

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

April 20, 2021 - 1:02 p.m.
[Remote Hearing Conducted Via Webex]

RE: DE 21-049
LIBERTY UTILITIES (GRANITE STATE
ELECTRIC) CORP., D/B/A LIBERTY
UTILITIES RELIABILITY ENHANCEMENT PLAN
AND VEGETATION MANAGEMENT PLAN
(Hearing)

PRESENT:

Chairwoman Dianne Martin, Presiding
Commissioner Kathryn M. Bailey

Doreen Borden, Clerk
Corrine Lemay, Webex Moderator

APPEARANCES: Reptg. Liberty Utility (Granite State
Electric) Corp., d/b/a Liberty Utilities
Michael J. Sheehan, Esq.

Representing Commission Staff:
Paul B. Dexter, Esq.

Court Reporter: Susan J. Robidas, NH LCR No. 44

I N D E X

WITNESS PANEL: HEATHER GREEN
ANTHONY STRABONE
JOEL RIVERA
DAVID B. SIMEK
ADAM H. HALL

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P R O C E E D I N G S

CHAIRWOMAN MARTIN: We're here this afternoon in Docket DG 21-049, which is the Liberty Utilities calendar year 2020 Reliability Enhancement Plan and Vegetation Management Plan results and reconciliation.

I have to make the necessary findings. As Chairwoman of the Public Utilities Commission, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 Pandemic, and in accordance with the Governor's Emergency Order No. 12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this hearing which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are utilizing Webex for this electronic hearing. All members of the Commission have the ability to communicate contemporaneously during this hearing, and the public has

1 access to contemporaneously listen and, if
2 necessary, participate. We previously gave
3 notice to the public of the necessary
4 information for accessing the hearing in the
5 Order of Notice. If anyone has a problem
6 during the hearing, please call
7 (603)271-2431. In the event the public is
8 unable to access the hearing, the hearing
9 will be adjourned and rescheduled.

10 Okay. We have to take the
11 roll call attendance. My name is Dianne
12 Martin. I am the Chairwoman of the Public
13 Utilities Commission, and I am alone.

14 Commissioner Bailey.

15 COMMISSIONER BAILEY: Good
16 afternoon, everyone. Kathryn Bailey,
17 Commissioner at the Public Utilities
18 Commission, and I am alone.

19 CHAIRWOMAN MARTIN: Okay. Let's
20 take appearances. Where are you? There you
21 are, Mr. Sheehan.

22 MR. SHEEHAN: Good afternoon.
23 Mike Sheehan for Liberty Utilities, Granite
24 State Electric Corp.

1 CHAIRWOMAN MARTIN: Thank you.
2 And Mr. Dexter.

3 MR. DEXTER: Good afternoon.
4 Appearing on behalf of the Commission Staff,
5 Paul Dexter, Staff attorney.

6 CHAIRWOMAN MARTIN: Okay. Thank
7 you. And I don't see the OCA on this one. Is
8 that right?

9 MR. SHEEHAN: I checked the
10 docket, and they did not file a letter of
11 appearance in this one.

12 CHAIRWOMAN MARTIN: Okay. Thank
13 you.

14 All right. For preliminary
15 matters, I have Exhibits 1 and 2 prefiled and
16 premarked for identification. Anything else
17 we need to cover?

18 MR. SHEEHAN: Yes.
19 Unfortunately, I missed one exhibit and filed
20 it about a half an hour ago. It is a
21 correction to a few pages in the original
22 filing, and we will certainly talk about that
23 through the opening. I just got it in a short
24 time ago, and it is documents that were filed

1 in the docket book last week. So they were
2 provided to everyone last week, and I just
3 missed marking them as an exhibit. Otherwise,
4 there's nothing confidential in this
5 proceeding.

6 And the last question is we
7 have two sets of testimony, and my proposal
8 is to put them all up there at once and we
9 can not have to have two separate panels.

10 CHAIRWOMAN MARTIN: Mr. Dexter,
11 do you agree with that approach?

12 MR. DEXTER: Yes.

13 CHAIRWOMAN MARTIN: Okay. And
14 as for the additional exhibit, I assume that's
15 been premarked Exhibit 3?

16 MR. SHEEHAN: Correct.

17 CHAIRWOMAN MARTIN: Okay. Thank
18 you.

19
20 All right. Anything else?

21 [No verbal response]

22 CHAIRWOMAN MARTIN: All right.
23 Then let's get the witnesses sworn in, please.

24 (WHEREUPON, HEATHER GREEN, ANTHONY

1 STRABONE, JOEL RIVERA, DAVID B. SIMEK
2 and ADAM H. HALL were duly sworn and
3 cautioned by the Court Reporter.)

4 HEATHER GREEN, SWORN

5 ANTHONY STRABONE, SWORN

6 JOEL RIVERA, SWORN

7 DAVID B. SIMEK, SWORN

8 ADAM H. HALL, SWORN

9 CHAIRWOMAN MARTIN: Okay. Thank
10 you.

11 Mr. Sheehan.

12 MR. SHEEHAN: Okay. I'll start
13 with the Green|Rivera|Strabone testimony.

14 DIRECT EXAMINATION

15 BY MR. SHEEHAN:

16 Q. Mr. Strabone, can you please introduce
17 yourself and indicate your position with
18 Liberty.

19 A. (Strabone) Good afternoon. My name is
20 Anthony Strabone. I'm employed by Liberty
21 Utilities. I am the senior manager of
22 electrical engineering, where I'm responsible
23 for the electric capital work plan, whereby I
24 manage engineering and construction resources

1 for capital projects.

2 Q. And Mr. Strabone, did you, along with Ms.
3 Green and Mr. Rivera, prepare testimony that
4 has been marked Exhibit 1, beginning at
5 Bates 1?

6 A. (Strabone) Yes, I did.

7 Q. And it also includes a report, a VMP report,
8 beginning at Bates 17. Did you participate
9 in that as well?

10 A. (Strabone) Yes.

11 Q. And do you have any corrections as to your
12 testimony here this morning?

13 A. (Strabone) No, I do not.

14 Q. And do you therefore adopt your written
15 testimony as your sworn testimony today?

16 A. (Strabone) Yes, I do.

17 Q. Thank you.

18 Mr. Rivera, same questions. Can you
19 please introduce yourself.

20 A. (Rivera) Hello, my name is Joel Rivera. I am
21 employed as the director of electric control
22 and dispatch by Liberty, and I am responsible
23 for managing the operations and maintenance
24 and capital budgets, and also coordinate the

1 work flow and staffing requirements for these
2 two groups.

3 Q. Mr. Rivera, did you participate in the
4 drafting of what's been marked Exhibit 1, the
5 Green|Rivera|Strabone testimony, beginning at
6 Bates 1?

7 A. (Rivera) Yes.

8 Q. And as well, did you participate in drafting
9 the plan, beginning at Bates 17?

10 A. (Rivera) Yes.

11 Q. Do you have any corrections to your portion
12 of those documents?

13 A. (Rivera) I do not.

14 Q. And do you adopt the testimony as your sworn
15 testimony here today?

16 A. (Rivera) Yes, I do.

17 Q. Thank you.

18 Ms. Green, same questions. Please
19 introduce yourself.

20 A. (Green) My name is Heather Green. I am the
21 program manager of vegetation and
22 inspections, and I am responsible for the
23 vegetation management program here at Liberty
24 Utilities.

1 Q. Did you participate in drafting the testimony
2 and report that appear at Pages 1 and 17 of
3 Exhibit 1?

4 A. (Green) Yes, I did.

5 Q. Do you have any corrections?

6 A. (Green) No, I do not.

7 Q. And do you adopt the testimony as your sworn
8 testimony here today?

9 A. (Green) I do.

10 Q. Thank you.

11 Mr. Strabone, can you give us a sentence
12 or two of the purpose of the
13 Green|Rivera|Strabone testimony?

14 A. (Strabone) Yes. The purpose of our testimony
15 is to support the Company's request to
16 approve rates necessary to recover the
17 additional O&M and vegetation management
18 costs, along with the revenue requirement for
19 the capital REP investments.

20 Q. Thank you.

21 Mr. Simek, we'll turn to your and Mr.
22 Hall's testimony now. Please introduce
23 yourself. You're on mute, David.

24 A. (Simek) Sorry about that. David Simek,

1 manager of rates and regulatory affairs.

2 Q. Mr. Simek, did you participate in the
3 drafting of the testimony that appears
4 beginning at Bates 35 in Exhibit 1?

5 A. (Simek) Yes, I did.

6 Q. As well as the attachments beginning at
7 Bates 45 and the proposed tariff pages
8 beginning at Bates 71?

9 A. (Simek) Yes, I did.

10 Q. And we've just spoken about a correction to
11 that. Is that something you wish to cover,
12 or should Mr. Hall cover that correction?

13 A. (Simek) I can cover it.

14 Q. Okay. We've also marked Exhibit 3, which is
15 a single page. The original appeared at
16 Bates 65. It's been marked as 65-R, and then
17 a number of tariff pages with their
18 respective Bates numbering with an "R" after
19 it. Can you please explain what the
20 correction was made to fix?

21 A. (Simek) Yes. If we look at Bates Page 93-R,
22 it's probably the easiest place to see the
23 change.

24 Q. Now, the Commission may not have 93-R, since

1 we just filed it. Can they look at 93 and
2 follow along?

3 A. (Simek) Yes.

4 MR. SHEEHAN: Madam Chair, I
5 can, if it's possible, put 93-R up, if you'd
6 like to go that route, or we can just have Mr.
7 Simek speak to 93 and explain what was changed.

8 CHAIRWOMAN MARTIN: I was just
9 looking to see if we have it.

10 Commissioner Bailey, do you
11 have a preference?

12 COMMISSIONER BAILEY: I have it,
13 Madam Chair, and I could e-mail it to you. It
14 came from the Executive Director Mailbox.

15 CHAIRWOMAN MARTIN: That would
16 be great. I haven't looked at my e-mail yet.

17 COMMISSIONER BAILEY: All right.
18 I'll send it to you.

19 CHAIRWOMAN MARTIN: Thanks. If
20 we could just pause for one minute while I pick
21 that up.

22 (Pause in proceedings)

23 BY MR. SHEEHAN:

24 Q. And the page again, David?

1 A. (Simek) I had said 93-R. I misspoke. It's
2 actually 94-R.

3 Q. And that's Page 4 of 10 in the PDF of
4 Exhibit 3?

5 A. (Simek) Right.

6 CHAIRWOMAN MARTIN: Okay, I've
7 got it. Thank you, Commissioner Bailey.

8 A. (Simek) So if we could please turn to
9 Page 94-R. I just wanted to point out that
10 under the Distribution Charge column for
11 Rates D-11 and Rate EV, those rates that were
12 reflected in the original filing represented
13 the winter rates. And the correct rates for
14 these two rates should have been reflected as
15 the summer period rates which go into effect
16 May 1st. So this page reflects the
17 Distribution Charge column to have the
18 correct summer rate. Then it's showing the
19 .00064 increase for the O&M piece of this
20 filing to come up with the proposed net
21 distribution charges. So the only change
22 here affected the original Distribution
23 Charge column which still showed the winter
24 rates when it should have showed the approved

1 summer rates.

2 Q. And is it fair to say the tariff pages that
3 are part of Exhibit 3 just carry through
4 those changes into the -- where it appears
5 throughout the tariff?

6 A. (Simek) Correct.

7 Q. Thank you. With that correction, Mr. Simek,
8 do you adopt the testimony in Exhibit 1,
9 beginning at Bates 35, as your sworn
10 testimony?

11 A. (Simek) I do.

12 Q. Thank you. Mr. Hall, please introduce
13 yourself.

14 A. (Hall) Yup. My name is Adam Hall, and my
15 position is analyst on rates and regulatory
16 affairs with Liberty Utilities.

17 Q. And Mr. Hall, did you also participate in the
18 testimony with Mr. Simek that appears at
19 Bates 35 of Exhibit 1?

20 A. (Hall) Yes.

21 Q. And other than the correction Mr. Simek just
22 described, do you have any further
23 corrections to this testimony?

24 A. (Hall) I do not.

1 Q. And as to your role in this testimony, do you
2 adopt this as your sworn testimony here
3 today?

4 A. (Hall) Yes, I do.

5 Q. Mr. Hall, did you also calculate the bill
6 impacts of the proposed rate changes in this
7 docket?

8 A. (Hall) Yes, I did.

9 Q. And can you -- go ahead.

10 A. (Hall) I'm sorry.

11 Q. Let me ask you one other question. We have
12 another hearing for Granite State starting
13 later this afternoon which will also have
14 some changes.

15 Can you tell the Commission how you
16 intend to present the rate changes now and
17 the rate changes in the later hearing?

18 A. (Hall) Yes. So on Bates 68, you should find
19 a bill calculation. And from only this
20 hearing alone, it's showing a bill increase
21 of point -- or excuse me -- 60 cents, or
22 .52 percent increase. The next hearing we're
23 going to have with REP/VMP is going to show
24 on bill impacts not only this impact, as well

1 as REP/VMP, but it will also show REP/VMP
2 impacts alone as well.

3 Q. So I think you might have misspoke a little.
4 This case is REP/VMP, and that is the bill
5 impact we're looking at on Page 68; is that
6 correct?

7 A. (Hall) Correct. I did get those backwards.

8 Q. Right. And the next hearing involves the
9 transmission rates; correct?

10 A. (Hall) Yes.

11 Q. And you're saying that in the transmission
12 rate attachments there will be a sheet that
13 shows both the rate changes combined; is that
14 correct?

15 A. (Hall) Correct.

16 Q. Okay. So we're looking at Bates 68. That is
17 the bill impact of the proposed changes in
18 this the REP/VMP docket; correct?

19 A. (Hall)Correct.

20 MR. SHEEHAN: Okay. Those are
21 all the questions I have for both panels at
22 this time. Thank you.

23 CHAIRWOMAN MARTIN: Okay. Thank
24 you.

1 Mr. Dexter.

2 MR. DEXTER: Sorry. Having
3 trouble with my mouse today. All right.

4 CROSS-EXAMINATION

5 BY MR. DEXTER:

6 Q. Mr. Hall, has the correction that you just
7 described, or Mr. Simek described, on
8 Exhibit 3 to change one of the base rates,
9 does that impact the bill impact sheet on
10 Bates 68 that you were just talking about?

11 A. (Hall) No, it does not.

12 Q. And why is that?

13 A. (Hall) The correction was for the time-of-use
14 rates, which doesn't show on the bill impact
15 sheet.

16 Q. Because the bill impact sheet on Bates 68 is
17 just residential; is that right?

18 A. (Hall) Correct.

19 Q. Okay. Thanks. So I guess I would like to
20 start by going to Bates 63, jumping to the
21 bottom line about what we're here for today.

22 And is it correct that Bates 63
23 calculates a .46 percent increase to
24 Liberty's distribution rates that would be

1 applied to all rates, all classes, I guess,
2 or all rates?

3 A. (Hall) Correct.

4 Q. And the basis for that .46 percent is the
5 increased annual revenue requirement stated
6 on that sheet of \$213,246; correct?

7 A. (Hall) Correct.

8 Q. And if I wanted to look at the development of
9 that \$213,000 revenue requirement, I would
10 turn to Exhibit 1, Bates 47; is that right?

11 A. (Hall) Give me a moment.

12 (Pause)

13 A. (Hall) Yes, that's correct.

14 Q. And if I look down on, looks to be Line 70, I
15 believe in the lower right-hand corner I
16 believe I see that number of 213,246;
17 correct?

18 A. (Hall) Correct.

19 Q. And all the lines above that are a revenue
20 requirements calculation based on an
21 investment amount of about a million five,
22 \$1,566,370; is that right?

23 A. (Hall) Yes. Correct.

24 Q. And that's way up on the top line, Line 1,

1 upper right-hand corner.

2 A. (Hall) Yes.

3 Q. And that's the amount of reliability
4 investment that the Company made for which
5 they're seeking recovery through this docket;
6 is that right?

7 A. (Hall) Correct.

8 Q. Okay. So to look for the details of the
9 1,566,370, I'd like the panel to turn to
10 Bates 29 of Exhibit 1. And if I go to Column
11 E -- so let me back up a little bit.

12 There are three -- in Column A there are
13 three projects that are listed. And I would
14 like someone on the panel -- I imagine
15 Mr. Strabone or Rivera will tell me what the
16 purpose of those projects were. Why were
17 they undertaken?

18 A. (Strabone) Hold on one second, please. We're
19 just catching up.

20 MR. DEXTER: Madam Chair, while
21 Mr. Strabone's catching up, I just realized
22 that I had asked my witnesses who -- I mean the
23 Staff people who were not on the panel to text
24 me if they had any questions, and I just

1 realized my phone is in the other room. May I
2 take 30 seconds to grab my phone?

3 CHAIRWOMAN MARTIN: Of course.

4 MR. DEXTER: Thank you. Sorry
5 about that. I'll be right back.

6 (Pause in proceedings)

7 CHAIRWOMAN MARTIN: Okay. Are
8 you all set, Mr. Dexter?

9 MR. DEXTER: Yes. Thank you for
10 that.

11 CHAIRWOMAN MARTIN: Okay. Go
12 ahead, Mr. Strabone.

13 A. (Rivera) Hello, this is Joe Rivera.
14 Appendix 3 of Bates Page 29 has a list of
15 three projects that were part of the
16 reliability enhancement plan: The first
17 project, 1303 Bridge Street in Salem; the
18 second project, 1402 Nashua Road in Pelham;
19 and the third project, 1402 Burns Road and
20 Mammoth Road in Pelham. All these three jobs
21 were chosen due to poor reliability history
22 in these sections of bare wire. Out of these
23 three, we ended up undertaking Line No. 1,
24 which is the 1303 Bridge Street job, and

1 Line No. 2, 1402 Nashua Road in Pelham. The
2 third job, the 1402 Burns Road and Mammoth
3 Road in Pelham, that job was deferred due to
4 increased costs mainly from the Bridge Street
5 job. So that's really where those jobs came
6 from.

7 BY MR. DEXTER:

8 Q. When you say that they were "chosen due to
9 poor history of reliability," can you provide
10 more details behind that conclusion? You
11 know, how these jobs, for example, were
12 chosen versus other segments on the Company
13 system that might be appropriate for this
14 type of upgrade?

15 A. (Rivera) Certainly. I might have to follow
16 up on specific reliability numbers for these
17 jobs. But I can tell you that these jobs are
18 really the areas that experience the most
19 interruptions for us, for Liberty. If you
20 are interested in those details, I can make
21 that available maybe as another request.

22 Q. Can you tell me, even if you don't know the
23 actual numbers, can you describe the process
24 or the analysis that the Company goes through

1 that led to these three being at the top of
2 the list?

3 A. (Rivera) Certainly. So it starts with a
4 review of the outage data for the system.
5 And we try to identify the incidents that
6 resulted in the most impact, as far as
7 customers interrupted or duration of
8 interruption. We end up with a grouping of
9 jobs, of areas that are the worst, as far as
10 reliability performance, and we try to
11 accommodate them within the five-year budget.
12 So we have a list of different areas that may
13 come up, as far as activity, and might
14 increase in priority from one year to
15 another. But for the most part, all of these
16 areas are pretty active when it comes to
17 interruptions and, you know, cause us the
18 most effect -- (connectivity issue)

19 [Court Reporter interrupts.]

20 A. (Rivera) It causes the most effect on our
21 reliability performance are these areas that
22 we try to target with these -- with the
23 reliability enhancement program.

24 Q. Is cost a factor in this ranking? In other

1 words, do you take into account a projection
2 of the costs to make these improvements in
3 the ranking process when you're deciding
4 which projects to undertake?

5 A. (Rivera) Yes. Absolutely. I try to combine
6 the costs with the expected reliability
7 benefit. So there's definitely a balance of
8 cost versus benefit, how much we think we're
9 going to be able to reduce the outages by.
10 And given the projected cost of the job, we
11 come up with numbers that sort of give us a
12 range of what jobs will result in the most
13 benefit for us.

14 Q. Okay. And we're going to get into the
15 business case submitted for the Bridge Street
16 job in a moment. But is this analysis that
17 you've described, does that take place before
18 the business case in the planning process, or
19 would it take place after the business case?

20 A. (Rivera) It takes place very early in the
21 process. Every year we try to identify new
22 jobs. But most years, you know, these areas
23 are already identified. So it might be where
24 we target a certain job for a certain year,

1 but given certain conditions, budgeting
2 conditions or whatever it is, we end up -- we
3 might end up deferring it to another year.

4 So, yes, it does take place early in the
5 process. Most jobs, I'm trying to line up a
6 couple of years, three years out, within five
7 years. And we basically -- that's how we
8 manage it year to year. It's grouping of
9 projects, depending on which one is more
10 critical, and that's the job that we try to
11 do that given year. But yes, a lot of the
12 analysis in a lot of cases can be, you know,
13 one year, two years, three years back when we
14 identified these jobs.

15 Q. And so is there a one- or two- or a five-page
16 analysis of the Bridge Street job that you
17 could provide for review to the Commission?
18 And, you know, again, by "analysis," I mean
19 this benefit cost analysis that we've been
20 talking about that takes place early on in
21 the process, not something you've already
22 given us in the business case.

23 A. (Rivera) Yes, I can certainly follow up with
24 one. We may have already provided something

1 to Staff previously. So I can take a look at
2 that, a summary of the expected reliability
3 benefits for that job.

4 MR. DEXTER: Well, Madam Chair,
5 I don't recall seeing that. I'm not saying we
6 never got it. We deal with these folks a lot.
7 But I think this is the first time this
8 particular project has come before us. As
9 we're going to see today, Staff has a lot of
10 questions about how the estimate started versus
11 where the actuals ended up. I think it would
12 be important to have that initial analysis, and
13 I'd like to make that a record request, if you
14 would entertain it.

15 CHAIRWOMAN MARTIN: Any
16 objection, Mr. Sheehan?

17 MR. SHEEHAN: No, no objection.

18 CHAIRWOMAN MARTIN: Okay. We
19 will make that a record request, Exhibit 4 at
20 this point.

21 MR. DEXTER: Thank you.

22 BY MR. DEXTER:

23 Q. So, again, back on Page 29 of Exhibit 1, the
24 1,566,370 that you identified as what's

1 behind the .46 percent requested rate
2 increase is detailed in Column E. And there
3 are numbers for the first project and numbers
4 for the second project and no numbers for the
5 third project. And I think it's correct,
6 isn't it, that that's because the third
7 project was deferred, as you stated?

8 A. (Rivera) Correct.

9 Q. And is Line No. 1, the 933,795, is that the
10 entire cost of the Bridge Street project?

11 A. (Rivera) Correct.

12 Q. And is the 632,575 the complete cost of the
13 Nashua Road project?

14 A. (Rivera) Correct.

15 Q. And both of those projects were completed and
16 placed in service by the end of the year
17 2020; is that right?

18 A. (Rivera) Correct.

19 Q. Okay. Now, just doing some -- I see the
20 distances of these projects were projected in
21 Column B and the costs were projected in
22 Column D. And doing just some sort of rough
23 math, it appears to me that these projects
24 are about 1.3 miles of reconductoring, and

1 that seems to cost about a half a million
2 dollars. At least it was budgeted for about
3 a half a million dollars. Is that about in
4 the ballpark as being correct?

5 A. (Rivera) I believe the initial estimate for
6 these jobs, we assumed \$380,000 a mile.

7 Q. Well, that's a little less than what's -- if
8 you do the math in Column D, that's a little
9 less. I get something more in the \$400,000.
10 But that is what's in the testimony. I
11 understand that. So we'll come back to that
12 I guess.

13 So if we go to Exhibit 1, Page 14, this
14 is in the testimony, we'll see some more cost
15 dollars. And here is where the -- Line 7 is
16 where you indicate that the original
17 estimated cost was 380,000 per mile for the
18 Bridge Street project; correct?

19 A. (Rivera) Correct.

20 Q. And you indicated here that the actual cost
21 per mile for the Bridge Street project was
22 \$778,162; correct?

23 A. (Rivera) Correct.

24 Q. And you also indicated in the testimony, I

1 believe, that the length of the project
2 increased from the estimated 1.2 miles that
3 was back on the other page we were just
4 looking at to an eventual length of -- what
5 was the eventual length of the Bridge Street
6 project?

7 A. (Rivera) 1.38 miles.

8 Q. 1.38 miles. So what gave rise to that
9 increase in the number of miles
10 reconductored?

11 A. (Rivera) So initially when I look at these
12 jobs, I use the -- our GIS system to measure
13 the distances from one point to the other.
14 But when an engineer goes and designs the
15 job, you know, most often than not, that
16 number is updated or corrected just because
17 of that sort of error threshold by manually
18 measuring the distances either in -- on my
19 maps or our GIS system. So it was what I
20 estimated to be when we first looked at it,
21 but it ended up being a slightly longer
22 conductor.

23 Q. So the engineering estimate is more detailed;
24 is that fair to say?

1 A. (Rivera) Yes.

2 Q. Does the engineering estimate involve an
3 on-premise visit to this length of wire
4 that's going to be replaced, or is it still
5 done, you know, with maps and records and not
6 a visit?

7 A. (Rivera) No, a detailed design is done, you
8 know, by several different points, you know,
9 almost by section, so to speak. So it's
10 definitely a lot more detailed than what I
11 would normally do, just more of an
12 investment-grade estimate.

13 A. (Strabone) Mr. Dexter, this is Mr. Strabone.
14 If I may also chime in. It is done on site,
15 and it also includes a constructability
16 review with our operations folks. So there
17 may be some input from our construction
18 folks, where they may say, just looking over
19 the design and looking where the end of the
20 project is, they may have identified some
21 things out in the field, where moving in a
22 couple -- you know, adding a few feet or a
23 few more sections and stopping it in a
24 different spot may be better because of what

1 we need out in the field for anchoring poles
2 or supporting structures. So there's always
3 a little bit of a difference once you get out
4 in the field and actually look at field
5 conditions and go through a constructability
6 review with our operations folks.

7 Q. Thanks. So when did that assessment take
8 place, the engineering estimate aided by
9 on-site observation?

10 A. (Strabone) I'm hard-pressed to give you a
11 time frame. I don't have the notes in front
12 of me of when the review was completed. But
13 it would be sometime after we identified,
14 after Joel identified which projects needed
15 to be constructed for our upcoming year. And
16 once we know that we have the appropriate
17 level of funding, then we go ahead and do our
18 detailed design work.

19 So it's not in the upfront phase where
20 these projects get identified. It's closer
21 to construction that we do our detailed
22 engineering.

23 Q. Okay. So we're going to get to the business
24 case shortly. And that was prepared on

1 January 30th, 2020. I think what you're
2 saying is this engineering estimate would
3 come after the business case; is that right?

4 A. (Strabone) That would be correct.

5 Q. Mr. Rivera, you mentioned "investment-grade
6 estimate." What does that mean exactly?

7 A. (Rivera) It means there's a higher margin of
8 error than say a project-grade estimate that
9 gets developed upon completion of a detailed
10 design.

11 Q. And the engineering review that was just
12 described, is that the project-grade
13 estimate?

14 A. (Rivera) Yes.

15 Q. And the investment-grade estimate I think we
16 established is done before the business case;
17 correct?

18 A. (Rivera) Correct.

19 Q. Okay. Well, I want to come back to the
20 reasons, you know, the estimate went from
21 where it started to where it ended up. But
22 before I do that, I'd like to turn to the
23 business case. I have some questions about
24 that. And that is Exhibit 2, Page 4.

1 So I just want to verify in fact that
2 the business case was prepared on
3 January 30th, 2020; correct?

4 A. (Strabone) That is correct.

5 Q. And the business case was actually for all
6 three of the projects, not just the Bridge
7 Street project; correct?

8 A. (Strabone) That is correct.

9 Q. And the amount of the budget that's listed on
10 the business case on Page 4 up in the upper
11 right-hand corner is \$1,700,000; correct?

12 A. (Strabone) Correct.

13 Q. And the amount that was presented to the
14 Commission in the November 15th, 2019 report
15 that we were just looking at -- well, we
16 weren't looking at that report.

17 Let's go back to... let's go back to
18 Bates 29 in Exhibit 1 for a minute. There's
19 a footnote to this sheet that says -- I'm not
20 seeing exactly where the asterisk -- oh, the
21 asterisk connects to the capital investment
22 budget, 1.5 million for the four miles. And
23 the footnote says "From Calendar Year 2020
24 Plan Submitted to Staff on November 15,

1 2019."

2 So my question is what gave rise to the
3 difference between the \$1,500,000 estimate
4 that was submitted to Staff on November 15,
5 2019 and the \$1,700,000 estimate that was in
6 the business case on January 30th, 2020?
7 That's only a 2-1/2-month difference. So
8 what made up that difference?

9 A. (Rivera) I don't know, offhand. We do -- it
10 wasn't 1.5. It was 1.6 million from Bates
11 Staff 29, which includes 100,000 carryover.
12 But I don't know where that extra \$100,000,
13 that discrepancy -- we'll have to follow up
14 on that.

15 Q. But the carryover wouldn't relate to these
16 projects because these projects hadn't been
17 started yet; correct?

18 A. (Rivera) It would relate to previous years'
19 projects that would result in spent in this
20 calendar year.

21 Q. Right, but not the Bridge Street, Nashua Road
22 or Burns Road/Mammoth Road project.

23 A. (Rivera) Right. But, well, the capital
24 project business case I do believe takes into

1 account that carryover also. So I think we
2 need to look into that and see what we can
3 find, as far as that discrepancy, which I
4 believe is \$100,000.

5 Q. Okay. Oh, okay. Okay. So you're saying the
6 business case includes carryover from
7 projects other than the four projects that
8 we've been talking about, which is not what
9 it says under Project Scope, unless I'm
10 reading it wrong.

11 A. (Rivera) Yes. Every single year this REP
12 bare conductor replacement project gets
13 charges from the previous year that carry
14 over onto the following year. So that's
15 where that \$100,000 comes from. We try to
16 keep that in there to account for that sort
17 of rollover or carryover, and which is part
18 of the bare conductor replacement program.
19 So even though it's not stated in the Project
20 Scope statement, you know --

21 Q. Okay. I understand. So then, is it fair to
22 say that the business case projected these
23 four projects at a million six, not a million
24 seven, because a 100,000 of that is related

1 to carryover from a prior year?

2 A. (Rivera) I think that's a fair statement.

3 CHAIRWOMAN MARTIN: Mr. Dexter,
4 you're on mute.

5 MR. DEXTER: Sorry.

6 BY MR. DEXTER:

7 Q. On the next page of the business case there's
8 a Risk Assessment, and it gives the project a
9 total risk score of 42. Can you give some
10 context to that 42, and, you know, what risks
11 are you talking about here? And does this
12 make this a risky project, or is this the
13 risk of not doing the project? I guess
14 that's what I'd like to learn more about.

15 A. (Rivera) Yeah. Absolutely. So the way we
16 come up with that risk score has to do with
17 this case being a reliability project. It
18 has to do with basically the reliability
19 history on why it's scored that high. I'd
20 have to look at the specifics on what makes
21 up the 42. But in general, depending on the
22 project type or the need, if it's capacity,
23 it will be based on the amount of deficient
24 capacity. If it's based on asset, it might

1 be based on number of customers. If it's a
2 risk issue, it might be road at risk. And
3 then we couple all of the impact with the
4 time, the probability that it's going to
5 occur within a certain amount of time. So
6 those two things coupled together is what
7 make up the risk score. And each job is sort
8 of unique as to how we score it.

9 So 42 is a pretty high number.

10 Mandatory is 50 -- or the highest number is
11 49. So 42 is really a high-impact issue and
12 problem that, you know, we look to resolve.

13 Q. Okay. So moving from the business case to
14 the next document, which is the -- not the
15 next document -- the changeover form which
16 begins on -- it's hard to read. It's either
17 Bates 9, I think, or 10. It's Page 7 of 12
18 of Exhibit 2 in the upper right-hand corner,
19 and it's labeled "Change Order Form." I just
20 can't read the Bates number. I think it's
21 10.

22 A. (Rivera) Ten.

23 Q. And this was dated July 27th, 2020. And this
24 related to the same project; correct?

1 A. (Rivera) Correct.

2 Q. And this asks to increase the budget from
3 1,700,00 to 2,500,000. So an increase of
4 \$800,000; is that right?

5 A. (Rivera) That is correct.

6 Q. And the reason that's given for the increase,
7 the increase request, appears towards the
8 bottom of Page 10, and it says the
9 over-expenditure is being driven by two
10 factors: First is the carryover and
11 associated burdens from 2019; second is the
12 higher than estimated contractor cost based
13 on bids received from contractors.

14 So my first question is what does that
15 first sentence mean, "carryover costs and
16 associated burdens from 2019," and how would
17 2019 impact this project?

18 A. (Strabone) So this change order that we have
19 in front of us is for our bare conductor
20 replacement program. So it's for the overall
21 funding for all projects identified for the
22 bare conductor; so it's not related to just
23 Bridge Street or Nashua Road or any of those
24 particular jobs that were listed on the

1 business case. This change order is
2 associated with the overall Liberty funding
3 for the bare conductor.

4 So we have two projects at the end of
5 2019 that had significant carryover costs;
6 that was Shaker Hill and Sullivan Street.
7 Those projects were placed in service towards
8 the end of 2019, and we had the subsequent
9 cost carryover into 2020. So in order to
10 make sure we had an appropriate level of
11 funding internally, we shifted funds, as you
12 can see, the \$800,000 from one project, which
13 is 8830-2051, over to this Project 8830-2046.

14 Q. I think we talked about the Shaker Road
15 project in this very same hearing last year.
16 You said there were two leftover projects,
17 Shaker Road, and what was the other one?

18 A. (Strabone) It was Sullivan Street. There's
19 some carryover cost associated with that one
20 as well.

21 Q. So the 800,000 does not relate only to the
22 four projects that we've been talking about
23 in this case.

24 A. (Strabone) That is correct.

1 Q. And yet, the project number at the top of the
2 change order form, which is 8830-2046, is the
3 same project ID number on the top of the
4 business case, 8830-2046. The number's the
5 same; correct?

6 A. (Strabone) Well, the overall project number
7 is the same. So think of it this way: We
8 have the overall project, bare conductor
9 replacement, and then under that we have
10 individual work orders that feed up into the
11 overall project. So Bridge Street has its
12 own individual project or work order number.
13 Nashua Road would have one. Burns/Mammoth
14 Road has one. And any other job we take up
15 underneath the bare conductor replacement
16 program has its own individual work order
17 number.

18 Q. So to more accurately assess the original
19 estimates versus actual expenditures, we
20 should be doing it at the work order level,
21 not at the project ID level; is that correct?
22 Is that what you're saying?

23 A. (Strabone) Essentially, yes. If you're
24 looking at the individual -- if you want to

1 look at an individual project, if you want to
2 look at Bridge Street, you would just look at
3 Bridge Street as an individual number or an
4 individual project and compare our original
5 estimate to our actuals. Nashua Road would
6 be the same, Burns, every subsequent project
7 underneath the overall. And then ultimately
8 that all rolls up to what our overall funding
9 is for, you know, reliability enhancement
10 projects, which would be, as you indicated,
11 the project ID 8830-2046.

12 CHAIRWOMAN MARTIN: Mr. Dexter,
13 you're on mute.

14 A. (Strabone) You're on mute.

15 MR. DEXTER: Apologies. Thank
16 you.

17 BY MR. DEXTER:

18 Q. Back to the change order form, starting on
19 Page 10. There were two reasons given for
20 the \$800,000. Can you break down the
21 \$800,000 between Reason 1 and Reason 2?

22 A. (Strabone) Hold on one second. Let me
23 check...

24 (Pause)

1 A. (Strabone) So the reference is Staff Request
2 1-1, Part B, which is in Exhibit 2. I
3 believe it's Bates Page 2. Let me know when
4 you get there, Mr. Dexter.

5 Q. Yeah, I've got it.

6 A. (Strabone) This gives a breakdown where we
7 have some increase in cost for Bridge Street.
8 Ultimately on the last line of the response
9 on Page 2, which is part of Response A, it
10 reads, "The increase in these direct" --

11 [Court Reporter interrupts.]

12 A. (Strabone) "The increase in these direct and
13 indirect charges listed above total
14 \$228,248." That amount can be attributed to
15 the higher than anticipated construction that
16 Mr. Dexter was referring to on the change
17 order. And I believe we had approximately --
18 you have to forgive me, but there was a
19 decent amount that was -- the remaining of
20 that 800 -- and I don't think it's actually
21 800,000 because we included some more -- we
22 included additional costs -- I mean it
23 included additional money for our change
24 order. The other portion of that is

1 attributed to our carryover. And I don't
2 have that in front of me. I have to
3 apologize. I didn't bring those notes with
4 me.

5 Q. Okay. I wanted to come back to that data
6 response where you provided that detail and
7 go through some of that. But before we leave
8 the change order form, I have another couple
9 of questions on that.

10 So on Bates 11 of Exhibit 2, Page 8 of
11 12, it looks like, according to this form,
12 change orders above half a million dollars
13 require the signature of the regional
14 president. And it looks to me like this form
15 was not signed by the regional president. So
16 could you either confirm that I am correct
17 and explain why or just explain in general
18 what went on here?

19 A. (Strabone) Unfortunately, I can't tell you.
20 I can't comment on that. I think it be best
21 if we take it as a record request.

22 The process we follow is we present this
23 to senior leadership during our capital
24 budget meeting. We talk about these changes,

1 the change order. You know, as long as it's
2 approved, we send it through. It gets
3 generated and gets sent through for approval,
4 which ultimately goes to our finance manager
5 on our capital budget side, and we'll seek
6 senior leadership's signatures. So I can't
7 comment on why the copy with our regional
8 president was not provided or was. My
9 apologies on that.

10 Q. So I'm not sure I understand. And maybe I
11 didn't ask the question clearly enough.

12 Is it the Company's position that the
13 regional president did sign this and I don't
14 have it or that they didn't sign it, or maybe
15 you don't know?

16 A. (Strabone) They should have signed it. I
17 don't have that copy in front of me. And it
18 doesn't look like we provided that one to
19 you.

20 MR. DEXTER: Okay. So I guess
21 the record shows that it wasn't signed. And I
22 would be perfectly amenable to getting an
23 updated version of this, you know, if there's
24 one that hasn't been provided, that the

1 regional president signed at the time, if the
2 Bench would consider making that a record
3 request. Or if you don't think it's important,
4 then we'll leave the record as it is.

5 CHAIRWOMAN MARTIN: Any
6 objection to providing that information, Mr.
7 Sheehan?

8 MR. SHEEHAN: No.

9 CHAIRWOMAN MARTIN: Okay. We'll
10 make that a record request, Exhibit 5.

11 MR. DEXTER: Thank you.

12 A. (Strabone) Mr. Dexter, you're on mute again.

13 BY MR. DEXTER:

14 Q. I'm trying to unmute. I'm told I create a
15 background noise if I don't mute. I'm trying
16 to be careful, but I've got to remember to do
17 it both ways. Thank you.

18 I'd like to turn now, as you just did,
19 to Staff 1-1. And the bulk of the response
20 appears on Page 2 of Exhibit 2. And we'll go
21 through all the reasons for the differences,
22 but I wanted to ask about a couple of them.

23 The second bullet says that the original
24 investment-grade estimate did not include the

1 installation of a new load break switch to
2 allow better sectionalization. Can you
3 explain in a little more detail what a "load
4 break switch" is?

5 A. (Rivera) Yes. It's really a disconnect on
6 the utility pole that allows you to
7 sectionalize that section beyond it.

8 In this project, the Bridge Street
9 project, we added a load break about halfway,
10 thereabouts, of the distance of the
11 reconductoring, so that if something were to
12 happen in either section, we have a means to
13 quickly isolate the area and make it safe.
14 So we thought adding that disconnect to allow
15 us to do that, you know, we thought it was a
16 good add to the project for all sort of
17 reliability and --

18 Q. Is that a device that you would have expected
19 to be in the original estimate? Is that a
20 typical device, or is this an unusual
21 situation to put in a load break switch when
22 you're installing spacer cable?

23 A. (Rivera) I'd like to think that I looked to
24 consider that in the beginning. It wasn't

1 done in this case. It was identified during
2 the detailed engineering part of it. Usually
3 when we have folks look at it, we'll come up
4 with certain changes or suggestions, and, you
5 know, we often take those into account. And
6 this was one of those. But, yeah, we try to
7 look at things that maybe could be done while
8 we're there, you know, little things like --

9 Q. Down further on the page -- oh, I'm sorry. I
10 thought you were finished.

11 A. (Rivera) No. I'm sorry. I was trying to
12 think of the term "cut out," you know, little
13 things like that that we may be able to
14 replace while we're there. But for the most
15 part, it's strictly -- the scope is strictly
16 reconductoring activity.

17 Q. Down further on the page there's a note that
18 says "Actual direct tree trimming increased
19 by \$77,000, which was more than anticipated."

20 Can you tell me what the original tree
21 trimming amount was?

22 A. (Rivera) One second, see if we can look that
23 up. I may have to defer to Ms. Green.

24 A. (Green) I don't have the notes of the

1 original at my fingertips.

2 Q. The original would have been part of the
3 380,000 per mile, which was the basis of the
4 first estimate that would have included tree
5 trimming?

6 A. (Strabone) Yes, that original \$380,000 does
7 include tree trimming costs.

8 Q. Do you know of anything in particular that
9 occurred on Bridge Street that led to the
10 \$77,000? Is there a particular incident or
11 situation that you encountered that you
12 wouldn't have known about before the
13 project -- when the original estimate was
14 made?

15 A. (Green) I can address that. Heather Green.
16 So we did have an estimate put in, and
17 then COVID hit. We had to use alternate
18 resources. The local resources that we tried
19 to use were not available for various COVID
20 reasons. And then we had to bring in
21 external crews, and the cost to do that was
22 higher than expected. We also had crane
23 work, as well, which was not in the original.

24 Q. So there was an original estimate. You don't

1 have that figure right now, though; correct?

2 A. (Green) Not at my fingertips.

3 Q. Okay. And what's "crane work"?

4 A. (Green) Complicated large tree removals that
5 cannot be performed safely with an average
6 75- or 55-foot bucket, so it requires a crane
7 to do those types of work. And they usually
8 have a truck to haul wood.

9 Q. And when did the 77,000 -- I guess that's an
10 actual number. But when did it become
11 evident that the original estimate was going
12 to be -- was understating the necessary tree
13 trimming?

14 A. (Green) There was a conversation in the
15 summer. I don't have the exact date. But it
16 was expressed that the estimate was going to
17 be -- that it was taking more resources to
18 perform the work. But I don't have the exact
19 date.

20 Q. It was during construction in other words.

21 A. (Green) It was during the process.

22 Q. The response also indicated that material
23 charges increased by about \$71,000 due to
24 rise in material costs. Can you provide more

1 specifics about the material costs?

2 A. (Strabone) Yeah. This is just essentially
3 our system that we estimate in has material
4 costs in there. So when we estimated the job
5 after our detail design, we had an expected
6 material cost. We go through our procurement
7 process, where some material we already have
8 in stock and on hand, others we need to go
9 and procure. Our procurement department
10 handles that. And unfortunately for this
11 project, some of those costs just came in
12 higher than what our system had estimated our
13 costs to be. But that was just through
14 increased costs for material. There was no
15 real significant change in what we were
16 adding in there, except for what you saw in
17 the line above it for the low-grade switch
18 resulting in an additional \$30,000. But
19 ultimately it was just increased cost of
20 material that our procurement department had
21 to go out and secure for the job.

22 Q. And the original 380,000 per mile included
23 material costs; correct?

24 A. (Strabone) It does, yes. That includes an

1 average of our past jobs for materials of
2 this size. That's how we're coming up with
3 that \$380,000. But yes, it does include
4 materials.

5 Q. And you do these jobs every year; right? I
6 think this is my fifth docket, and I think
7 every time I've done this, there's been a
8 spacer cable installed. This is not
9 something that's new or unusual; correct?

10 A. (Strabone) Correct.

11 Q. Do you know how much of the materials that
12 went into the job came from inventory and how
13 much were purchased specifically for this
14 job?

15 A. (Strabone) I would have to work with
16 procurement to find out what we had on hand
17 and what we had to go and purchase. I don't
18 have the breakdown of ultimately what
19 percentages those were.

20 Q. Okay. Now, the last paragraph indicates --
21 the last paragraph in Part A on Page 2
22 indicates that the total actual spend for
23 this project ended up at \$933,800, or a cost
24 of 667,000 per mile. And that 933,000 is

1 what we saw on Exhibit 1, Page 29; correct?

2 A. (Strabone) That's correct.

3 Q. Okay. And so that's the entire cost of the
4 Bridge Street Project, as we established
5 earlier.

6 A. (Strabone) Correct.

7 Q. Okay. Before we leave Bridge Street, there's
8 one more form I want to go cover. And that's
9 in Exhibit 2, and that's called the "Project
10 Closeout Form," and that starts on Bates
11 Page 13 of Exhibit 2. This was prepared
12 March 10th, 2021, as it says in the upper
13 right-hand corner; correct?

14 A. (Strabone) Correct.

15 Q. And the requested capital is listed at a
16 million seven. So again, that means, I
17 think, that we're talking about the four jobs
18 plus some carryover, I think is what we
19 learned today. Is that right? By the four
20 jobs, I mean Bridge Street, Nashua Road,
21 Burns Road and Mammoth Road.

22 A. (Strabone) That's correct.

23 Q. And the form asks -- give me a second.

24 The form asks, on Page 12 towards the

1 bottom, "Do you agree that the project [sic]
2 and/or service is ready to be deployed?" And
3 the answer is "Yes." But in fact, the
4 project was not completed because the Mammoth
5 Road piece was deferred; is that right? It
6 was completely deferred; correct?

7 A. (Strabone) That was deferred. But we
8 answered this based on what we did for the
9 projects related to bare conductor, which was
10 Bridge Street and Nashua Road, which were
11 completed.

12 Q. Right. But if we go back to the original
13 form and then the change order form, we're
14 talking about the four projects plus
15 carryover; correct?

16 A. (Strabone) Well, ultimately if you look at
17 the change order form, it was for the two
18 projects, which is Bridge Street, Nashua Road
19 and carryover. As we stated on Bates Page 29
20 of Exhibit 1, we deferred the Burns Road and
21 Mammoth Road project due to what we were
22 seeing for construction costs and total
23 project costs.

24 Q. I'm sorry. So I might have missed that.

1 That's on the change order form, the deferral
2 of the Burns/Mammoth project?

3 A. (Strabone) I don't believe it's in the change
4 order. But I was referencing a previous part
5 of our conversation, where Mr. Rivera
6 indicated that we postponed the Burns Road
7 job.

8 Q. Right. No, I understand it was postponed.
9 I'm just trying to look at this from whoever
10 it is in management that reads these forms.
11 And the scenario that I'm seeing, and correct
12 me if I'm wrong, is that a project comes in
13 for four miles and some carryover. And then
14 there's a change order form for four miles
15 and some carryover, and then there's a
16 closeout report that says everything's ready
17 to be deployed. But in fact, it's not
18 four miles, it's something like 2.5 miles.
19 So if I were getting those reports, I think I
20 would not be fully informed. And I guess I'd
21 ask you to either agree with that or tell me
22 why I'm wrong.

23 A. (Strabone) Correct. If you were to just pick
24 up this piece of paper and read that, you

1 wouldn't know the conversations that were had
2 during the capital budget meeting. And I
3 stated earlier that we go monthly on these
4 capital budget meetings, and we talk about
5 large projects such as this, and we discuss
6 issues that we're running into.

7 So prior to submitting this change order
8 form, we had discussions to say this is --
9 you know, we are experiencing higher than
10 anticipated construction costs. To mitigate
11 this, we're looking to do these changes,
12 which include postponement of Burns Road and
13 also postponing another project, and we're
14 also looking to transfer the funds from
15 Project 8830-2451, as stated on the change
16 order, to cover the overages that we're
17 experiencing with all of our bare conductor
18 REP jobs as a total.

19 So management is fully aware of those
20 changes. Yes, it's not documented on this
21 change order. But prior to them getting it,
22 they are aware of the impacts that we're
23 having, our steps to mitigate it, and what
24 our overall impacts are to other projects.

1 So they are aware that we only did those two
2 projects and deferred the Burns Road job, as
3 well as another project.

4 Q. And who does the project closeout report go
5 to? I notice the other forms had people up
6 the corporate ladder, it looks like, who
7 signed off on them. But I don't see that for
8 the project closeout. Could you explain who
9 the project closeout report goes to?

10 A. (Strabone) It should -- let me just check.
11 Hold on one second.

12 (Pause)

13 A. (Strabone) So in Section 1, you're right, it
14 lists, you know, myself, the project sponsor.
15 Our operations manager will have that. Our
16 finance manager has it as well. And then I
17 believe -- I can't speak to if senior
18 management gets that after or not. But it is
19 recorded for others to have access to it on a
20 shared site, to go and take a look at all the
21 project documents that are associated with
22 these projects.

23 Q. So if we go back up to the change order form,
24 the highest person on the list, I guess if

1 I'm just going by rank of who gets to sign
2 off on what level, the highest person on the
3 list is Richard McDonald, VP of Operations;
4 correct?

5 A. (Strabone) Well, on the form that's submitted
6 to you, yes, he's the highest one that has to
7 sign. But as we indicated, it most likely
8 went to Susan Fleck, our regional president,
9 for her to see as well.

10 [Court Reporter interrupts.]

11 Q. Okay. So do I understand your testimony
12 today that Richard McDonald and Susan Fleck
13 would have been part of the conversations
14 that went behind the project closeout report,
15 such that they would understand that the
16 answers on the bottom of Page 12 related to
17 something less than the four miles?

18 A. (Strabone) Yes, they would.

19 Q. And Question 2.2 at the bottom says, "Do you
20 agree that the products or services have
21 sufficiently met the stated business goals
22 and objectives?" The answer is "Yes."

23 It's your testimony that all those
24 people we just mentioned would agree with

1 that because they knew we were talking about
2 2.4, 2.5 miles, not the four-point something
3 miles that were originally presented.

4 A. (Strabone) That's correct.

5 Q. Now, on the next page of the project closeout
6 report, Page 13, Bates 13, it says, "Rate
7 your level of satisfaction with regards to
8 the project outcomes." And there's five
9 criteria. And they're all rated, it looks to
10 me, like three out of five, if I'm reading
11 that right. Am I reading -- is that what the
12 rating is, three out of five?

13 A. (Strabone) You are correct.

14 Q. So five would be the best score, and I guess
15 a one or a zero would be the worst score?

16 A. (Strabone) That's correct.

17 Q. Oh, says it right there, scale one through
18 five. Sorry. Five is the highest.

19 Why were these projects rated three out
20 of five for quality, performance, scope, cost
21 and schedule?

22 A. (Strabone) I guess because I'm a hard grader.

23 Q. Well, I guess what's really behind my
24 question is I assume from an engineering

1 standpoint that once these things were done,
2 that they're performing as planned and
3 expected. Is that true?

4 A. (Strabone) This is true. Yes.

5 Q. So that would be, you know, Items 1 and 2, I
6 think, quality and performance. When we get
7 to 3, it says "Scope." Now, we've just spent
8 ten minutes talking about the scope was
9 shrunk.

10 So based on your testimony, I guess I'm
11 supposed to understand that -- well, I don't
12 know what to understand because it would make
13 perfect sense to me that the scope got three
14 out of five because only two and a half miles
15 were done. So maybe you can clear that up
16 for me. I don't see how one and two, quality
17 and performance, could get the same grade as
18 scope.

19 A. (Strabone) Correct. And that's probably just
20 the way I look at it. I looked at this and I
21 guess gave it a three out of five. It's
22 subjective to my personal view. But you're
23 right. You know, project quality, we do
24 QA/QC after the project's done. So those two

1 jobs were built as designed and within our
2 standards and industry standards. So, you
3 know, thank you for bringing this up. But
4 you're right. One and two should have a
5 five. And also the last one, schedule,
6 should have a five as well because we
7 completed those projects in our calendar
8 year. So I would look at those three to have
9 a five.

10 And then you're right. Cost and scope,
11 unfortunately, yeah, due to increased costs,
12 you know, that would not receive a five and
13 should receive, you know, a three. Same
14 thing with scope. Unfortunately, we planned
15 to do four miles and did less. So I would be
16 in agreement that, you know, one, two and
17 five should all be five out of five because
18 they were completed as anticipated, along
19 with products and service and project
20 quality.

21 Q. Okay. So if we go to Bates 15, this is the
22 last page of the project closeout report.
23 And I see a final cost of the project of
24 2,183,000. And I guess what I've learned

1 today, and correct me if I'm wrong, is that
2 this is not just the Bridge Street and the
3 Nashua Street project, but it's also some
4 carryover; is that right?

5 A. (Strabone) That is correct.

6 Q. So it would not be a valid comparison to look
7 at the original budget of those two projects
8 and compare it to the 2.183 million because
9 I'd be missing the carryover; correct?

10 A. (Strabone) Correct.

11 Q. All right. So we'll skip over that then for
12 now.

13 So I wanted to ask about the second
14 project, which is the Nashua Road project.
15 And I want to start by going back to
16 Exhibit 1, Page 29, where it was predicted or
17 estimated back in November of 2019 that this
18 would be 1.3 miles of bare conductor at an
19 estimated cost of, I guess that's half a
20 million, but correct me if I'm wrong. I'm
21 taking a million and dividing it equally
22 between the two projects; is that right? Is
23 that how I look at that million dollars as it
24 relates to Nashua?

1 A. (Rivera) I think that's a fair way to look at
2 it, \$500,000 for each of those jobs, give or
3 take, given that they're about the same
4 length or similar length.

5 Q. The actual amount came in at 632,575. Was
6 that for the whole 1.3 distance, or was that
7 distance altered as well, like the other
8 project?

9 A. (Rivera) It's for the whole distance of the
10 Nashua Road portion of the job.

11 Q. Right. Did it come in at 1.3 miles the way
12 this schedule shows, or did the actual come
13 out different from the 1.3 miles?

14 A. (Rivera) I don't know.

15 Q. Would you agree that this project seems to
16 have come in much closer to the original
17 budget than the Bridge Street project?

18 A. (Rivera) I do agree.

19 Q. Can you explain why that might be? Were
20 there particular factors in Bridge Street
21 that you ran into that you didn't encounter
22 on Nashua Road?

23 A. (Rivera) Yes.

24 A. (Strabone) Yes. This is Mr. Strabone. For

1 the Nashua Road job, our materials, we didn't
2 have the overages for the material cost that
3 we did on Bridge Street. Those came in more
4 in line with what was in our system. Also,
5 our trimming costs were also in line with
6 what we anticipated from our estimate. And
7 we just did not have the other charges or
8 overages that we saw with Bridge Street for
9 some of those other incremental costs. So
10 this was more in line with what we
11 anticipated for construction cost.

12 Q. And the Nashua estimate of 500,000 is what
13 Mr. Rivera described as the "investment-grade
14 estimate"; correct?

15 A. (Strabone) That's correct.

16 Q. And that was done without the benefit of the
17 detailed engineering information that you
18 talked about for Bridge Street; correct?

19 A. (Strabone) That's correct.

20 Q. So I guess I can understand that the
21 vegetation might be different, depending on
22 what you find when you get out there, when
23 the engineer goes out there. But I'm having
24 a hard time understanding why the materials

1 would be different. Were the materials on
2 the Bridge Street job essentially the same or
3 substantially similar to the materials on the
4 Nashua Road job?

5 A. (Strabone) They're all the same. But once
6 again, it goes through what the price was for
7 material when procured.

8 Q. Were they done at different times?

9 A. (Strabone) Procurement of material is done at
10 different times. I believe -- I can't -- I
11 don't know the exact time frame of it, but
12 there was separate, I guess you could say
13 separate bid events going out to secure
14 materials at separate times for the two
15 projects.

16 Q. Has the Burns Road/Mammoth Road project been
17 undertaken, started or completed since the
18 filing of these documents?

19 A. (Strabone) We just started that project.

20 Q. So that would be early 2021; correct?

21 A. (Strabone) Correct.

22 Q. And is it expected that the cost -- how will
23 the cost for that project be recovered by the
24 Company?

1 A. (Strabone) How will it be recovered? Excuse
2 me. Is that what you asked, sir?

3 Q. Yeah. I mean, I'm thinking we have a rate
4 case settlement with a couple of step
5 adjustments. Is it the Company's intention
6 to include it there, if allowed under the
7 terms of the step adjustment? Or is it going
8 to be a more typical investment which will
9 fall into rate base at some time in the
10 future? And it's not crucial to this case.
11 I understand that. But I just thought it
12 would be interesting while we're talking
13 about it.

14 A. (Strabone) I suspect it to be under the rate
15 case.

16 A. (Simek) It all depends, Paul, if it was
17 included in the budget that we had set up for
18 the steps. And I just don't know, off the
19 top of my head.

20 Q. Fair enough.

21 Okay. The question of budget to actuals
22 was discussed quite a bit at this similar
23 hearing last year. And Commissioner Giaimo
24 had a suggestion, and I want to read the

1 suggestion and ask if the Company has taken
2 the Commissioner up on that suggestion. But
3 I got to find the transcript, so I'm going to
4 try to do that quickly, see if I can do that
5 without losing everybody.

6 (Pause)

7 Q. So this is Page 98 from DE 20-036. The
8 hearing was held April 27th, 2020.

9 Commissioner Giaimo said: Okay. So I
10 know transmission owners, there was a big
11 discussion about 20, 15, 20 years ago when
12 transmission investment was far exceeding
13 initial estimates. And through the ISO
14 tariff and one of the attachments, they have
15 an objective formula that they use, which is
16 then used to determine whether or not some of
17 the investments were, for lack of a better
18 term, prudent, and whether or not they
19 overspent and were so far off budget. I
20 guess I would suggest that maybe the Company
21 consider some sort of similar format to
22 provide guidance that might be helpful. So
23 after last year's case, where we talked quite
24 a bit about Shaker Road -- and I think that's

1 the Enfield project -- and some other
2 projects where there were significant
3 variances between actuals and estimates, the
4 Commissioner made this suggestion.

5 And my question today is what, if
6 anything, the Company has done to take the
7 Commissioner up on this suggestion, or
8 something similar to that.

9 A. (Rivera) I don't know. So that's something
10 that we can follow up on.

11 MR. DEXTER: Well, again, I
12 don't like to burden the record with record
13 requests, but Madam Chairwoman, if that's
14 something you think is important, I think it
15 is, I'd request that it be made a record
16 request.

17 CHAIRWOMAN MARTIN: Any
18 objection, Mr. Sheehan?

19 MR. SHEEHAN: No. We'll do our
20 best to answer it.

21 Paul, can you give me the site
22 again? Page what of that transcript?

23 MR. DEXTER: Yeah, it's Page 98
24 from DE 20-036.

1 MR. SHEEHAN: As the Commission
2 is well aware, there are many people involved
3 in the various processes. So we've just got to
4 track down who best can respond.

5 CHAIRWOMAN MARTIN: Okay. We
6 will make that record request and make it
7 Exhibit 6.

8 MR. DEXTER: Thank you.

9 So that completes my questions
10 on reliability projects. I do have some
11 questions on veg management. And I realize
12 I've taken up a lot of the hearing time. I
13 don't have nearly as many questions in the
14 3:00 docket. I don't know if there's any
15 flexibility in going late on this one and
16 starting the other one late.

17 CHAIRWOMAN MARTIN: I think so
18 long as the next one is going to be shorter.
19 But we should try to stick as closely to the
20 schedule as possible just because that's what
21 we put the notice out for.

22 MR. DEXTER: Okay. Well, I'll
23 try to wrap this up quickly.

24 The other thing I was going to

1 request, Madam Chairwoman, when I'm done
2 questioning and you're done questioning, when
3 it comes time for closings, I was going to
4 request a short recess so that I could confer
5 with the other Staff members before closing.
6 But I may be jumping the gun on that. I
7 guess I should finish my questions first.

8 CHAIRWOMAN MARTIN: Let's see
9 where we land on timing and go from there.

10 BY MR. DEXTER:

11 Q. So to assess the impact of the veg management
12 presentation, I'd like to go to Exhibit 1,
13 Page 64. And is it correct that this page
14 depicts the calculation of the proposed
15 REP/VMP adjustment factor of \$.00064?

16 A. (Hall) Yes, that's correct.

17 Q. Going to the top of this page, I see a figure
18 of \$570,000 which is labeled "2020 O&M
19 Expense above Base O&M Expense." And if I
20 wanted to see where that number comes from, I
21 think I go to Page 46. So let's turn to
22 Page 46 and see if I'm right. Yes, if I go
23 to Page 46 and look at Line 7 -- I see that
24 figure of \$570,000 on Line 5 and on Line 7;

1 correct?

2 A. (Hall) Yes, that's correct.

3 Q. And can you explain how that is the amount
4 above what's included in base rates?

5 A. (Hall) Give me one second. I might have
6 to -- excuse me. I might have to defer to
7 Mr. Simek for a full explanation of the
8 answer.

9 A. (Simek) I can help walk through this.

10 So the actual spend for this calendar
11 year was \$2,461,057, as you can see in the
12 first line; yet, based on the settlement
13 agreement in DE 19-064, which had a budget of
14 2.2 million, which you see on the next line,
15 and then a 10 percent cap above that, which
16 then calculates to the 2,420,000 that you see
17 on the next line, so the most that we can
18 collect above base rates is the \$2,420,000.
19 So the difference between 2,420,000 and the
20 amount that's included in base rates for 2020
21 of 1,850,000 is how the 570,000 is
22 calculated.

23 Q. And the 1,850,000 is sort of an average
24 between the 1,500,000, which was the figure

1 before the most recent rate case, and the
2 2,420,000, which is the number after the most
3 recent rate case; is that correct?

4 A. (Simek) Sort of. It's January through June,
5 the 1.5 annual amount that's in place. So
6 half of that is 750,000. And then for July
7 through December it's the 2.2 million amount
8 that was in place. So you take half of that.
9 So it's about 1.1 plus the 750,000 is how we
10 calculated the 1,850,000.

11 Q. So as Mr. Simek just stated, the amount since
12 the most recent rate case in 19-064, the
13 amount included in base rates is \$2.2 million
14 for veg management O&M; correct?

15 A. (Simek) Correct.

16 Q. And the actual spend was more than that, as
17 we see on Line 1.

18 My question is did the Company prepare
19 an O&M budget to meet the 2.2 million; and if
20 so, has it been provided in this docket?

21 A. (Green) We provided an original budget and
22 then adjusted the budget to closely meet the
23 2.2 plus 10 percent, and that has been
24 provided.

1 Q. The original budget was higher; correct?

2 A. (Green) Yes. It was 3 million originally.

3 Q. And then the revised budget you submitted did
4 not equal the 2.2 million, but it was in line
5 with the 2.2 million plus 10 percent is what
6 you just said; correct?

7 A. (Green) Correct. And a little over,
8 actually.

9 Q. Right. But the Company never prepared a
10 budget for 2.2 million I think is what you're
11 saying; correct?

12 A. (Green) Correct.

13 Q. I want to take a look at the budget that is
14 close to the 2.42 million, and I believe
15 that's Exhibit 1. Maybe you can help me out
16 with the page number.

17 A. (Green) So, 27 maybe?

18 Q. Yes, thank you, that's the one I was looking
19 for. So that's Exhibit 1, Page 27. And the
20 budget you're talking about is Column A;
21 correct?

22 A. (Green) That's the adjusted budget after we
23 learned about the Fairpoint credits not being
24 available.

1 Q. So there was another budget that was closer
2 to the 2.42 million?

3 A. (Green) No, there was a budget that had the
4 credit in it. That budget was 3 million
5 minus credits, which were --

6 Q. Right. I guess what I'm trying to get at is
7 I'm looking for the budget closest to the 2.2
8 million which was included in base rates, and
9 I think it's Column A of Bates 27; correct?

10 A. (Green) That sounds correct.

11 Q. Okay. So if the Company were to produce a
12 budget that equaled the amount that's in base
13 rates, which of these line items would be
14 adjusted downward to reach that?

15 A. (Green) We wouldn't cut it any further. As
16 it is, we're trying to meet a four-year
17 cycle, as well as trying to meet a four-year
18 cycle and the loss of, you know, credits that
19 we had.

20 Q. So this budget, then, is an attempt to meet
21 the four-year cycle which was agreed to in
22 the rate case settlement, but utilizes the
23 10 percent leeway that was in the rate case
24 settlement as well and gets us somewhat close

1 to the 2.2 million plus 10 percent, which is
2 2.42 million; is that right?

3 A. (Green) Yes, that sounds about right. I
4 mean, we cut significant portions to meet the
5 settlement agreement and the loss of income
6 from the credits.

7 Q. Okay. Well, I guess there's two factors.
8 When did the loss of the credits from
9 Consolidated, when did that start? When did
10 you stop getting those figures from
11 Consolidated?

12 A. (Green) We learned that we were not going to
13 receive the credits in April of 2020.

14 Q. And do they owe the Company any money? Are
15 there any remaining balances to collect from
16 before when they gave that notice?

17 A. (Green) As I understand, yes, there is.

18 Q. And is there an expectation that any of that
19 money that's, quote, unquote, owed to the
20 Company, because it was before they gave the
21 notice of cancellation, will be collected?

22 A. (Green) I do not know the answer to that
23 question. We are seeking to be paid.

24 Q. Okay. And if it were collected, would it

1 show up on Line 13 next year when we do this
2 case? Is that the Company's intention do you
3 know?

4 A. (Green) No, we don't anticipate getting any
5 credits for 2020 or 2021 work. It would only
6 be reimbursement for 2018 or 2019 work.

7 Q. Okay.

8 A. (Green) Did I answer a question incorrectly
9 earlier?

10 Q. No. I'm sorry. Are you asking me?

11 A. (Green) Yeah. Sorry.

12 Q. I guess I'm not sure. I guess my real
13 question is if additional reimbursements from
14 Consolidated were to come in, would you
15 expect to pass them back to customers through
16 a credit to this program at all, the way it
17 was done in recent years?

18 A. (Green) Anything that we would receive from
19 them has already been accounted for, with the
20 expectation we would receive it. That credit
21 was accounted for in 2018 and 2019. So the
22 only payments we'd be receiving is previously
23 accounted work. It's not new bills or
24 invoices that would go out for 2020 or 2021.

1 Those are already in the accounting process.
2 And Dave should speak to that or someone in
3 finance maybe, if that's appropriate.

4 A. (Simek) Yeah, I just don't know that answer,
5 Paul.

6 Q. Okay. Let me move on to another subject.

7 I think you said, Ms. Green, that you
8 drastically changed the budget, or
9 significantly changed the budget when you
10 learned of the loss of the credits. So
11 where, which of the lines on this sheet shows
12 the -- you know, sort of bore the brunt of
13 that reduction?

14 A. (Green) Line 2, Line 3, Line 4, Line 5, Line
15 6, Line 7, Line 8, Line 9. I'm not sure
16 about Line 10.

17 CHAIRWOMAN MARTIN: You're on
18 mute.

19 MR. DEXTER: Sorry.

20 BY MR. DEXTER:

21 Q. So basically you sort of spread this lost
22 revenue, if you will, across the board,
23 across your budgets.

24 A. (Green) Yes.

1 Q. Did you reduce the number of miles that you
2 expected to trim?

3 A. (Green) Yes.

4 Q. From what to what?

5 A. (Green) Let me pull it up. Provided on the
6 last page of Exhibit 2, I believe, the
7 original was 225 miles, and we reduced it by
8 29.66 miles, for a total of 195.

9 Q. And when did that occur? 2020 or 2021?

10 A. (Green) For 2020.

11 Q. And what's the projected number of miles for
12 2021?

13 A. (Green) I want to say it's 234, but I am not
14 certain that's the correct number. That's
15 the number that's in my head. Do you want me
16 to take a data request for that, or do you
17 want me to look it up?

18 Q. You said 234; right?

19 A. (Green) I believe so.

20 Q. Well, okay. I mean, if you can look it up
21 quickly, sure.

22 (Pause)

23 A. (Green) So 234.87.

24 Q. Thank you. So my question was, with the

1 reduction of 30 miles in 2020, would you be
2 able to stay on the four-year cycle that was
3 agreed to in the rate case?

4 A. (Green) Because we did not complete those
5 30 miles in the 2020 cycle year; is that
6 correct?

7 Q. Right, that's what I'm asking. Since the
8 2020 year seems to have come in about
9 30 miles less than what was projected under
10 the four-year cycle, my question was does the
11 Company still plan to meet the four-year
12 cycle requirement of the rate case settlement
13 even without the credits from Consolidated
14 Communications?

15 A. (Green) So are you talking about 2021 versus
16 2020?

17 Q. Well, I'm talking about the four years. I'm
18 not sure when the four-year cycles -- I don't
19 remember when the four-year cycle started.

20 A. (Green) So the end of -- December 31st would
21 be the end of the first full year. So we
22 were shy to accomplish the four-year cycle by
23 30 miles.

24 Q. So the four-year cycle ended 12/31/2020?

1 A. (Green) Correct.

2 Q. And so you were on track up until that very
3 last year.

4 A. (Green) Yes.

5 Q. Okay. So a new cycle starts 1/1/21.

6 A. (Green) That is correct.

7 Q. So my question is, with the 235 [sic] miles
8 projected for 2021, does that indicate that
9 the Company is on track to stay on the
10 four-year cycle that started this year?

11 A. (Green) The current plan of the 234 miles is
12 a plan for a four-year cycle. Correct.

13 Q. Okay. So what happens to that 30 miles that
14 wasn't trimmed in 2020? How does that get
15 addressed?

16 A. (Green) It's in the 234 miles. We had to
17 spread -- one of the feeders got adjusted,
18 the 10 and the 19 I believe. So there was
19 some adjusting that went through over the
20 next four years. So as you look them over,
21 2021 is a higher year than the next
22 subsequent three years.

23 Q. Okay. I want to go back to the list of
24 the -- to the budget that we were talking

1 about. I think you said it was Page 27.

2 A. (Green) Yes, of Exhibit 1.

3 Q. Exhibit 1, right. And I wanted to talk about
4 Line 7, Hazard Tree Removal, where there's a
5 budget of 100,000 and an actual of rough
6 111,000. Can you describe this activity in a
7 little more detail, please?

8 A. (Green) The tree removal line item is for any
9 charges for a unit-price tree removal, or a
10 25-inch tree that's hourly, but basically
11 removals that are scheduled and planned
12 through cycle maintenance. So they can be
13 risk trees, as far as grow-in; it can be risk
14 trees, as far as fall-in. But that's where
15 we have the unit-price removals charged to.

16 Q. Can you describe the difference between
17 "grow-in" and "fall-in"? I think you
18 mentioned that term in one of your data
19 requests.

20 A. (Green) Yes. A grow-in would be a tree that
21 most likely is trapped underneath and growing
22 in or close to the side and growing in. And
23 then a fall-in would be a tree that the risk
24 associated with that is more not that it's

1 going to grow into the conductors, but that
2 it's going to fall into the conductors. And
3 there are some trees that are both grow-in
4 and fall-in.

5 Q. Do you assign a risk priority, or do you
6 assign priority to the hazard trees that you
7 remove based on any sort of criteria; and if
8 so, please describe?

9 A. (Green) So we are building various tools for
10 risk analysis. When we identify the trees in
11 the field, we identify them as grow-in risks
12 or fall-in risks, and we also identify their
13 probability of failure. So, severe, likely,
14 unlikely -- sorry, likely or unlikely, those
15 categories. And then we are currently in the
16 process of relating that to the consequence
17 of failure, which is the number of customers
18 that are affected by that failure on that
19 segment. So we are building that inventory
20 and that information.

21 Q. So it doesn't currently exist? It's an
22 inventory that you're building; is that
23 right?

24 A. (Green) Correct. It is being built.

1 Q. So does that information inform your current
2 activities for either 2020 or 2021, or is
3 that something that will take place either
4 later in 2021 or beyond?

5 A. (Green) 2021, I anticipate having it more --
6 yes, more -- I can do it now, but --
7 (connectivity issue)

8 [Court Reporter interrupts.]

9 A. (Green) My contractor actually builds the
10 report for me currently, and until the link
11 is completely built. And in the future I'll
12 be able to pull that report myself. I can
13 identify fall-ins and grow-ins, and he can
14 pull in the consequence of the failure. I
15 can't pull that report currently.

16 MR. DEXTER: Okay. I believe
17 that's all the questions I have. Thank you,
18 Madam Chair.

19 CHAIRWOMAN MARTIN: Okay. Thank
20 you. Commissioner Bailey?

21 COMMISSIONER BAILEY: Thank you.

22 INTERROGATORIES BY COMMISSIONERS:

23 BY COMMISSIONER BAILEY:

24 Q. On Page 12 of Exhibit 1, you tell us that

1 Consolidated is no longer going to pay for
2 any tree trimming because of a provision in
3 the contract that you signed with them. Can
4 you explain that to me, please?

5 A. (Green) So they had a clause in there where
6 they could terminate that term of being
7 required to participate in the cost-per-tree
8 tree work five years out and beyond. And
9 they took that clause and initiated it.

10 Q. Well, did you agree to that clause?

11 A. (Green) It was in the original agreement.
12 Yes.

13 Q. Why did you agree to that? I don't
14 understand how Consolidated doesn't have to
15 pay for some of this work.

16 A. (Green) I would defer to legal counsel on
17 that.

18 MR. SHEEHAN: If I may, I can
19 explain it in closing. But it's a 1980
20 contract that has been carried over all these
21 years.

22 COMMISSIONER BAILEY: Okay.

23 Thank you.

24 BY COMMISSIONER BAILEY:

1 Q. In the next -- at the bottom of Page 12 going
2 on to Page 13, you show the table that we
3 just went through, and there's a net of
4 \$11,501 increase. Can you explain how that
5 relates to the \$41,057 variance from the
6 budget?

7 A. (Green) Can I ask for clarity? You said
8 \$11,000? Which line is that?

9 Q. Well, if you take -- on Page 12, Line 21,
10 through the next page, Line 7, and, you know,
11 calculate the pluses and minuses, you get to
12 \$11,501. And we were just looking at a table
13 on Page 27 that shows that calculation.

14 A. (Green) I'm not familiar with the -- I can't
15 open both of them here.

16 Q. They're both on page -- sorry -- both in
17 Exhibit 1. Oh, you can't look at both pages
18 at the same time?

19 A. (Green) Yeah, exactly.

20 Q. Okay. Well, I mean, they're the same money
21 numbers. Can you just take my word for that?
22 Or just go to Page 27 and look at those
23 numbers and the net of those numbers in
24 Column C --

1 A. (Green) Okay.

2 Q. -- \$11,501.

3 A. (Green) Okay.

4 Q. You see, you know, the variance is 3926 over,
5 7490 under. And if you go back to Page 12
6 and 13, you see that --

7 A. (Green) Can you repeat the question? I see
8 the \$11,000. Can you repeat the question,
9 please?

10 Q. Okay. So that looks to me like all of the
11 expenses, the over or under for the expenses,
12 adds up to \$11,501. But in the paragraph
13 above -- maybe that's why you're having a
14 hard time because I can't find the number.
15 You budgeted two million -- well, no. You
16 budgeted -- what was your budget? What was
17 your total budget?

18 A. (Green) I actually budgeted more than the 2.2
19 plus 10 percent. I couldn't cut it any more
20 than it was. So it was already higher than
21 the 2.4, and I understood that. But I
22 couldn't cut it any more. So I have --

23 Q. And so -- sorry. Was the budget \$41,057
24 above the 2.42 million?

1 A. (Green) That sounds about right. I don't
2 have that number in front of me.

3 Q. Well, that's my question. If you budgeted
4 41 million -- sorry -- \$41,000 above what you
5 were allowed, how does that relate to the
6 \$11,000 net over/under?

7 A. (Green) So the 11,000 net over/under is of
8 the budget that I have here, which is 2.449.
9 So when I had the original budget of
10 3 million plus with the Fairpoint credits,
11 and then the Fairpoint credits were no longer
12 available to us, I cut everything as much as
13 I could comfortably cut it. And there was
14 nothing else to cut. So I made a budget of
15 2.449, which was really close, but 11,000
16 over -- or sorry -- a little bit over the
17 2.42, which is the 2.2 plus 10 percent. But
18 it still exceeded, but I made accommodations
19 for the loss of the income of the Fairpoint
20 credits while trying to continue to maintain
21 the four-year cycle which we were asked to
22 do, and by maintaining reliability in the
23 program. So this was what that \$3 million
24 budget was cut down to.

1 Q. So on Line 13, Page 12, we see the actual
2 spending was 2,461,057. Is that the \$11,000
3 over what your budget was?

4 A. (Green) That is correct.

5 Q. Okay. Thank you. On Page 15, you talk about
6 the Vilas Bridge is mainly a radial line with
7 minimal backup ties, and that's why it's
8 important to reconductor it.

9 My question is: Does the Company have
10 plans to address that single point of failure
11 in the future?

12 A. (Rivera) We've been targeting the 12L2 for a
13 couple of years now. That feeder, it's got
14 several sections of bare wire conductor. And
15 we're approaching it in a phased approach,
16 starting with the front end of the feeder and
17 working our way out to the further end of the
18 feeder, where we also have a lot of issues.
19 So, yes, we do have a plan for this feeder.
20 And, you know, it will take a few different
21 phases to really try to address these main
22 areas that are having issues.

23 Q. And is some of that feeder in Vermont?

24 A. (Rivera) The feeder had -- the source, the

1 breaker, the substation, it's physically
2 located in Vermont, owned and operated by New
3 England Power.

4 Q. So will you have any authority to fix that?

5 A. (Rivera) We have authority to fix the
6 distribution line once it crosses the state
7 line into New Hampshire. So all the
8 distribution lines, the poles, the equipment,
9 we own, we operate and can address.

10 Q. But the failure that you were describing in
11 this paragraph happened to the transmission
12 line in Vermont; so even if you fixed the
13 distribution lines, it wouldn't have helped?

14 A. (Rivera) If I recall, this particular one was
15 due to a tree that fell during a stormy day.
16 A tree fell on our Liberty distribution lines
17 and caused several sections of wire down.
18 And it was in a location on the feeder that
19 prevented other unaffected areas to be
20 restored, which means all the customers had
21 to be out of power while repairs were made.

22 So that issue is what we're trying to
23 address with spacer cable. It's hard to say
24 in this particular case if spacer cable would

1 have been better or worse, given the large
2 amount of -- the large tree that fell. But
3 we are looking to address vegetation problems
4 in this circuit.

5 Q. Are you thinking about adding load break
6 switches?

7 A. (Rivera) We're definitely looking to see from
8 a sectionalizing point of view if the feeder
9 has adequate sectionalizing, which includes a
10 number of switches along the feeder which
11 might let you sectionalize a portion of it.
12 I can't think of any new load break switch
13 that we're looking to install, other than in
14 the future we are looking to do some
15 distribution automation in this area, which
16 would require the installation of automatic
17 switches, switches that you can control
18 remotely or take action automatically. So,
19 yes, we are looking to add more sort of
20 sectionalizing switching, remote switching
21 capabilities.

22 Q. So this may be for Mr. Strabone, or maybe
23 you, Mr. Rivera, but I've had conversations
24 with the ISO after the Texas incident, and

1 they recommended that we ask our electric
2 utilities whether their systems are properly
3 sectionalized if they require load shedding.

4 Can you talk a little bit about that and
5 whether you think that if ISO said you had to
6 shed load, you could do it without causing
7 other problems and get people back on when it
8 was time to change the area?

9 A. (Rivera) Yeah, I can talk a little bit about
10 that.

11 We have what we call, "underfrequency
12 load shed plans," different levels of
13 frequency points. So as the frequency of the
14 system decays, a certain amount of load is
15 being shed to match that drop in frequency.
16 This is an exercise we go through every year,
17 where we set these relays based on the
18 previous year's peak load and the
19 requirements that we need to meet, as far as
20 amount of load being shed. So if we were to
21 have a frequency decay in the system,
22 underfrequency relays would trigger, dropping
23 load, depending on how low frequency drops.

24 The other part to load shedding is what

1 we call the "manual load shed plan," where we
2 might get a call from, say the ISO, where
3 they might need to call out for a certain
4 step in the manual load shed plan. For
5 example, you know, they might say we need to
6 go to Step 10 of the load shed plan, and that
7 tells our operators that "in essence,"
8 10 percent of the load needs to be dropped.

9 So we have plans in place, as far as
10 what feeders need to be dropped under that
11 scenario. And we start with the feeders that
12 have less of a criticality score, meaning
13 it's got -- maybe it doesn't have a hospital,
14 it doesn't have a nursing home or evacuation
15 center. So that's how we rank the feeders
16 and choose the feeders accordingly, based on
17 that. And there's other things that we look
18 at, as far as rotation plans if, God forbid,
19 we ever got to that point.

20 But I think the key for us is really to
21 track, document, identify all these priority
22 customers that are on the system, so that if
23 we ever get into a situation like this, we
24 know, you know, exactly what load we're

1 dropping and what load we need to restore.

2 Q. Have you -- do you update those critical
3 customers frequently?

4 A. (Rivera) I do. I try to do it once a year,
5 where I export a list of our customer account
6 table. Our customer account table contains
7 priority codes for the different customers,
8 and then that priority code I use to come up
9 with a, call it a criticality number on the
10 feeder; the higher the number, the more
11 critical it is. And that's sort of how we
12 choose our underfrequency plans, our manual
13 load shed plans, our rolling blackouts, I'll
14 call it that.

15 So, yes, we do look at that. We try to
16 look at that every year. We try to update
17 that and see if there's customers that should
18 be on the list that are not there and try to
19 stay on top of that.

20 Q. Have you looked at what happened in Texas?
21 Because my understanding is that the Texas
22 utilities had similar plans in place, as you
23 just described, and when they actually went
24 to implement them, maybe more contingencies

1 happened than they anticipated, but they were
2 very close to a all-out catastrophic failure.

3 So what I want to know is whether you
4 are convinced that if you're required to do
5 rolling blackouts, that New Hampshire is not
6 going to be responsible for a catastrophic
7 failure.

8 A. (Rivera) I know very little of what's been
9 going on in Texas. I do know that they've
10 had issues with maybe keeping track of their
11 priority customers -- for example,
12 gas-generating facilities, you know, those
13 types of facilities that you don't want to
14 turn off power to because it creates sort of
15 a cascading effect.

16 If we were ever in that situation, I
17 don't know that I would describe it as a
18 "catastrophic failure." It's more of a
19 response to supply capacity and what we would
20 do as a distribution utility to help in the
21 overall sort of transmission load system.
22 You know, so we would basically be taking the
23 guidance from the ISO. They have overall
24 view of the system, and we're basically

1 owning a very small portion of that
2 transmission system. But nonetheless, we
3 would still follow all of the requirements
4 for underfrequency load shed and that sort of
5 thing.

6 Q. Mr. Strabone, do you have anything to add?

7 A. (Strabone) I believe Mr. Rivera covered it
8 all. I'm confident in his plans, and ours as
9 a company, to be able to respond as a
10 distribution company. And I hope we never
11 experience what Texas experienced here. But
12 I believe we are taking measures to make sure
13 that we are able to have a resilient system
14 and respond from anything major that may
15 happen in the state of New Hampshire.

16 Q. Mr. Rivera, I mean, I think part of what
17 happened in Texas had to do with their
18 ability to sectionalize properly and
19 frequency instability. And you're telling me
20 that in New Hampshire that's not going to be
21 a problem.

22 A. (Rivera) No, I can't predict that. I
23 couldn't make that statement because, like I
24 said, we're just a distribution company. If

1 something like that were to happen, I mean,
2 we're a lot more resilient when it comes to
3 adverse weather than, say, Texas. But if we
4 had some sort of capacity generation problem,
5 it would really be more of a bulk system sort
6 of thing, transmission with, you know,
7 different states involved. And for Liberty,
8 we just have our impact on the two
9 transmission systems that we're part of,
10 Massachusetts and Vermont.

11 Q. I'm really talking about the distribution
12 system being able to shed load.

13 A. (Rivera) Oh, oh, I'm sorry. Yes, we would
14 definitely be in a situation where we would
15 be dropping load almost instantly under
16 frequency. And also, we have our manual load
17 shed plans in place, where if we needed to go
18 to a certain step load shed, we can remotely
19 drop the load, based on the step that we're
20 in. So if it's a Step 10, the operators know
21 exactly what load or what devices need to be
22 operated to be tripped. And we choose
23 devices that we can operate remotely for
24 this.

1 So yes, we would be ready if this were
2 to occur, or something similar.

3 Q. Okay. I had a follow-up question on the
4 closeout report.

5 So as I understood your testimony, the
6 8830-2046 project included the Bridge Street,
7 the Nashua Road and the Burns Road/Mammoth
8 Road work orders. But the closeout report is
9 a closeout report for 8830-2046, and you did
10 not complete the work order for the Burns
11 Road/Mammoth Road project. So how can you
12 close out 8830-2046?

13 A. (Strabone) So we perform business cases,
14 capital expenditure and project closeout
15 reports on a yearly basis. So Project
16 8830-2046, that project number is -- the
17 nomenclature for "8830" means Granite State
18 Electric; "dash 20" means the year; "46" is
19 just the arbitrary number assigned to the
20 project as it goes. So every year we take
21 out a new project number. So we close the
22 project out for 8830-2046 on a calendar-year
23 basis, just as to say, okay, this number is
24 now closed in 2020. But in 2021 we have a

1 new project number, which is 8830-2146. So
2 we're doing project closeout forms on a
3 calendar basis every year. So we're closing
4 it out on the projects that we completed.

5 Now, yes, we didn't complete Burns under
6 this overall umbrella of projects. But as we
7 indicated, that was postponed until this
8 year. All those costs get transferred to the
9 project number of this year, and we will be
10 closing that project out when complete in
11 2021. So that will be part of the project
12 closeout form and cost report on the project
13 closeout in 2021.

14 Q. So the Burns Road/Mammoth Road work order
15 gets assigned to a new project number because
16 it didn't complete in 2020, so it had to have
17 a 2021 project number?

18 A. (Strabone) Correct. So the work order number
19 stays the same, identifying that level, but
20 it gets reallocated and re-mapped to the
21 overall project of 8830-2146.

22 Q. Okay. Thank you. I think my final
23 question... this is me just trying to
24 understand the numbers again, like I had the

1 conversation with Ms. Green.

2 But on Page 39, the difference between
3 the actual spend of 2.461 million and what's
4 in rates for this year of 1.85 million is
5 \$611,057. So what -- on Line 11 you say the
6 net result is \$570,000. Can you tell me what
7 I'm not -- what dots I'm not connecting?

8 A. (Simek) Yes, I can do that. Could you please
9 just tell me what Bates page you're on?

10 Q. Yes. I'm in your testimony, Exhibit 1,
11 Page 39, and \$570,000 is on Line 11.

12 A. (Simek) Okay. So the 570,000 is the
13 difference between the 2,420,000 that was the
14 settlement agreement amount that we are
15 allowed to spend for this program for the
16 year. So it's a budget of 2.2 million, and
17 then it has a 10 percent cap, which then
18 comes to 2,420,000. If you subtract out the
19 2,420,000 from the amount that's included in
20 base rates of 1,850,000, then the difference
21 is the 570,000, if you're looking to what
22 we're proposing to collect here.

23 Q. Okay. Thank you. So the difference between
24 570,000 and 611,000 you won't collect.

1 A. (Simek) Correct.

2 Q. Okay. Thank you. That's all I have.

3 BY CHAIRWOMAN MARTIN:

4 Q. All of my questions have been answered,
5 except for one. I just want to follow up on
6 Mr. Dexter's -- he had a couple questions on
7 the materials. And the response was that the
8 procurements resulted in increased costs for
9 materials because that reflects the market
10 cost for those.

11 Was that the only factor that changed?
12 So the amount of materials planned for, all
13 of that stayed the same, and just as a result
14 of the procurement the costs went up? Or did
15 other factors change the amounts?

16 A. (Strabone) No, that's correct. It was really
17 just driven by just the materials, the rising
18 cost of materials that we calculated out
19 between our engineering estimate and our
20 actuals. So our engineering estimate had our
21 switch that -- you know, the change in design
22 from our conceptual to our engineering. Our
23 estimate had those costs. And then when we
24 looked at what the actuals came in at, it's

1 really the only driving factor between the
2 materials, what we estimated for our
3 engineering design and our actual cost was
4 just the rising cost of materials through the
5 procurement process.

6 Q. Thank you for that clarification.

7 CHAIRWOMAN MARTIN: I have no
8 other questions.

9 Mr. Sheehan, do you have
10 redirect?

11 MR. SHEEHAN: I do have a few,
12 and I will try to go quickly.

13 REDIRECT EXAMINATION

14 BY MR. SHEEHAN:

15 Q. First, Ms. Green.

16 On the Fairpoint costs that we have not
17 collected from Fairpoint -- of course, now
18 they're Consolidated -- you mentioned those
19 are for past years. Is it fair to say the
20 reason they won't be returned to customers is
21 because when we propose these costs, we never
22 include the Fairpoint costs; so the risk is
23 on us as to whether we recover them or not?

24 A. (Green) That sounds correct.

1 Q. So if the whole program was \$100 and we
2 planned on the getting \$30 from Fairpoint and
3 we only come to recover \$70, the rest we
4 chase Fairpoint for.

5 A. (Green) That sounds correct.

6 Q. Okay. Mr. Strabone, you talked about how
7 senior management learns of these projects
8 through the regular budget meetings. I just
9 want to ask you a few questions about those
10 meetings.

11 How often do capital budget meetings
12 occur?

13 A. (Strabone) They're scheduled to occur
14 monthly.

15 Q. And do you go every month?

16 A. (Strabone) Yes, I do, along with members from
17 finance, other project team members, other
18 capital projects that are going on, and folks
19 from operations and senior leadership.

20 Q. And can you tell me by name and title who are
21 the senior leadership people as of today,
22 because it changes over time of course, that
23 would attend these monthly budget meetings?

24 A. (Strabone) Yeah. We have Susan Fleck, who is

1 our state president; we have Richard
2 McDonald, who is our VP of operations; Peter
3 Dawes, I believe he's our regional
4 vice-president of finance. On occasion our
5 regional president, James Sweeney, is on
6 there. And then there's a list of numerous
7 directors. I don't know if you want me to
8 step through all of those as well.

9 Q. That's okay. And are these senior
10 management, except for you mentioned that Jim
11 Sweeney may not be there all the time, are
12 the others, if not there every month, are
13 most often there?

14 A. (Strabone) That is correct, they are.

15 Q. Can you explain the nature of the discussion
16 between management and the project managers
17 like you when there are costs over or under
18 for particular projects?

19 A. (Strabone) Yeah. So every month the
20 discussion is really focused on our current
21 spend, the current actual spend and where
22 we're -- how that is comparing to our
23 expected or forecasted budget at that time.
24 And then we also look out to forecasting, you

1 know, actual spend for the rest of the year
2 and how that compares to our budget. And
3 then from there discussions really will go,
4 you know, if we have budget underruns, okay,
5 we discuss what we're doing for what is
6 causing the underruns, and if there's any
7 project that anyone could pull in, you know,
8 sooner or, you know, fill some of that, you
9 know, additional money that's now available
10 in the budget.

11 And then on the flipside we have
12 discussions regarding overruns. And
13 discussions vary of what's causing the
14 overrun; is there anything we can do to
15 mitigate that, as in, you know, defer another
16 project, reduce scope? You know, do we need
17 to ask for additional funding from our parent
18 company? What's the overall impact to our
19 capital budget? And, you know, really just a
20 thorough review of the impacts, the causes,
21 all of our options to mitigate these costs,
22 both at the project level and then our
23 overall, overarching capital budget level.

24 Q. And are you the person that is the lead from

1 the project side for these REP projects?

2 A. (Strabone) Yes, I am.

3 Q. And how many projects, for example, would you
4 have to talk about at one of these meetings?

5 One, two, twenty?

6 A. (Strabone) Probably on the higher end.

7 Q. Okay. And is it fair -- go ahead.

8 A. (Strabone) Excuse me. For individual
9 projects, it's probably five or so. But I
10 also speak on behalf of some of our blankets
11 that we have that run, like nature -- normal
12 run of the business, like new business
13 commercial and new business residential. So
14 I also speak to those as well.

15 Q. And do you bring documentation to these
16 meetings to show senior management what's
17 going on with all these particular projects
18 and the overruns or underruns?

19 A. (Strabone) Yeah, I do. And I'm also required
20 to submit all of my updates with
21 justifications of what's happening with the
22 projects. Prior to the meeting, we have a
23 SharePoint site where we have to go on and
24 upload information and fill in any variances

1 that we're seeing on our projects, or any
2 issues that we're running into that may
3 explain some of our overruns or underruns.
4 So that's also provided, I think
5 approximately two weeks prior to the meeting.
6 And then that is presented as well throughout
7 the meeting as a -- you know, for
8 conversations and justification of what's
9 happening to our projects.

10 Q. And is it fair to say, then, that during the
11 course of a year, if you have a particular
12 project that's running over budget, it's
13 being talked about at least every month?

14 A. (Strabone) Definitely every month. And then
15 there's also been a few times where we
16 request a meeting outside of the monthly
17 meeting to discuss issues that we're seeing;
18 that way, senior management has an idea of
19 what's coming up. During the monthly meeting
20 we have proper conversations both inside and
21 outside of the capital budget meeting.

22 Q. And do you recall in the last two years if
23 Ms. Fleck has ever missed one of these budget
24 meetings?

1 A. (Strabone) I cannot recall.

2 Q. And last, one of our record requests is to
3 track down the particular document that did
4 not have Ms. Fleck's signature on it. It
5 will either have it or it won't when we do
6 the work.

7 Even if this document does not have Ms.
8 Fleck's signature on it, are you confident in
9 saying that she knew what was going on with
10 that project over the course of the year?

11 A. (Strabone) Yes. That was one of the projects
12 I made certain that everyone was aware of the
13 drivers and what we were facing and what the
14 intentions were -- well, what the impacts
15 were for our overall budget and steps that we
16 could take to mitigate those costs.

17 Q. Thank you.

18 MR. SHEEHAN: That's all I have.

19 CHAIRWOMAN MARTIN: Commissioner
20 Bailey.

21 COMMISSIONER BAILEY: I'd like
22 to ask Mr. Sheehan a question. Is that okay?

23 MR. SHEEHAN: Sure.

24 CHAIRWOMAN MARTIN: Go ahead.

1 COMMISSIONER BAILEY: I thought
2 I had heard that President Fleck left the
3 Company and -- is she still with Liberty?

4 MR. SHEEHAN: Sure. She is
5 retiring effective June 1. The person
6 replacing her, Neil Proudman, is onboard
7 basically shadowing her for, I think it's going
8 to be about two months. So he will be
9 president effective June 1. And then Sue will
10 stay on for some time thereafter to help Neil
11 and to do a few projects before she retires
12 officially.

13 COMMISSIONER BAILEY: Thank you.

14 CHAIRWOMAN MARTIN: Okay.
15 Anything else we need to do before we take
16 closings, other than exhibits?

17 [No verbal response]

18 CHAIRWOMAN MARTIN: Okay.

19 MR. DEXTER: Yeah. Madam Chair,
20 I don't need to request the recess that I had
21 talked about earlier.

22 CHAIRWOMAN MARTIN: Okay. Thank
23 you.

24 All right. So without

1 objection, we'll strike ID on Exhibits 1
2 through 3, and we're now holding the record
3 open for record requests which are going to
4 be marked Exhibits 4, 5, and 6. Is that
5 consistent with everyone's understanding?

6 MR. SHEEHAN: Yes.

7 CHAIRWOMAN MARTIN: Mr. Dexter,
8 anything else?

9 MR. DEXTER: In terms of closing
10 statements or in terms of other business --

11 CHAIRWOMAN MARTIN: No, in terms
12 of exhibits or record requests.

13 MR. DEXTER: That sounds right
14 to me.

15 CHAIRWOMAN MARTIN: Okay. All
16 right. Then we will hear the closings,
17 starting with Mr. Dexter.

18 MR. DEXTER: Okay. I just want
19 to make sure I'm going at the right time.

20 As we do each year, Staff has
21 gone over the schedules that were presented
22 and the rates that were presented and tried
23 to review those as quickly and efficiently as
24 we can for the Commission so that we all know

1 what's being proposed and that the rates are
2 accurate.

3 And in this docket we've done
4 the same thing. We don't have any particular
5 issue with the calculation of the rates or
6 the presentation.

7 We do have a recommendation
8 with respect to the underlying cost recovery
9 in this case, which is unusual, but we feel
10 it's warranted. We've spent a lot of time
11 today going over the Bridge Street project.
12 We've talked about the original cost
13 estimates being based on investment-grade
14 estimates of about \$380,000 per mile. We've
15 gone over the various documentation that was
16 presented to us, documentation of the
17 project, including the business case, the
18 change order form, and the project closeout.
19 And we tried to highlight what we thought
20 were some very confusing elements in those
21 documents, including the idea that the
22 business case included more than the four
23 projects that we thought it did, that we
24 reasonably thought it did, only to find out

1 that it includes some carryover from prior
2 projects. We found that the very significant
3 change order request for \$800,000, almost
4 50 percent of the requested increase, much of
5 that had to deal with prior year projects.
6 That wasn't clear to us from the
7 documentation. We found that the project
8 closeout report was very confusing, in that
9 there was no mention of the fact that the
10 scope of the project that was being reported
11 on had been reduced significantly from about
12 4 miles of reconductoring to about 2.5 miles
13 of reconductoring. And we found that the
14 scoring of that project, three out of five on
15 all criteria, really couldn't reflect what it
16 said it would reflect. And I think the
17 witness agreed with that. There was really
18 no way that the scope of that project as
19 reflected in the three out of five score on
20 project score was accurate. I think the
21 witness indicated the three out of five score
22 was accurate in this case because the project
23 scope had been reduced. That was
24 inconsistent with the three out of five score

1 on the engineering because the witness
2 indicated that the projects are working fine
3 and that the reconductoring has done what
4 it's supposed to do.

5 So I guess in sum total, you
6 know, Staff's major concern of course is with
7 the actual cost overruns for the Bridge
8 Street project. We spent much of the case
9 last year talking about the overruns in
10 Enfield on the Shaker Road project and we
11 talked about Commissioner Giaimo's reaction
12 to those and we don't seem to find that
13 anything is different in this case.

14 This is not the Company's
15 first reconductoring project. They've come
16 in every year since I've been at the
17 Commission doing these REP hearings with
18 projects of this nature. They're not novel
19 in any way. They didn't indicate that there
20 was anything specific about the Bridge Street
21 project that had caused these overruns. And
22 it appears that the Nashua Road project
23 didn't experience the overruns.

24 It's difficult to understand

1 where the final cost of the project ended up
2 at almost a million dollars and the original
3 cost started at around \$500,000. It's
4 difficult to just recommend that the
5 Commission allow that to be recovered through
6 this clause. We do understand that the
7 nature of the project increased in terms of
8 just under .2 miles, and we understand that.
9 And that actually makes sense.

10 So what Staff is going to
11 recommend that the Commission do in this case
12 is allow recovery through the REP clause of
13 the original estimate for \$500,000 and then
14 increase proportionately for the difference
15 between the 1.2 miles of the Bridge Street
16 project that was originally predicted to the
17 1.38 that was actually built. We find that
18 to be an increase of 15 percent. Therefore,
19 we think it would be reasonable to take the
20 original estimate of \$500,000 and increase
21 that by 15 percent and allow that through the
22 REP clause.

23 Staff is not recommending a
24 disallowance of the remaining costs. We

1 recognize that the project was built, that
2 the plant is used and useful. We are
3 recommending that the difference be collected
4 through traditional rate base recovery
5 through rate cases. We don't believe it's
6 appropriate to add this project to the step
7 adjustments which are upcoming because those
8 have an identified list of projects, and this
9 shouldn't be on it if it was on the REP list.
10 It can't be in both places.

11 So that's Staff's
12 recommendation in a nutshell, and that
13 completes my closing.

14 CHAIRWOMAN MARTIN: Thank you,
15 Mr. Dexter.

16 Mr. Sheehan.

17 MR. SHEEHAN: Thank you. I want
18 to touch first on the question that was raised
19 about the Fairpoint contract, just so the
20 Commissioners are aware. Those contracts were
21 signed, again, in 1980. Some of them were
22 updated over the years, but this particular
23 provision never did. At the time, both were
24 regulated utilities, and the likelihood of not

1 recovering costs and of not continuing with the
2 joint sharing of cost was very unlikely.
3 Obviously, times have changed dramatically.
4 And yes, that provision simply says either
5 party can stop this particular provision, the
6 sharing of VMP costs, that either party can
7 simply stop by giving notice. And we all know
8 from other dockets that Fairpoint is in the
9 process of selling the poles and getting out of
10 the business, and they made the decision to
11 simply stop participating. And just the course
12 of history and of a contract that was never
13 revised, and I suspected Fairpoint never would
14 have agreed to a revision, and that's where we
15 ended up. So it's no one's fault, so to speak.
16 It was just a legacy contract that these are
17 the consequences of.

18 As for the merits of the
19 request here, there are two pieces, of
20 course. The adjustment to rates based on the
21 VMP, and Staff indicated no issues there, and
22 we asked for approval of that.

23 As to the REP costs, the
24 argument, as I understand it, is because

1 there was a difference between the original
2 investment-grade estimate of 500,000 and the
3 actual cost, there should be something less
4 than full recovery under the mechanism as
5 designed. And I find that troubling because
6 we spent a lot of time going through
7 Exhibit 2, Bates Page 2, which was the list
8 of everything that happened that caused those
9 costs to go up by dollar. And we went
10 through a lot of them, and there was not one
11 shred of evidence that any of those increases
12 were inappropriate or imprudent. Just like
13 weather changing for reasons that are out of
14 our control, every project is different for
15 reasons that sometimes can be anticipated,
16 sometimes not. We had a COVID impact of one
17 of these things. We had labor changes.
18 These are competitively bid projects.
19 They're not internal projects. So there's no
20 evidence that any of these costs were
21 imprudent. So we ask that the Commission not
22 accept Staff's recommendation and allow
23 recovery of the full amount as proposed in
24 this filing. Thank you.

1 CHAIRWOMAN MARTIN: Okay. Thank
2 you, Mr. Sheehan.

3 All right. And I think with
4 that, we can close the record on this
5 hearing. And we will reconvene -- for those
6 of you joining the next, we'll take a
7 five-minute break in between. Thank you.
8 we're adjourned.

9 (Hearing adjourned at 3:44 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
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