

STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

April 3, 2017 - 10:04 a.m.  
Concord, New Hampshire

17 APR '17 PM1:34

RE: DE 15-460 NORTHERN PASS TRANSMISSION, LLC:  
Petition to Cross Public Waters in  
Pittsburg, Clarksville, Stark...

DE 15-461 NORTHERN PASS TRANSMISSION, LLC:  
Petition to Cross Land Owned by the State  
in Stark, Northumberland, Lancaster...

DE 15-462 PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY:  
Petition for Licenses to Construct and  
Maintain Electric Lines over and across  
Public Waters in Bridgewater, Bristol...

DE 15-463 PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY:  
Petition for Licenses to Construct and  
Maintain Electric Lines over and across  
Lands Owned by the State in Stark...

**PRESENT:** Chairman Martin P. Honigberg, Presiding  
Commissioner Kathryn M. Bailey

Sandy Deno, Clerk

**APPEARANCES:** **Reptg. Northern Pass Transmission:**  
Thomas B. Getz, Esq. (McLane...  
Marvin Bellis, Esq. (Eversource)  
Derrick Bradstreet, Esq. (Burns...  
Ovid Rochon, Esq. (Burns & McDonnell)

**Reptg. Public Service Company of  
New Hampshire d/b/a Eversource Energy:**  
Christopher J. Allwarden, Esq.

Court Reporter: Steven E. Patnaude, LCR No. 52

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**APPEARANCES: (C o n t i n u e d)**

**Reptg. DRED and the Adjutant General:**  
Liz Mulholland, Esq.  
N.H. Attorney General's Office

**Reptg. PUC Staff:**  
Suzanne G. Amidon, Esq.  
Randall Knepper, Director/Safety Div.  
Robert Wyatt, Asst. Dir./Safety Div.

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I N D E X

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**SUMMARY BY MS. AMIDON** 7

**REVIEW OF PROCESS USED TO PRODUCE  
THE RECOMMENDATIONS BY MR. KNEPPER** 38

***QUESTIONS BY:***

Chairman Honigberg 13, 28, 34, 36

Cmsr. Bailey 17, 23, 30, 36, 43

\* \* \*

**ADMINISTRATIVE NOTICE TAKEN** re: Staff's 6  
Recommendation dated February 27, 2017  
entitled "Staff's Overall Review of the  
Petitions for Licenses to Cross Public  
Waters and Lands"

**P R O C E E D I N G**

1  
2 CHAIRMAN HONIGBERG: We're here this  
3 morning in Dockets DE 15-460, 461, 462, and  
4 463, which is a series of proceedings related  
5 to crossings and the licensing thereof for  
6 Northern Pass and Eversource. We're here for a  
7 hearing on the merits.

8 Before we do anything else, let's  
9 take appearances.

10 MR. GETZ: Good morning, Mr.  
11 Chairman, Commissioner. I'm Tom Getz, from the  
12 law firm of McLane Middleton. I'm here this  
13 morning on behalf of Northern Pass  
14 Transmission. With me is Senior Counsel for  
15 Eversource, Marvin Bellis, and we also have two  
16 attorneys from the engineering firm of Burns  
17 McDonnell, Derrick Bradstreet and Ovid Rochon.

18 MR. ALLWARDEN: Good morning, Mr.  
19 Chairman. Chris Allwarden, Eversource Energy,  
20 in-house counsel.

21 MS. AMIDON: Suzanne Amidon, for  
22 Commission Staff. And with me today is Randy  
23 Knepper, the Director of the Safety Division,  
24 and the Assistant Director of the Safety

1 Division, Bob Wyatt.

2 CHAIRMAN HONIGBERG: There were  
3 intervenors in this docket, were there not,  
4 Ms. Amidon?

5 MS. AMIDON: Yes, there were.

6 CHAIRMAN HONIGBERG: Are we expecting  
7 any here or do we have one here?

8 MS. MULHOLLAND: Liz Mulholland, from  
9 Department of Justice, for DRED and the  
10 Adjutant General.

11 CHAIRMAN HONIGBERG: That answers  
12 one, one part of the question.

13 MS. AMIDON: And I did have a  
14 discussion with Attorney Danielle Pacik for the  
15 City of Concord. She did send a letter on  
16 Friday with a comment and concern that -- a  
17 "question" I think you would properly  
18 characterize it as, that probably should be  
19 reviewed by Mr. Knepper. But she understands  
20 that that will be addressed probably as they go  
21 through the SEC process.

22 CHAIRMAN HONIGBERG: All right. The  
23 record reflects that Commissioner Scott is not  
24 participating in this docket. So, it's just

1 Commissioner Bailey and me.

2 Ms. Amidon, how are we proceeding  
3 this morning?

4 MS. AMIDON: Well, I have a brief  
5 overview that I would like to describe how this  
6 docket is different and yet the same as the  
7 other crossings that the Commission considers  
8 in connection with issuing a license.

9 I have Mr. Knepper here, who is  
10 available for questions by the Commission. He  
11 did not submit testimony. He submitted a  
12 recommendation. But he's available, if you  
13 would like to ask him some questions.

14 And I would request at the outset  
15 that Staff's recommendation, filed on  
16 February 27th, 2017, be given administrative  
17 notice in that regard.

18 CHAIRMAN HONIGBERG: So, we'll take  
19 administrative notice of the filing of the  
20 recommendation in the dockets.

21 *[Administrative notice taken.]*

22 MS. AMIDON: Yes. And, further, I  
23 would, you know, say, on behalf of myself,  
24 Staff does not intend to cross-examine

1 Mr. Knepper, because we doesn't have prefiled  
2 testimony. I believe that's the same for  
3 Northern Pass and Eversource, but I'll let  
4 their attorneys address that issue. And I'm  
5 uncertain as to whether Ms. Mulholland has any  
6 questions for Mr. Knepper.

7 CHAIRMAN HONIGBERG: Does anyone --  
8 is anyone going to have questions for Mr.  
9 Knepper, other than Commissioner Bailey and  
10 myself?

11 MR. GETZ: No, Mr. Chairman. We have  
12 no comments or questions about the  
13 recommendation.

14 MR. ALLWARDEN: No questions, Mr.  
15 Chairman.

16 MS. MULHOLLAND: No questions, Mr.  
17 Chairman.

18 CHAIRMAN HONIGBERG: All right.  
19 Ms. Amidon, why don't you lay out how this, as  
20 you said, is different and yet the same from  
21 other crossings.

22 MS. AMIDON: Thank you. This is  
23 before the Commission pursuant to RSA 371:17,  
24 which states "whenever it is necessary in order

1 to meet the reasonable requirements of service  
2 to the public, that any utility should  
3 construct cables, poles, wires or other  
4 fixtures [to cross] over, under or across any  
5 public waters or public land, the utility shall  
6 file a written notification with the Commission  
7 for a license to construct and maintain such  
8 cable, conduit or wires and fixtures."

9 This is why Northern Pass and  
10 Eversource has have filed the petition. The  
11 Joint Petitioners are asking for that  
12 permission.

13 Pursuant to RSA 371:20, the  
14 Commission shall hear all parties interested in  
15 the licenses and the crossings, regarding  
16 whether the crossing as proposed could "be  
17 exercised without substantially affecting the  
18 public right in said waters or lands." It  
19 further provides that, if all parties are in  
20 agreement regarding the crossing, the  
21 Commission may issue the license without a  
22 hearing. And that is typically the way the  
23 Commission resolves these issues. It issues a  
24 license, and issues an order *nisi*, to allow for



1 the public to be heard regarding whether there  
2 will be any interference in the public  
3 enjoyment of the waters or land.

4 But Mr. Knepper knows this,  
5 typically, the request for a license involves  
6 the crossing, say, of a river, from Point A to  
7 Point B. It's a single crossing. The Safety  
8 Division reviews those crossings. And I  
9 believe Mr. Knepper is ready to answer any  
10 questions about what goes into such reviews.

11 But, typically, they look at whether  
12 the utility has the right to cross that land or  
13 water; whether the crossing, as designed, would  
14 interfere with the rights of the public;  
15 whether a modification to the design would  
16 obviate the interference with the public right;  
17 whether the crossing comports with the National  
18 Electric Safety Code; and whether the utility  
19 has sought all other licenses and permits  
20 required for the construction of the crossing.  
21 Sometimes, for example, the Department of  
22 Environmental Services needs to issue a permit  
23 to -- an easement for wetland, or there may be  
24 some other peculiar aspect of the location

1 where the crossing is anticipated that requires  
2 some additional permit or some license of other  
3 sort.

4 So, these -- and that list of issues,  
5 I would say, is not a complete list of all the  
6 aspects that the Safety Commission [Division?]  
7 looks at, because they also look at, for  
8 example, whether it is a new crossing, whether  
9 the Commission has previously granted a license  
10 to cross at that particular area or an area  
11 located near it, and other issues which may be  
12 peculiar to that particular crossing.

13 In this case, the proposed licenses  
14 are for crossings in connection with the  
15 construction of the Northern Pass Project. The  
16 Northern Pass Project extends about 192 miles,  
17 from the border of New Hampshire with Canada to  
18 Deerfield, New Hampshire. There are almost 70  
19 crossings proposed in these four dockets before  
20 you today, and each one of those crossings was  
21 subject to the same review by the Safety  
22 Division. Because of the size of the Northern  
23 Pass Project, the number of crossings, and the  
24 public interest, the Commission issued an Order

1 of Notice indicating that it intended, in this  
2 particular instance, with these four dockets,  
3 to conduct the normal review, but to hear  
4 public comment, as may be offered, on whether  
5 proposed crossing interferes with the public's  
6 rights in the waters and public lands.

7 In addition to this proactive  
8 protection of the public right to be heard in  
9 this proceeding, the Commission also directed  
10 Northern Pass and Eversource to notify each  
11 town where a proposed crossing is located.  
12 Further, following Staff's filing of its  
13 recommendation on February 27th, 2017, the  
14 Commission offered the opportunity for parties  
15 to provide comment on that recommendation.  
16 And, to my understanding, we have received  
17 written comment from the City of Concord, I  
18 think it was last Friday, concerning a crossing  
19 related to the Soucook River, which may or may  
20 not be something that Mr. Knepper can comment  
21 on.

22 We have no witnesses in this case,  
23 *per se*. There's no prefiled testimony. I have  
24 Randy Knepper, the Director of the Safety

1 Division, who directed and participated  
2 actively in the crossing review available for  
3 questions. And the Petitioners have available  
4 Derrick Bradstreet, who worked on the  
5 preparation and design of the proposed  
6 crossings, if you have any questions for them.

7 Because there is no prefiled  
8 testimony, I do not expect that any  
9 cross-examination of these witnesses will occur  
10 following the Commission's inquiry. I notice  
11 that there's no members of the public here.  
12 Any member of the public who would be here,  
13 obviously, would be heard regarding the issue  
14 before the Commission, which is whether the  
15 crossings interfere with the public use of the  
16 land or waters. But, seeing no one here today,  
17 I believe that this hearing will go rather  
18 quickly, and just concern Mr. Knepper's  
19 description of the review of the projects.

20 Do you have any questions?

21 CHAIRMAN HONIGBERG: No. I think  
22 you've refreshed everyone's memory, Ms. Amidon,  
23 as to why we're here.

24 As you say, normally, with crossings,

1 we issue the order and invite comment. And, if  
2 there's any challenge to the granting of the  
3 license, it gets resolved after the issuance of  
4 the order, which is not effective until any  
5 comments, any objections are resolved.

6 Here, we decided to do it in such a  
7 way that we'd be able to issue a final order,  
8 having given the public an opportunity to be  
9 heard. That's about right, isn't it?

10 MS. AMIDON: Yes.

11 CHAIRMAN HONIGBERG: All right. Mr.  
12 Knepper, you can probably stay where you are.  
13 Unless someone feels strongly that we need to  
14 put Mr. Knepper under oath?

15 MR. GETZ: No, Mr. Chairman.

16 CHAIRMAN HONIGBERG: I didn't think  
17 so.

18 I guess I'd like to hear about the  
19 City of Concord's letter, which is stamped in  
20 here at 3:59 p.m. on Friday. And the first  
21 time I saw it was when I walked in the room  
22 this morning. So, what can you tell us about  
23 the City of Concord's letter and its concerns?

24 MR. KNEPPER: Yes. This came in,

1           emailed to us last, I guess, Friday. I didn't  
2           quite answer their question right off, because  
3           we were kind of in storm mode, as I told them,  
4           and we were shifting gears and priorities. So,  
5           now that we're back to hearing mode, we can  
6           kind of address it.

7                         The issue that they have a concern is  
8           that there's a steep slope at -- this is at the  
9           Soucook River crossing that goes between  
10          Concord and Pembroke, and on the Concord side  
11          of the Soucook or the western side of the  
12          Soucook River. And there is a -- and they're  
13          afraid that the new structures could  
14          compromise, I guess, some erosion of the bluff,  
15          it kind of drops down.

16                        So, I did respond to her and say that  
17          we had been to that site. It was one of those  
18          sites that we had gone to. And I concur, it is  
19          a steep slope. There are existing structures  
20          there now, which are on the slope right now.  
21          And they're proposed to be further away from  
22          the river or to be further back.

23                        And, so, what I told the City of  
24          Concord was I think it's really more of a

1 concern for the SEC, does it involve this,  
2 because it is the span that does cross the  
3 Soucook River. But we could help them  
4 formulate a question that they could propose to  
5 the SEC, if they wanted to.

6 But it really -- I don't think it's  
7 an issue. It will not affect the clearances  
8 over the river. They actually have structures  
9 that are in place now, that are actually closer  
10 on the steep slope. So, I'm not really sure  
11 exactly, without having, I don't know, a  
12 lengthy or at least a conversation with the  
13 City of Concord, what they're actually looking  
14 for. You know, do they want those structures  
15 15 feet further back? Would 20 feet be  
16 sufficient? Those kind of things. And then we  
17 could help them to see if it really affects the  
18 span and those kind of things.

19 So, I think it's something that could  
20 easily be worked through with the parties, but  
21 that was my suggestion.

22 CHAIRMAN HONIGBERG: What's your  
23 understanding of how this would get presented  
24 to or considered by the SEC?

1           MR. KNEPPER: It would probably be a  
2 question that would be proposed to the SEC in  
3 the environmental review aspect of it, because  
4 they're talking -- I'm assuming the concern is  
5 erosion. So, you know, erosion can be handled  
6 in many ways. But, until I kind of flesh out  
7 what the real issue is, I'm not sure, I don't  
8 think it will further exacerbate anything, but  
9 I need to understand what their concern is,  
10 just the one sentence.

11           CHAIRMAN HONIGBERG: Have you spoken  
12 with Attorney Pacik or anybody from the City  
13 about this?

14           MR. KNEPPER: Not since I had a quick  
15 one-line email back to the person on Friday.

16           MR. GETZ: Mr. Chairman, if I may?

17           CHAIRMAN HONIGBERG: Mr. Getz.

18           MR. GETZ: I had a couple of email  
19 exchanges with Ms. Pacik before she filed this  
20 letter on Friday. I think, ultimately, it's a  
21 jurisdictional question with the location of  
22 the new structures, whether, you know,  
23 initially, the question was "Is that a PUC or  
24 an SEC issue?"



1           The City of Concord has raised, in  
2           its testimony in the SEC proceeding, through  
3           members of its conservation committee, a number  
4           of issues, one of which pointed to the Soucook  
5           River crossing and the location of the new  
6           structures.

7           And, in their letter on Friday, they  
8           say that they're not taking a position in this  
9           case on the crossings, but they do have a  
10          concern that they want to explore in the SEC  
11          proceeding.

12          CMSR. BAILEY: Mr. Knepper, do you  
13          have Map 23 handy?

14          MR. KNEPPER: Yes.

15          CMSR. BAILEY: And are the poles that  
16          the City of Concord is concerned about on the  
17          far left-hand side of the page, on the north  
18          side of the Soucook River?

19          MR. KNEPPER: Yes.

20          CMSR. BAILEY: And, if you look at  
21          the -- at the scale map or the indication, can  
22          you approximate how far from the edge of the  
23          river those poles are?

24          MR. KNEPPER: Probably over 400 feet.

1 CMSR. BAILEY: That's what it looks  
2 like to me. So, is it your -- well, a couple  
3 questions. The existing poles are not shown on  
4 this, are they?

5 MR. KNEPPER: Yes. There's existing  
6 and proposed that are shown on here.

7 CMSR. BAILEY: Okay. Can you show me  
8 which ones are existing?

9 MR. KNEPPER: So, if you were to look  
10 at, on the -- if we were to kind of go from  
11 left to right, the first thing you should know  
12 is, on the very far left is a gas line that  
13 crosses that same river, that's to right  
14 outside of the right-of-way. Then, you see a  
15 red dash line, that's to indicate the  
16 right-of-way. Then, the next thing that you  
17 see is the 318 34 and a half kV circuit. That  
18 circuit now crosses the Soucook -- or "Soucook"  
19 River, I call it "Soucook".

20 CHAIRMAN HONIGBERG: Let's go off the  
21 record for a minute.

22 *[Brief off-the-record discussion*  
23 *ensued.]*

24 CHAIRMAN HONIGBERG: We can go back

1 on the record. Sorry about that.

2 MR. KNEPPER: So, that proposed  
3 318 -- the 318 line is proposed to be stopped  
4 and discontinued. So, it's no longer going to  
5 go over the Soucook River.

6 CMSR. BAILEY: But that pole exists  
7 there today?

8 MR. KNEPPER: The pole exists there  
9 now. And where they're going to stop it, it's  
10 going to be further up the bluff, or to the  
11 north. So, I think it would not be worse than  
12 what it is now. I would think it would be  
13 better.

14 The next line is the proposed P-145  
15 line, which is being relocated.

16 Then, you'll see -- the next one  
17 you'll see is the blue line, which is the  
18 proposed 3132 Northern Pass line, which is a  
19 345 kV line. And it is back up on the -- you  
20 know, from where the existing, you can kind  
21 of -- you probably can't see it, but where the  
22 existing structure is that holds the P-145  
23 line, where the Northern Pass line is going to  
24 go in its place, its structure is further

1 north. So, --

2 CHAIRMAN HONIGBERG: Just for the  
3 record, according to this map, north is  
4 pointing to the left. So, that would be east,  
5 would it not?

6 MR. KNEPPER: Well, north is north.

7 CHAIRMAN HONIGBERG: Well, as I'm  
8 looking at the map, what you just described was  
9 up on the map, further toward the top, which  
10 would be east on this map.

11 MR. KNEPPER: Well, if you rotate the  
12 map, yes. But north is north.

13 CHAIRMAN HONIGBERG: Well, let's be  
14 clear. I mean, maybe we need to make sure  
15 you're looking at the same map we're looking  
16 at.

17 MR. KNEPPER: I am looking at the  
18 same map you're looking at.

19 CMSR. BAILEY: And the existing pole  
20 is north, and so that means it's to the left of  
21 the page?

22 MR. KNEPPER: To the left of the  
23 page.

24 CHAIRMAN HONIGBERG: So, it's not on

1 this map.

2 CMSR. BAILEY: Because we're on the  
3 right -- we're at the very edge of the --

4 CHAIRMAN HONIGBERG: We're right at  
5 the edge.

6 MR. KNEPPER: The existing pole is  
7 shown as a green DOT, and the proposed pole, it  
8 would be to the left of that even further.

9 CHAIRMAN HONIGBERG: On the map?

10 MR. KNEPPER: It's not shown on the  
11 map. It would be right on the edge.

12 CMSR. BAILEY: So, the new pole isn't  
13 on the map? It's not in this picture?

14 MR. KNEPPER: Exactly.

15 CMSR. BAILEY: Oh. All right. So,  
16 all of these poles that are in the picture are  
17 existing today?

18 MR. KNEPPER: If they're --

19 CMSR. BAILEY: Well, no, because  
20 there are only three lines.

21 MR. KNEPPER: If they're in green,  
22 with the yellow, they are what's existing.

23 If it helps, I can introduce a new  
24 exhibit that you guys won't have to squint at

1           that we made a blow-up of this area, if that  
2           would help you?

3                   CMSR. BAILEY:   That would be  
4           wonderful.

5                   MR. KNEPPER:   I have six.   So, if  
6           people can share, would that be working --  
7           would that work?

8                   CHAIRMAN HONIGBERG:   Sure.

9                   MR. KNEPPER:   Okay.

10                   MS. AMIDON:   I don't even know if it  
11           needs to be an exhibit.

12                   CHAIRMAN HONIGBERG:   No.   I agree  
13           with you, Ms. Amidon.   This is not an exhibit.  
14           This is in the nature of a chock or a  
15           demonstration piece.

16                   MS. AMIDON:   It's a visual aid.

17                   MR. KNEPPER:   A visual aid.

18                   MS. AMIDON:   A blow-up of what you  
19           already have.

20                   CMSR. BAILEY:   How did you know I  
21           would have questions about this, Mr. Knepper?

22                   MR. KNEPPER:   Great minds think  
23           alike.

24                                   *[Mr. Knepper distributing*

1                                   *documents.]*

2                                   MR. KNEPPER:   So, if you orientate  
3                                   this -- if you orientate this with the north  
4                                   pointing north, so we're kind of looking at a  
5                                   portrait mode, like this *[indicating]*, versus a  
6                                   landscape mode, like that *[indicating]*. We're  
7                                   looking at it like this *[indicating]*. You can  
8                                   see these red squares that are there. Those  
9                                   are the proposed structures, okay? The green  
10                                  circles, with the yellow, those are the  
11                                  existing, okay?

12                                 Now, you got to be -- this is what we  
13                                 took out in the field. And, so, one of the  
14                                 caveats to this, though, is, when we were  
15                                 taking measurements in the field, it depends on  
16                                 where the satellites are in the sky and what  
17                                 the accuracy of our field measurements are.  
18                                 So, I do want to say that we could be off by  
19                                 ten or so feet, up to ten or so feet from where  
20                                 we were. But it gives you an indication that  
21                                 the new structures are going to be further to  
22                                 the north than they are toward the river.

23                                 So, --

24                                 CMSR. BAILEY:   So, they're going to

1 take out four existing poles?

2 MR. KNEPPER: Well, like on the 3118  
3 line [318 line?] is going to stop where it says  
4 "318-150, "150" means the structure number,  
5 that's where it stops. It's going to come  
6 down, it's going to stop. I'm not sure why  
7 Eversource is doing that, maybe they can answer  
8 that question, but it's no longer going to  
9 cross the river. We asked that in discovery  
10 and that was their response.

11 The proposed structure of P-145, its  
12 structure doesn't even show on where we have it  
13 blown up because -- well, it does. It's a  
14 little bit to the right from where we were,  
15 which means you can see where my measurements  
16 are off by about ten feet, because I'm kind of  
17 eyeing it where I think it's going to be in the  
18 field, and then we're trying to gather  
19 information from our survey at the time.

20 And you can see where the proposed  
21 3132 structure, Number 159, is going to be, and  
22 where the proposed C189-32 structure is.

23 So, and you can see, if you look at  
24 it, you can see the actual shadows of the cross



1 structures, they're kind of like in black right  
2 below it. So, you'll see where we put a square  
3 box in front of those, because that's where the  
4 sun and the angles hitting it, and so you see  
5 that shadow behind it, and that's kind of where  
6 the center of it is.

7 So, you've got to remember, when  
8 we're plotting these at a certain scale, we're  
9 really kind of getting down to the nitty and  
10 gritty.

11 And, so, at the end of the day, I  
12 think I proposed to the City of Concord is we  
13 could help them propose a -- or, pose a  
14 question to the SEC that might alleviate it or  
15 help whatever their issue is.

16 CHAIRMAN HONIGBERG: And, just to be  
17 clear, it wouldn't be a question posed "to the  
18 SEC". The SEC is not -- doesn't answer  
19 questions at an SEC proceeding. It would be to  
20 the witnesses who are testifying about the  
21 environmental issues, any witness who might be  
22 coming from Department of Environmental  
23 Services or the witnesses from the  
24 Applicant, --

1 MR. KNEPPER: Correct.

2 CHAIRMAN HONIGBERG: -- or the  
3 witnesses who are from various intervenors  
4 about environmental issues.

5 MR. KNEPPER: Yes. I don't mean "to  
6 the SEC", but I mean "within the SEC hearing".

7 CMSR. BAILEY: Okay. And, if  
8 these -- if the installation of these new poles  
9 were expected to cause erosion, wouldn't that  
10 be dealt with in the DES Wetlands Permit?

11 MR. KNEPPER: Yes.

12 CMSR. BAILEY: Okay. Can the  
13 Applicant, Northern Pass or Eversource, does  
14 anybody here know if the existing poles will be  
15 removed?

16 MR. GETZ: I think Mr. Bradstreet can  
17 address that.

18 CMSR. BAILEY: Thank you.

19 MR. BRADSTREET: So, yes. So, the  
20 existing structures, and I'm just going to kind  
21 of move from the exhibit that was provided, --

22 CMSR. BAILEY: Okay.

23 MR. BRADSTREET: -- from left to  
24 right. So, the "318-52 Existing" will be

1 removed and relocated as "318-150 Proposed".  
2 And, then, "P145-76 Existing" will be removed  
3 and relocated to "P145-73 Proposed". And,  
4 then, "C189-32 Existing" will be removed and  
5 relocated to "C189-32 Proposed". And, then,  
6 "3132-159" is just a new proposed structure.  
7 It's not replacing anything.

8 CMSR. BAILEY: Okay. So, the  
9 existing poles are going to be gone?

10 MR. BRADSTREET: Removed and  
11 relocated.

12 CMSR. BAILEY: Okay. All right. So,  
13 Mr. Knepper, assuming that DES takes care of  
14 any wetlands concerns, there is no impact on  
15 the public's right to use the water, in your  
16 opinion, in this location, correct?

17 MR. KNEPPER: I don't. I guess my  
18 question would be is, if the Applicant said,  
19 you know, "if it pleases you, we move them back  
20 20 feet, the structures, just to whatever your  
21 concern is for erosion, that increases -- we  
22 could look at it and say that increases the  
23 span, and then we could see if the sag  
24 clearances make a difference." And we could

1 help that and say "We don't think so, from our  
2 end, from the PUC." And maybe that would help  
3 them to assuage their concerns.

4 CHAIRMAN HONIGBERG: Do you know or  
5 can you look up what the sag clearance as  
6 proposed is?

7 MR. KNEPPER: Yes, we can.

8 CHAIRMAN HONIGBERG: And my memory,  
9 from your spreadsheets in your report, was that  
10 there were very few that were even close to the  
11 tolerances that you allow, as I recall.

12 MR. KNEPPER: So, if we were to look  
13 at Bates Page 122, of the Recommendation Number  
14 4, they're all stamped together, because they  
15 all went together, of our recommendation from  
16 February of this year, you'll see that the  
17 Soucook River is listed as "4-23", and our  
18 calculation came out with the 61-foot clearance  
19 over the river. The clearance shown by  
20 Northern Pass was "59". So, you know, a 2-foot  
21 difference, we thought they were pretty good in  
22 our modeling versus their modeling. And, that  
23 the clearance required by the NESC is 34.7, so  
24 there's plenty of room to be able to sag even

1 more. So, you know, that's over the river.

2 But, in this case, we'd probably want  
3 to just go back and make sure we look at  
4 whatever the sag is right at that point of the  
5 land of which their concerned.

6 CHAIRMAN HONIGBERG: Mr. Knepper,  
7 look at the sag for the 189, the 189-32. I  
8 think that looks like a clearance of 35?

9 MR. KNEPPER: Thirty-five (35) is  
10 what we calculated, and "30.1" is what's  
11 required in that one.

12 CHAIRMAN HONIGBERG: There's actually  
13 not a lot of room there.

14 MR. KNEPPER: That's correct.

15 CHAIRMAN HONIGBERG: All right. But  
16 none of that affects what we're doing here  
17 today, really. This is just a matter, if,  
18 after the SEC process, there's a conclusion  
19 that, for other reasons, those poles should be  
20 moved a little bit, it might cause someone to  
21 have to go back and recalculate these and make  
22 sure that everything is still within the  
23 accepted ranges, right?

24 MR. KNEPPER: Yes. I mean, I guess I

1 was just trying to reach out to Concord as an  
2 assistance that, if they had a concern, we  
3 would try to use our expertise to, along with  
4 the participant, to see if, you know, if  
5 there's any fine-tuning that can be done.

6 CHAIRMAN HONIGBERG: I think  
7 everybody appreciates that.

8 CMSR. BAILEY: Okay. So, thank you.  
9 That was very helpful.

10 Actually, while we're on that table  
11 on Page 122, could you just explain on the  
12 record what you did to verify the clearances  
13 and what the words "adequate", "excellent", and  
14 "good" mean?

15 MR. KNEPPER: Yes. So, if you take  
16 Page 122, and you refer to Bates Page 013,  
17 those words "Adequate", "Excellent", and "Good"  
18 are kind of -- tried to be explained in  
19 Page 13, Bates Page 013. So, I would wait for  
20 you to get to that point.

21 CMSR. BAILEY: We're there.

22 MR. KNEPPER: So, basically, we  
23 looked to see if -- you know, we ran a model  
24 that wasn't as sophisticated as the model used

1 by Northern Pass, and they had more ability to  
2 look at things. We looked at it a little bit  
3 more simplified. And, when you do that, the  
4 assumptions come out slightly different.

5 There's a lot of inputs that have to go in.

6 And, so, any time we came within  
7 three feet of what our calculation was and  
8 theirs, and a lot of them came out to be within  
9 one foot or two, we considered that an  
10 "excellent" verification. Meaning, we're kind  
11 of taking it from two different approaches, two  
12 different softwares, and we're coming to  
13 virtually similar results. And we deem that as  
14 "excellent". And you can see that there were  
15 six of those on land crossings, seven is on  
16 rail, and twenty-five on water crossings, if  
17 you look at that. And we put the actual  
18 locations and the map numbers on that.

19 We had other ones that came within  
20 four to six feet, and we thought that was very  
21 -- it wasn't within one or two feet, we thought  
22 it was acceptable and "good". And there was  
23 seven of those over land, one of those over  
24 rail, and four over water. And the locations

1 and specifics of where those are are listed.

2 And, then, we got those that were  
3 within six to fifteen feet, and we consider  
4 that "acceptable". And on Page -- and then  
5 there was four of those, and they were 1-3,  
6 1-4, 3-17, and 4-20. So, why did we consider  
7 it "acceptable"? So, if we went through one of  
8 those, if you went through, I don't know, let's  
9 pick 3-17. That's on Bates Page 106. And I'll  
10 wait till people get there.

11 The differences between ours and  
12 Eversource, this is for the A111 115 kV circuit  
13 going under the Pemigewasset, in Bristol, the  
14 differences was 50 feet was calculated by  
15 Staff, Eversource calculated 65. So, that's a  
16 15-foot difference. So, it fits into this  
17 bucket between six to fifteen feet. But, if  
18 you look at the NESC requirement for that, at  
19 that location, it's "30.1". And, so, what  
20 Staff did was, we said, if you take 30.1, and  
21 you multiply -- if we were off by 50 percent,  
22 even though this table here says "25 percent",  
23 it's actually, if you use the word "50 percent"  
24 in all locations, you would come up with the



1 same results. That the 30 times one and a  
2 half, that's 45 feet. Since both our numbers,  
3 "50 feet" and "65", are greater than that 45,  
4 it probably was not worth pursuing to determine  
5 why our differences were there, since both of  
6 us are more than 50 percent more than what the  
7 clearance requirement is.

8 CMSR. BAILEY: Okay.

9 MR. KNEPPER: So, we considered that  
10 "adequate". And, if we ever came out with more  
11 than 15 feet, we kind of came in and said  
12 "we've got to kind of figure out why and why  
13 these models are so far different." And we  
14 just -- the results came out that none came out  
15 that way.

16 CMSR. BAILEY: Thank you?

17 MR. KNEPPER: So, overall, we were  
18 pretty pleased with our efforts in trying to do  
19 this. A lot of it was based on the information  
20 that was given, and then, you know, going  
21 through and verifying.

22 CMSR. BAILEY: The detail in this  
23 analysis is to be commended. It's very well  
24 done, it's very well organized. And I thank

1           you for that. Do you have any estimate of how  
2           many hours this endeavor took?

3                   MR. KNEPPER: Yes. I think we spent  
4           over 2,300 hours. And we assessed, I believe,  
5           443 to NPT and Eversource. So, I guess we  
6           wanted to make sure that this Commission could  
7           have the confidence in that we looked at these  
8           things, that there shouldn't be any -- there's  
9           a lot of issues with the Northern Pass and  
10          Eversource. It gets a lot of people's emotions  
11          involved. We just wanted to look at it in an  
12          objective manner, look at every data point,  
13          look at every crossing, look at every number,  
14          look at every span that we could have, and try  
15          to give confidence that we think that these, at  
16          least when it comes to the rivers and land  
17          crossings, that, you know, whether you should  
18          be able to issue a license with margin to spare  
19          and a lot of comfort.

20                   CHAIRMAN HONIGBERG: I know it's in  
21          the Recommendation, but I'd like you to repeat  
22          it on the record here, what the story is with  
23          the handful that turn out not to be  
24          jurisdictional. The crossings that were in the

1 filing, but did not -- do not end up needing  
2 licenses.

3 I guess the two aspects of my  
4 question are "why do they not need licenses?"  
5 And "what is their status?" Does anyone have  
6 the ability to require a license, if we don't?

7 MR. KNEPPER: So, of the 67 that were  
8 in the Petition, Staff found 61 of them would  
9 require licenses. So, that means there were  
10 six that didn't. And the question became  
11 "well, why didn't those six make it?" And, so,  
12 the six were because three of them, I believe,  
13 were the Ham Branch, up in Easton. They didn't  
14 hit the official, I don't know, state "public  
15 waters" definition or the list that we use  
16 particularly by DES. And if you probably were  
17 to go to those, they would be very, very small  
18 and minor crossings. So, they're not even --  
19 some of these, like when you go out to them in  
20 the field, you can virtually hop across or step  
21 across. So, it's not much of a crossing. And  
22 this Commission and the Staff in the past have  
23 always kind of, you know, where do we break it  
24 down? Are we down to the last tributary? Are

1 we down to the last brook? Are we down to the  
2 last stream?

3 And, so, we kind of have a cut-off of  
4 where we think public waters are. And those  
5 did not meet those definitions.

6 CMSR. BAILEY: And "public waters" is  
7 defined by DES on their list that you use?

8 MR. KNEPPER: Yes. And the DES,  
9 within the list, refers to the statutes within  
10 state government.

11 CHAIRMAN HONIGBERG: And, so, what is  
12 the status of those crossings? Anybody can do  
13 anything over those bodies of water, such as  
14 they are?

15 MR. KNEPPER: Well, it just means  
16 that a license is not required from here. I  
17 still think it's still part of the overall  
18 Northern Pass Project. It's still going to --  
19 there's still going to be engineering  
20 requirements that they're going to try to  
21 maintain, and they're still going to have safe  
22 and reliable service that they're going to have  
23 to try to prove.

24 I just think that it wasn't worth the

1 detail of doing a thorough review on those.  
2 And, so, there's no reason for -- our  
3 recommendation is there's no reason for you to  
4 issue a license.

5 CMSR. BAILEY: You said "three were  
6 at the Ham Branch". Where were the other  
7 three?

8 MR. KNEPPER: If we go to Bates Page  
9 035, we kind of grayed them out. Two were for  
10 the Lamprey River, in Deerfield; three were at  
11 Easton; and one was for the Gordon Pond Brook  
12 crossing, in Woodstock.

13 CMSR. BAILEY: Thanks.

14 CHAIRMAN HONIGBERG: All right. Does  
15 anyone else have anything they want to offer  
16 up? Mr. Getz? Ms. Mulholland? Mr. Allwarden?

17 MR. GETZ: Nothing, Mr. Chairman.

18 MR. ALLWARDEN: Nothing, Mr.  
19 Chairman.

20 MS. MULHOLLAND: No thank you.

21 CHAIRMAN HONIGBERG: All right.  
22 Ms. Amidon, anything else you want to, or Mr.  
23 Knepper?

24 MS. AMIDON: Well, Mr. Knepper did,

1 in response to Commissioner Bailey's question  
2 about the time and effort that went into it, he  
3 did describe a summary of the activities that  
4 the Safety Commission [Division?] did. And I  
5 think it would be good for the record for him  
6 to just review all of those activities and all  
7 of the work that they did in connection with  
8 these 67 crossings.

9 So, I'd like him to have a chance to  
10 give you that information for the record.

11 CHAIRMAN HONIGBERG: Mr. Knepper.

12 MR. KNEPPER: The Safety Division,  
13 although we're not the Commission, --

14 CHAIRMAN HONIGBERG: Much as you  
15 would like to be, I know.

16 MR. KNEPPER: Not a job that I am  
17 looking forward to, no. We did do -- I just  
18 kind of want to go through a quick process.  
19 You can read through all the Bates and the  
20 review, I think.

21 But we relied, of what we did in our  
22 overview, we relied basically on the submittals  
23 of the four Petitions given to us, and we  
24 sought clarifications where it was required by

1 conducting two technical sessions, and we had  
2 seven discovery requests.

3 I would say that we exercised and  
4 devoted as much verification and review of the  
5 data submitted for any water, land and rail  
6 crossings that I've ever done within the 12  
7 years I've been at the PUC. And I would  
8 venture to say, probably compared to any other  
9 historical review that's been conducted here.  
10 So, our goal was to -- we wanted to confidently  
11 state that we conducted a thorough review, and  
12 I can say that today I believe we have.

13 We supplemented the information  
14 contained in the Petition with cross references  
15 to as much information from the SEC submittals,  
16 ForwardNH website, the docket 15-464, which  
17 describes a lot of Bates pages, county deeds,  
18 tax map, lot numbers, so that, if there was any  
19 intervenors that had concerns, we could all  
20 talk the same language without having to know  
21 what -- so that we could know and identify the  
22 geographic area that we were talking to, no  
23 matter how you approached it and what kind of  
24 common language we did. So, if Eversource or

1 NPT used a line list, and other people used  
2 different parcel numbers, we wanted to kind of  
3 get past all that. That was a significant  
4 undertaking.

5 And, then, we analyzed each crossing  
6 using commercial modeling software, which I  
7 talked about for these inclined spans over each  
8 of those three types of crossings. This  
9 allowed us to make the judgments that we  
10 referred to earlier as to the clearances  
11 anticipated using a different model than used  
12 by the Applicants. We can say the majority of  
13 the results, that the clearances required came  
14 within a foot or two of each other, which was  
15 clearly acceptable, given the numerous inputs  
16 assumptions, and algorithms used in the  
17 different modeling between NPT's consultants  
18 and those used by Staff.

19 We spent a large amount of time  
20 created those 24 different maps from GIS  
21 information. And I think that we wanted to --  
22 that gave more clarity and context to the areas  
23 that were being crossed than just what showed  
24 up on the Applicants'. You know, you can only



1 get so much with a line. You want to see if  
2 you're close to woods, you want to see if  
3 you're close to the rivers, you want to kind of  
4 see if you're close to structures, other  
5 utilities. So, we thought that that was very  
6 important.

7 We reached out to the three agencies,  
8 the Adjutant General, DRED, and DOT, to get on  
9 the record for the Commission here to see what  
10 their concerns were. There was one minor  
11 comment from DRED, that they just wanted to  
12 make sure that NPT and Eversource coordinating  
13 with the local office and maintain access at  
14 all times during construction.

15 We made substantial efforts to  
16 understand the changes of the land and water  
17 crossings that occurred over time. Because,  
18 when you redo these reviews, the chronological  
19 history is important as to the necessity of  
20 those licenses. So, in doing so, we researched  
21 previous licenses for those crossings and  
22 placed that information on those three  
23 attachments on Bates Pages 023 to 024. We also  
24 found seven locations that we believe require

1 licenses that are outside of this Northern Pass  
2 Project. But, in doing our review, are at the  
3 same location adjacent or parallel to the lines  
4 that are being applied for.

5 And we also make great efforts to  
6 match the GIS information, parcel information,  
7 crossing information supplied with those known.  
8 And, if we found any discrepancies, we utilized  
9 physical surveys that were conducted by DRED.  
10 And, so, we thank DRED for their cooperation  
11 for the forests and the state parks that were  
12 crossed.

13 And, like I said before, we spent  
14 over 2,300 hours. And I think it was a very --  
15 we had a good team. We used over five or six  
16 members of the Safety Division. And Suzanne  
17 participated and gave us some legal guidance.  
18 And I think we did a pretty good job. And I  
19 thank the Applicants and all the intervenors.  
20 We tried to vet out any issue that came up.

21 CHAIRMAN HONIGBERG: All right.  
22 Well, thank you, Mr. Knepper, thank you,  
23 Mr. Wyatt, Ms. Amidon, and certainly convey our  
24 thanks to the rest of the Safety Division.

1           If there's nothing else, then I  
2 think -- yes, Commissioner Bailey.

3           CMSR. BAILEY: Does Eversource have  
4 plans to request licenses for the seven that  
5 were uncovered that do not have a license? Or  
6 do you disagree with that?

7           MR. ALLWARDEN: I have to discuss  
8 that with the Engineering Division. But we  
9 will look at those. And there was a question  
10 whether some of those were already licensed or  
11 not. So, we'll look back at that question.  
12 And, if we find a license, we will certainly  
13 bring them to the attention of Randy and his  
14 team. Otherwise, we will be filing a petition  
15 in the normal course, as soon as we can get the  
16 engineering data together.

17           CMSR. BAILEY: Thank you.

18           MR. ALLWARDEN: You're welcome.

19           CHAIRMAN HONIGBERG: All right.

20 Then, if there's nothing else now?

21                           *[No verbal response.]*

22           CHAIRMAN HONIGBERG: We will adjourn.

23 Thank you all.

24 ***(Whereupon the hearing was adjourned at 10:51 a.m.)***