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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

June 14, 2018 - 1:35 p.m.
Concord, New Hampshire

RE: SEC 2018-02
PETITION FOR DECLARATORY RULING OF
NEW HAMPSHIRE TRANSMISSION, LLC,
REGARDING TRANSMISSION SUBSTATION
UPGRADE
(Prehearing Conference)

PRESENT: Commissioner Michael S. Giaimo
Presiding Officer

ALSO PRESENT:

Pamela Monroe - SEC Administrator

COUNSEL TO THE COMMITTEE: Michael Iacopino, Esq.
(Brennan Lenehan)

APPEARANCES: Reptg. N.H. Transmission, LLC
Douglas L. Patch, Esq. (Orr & Reno)

Counsel for the Public:
Gordon P. Landrigan, Esq.
Assistant Attorney General
N.H. Atty. Gen. Office

COURT REPORTER: Susan J. Robidas, N.H. LCR No. 44

P R O C E E D I N G S

1
2 COMMISSIONER GIAIMO: Good
3 afternoon. Let's open the Prehearing
4 Conference in Docket No. 2018-02, Petition
5 for Declaratory Ruling on New Hampshire
6 Transmission, LLC.

7 Good afternoon. My name is
8 Michael Giaimo. I'm a Commissioner here at
9 the Public Utilities Commission, and I've
10 been appointed to serve as the presiding
11 officer in Docket No. 2018-02. Before we
12 start our agenda and take appearances, I'd
13 like to provide some background.

14 On May 8th, 2018, New
15 Hampshire Transmission, LLC, filed a Petition
16 for Declaratory Ruling seeking a declaratory
17 ruling that New Hampshire Transmission's
18 proposed upgrade to portions of the
19 transmission substation in Seabrook, New
20 Hampshire, does not constitute a sizable
21 addition or change to an existing facility
22 within the meaning of RSA 162-H:5, I.

23 The petition requested the
24 appointment of a three-member subcommittee

1 under RSA 162-H and an expedited review.

2 On May 17th, 2018, an order
3 was issued appointing a subcommittee. In
4 that order, I was appointed, along with Susan
5 Dupuis, a public member of the Site
6 Evaluation Committee, and Commissioner with
7 the Department of Transportation, Victoria
8 Sheehan. On May 31st, Attorney Gordon
9 Landrigan was appointed Counsel for the
10 Public in this matter.

11 New Hampshire Transmission
12 owns 88.2 percent of the 345kV electric
13 transmission substation in Seabrook, New
14 Hampshire. The Seabrook Substation connects
15 the 1,318-megawatt Seabrook nuclear
16 generating station to the New England
17 electric grid. The Seabrook substation is a
18 Pool-Transmission Facility under the tariff
19 of ISO New England and is part of the
20 region's bulk power system. The substation
21 is an integral part of the North-South
22 Interface and the North New England Scobie
23 Interface. It serves to connect the
24 following 345kV transmission lines: One, the

1 Seabrook to Ward Hill Line 394; two, the
2 Seabrook to Scobie 363 Line; and the Seabrook
3 to Timber Swamp/Newington 369 line.

4 The Seabrook substation and
5 the Seabrook power plant were constructed and
6 are operated pursuant to a Certificate of
7 Site and Facility that was issued in January
8 of 1974. New Hampshire Transmission, in
9 conjunction with the ISO, has determined that
10 it must complete an upgrade to the switchyard
11 and transmission lines at the Seabrook
12 substation to ensure its continuing
13 reliability of the regional power system.
14 Specifically, New Hampshire Transmission
15 identified the following improvements that
16 need to be performed: Replacement of the
17 four circuit breakers with newer, more
18 compact and efficient breakers; the
19 replacement of the existing foundations and
20 buses for the three transmission lines that
21 will involve construction of new concrete
22 footing; replacement of the relay protection
23 systems; and enhancement to the air
24 termination yard.

1 The petition suggests that,
2 with the exception of one area, all the work
3 will be performed within an existing
4 footprint of the substation. Outside the
5 footprint, the work will be performed in a
6 7-foot-wide, approximately 600-foot-long
7 strip of land that was filled in with gravel
8 as part of the original development of the
9 Seabrook power plant. It will accommodate
10 the moving of the eastern-most transmission
11 lines and associated structures 7 feet to the
12 east of its existing location. It will
13 require replacement of new gravel fill -- it
14 will require replacement of the new gravel
15 fill and the construction of a retention
16 wall. Upgrades and construction will not
17 result in any changes to the capacity of the
18 transmission lines, and the estimated cost of
19 these upgrades are \$77 million.

20 The Petitioner, New Hampshire
21 Transmission, requests the Subcommittee issue
22 a declaratory ruling stating that the
23 proposed upgrades do not constitute a sizable
24 addition or change under RSA 162-H.

1 An Order and Notice of
2 Petition to Intervene, Prehearing Conference
3 and Public Hearing was issued on May 30th.
4 It was published in the Union Leader on
5 June 1st and in the Portsmouth Herald on
6 June 2nd, and we received an Affidavit of
7 Publication on June 7th. All petition
8 documents relative to this proceeding are
9 available on the Site Evaluation Committee's
10 web site, which is www.nhsec.nh.gov. The
11 deadline for filing Petitions to Intervene
12 was set for June 11, and we have received no
13 request to intervene.

14 We are here today for the
15 prehearing conference. And a prehearing
16 conference is an informal proceeding that is
17 authorized by state statute and rules,
18 specifically the Administrative Procedures
19 Act and the Site Evaluation Committee
20 Administrative Rules.

21 Let us begin by taking
22 appearances, and then, for the most part,
23 we'll follow the agenda that was provided;
24 however, I may group some things together for

1 efficiency purposes.

2 Mr. Patch.

3 MR. PATCH: Good afternoon,
4 Commissioner. My name is Doug Patch. I'm
5 with the law firm of Orr & Reno. I'm
6 appearing here today on behalf of New
7 Hampshire Transmission, LLC. And with me at
8 the table are Carrie Cullen Hitt, who is the
9 president of NHT, and also Timothy Cooper,
10 who is the manager of Nuclear Substations
11 North with NextEra Energy. Thank you.

12 COMMISSIONER GIAIMO: Thank
13 you.

14 MR. LANDRIGAN: Good
15 afternoon. Gordan Landrigan with the
16 Attorney General's Office, here as Counsel
17 for the Public.

18 COMMISSIONER GIAIMO: Thank
19 you for joining us.

20 (Discussion off the record)

21 COMMISSIONER GIAIMO: We're
22 back on the record.

23 So as previously noted, as of
24 today we hadn't seen any motions to

1 intervene. Have either of the two parties
2 heard from the town or maybe the Conservation
3 Commission suggesting that they may want to
4 intervene?

5 MR. PATCH: No, we have not
6 heard anything. As I think you know, we
7 attached to the Petition a letter from the
8 Conservation Commission indicating their
9 support, but we didn't have any indication
10 that they intended to intervene.

11 COMMISSIONER GIAIMO: So to
12 the best of your knowledge, that's the limit
13 of their participation?

14 MR. PATCH: That's right.

15 COMMISSIONER GIAIMO: Thank
16 you.

17 MR. LANDRIGAN: The Attorney
18 General's Office hasn't heard of any
19 interest.

20 COMMISSIONER GIAIMO: Okay.
21 All right. So we'll move to the next item on
22 the agenda. And you'll have to take me on my
23 word that this is the next item on the
24 agenda.

1 Identification of issues in
2 dispute and not in dispute. So, at issue in
3 this docket is whether the Site Evaluation
4 Committee should issue a declaratory ruling
5 on an expedited basis, effectively finding
6 that the SEC does not have jurisdiction if
7 the proposed project is not a sizable
8 addition or a change, or a change to the
9 existing facility.

10 I'll guess I get from the
11 parties in the room if they have identified
12 any issues at dispute or any issues that they
13 may have in common that they...

14 MR. PATCH: We did meet the
15 other day. But I mean, I'll leave it to Mr.
16 Landrigan to say if there are particular
17 issues he wants to focus on. But so far as
18 we know, the issues are as you have stated,
19 and we're not aware of any other issues.

20 COMMISSIONER GIAIMO: Okay.

21 MR. LANDRIGAN: Agreed. I
22 can't commit to anything right now. But I
23 don't think factually there's anything in
24 dispute. And I've read the attached SEC

1 orders, and I'll just review all of them.
2 But I think the laws are not disputed either.

3 COMMISSIONER GIAIMO: Okay.

4 Moving to discussion of the overall schedule
5 and time frames. I guess from my
6 understanding from reading the petition,
7 there is a certain time sensitivity, and the
8 hope would be that this would be wrapped up
9 to effectuate cutover work and to stay on
10 schedule with the schedule developed by NHT
11 and the ISO. Accordingly, we have
12 tentatively set a hearing for July 13th, and
13 we're planning a one-day hearing. Does that
14 sound reasonable to the parties?

15 MR. PATCH: I would say that
16 does sound reasonable. We were planning to
17 bring Ms. Cullen and Mr. Cooper for that and
18 to be available to answer questions that
19 either Public Counsel or Committee members
20 might have. We weren't planning on prefiling
21 any testimony. I think we've stated
22 everything in the petition that we need to
23 state. We, of course, would be happy to
24 answer any discovery requests from the Public

1 Counsel. But that's our plan right now in
2 terms of how to proceed. And we very much
3 appreciate the Committee getting to this
4 quickly because it is important, as you've
5 noted, that, if possible, that the Committee
6 rule on this, you know, hopefully by the end
7 of July or very beginning of August so that
8 they can get started on the project. Thank
9 you.

10 MR. LANDRIGAN: Counsel for
11 the Public has no problem with the currently
12 set July 13th date of hearing. And there's
13 even an affidavit attached to the petition,
14 too, which I imagine summarizes what will be
15 presented on that day.

16 COMMISSIONER GIAIMO: And the
17 two parties can work through discovery
18 informally?

19 MR. LANDRIGAN: Yes.

20 COMMISSIONER GIAIMO: Okay.

21 MR. IACOPINO: So you don't
22 need us to set any discovery dates then. You
23 can just work it out.

24 MR. PATCH: I don't think

1 that's necessary in this case.

2 MR. IACOPINO: Okay.

3 COMMISSIONER GIAIMO: Okay. I
4 guess the only other question I have with
5 respect to the schedule is the possibility of
6 a site visit. I don't know if one would be
7 necessary or even if my colleagues will want
8 one. But is that something you might be
9 available to do?

10 MR. PATCH: Yeah.

11 COMMISSIONER GIAIMO: If so,
12 that would be something you'd be interested
13 in being a part of, obviously.

14 MR. LANDRIGAN: Yes. We'll be
15 available when --

16 COMMISSIONER GIAIMO: Great.
17 So we can get potential dates for that in the
18 next week or two.

19 MR. PATCH: Okay. Thank you.

20 COMMISSIONER GIAIMO: The
21 other elements of our agenda were anticipated
22 amendments to the petition. I don't know if
23 you foresee anything. Has anything changed
24 in your petition since --

1 MR. PATCH: Well, the only
2 thing I would mention is that the DES
3 application for a minor wetlands permit has
4 been approved. The shoreland permit has not
5 yet been approved, but I think the plan is
6 that they hear by the 21st of this month,
7 so --

8 COMMISSIONER GIAIMO: I'm
9 sorry. I forget. Is that Army Corps, or is
10 that --

11 MR. PATCH: Shoreland permit.

12 COMMISSIONER GIAIMO: Run
13 through DES as well.

14 MR. PATCH: That's right.

15 COMMISSIONER GIAIMO: Okay.

16 MR. IACOPINO: Doug, are you
17 going to file those with us?

18 MR. PATCH: I'm sorry?

19 MR. IACOPINO: Are you going
20 to file the DES orders with us?

21 MR. PATCH: I'd be happy to do
22 that, but the permit says they've been
23 issued.

24 MR. IACOPINO: Thank you.

1 MR. PATCH: And the only other
2 thing is that the number that was cited, the
3 cost of the project in the petition, it looks
4 like that's going to be a little higher. You
5 know, approximately \$81 million I think is
6 what we're looking at now.

7 COMMISSIONER GIAIMO: And just
8 as a point of clarification on that, as it's
9 a Pool-Transmission Facility, the cost will
10 be allocated amongst the ratepayers
11 throughout the six New England states?

12 MR. PATCH: Yup, that's the
13 expectation. But it has to be filed for cost
14 recovery.

15 COMMISSIONER GIAIMO: Great.
16 So I think we've got most of all of our
17 preliminary matters taken care of. Are there
18 any final comments around the room?

19 [No verbal response]

20 COMMISSIONER GIAIMO: None.
21 So we're all set. So we'll be back in touch
22 with respect to a potential site date, and
23 we'll assume discovery goes swimmingly. So,
24 thank you all.

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MR. PATCH: Thank you.

MR. LANDRIGAN: Thank you.

(Hearing concluded at 1:43 p.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the
action; 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.

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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