEY: Yes, but don't we have to make findings of fact based on the record before us? Or can we make findings of fact based on things we know. I'm being careful here.

PRESIDING OFFICER HONIGBERG: In the record, there are maps of the route.

COMMISSIONER BAILEY: Okay.

PRESIDING OFFICER HONIGBERG: And where the county lines are. Seems like the kind of thing we could grant. Has anybody made a motion on this one?

DIR. WRIGHT: So moved.

PRESIDING OFFICER HONIGBERG: Is there a second?

MR. WAY: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

PRESIDING OFFICER HONIGBERG: All in favor say "aye".

(Multiple members indicating "aye".)
PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: Motion carries. That request is granted.

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

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

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

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

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

COMMISSIONER BAILEY: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

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

MR. WAY: Second.
PRESIDING OFFICER HONIGBERG: Okay. Why do we have any opinion about what the appropriate method of valuation is?

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

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

COMMISSIONER BAILEY: Yes.

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

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

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

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

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

DIR. WRIGHT: Second.

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

(No verbal response)

PRESIDING OFFICER HONIGBERG: Seeing none, all in favor say "aye"?
(Multiple members indicating "aye").

PRESIDING OFFICER HONIGBERG: Opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

Commissioner Bailey.

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

PRESIDING OFFICER HONIGBERG: Isn't this equally irrelevant?

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

PRESIDING OFFICER HONIGBERG: I think separate and apart from that, doesn't this have
the same problem as the previous one that we, we don't know anything about it, and it's not relevant to anything we have to do.

COMMISSIONER BAILEY: Yes.


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

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

Commission Bailey.

COMMISSIONER BAILEY: I'll second with the condition that we don't change our mind on the certificate.
PRESIDING OFFICER HONIGBERG: Okay. If a certificate is ultimately issued, we have to revisit this finding and perhaps change our ruling on this finding. Is that agreeable?

COMMISSIONER BAILEY: Yes.

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

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

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

(Discussion off the record)

PRESIDING OFFICER HONIGBERG: We're going to take a break and track down the answers to the questions that are pending from the
requested findings. I'm going to guess 20 minutes.

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

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

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

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

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

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

MS. MERRIGAN: Do you want it enlarged?

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

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

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

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

ADMINISTRATOR MONROE: Which page are you on?

COMMISSIONER BAILEY: I'm looking at the
finding of fact, and I'm comparing it to the testimony.

ADMINISTRATOR MONROE: Okay.

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

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

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

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

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

MR. IACOPINO: I didn't say anything.

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

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

I mean, from the testimony in the
transcript, it does seem like Mr. Quinlan agreed
with Mr. Boldt's description. So we can
probably grant that one.

MR. WAY: I would second that.

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

(No verbal response)

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

(Multiple members indicating "aye.")

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes"
have it.

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

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

MR. IACOPINO: My understanding is that you
ruled on number 2. So that we go to number 3.
And again, with respect to that one, I would ask
you to look at a number of different items.

Probably the quickest one is Mr. Quinlan's
testimony in the transcript of Day 1, again, at page 59.

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

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

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

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

So that would seem to be valid.

COMMISSIONER BAILEY: Okay.

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

MR. WAY: Yes.

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

COMMISSIONER BAILEY: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?
(No verbal response)

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

(Multiple members indicating "aye")

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

Mr. Iacopino, which one is next?

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

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

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

DIR. WRIGHT: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

PRESIDING OFFICER HONIGBERG: Seeing none, all in favor say "aye"?
(Multiple members indicating "aye")

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

Mr. Iacopino, which one is next?

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

COMMISSIONER BAILEY: Can we see that Power Point?

MR. IACOPINO: Counsel for the Public 46.

COMMISSIONER BAILEY: Our screen says "no signal."

MR. IACOPINO: They're working on it.

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

MR. IACOPINO: That's my understanding.

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

COMMISSIONER BAILEY: But the Mayor's, if
Mr. Quinlan didn't confirm that, I don't think I would make that finding of fact. I don't think --

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

(Discussion off the record)

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

"The Applicants have agreed to upgrade and repair such portions of the Coos Loop that are co-located with the Project Route, specifically 12.1 miles along PSNH Line O154 and 18 miles along PSNH Line D142."

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

PRESIDING OFFICER HONIGBERG: Commissioner Bailey has made that motion, I believe. Is there a second?
MS. WEATHERSBY: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye.")

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

Mr. Iacopino, which one's next?

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

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

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

COMMISSIONER BAILEY: Which line?

MR. IACOPINO: 13?

MR. WAY: I think that finding is justified.

PRESIDING OFFICER HONIGBERG: Mr. Way moves
that we grant number 6. Is there a second?

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

MR. WAY: Up to Paris substation.

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

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

COMMISSIONER BAILEY: Okay.

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

(No verbal response)

PRESIDING OFFICER HONIGBERG: Seeing none, all in favor say "aye"?
(Multiple members indicating "aye.")

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

Which one is next?

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

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

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

MS. DANDENEAU: I'll second.

PRESIDING OFFICER HONIGBERG: Is there any further discussion?

(No verbal response)

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

(Multiple members indicating "aye").

PRESIDING OFFICER HONIGBERG: That was enthusiastic. Any opposed?
PRESIDING OFFICER HONIGBERG: The "ayes" have it.

What's next?

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

COMMISSIONER BAILEY: Can we see those exhibits, please?

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

MS. MERRIGAN: 44 is the map.

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

MS. MERRIGAN: This is 45.

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

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

COMMISSIONER BAILEY: Okay. I'll accept
that. I would make a motion to grant this one.

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

MR. OLDENBURG: I'll second it.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes" have it.

What number is next?

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

PRESIDING OFFICER HONIGBERG: In looking at the testimony on page 65, line 6 to 11, the question, I think it quotes from the Prefiled Testimony to the effect that its target is to
assist, quote, "host communities," comma, particularly host communities in the North Country," close quote. And Mr. Quinlan is asked is that correct. And Mr. Quinlan's answer is yes, that's correct. So I'm not sure that matches up with the requested finding.

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

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

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

PRESIDING OFFICER HONIGBERG: 168 of what?

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

COMMISSIONER BAILEY: But that's talking
about the Project, not necessarily the finding that they're asking us, the specific finding of fact that they're asking us to make.

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

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

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

COMMISSIONER BAILEY: Make that finding.

PRESIDING OFFICER HONIGBERG: We could make that finding.

MR. WAY: Page 65, line?

PRESIDING OFFICER HONIGBERG: I don't remember.

MR. IACOPINO: 6 to 11.
PRESIDING OFFICER HONIGBERG: There's a quote in that transcript from what purports to be the Prefiled Testimony.

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

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

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

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

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

MR. WAY: Article 1 doesn't specify.

PRESIDING OFFICER HONIGBERG: Let's look at what's been requested.
MS. WEATHERSBY: That looks the same or substantially similar to the purpose section of the Articles. To me, it's much broader than the North Country. I mean, it's the promoting the economic well-being of the State of New Hampshire, and North Country being part of that, economically depressed areas, but I have trouble agreeing to this request.

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

MR. WAY: How about with an emphasis?

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

PRESIDING OFFICER HONIGBERG: Mr. Oldenburg?

MR. OLDENBURG: Where they might have gotten that wording is it looks suspiciously
familiar like the Mayor's Prefiled Testimony
where he's asked what is the City's position
regarding the Forward NH Fund and his answer was
Northern Pass Transmission has represented that
the Forward NH Fund will be established with a
focus on the North Country.

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

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

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

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

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

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

The articles in the Bylaws are broader.
Tell me what your pleasure is, folks.

MR. WAY: My pleasure would be to accept
the finding as it is.
PRESIDING OFFICER HONIGBERG: Is there a second?

(No verbal response)

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

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

PRESIDING OFFICER HONIGBERG: Is there a second?

DIR. WRIGHT: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

MR. WAY: Opposed.

PRESIDING OFFICER HONIGBERG: The "ayes" have it 6 to 1. What's next?
MR. IACOPINO: That's all of the ones that you didn't decide. However, I have been asked to --

PRESIDING OFFICER HONIGBERG: I think it's 27.

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

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

MS. WEATHERSBY: So moved.

PRESIDING OFFICER HONIGBERG: Is there a second?

DIR. WRIGHT: Second.

PRESIDING OFFICER HONIGBERG: Any discussion?

(No verbal response)

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

So all in favor please say "aye"?

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Are there any opposed?
PRESIDING OFFICER HONIGBERG: 27 is now open for further discussion. Mr. Iacopino, someone would like to draw our attention to a particular limitation in that pledge is my understanding.

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

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

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

PRESIDING OFFICER HONIGBERG: Is it a wrong cite?

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

Under that testimony it appears that the pledge is good for 20 years. I think our options are either to add that phrase or to deny the requested finding.
COMMISSIONER BAILEY: I move that we deny the requested finding.

PRESIDING OFFICER HONIGBERG: Is there a second?

(No verbal response)

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

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

PRESIDING OFFICER HONIGBERG: Is there a second?

MS. WEATHERSBY: Second.

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

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

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

MR. IACOPINO: I don't believe so.

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

COMMISSIONER BAILEY: So moved.

PRESIDING OFFICER HONIGBERG: Is there a second?

MS. DANDENEAU: Second.

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

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

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

We need a motion on the Applicant's Motion for Rehearing. Mr. Oldenburg, you were ready to jump earlier.
MR. OLDENBURG: See how well that went.

PRESIDING OFFICER HONIGBERG: Don't give up.

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

PRESIDING OFFICER HONIGBERG: Is there a second?

DIR. WRIGHT: Second.

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

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

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

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

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

PRESIDING OFFICER HONIGBERG: I think, Commissioner Bailey, the question about resuming deliberations is over. That question was asked
and answered. You made the motion, and it was rejected. So now we are -- the only question is do we grant the Motion for Rehearing.

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

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

DIR. WRIGHT: I believe so, yes.

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

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

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

COMMISSIONER BAILEY: Okay. So if that
motion has been made and rejected --

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

COMMISSIONER BAILEY: Yes.

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

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

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

COMMISSIONER BAILEY: Okay. Thank you.

PRESIDING OFFICER HONIGBERG: Is there any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

(No verbal response)

PRESIDING OFFICER HONIGBERG: The "ayes"
have, it and the Motion for Rehearing is denied.

    One last piece of business. There's a pending Motion to Strike certain attachments to the Applicant's motion. They were a set of exhibits that included possible conditions that the Committee could have considered during its deliberations according to the Applicant.

Commissioner Bailey?

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

    PRESIDING OFFICER HONIGBERG: That's correct.

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

    PRESIDING OFFICER HONIGBERG: I viewed them as illustrative. They were the kinds of conditions that we would have considered or could consider if we chose to reopen the record. People might disagree with that, but in terms of understanding how the Applicant was making its argument to us about rehearing, and reopening deliberations, I understood them to be
illustrative only. And to that extent, I'm willing to, you know, I have them on the record, considered them, reviewed them, but they don't ultimately change my decision on whether we should reopen deliberations or grant the Motion for Rehearing more generally.

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

MR. OLDENBURG: Could I ask a question?

PRESIDING OFFICER HONIGBERG: Take two.

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

PRESIDING OFFICER HONIGBERG: Well, they're part of the record that was made in the motion, in the rehearing phase of this proceeding. I think if someone, if someone were to argue to the Supreme Court that these are conditions that the Supreme Court should impose, there would be squawking from many quarters. I mean, feel free
to correct me if I'm wrong, Counsel, but --

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

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

MS. WEATHERSBY: So then the record was closed, rules don't allow any new evidence to come in. Nobody asked for the record to be reopened to admit this. But it's out there sort of in this limbo. Why wouldn't we strike it and just make it more clear that this clearly is not part of the record or anything the Committee considered?
PRESIDING OFFICER HONIGBERG: That would be the other option.

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

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

MS. WEATHERSBY: Just seems clearer to me.

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

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

MS. WEATHERSBY: It's CLF's, I believe.

Yes. I move that we strike --

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

MS. WEATHERSBY: -- the attachments to the
Applicant's Motion for Rehearing.

PRESIDING OFFICER HONIGBERG: Is there a second?

DIR. WRIGHT: Second.

PRESIDING OFFICER HONIGBERG: Any further discussion?

(No verbal response)

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

(Multiple members indicating "aye".)

PRESIDING OFFICER HONIGBERG: Any opposed?

No. The motion carries 6 to 1.

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

MR. IACOPINO: I do not believe so.

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

MR. WAY: So moved.

PRESIDING OFFICER HONIGBERG: Mr. Way moves.

COMMISSIONER BAILEY: Second.

PRESIDING OFFICER HONIGBERG: Commissioner
Bailey seconds. All in favor say "aye"?

(Multiple members indicating "aye".)

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

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

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.

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Cynthia Foster, LCR