

*ORIGINAL*

RE: SEC 2024-02

PUC HEARING

September 23, 2024



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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

ORIGINAL

September 23, 2024 - 4:30 p.m.  
Public Utilities Commission  
21 South Fruit Street, Ste 10  
Concord, New Hampshire

IN RE:       SITE EVALUATION COMMITTEE:  
              Public Meeting of the Full Site  
              Evaluation Committee to address  
              the following:  
              Docket No. 2024-02  
              Petition Requesting Jurisdiction and  
              Oversight of Eversource Proposed X-178  
              Transmission Line Replacement Project

PRESENT:               SITE EVALUATION COMMITTEE:

Chairman Daniel C. Goldner	Public Utilities Comm.
(Presiding as Chairman of SEC)	
Cmsr. Robert R. Scott	Dept of Env. Services
(Vice Chairman)	
Cmsr. Pradip K. Chattopadhyay	Public Utilities Comm.
Cmsr. William J. Cass	Dept of Transportation
Joseph Doiron	Dept of Business and Economic Affairs
Michael York	Dept of Natural and Cultural Resources
James Jalbert	Public Member
Susan Duprey	Public Member

Also present:   Andrew Biemer, SEC Administrator

Court Reporter:   Nancy J. Theroux, LCR No. 100

1 APPEARANCES AS NOTED:

2 Reptg. Eversource Energy:  
Barry Needleman, Esq.  
3 Thomas B. Getz, Esq.  
(McLane Middleton)  
4

Reptg. Public Utilities Commission:  
5 Sarah Fuller, Esq.

6 Reptg. Department of Justice:  
Mark Dell'Orfano, Esq.  
7

Reptg. Office of Consumer Advocate:  
8 Donald Kreis, Esq.  
Matthew Fossum, Esq.  
9

10 Reptg. Counsel for the Public:  
Allen Brooks, Esq.

11 Reptg. Maine Office of the Public  
Advocate:  
12 William S. Harwood, Esq.

13 Reptg. Town of Easton  
Matthew Decker, Esq.  
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P R O C E E D I N G

CHAIRMAN GOLDNER: Good afternoon. I call to order a public meeting of the Site Evaluation Committee. This is a general business meeting of the Committee. Notice of this meeting was posted on August 28th, 2024, on the SEC website and on the bulletin board outside the main offices of the SEC at 21 South Fruit Street, Concord, New Hampshire.

This meeting notice was also distributed via the Committee's business meeting service list and the service list for the Docket 24-02, Petitioner Requesting Jurisdiction and Oversight of Eversource's Proposed X-178 Transmission Line Replacement Project. Included with this notice is the expected agenda for today's meeting.

Before we do anything else, let's identify the Committee members. We do have a quorum of Committee members present. I'll ask all members to identify themselves and their title. I'll begin. I'm Dan Goldner, Chairman of the Public Utilities Commission and Chairman of

1 the Site Evaluation Committee.

2 CMSR. SCOTT: Bob Scott, Commissioner  
3 of the Department of Environmental Services.

4 CMSR. CASS: Bill Cass, Commissioner,  
5 New Hampshire DOT.

6 CMSR. CHATTOPADHYAY: Pradip  
7 Chattopadhyay, PUC Commissioner.

8 MS. DUPREY: Susan Duprey, member of  
9 the -- public member.

10 MR. JALBERT: Jim Jalbert, public  
11 member.

12 MR. YORK: Michael York representing  
13 the Department of National and Cultural  
14 Resources.

15 DR. DOIRON: Joseph Doiron,  
16 representing the Department of Business and  
17 Economic Affairs.

18 CHAIRMAN GOLDNER: Thank you.

19 Prior to moving to our stated agenda,  
20 I want to acknowledge that Docket 2024-02 was  
21 filed on June 3rd, 2024. On July 26th, 2024,  
22 HB 609, which changes the composition of the Site  
23 Evaluation Committee, was signed into law by

1 Governor Sununu.

2           The law, which took effect immediately  
3 upon signing, contained a provision that the SEC  
4 proceedings open prior to the effective date of  
5 the new law would remain subject to the  
6 provisions of RSA 162-H, in effect on the date  
7 the Committee opened the docket. Therefore,  
8 Docket No. 2024-02, this docket, will proceed  
9 pursuant to the version of RSA 162-H in effect on  
10 June 3rd, 2024.

11           As for today's meeting, our agenda for  
12 the meeting was published on September 16th,  
13 2024. After addressing any preliminary and  
14 administrative matters, we will proceed to the  
15 items related to this docket.

16           This petition was filed by the Town of  
17 Easton and the Town of Bethlehem to determine  
18 whether the proposed Eversource transmission line  
19 replacement project constitutes a sizeable  
20 addition or change to an existing facility that  
21 would require certification. This is the  
22 question that must be resolved in this docket.

23           Are there any questions on the agenda?

1           Okay. Seeing none, we'll commence the  
2 meeting.

3           Moving on to administrative matters,  
4 have the members had the opportunity to review  
5 the minutes from the Committee's last general  
6 business meeting held on June 19th, 2024, and, if  
7 so, are there any changes or corrections to those  
8 minutes?

9           Hearing none, do I have a motion to  
10 approve those minutes?

11           MR. JALBERT: So moved.

12           CMSR. CHATTOPADHYAY: Second.

13           CHAIRMAN GOLDNER: Thank you. Let's  
14 do a vote. All those in favor of the motion to  
15 approve the June 19th, 2024, meeting minutes, say  
16 aye.

17           (Response in the affirmative.)

18           CHAIRMAN GOLDNER: Any opposed?

19           Seeing none, the minutes are  
20 unanimously approved. The Committee  
21 Administrator shall mark these minutes as final.

22           We'll now move on to review the  
23 petitions to intervene concerning Docket 2024-02.



1 We've received four petitions to intervene. They  
2 can be split into two separate categories. There  
3 are no objections to PSNH doing business as  
4 Eversource Energy.

5 And the Counsel for the Public's  
6 petitions, given that Eversource Energy's project  
7 is the subject matter of this docket and that  
8 Counsel for the Public has a vested interest  
9 appearing in dockets under RSA 162-H:9, does  
10 anyone wish to discuss these two petitions before  
11 a motion is made considering approval or denial  
12 of Eversource and Counsel for the Public's  
13 petition to intervene?

14 Okay. Seeing none, do I have a motion  
15 to grant both Eversource Energy and Counsel for  
16 the Public's petitions to intervene?

17 MS. DUPREY: So moved.

18 CHAIRMAN GOLDNER: Thank you. Is  
19 there a second?

20 CMSR. CHATTOPADHYAY: Second.

21 CHAIRMAN GOLDNER: Thank you. Any  
22 discussion?

23 Okay. Seeing none. All in favor?

1 (Response in the affirmative.)

2 CHAIRMAN GOLDNER: Any opposed? Okay.

3 The motion passes unanimously.

4 Next, we have the petitions to  
5 intervene from the New Hampshire Office of the  
6 Consumer Advocate and the Maine Public Advocate.  
7 We're going to take these petitions one at a  
8 time.

9 The first petition will be from the  
10 Maine Public Advocate. Both Attorney Landry and  
11 Attorney Harwood have filed a Notice of  
12 Appearance on behalf on Maine. Who is going to  
13 present today?

14 MR. HARWOOD: I will. Mr. Harwood.

15 CHAIRMAN GOLDNER: Thank you,  
16 Mr. Harwood.

17 Okay. So we'll hear from Maine first,  
18 and then we'll hear from Eversource concerning  
19 the objection filed. We will then provide an  
20 opportunity for the remaining parties to this  
21 matter to weigh in on the petition.

22 We will repeat the process for the  
23 New Hampshire OCA's petition. If the New

1 Hampshire OCA has a position concerning Maine,  
2 the OCA can provide that when addressing its own  
3 petition.

4 I'll remind the parties that the  
5 Committee has reviewed your written  
6 correspondence. The time provided today is for  
7 you to highlight your position; however, we do  
8 not need to restate all the arguments.

9 Are there any questions?

10 Okay. Seeing none, after hearing from  
11 the parties on both petitions, the Committee will  
12 discuss and vote.

13 So we'll begin with Attorney Harwood  
14 and the MOPA position on the Maine -- on the  
15 Maine petition.

16 MR. HARWOOD: Thank you very much,  
17 Mr. Chairman. Is it okay to sit, or do you  
18 prefer I come to the podium or --

19 CHAIRMAN GOLDNER: Sitting is fine.  
20 Thank you for the offer. Just make sure your red  
21 light is on, and that the court reporter and the  
22 Committee can hear you.

23 MR. HARWOOD: Thank you so much. It's

1 a great pleasure to be here before the New  
2 Hampshire Commission today. I appreciate this  
3 opportunity. I'll be the first to acknowledge  
4 it's a bit unusual to have an out-of-state agency  
5 come and seek to intervene. But I think these  
6 are unusual circumstances, and I think, if you  
7 understand and appreciate the circumstances, the  
8 Maine Office of Public Advocate's intervention  
9 makes perfect sense.

10           What we have here is a situation in  
11 which a utility is proposing to build a project,  
12 90 percent [sic] of which will be paid for by  
13 out-of-state ratepayers. So the question is, to  
14 what extent should you be taking into account the  
15 interest of out-of-state ratepayers or the cost  
16 of this facility to New England as a whole?  
17 Because, as the utility proposes, it is going to  
18 be an infrastructure that will be serving New  
19 England and paid for by all of New England, okay?

20           The petition to intervene is very  
21 simple and straightforward. It says that we must  
22 have a substantial interest. I can't imagine  
23 anything more clear than the obligation to pay

1 almost 10 percent of the cost of this project if  
2 it's built.

3 Maine ratepayers have a substantial  
4 interest in the outcome of this proceeding. If  
5 you give this utility the right to build it, the  
6 rates in Maine will go up. If you deny this  
7 utility the right to build this facility, the  
8 rates in Maine will not be going up for this  
9 facility. That, to me, is a clear substantial  
10 interest.

11 Now, the utility is opposed to our  
12 petition to intervene. Not a big surprise to us,  
13 but still disappointing. They seem to be  
14 conflating the scope of the proceeding with the  
15 substantial interest. I urge you to keep those  
16 concepts separate. We can debate the scope of  
17 the proceeding, and I'm sure we will, the  
18 question of whether cost and cost effectiveness  
19 is part of your public interest standard that you  
20 will be working under. But that is a separate  
21 issue from the substantial interest. The  
22 substantial interest issue is straightforward.  
23 Do the people who are going to pay -- be forced

1 to pay for this project have an interest and,  
2 therefore, a right to be heard here today?

3 I want to assure you that our  
4 intentions are not to disrupt this proceeding.  
5 We will work very closely with the public  
6 interest groups from the New Hampshire Office of  
7 Consumer Counsel and others. We will not  
8 unnecessarily duplicate or delay this proceeding,  
9 but I think it is very important that this  
10 Committee hear from out-of-state ratepayers and  
11 be reminded that the decision you're making here  
12 today goes far beyond the borders of New  
13 Hampshire.

14 While you are clearly the New  
15 Hampshire Committee, I can assure you that  
16 the eyes of New England are on you and this  
17 proceeding. You are what stands between building  
18 this project and not building this project, and  
19 the rest of New England ratepayers will be paying  
20 over 90 percent of the cost should you decide to  
21 let this project go forward.

22 I'd be happy to try and answer any  
23 questions you may have.

1           CHAIRMAN GOLDNER: Thank you. I think  
2 what we'll do is we'll go through all of the  
3 parties and their objections and then open it up  
4 to Committee questions.

5           So next we'll hear from Eversource and  
6 their objection.

7           MR. GETZ: Good afternoon. Thank you,  
8 Mr. Chairman. There we go. And if I could just  
9 note for the record, really appreciate the new  
10 chairs. A big improvement.

11           So I'd like to address the OPA's  
12 motion to intervene. And I think, first of all,  
13 before you can address the motion to intervene,  
14 you do have to establish what's the scope of this  
15 proceeding. It's -- it is straightforward in  
16 their motion, that they would like you to examine  
17 the need for this project and the prudence of  
18 this project.

19           And it's Eversource's position that  
20 you don't have the authority to do that. Those  
21 are rate-making issues, and those are rate-making  
22 issues with respect to transmission projects that  
23 are the province of the, in this case, asset

1 replacement projects, the ISO New England, and  
2 the Federal Energy Regulatory Commission.

3           So it's -- the position of Eversource  
4 is if -- if you do not have the authority to  
5 treat and consider the issues they want you to,  
6 then how can they have substantial interest in  
7 their proceeding?

8           Now, Mr. Harwood just said that if you  
9 deny the project -- well, of course, if you deny  
10 the project for siting reasons, I guess, then, it  
11 won't get built, and there won't be any rate  
12 increase, but that -- the issue for you, as the  
13 traditional findings under site -- 162-H:16, are  
14 there financial, managerial, and technical  
15 capabilities? Is there orderly development of  
16 the region? Are there unreasonable adverse  
17 effects? Those normal findings.

18           Now, there's a lot of overlap between  
19 the OCA position and the OPA position, but there  
20 are two things in particular that the OPA raises  
21 in their reply. One, they say -- and this is  
22 what every good attorney does. They scour the  
23 statute to see if there is support for their



1 position.

2 And the OPA says that, "The phrase,  
3 unduly interfere with orderly development of the  
4 region, surely incorporates the financial impact  
5 on out-of-state ratepayers obligated to pay for  
6 the project under review."

7 And I would disagree with that.  
8 First, under the SEC siting rules, Site 301.09,  
9 that lays out what an application for a  
10 certificate that an applicant needs to include in  
11 order -- with respect to the effects of the  
12 construction and operation of the facility on  
13 three things: land use, the economy of the  
14 region, and employment in the region.

15 And if you look at those three things  
16 that must be included within an application,  
17 they're all talking -- they're talking about  
18 what's the prevailing land use in the affected  
19 communities. What is the economic effect of the  
20 facility on the affected communities, on the host  
21 communities?

22 This is not talking about New England,  
23 when you talked about orderly development of the

1 region. We're talking, under 162-H, with the  
2 region within New Hampshire that this project,  
3 whatever it may be, will affect. Here, we're  
4 talking about a 49-mile project in the -- in the  
5 North Country, and -- that's not going into  
6 Maine. It does not abut up against Maine.

7 And a second issue that the OPA raises  
8 in their -- in their reply, and they speak to --  
9 there's a phrase in 162-H:16 that says, "The  
10 Committee may consult with interested regional  
11 agencies and agencies of border states in the  
12 consideration of certificates."

13 And they suggest that that means that  
14 they -- they can appear here. And I -- I would  
15 contend that that phrase has to do with projects  
16 that are on or near state borders where there may  
17 be some effect into the bordering state.

18 If someone were to build a biomass  
19 facility in Newington, well, that might have air  
20 impacts in Maine. Maybe you would want to  
21 consult with the Maine air agency when you're  
22 doing what -- your normal findings.

23 I do not think that phrase was

1 intended to say, with an asset replacement  
2 project nowhere near the Maine border, that  
3 the -- there is a right for the -- for the Maine  
4 Public Advocate to intervene, who is not a  
5 decision-maker in the sense that the DES or the  
6 DOT or some other agency would be, that you would  
7 logically want to consult with.

8           So the bottom line that -- with the  
9 OPA is we object to their motion to intervene.  
10 We do not think that they have an interest -- a  
11 recognizable legal interest in this proceeding,  
12 because you do not have the authority to examine  
13 need or prudence.

14           And if I could just hand out one -- I  
15 have one handout with respect to that, that I  
16 think might be helpful to understand.

17           So it appears to me what the OCA and  
18 the OPA want to do is turn back the clock. They  
19 want to go back to the time before restructuring,  
20 when need was an issue that was required to be  
21 considered in the case of a siting certificate.

22           If you'll turn to --

23           MR. HARWOOD: Excuse me. I'm not

1 familiar with procedure. Does your opposing  
2 counsel receive a copy of what you've just handed  
3 the bench?

4 CHAIRMAN GOLDNER: I think that would  
5 be appropriate.

6 MR. GETZ: Yeah. Hopefully, there's a  
7 couple left over there.

8 MR. HARWOOD: I'd suggest that we more  
9 than just hope there's a couple of copies.

10 (Conferring.)

11 MR. GETZ: So if you look at 162-H:16,  
12 on page 10 of 13, Roman IV, is in the case of  
13 energy involved power facilities. And the Site  
14 Evaluation Committee, after having considered  
15 available alternatives, fully reviewed the  
16 impact, has to make certain findings: adequate  
17 financial, technical, managerial capability,  
18 orderly development, or unreasonable adverse  
19 effect on aesthetics.

20 In the case of power supply  
21 facilities, the Commission shall issue or deny a  
22 certificate. And Subsection V(a) [sic] speaks  
23 to, is the project required to meet the present

1 and future need for electricity?

2 This has been repealed after  
3 restructuring.

4 Need is not an issue within the  
5 jurisdiction or authority of the SEC. The SEC is  
6 a siting agency, is concerned with the selection  
7 of sites for electric facilities, and is  
8 restricted to the findings that I've already  
9 discussed.

10 So with that, I would be happy to  
11 answer any questions that you have, Mr. Chairman,  
12 and members of the Committee.

13 CHAIRMAN GOLDNER: Thank you. We'll  
14 just proceed all the way through and then come  
15 back to questions at the end.

16 So now I'd like to offer the  
17 Petitioners' position, the Town of Bethlehem or  
18 Easton or both. Do the Towns have anything that  
19 they would like to add relative to the MOPA  
20 petition to intervene?

21 MR. DECKER: I'll just state that the  
22 Towns support the petition to intervene.

23 CHAIRMAN GOLDNER: Sorry, we're having

1 some rearrangement issues. Just a moment.

2 Okay. Sorry. Again, please.

3 MR. DECKER: Sorry. The Towns support  
4 the motion to intervene. That's all we have to  
5 say at this time.

6 CHAIRMAN GOLDNER: Thank you. And  
7 we'll turn now to the New Hampshire Counsel for  
8 the Public.

9 MR. BROOKS: Thank you. Allen Brooks,  
10 Counsel for the Public.

11 We don't take a position in terms of  
12 an objection to the intervention, but I think  
13 that we should refine the thinking here to make  
14 sure that we're focused. I don't think the  
15 question is whether or not someone has an  
16 interest in a project, any kind of interest in a  
17 project. I think it's whether or not they have  
18 an interest in the proceeding as it's evaluating  
19 the project.

20 So if their participation is going to  
21 influence the outcome in some way, then yes, they  
22 have grounds to intervene. And so, I look at it  
23 as saying, well, if the Committee considered what

1 is being offered and it's convincing, would the  
2 Committee ever actually deny a certificate based  
3 on that information?

4 So, to me, the question is, would the  
5 Committee ever deny a certificate because  
6 ratepayers in Maine were influenced in some way  
7 or affected in some way?

8 I actually don't think that the  
9 Committee would do that. I think the Committee  
10 would look at impacts to people in New Hampshire  
11 and the region that is in New Hampshire, not in  
12 Maine.

13 So I'd just offer that as a  
14 perspective. I often look to the end to see what  
15 the beginning should look like. So when I do a  
16 trial, I look to what the jury might find at the  
17 end. And here, I looked to say, will this have  
18 an impact on the outcome one way or another, and  
19 could a project be denied?

20 From my perspective, I don't see the  
21 project being denied on those grounds.

22 CHAIRMAN GOLDNER: Thank you, Attorney  
23 Brooks.

1           So we'll continue, and we'll address  
2   the New Hampshire Office of the Consumer  
3   Advocate, go all the way through, and we'll come  
4   back to questions and comments.

5           Attorney Harwood, yes?

6           MR. HARWOOD:   Would it be possible to  
7   have a brief rebuttal to what was just said?

8           CHAIRMAN GOLDNER:   Sure.   Yes.

9           MR. HARWOOD:   I'll be very brief.

10          CHAIRMAN GOLDNER:   Good.   Let's do  
11   that now.   Go ahead.

12          MR. HARWOOD:   I think the most  
13   important thing, from what you heard from the  
14   Petitioner here, is what was not stated.   The  
15   word "substantial interest."

16          He gave an eloquent discussion about  
17   his view of the scope of the proceeding, but he  
18   skipped right over the central issue:   Do Maine  
19   ratepayers have a substantial interest?

20          Now, Counsel here has suggested that  
21   somehow the word "substantial interest" is caught  
22   up in the scope.   I strongly disagree with that.  
23   The substantial interest is in the outcome of the



1 proceeding. And as I've said, if you allow this  
2 to go forward, rates go up; and if you deny it,  
3 rates don't go up.

4           What they don't understand is we  
5 haven't yet told you what our case is. They have  
6 no idea what I'm going to call for a witness. If  
7 I called as a witness an expert on New Hampshire  
8 site planning in this area of New Hampshire, and  
9 asked you to consider his or her testimony as --  
10 in opposition to the project, I would be well  
11 within the scope as they've defined it, and I  
12 would be here advancing my substantial interest  
13 in stopping this project.

14           It is a fundamental confusion by  
15 equating the two. They don't know what our case  
16 is, and I can assure you that we will abide by  
17 whatever you determine the scope of the  
18 proceeding. And if you say cost is not within  
19 the scope of the proceeding, you will not hear us  
20 talk about cost. We may talk about other things,  
21 or we may have less to say.

22           But that's not the issue on a petition  
23 to intervene. A petition to intervene is -- are

1     you have a substantial interest? Does this  
2     project affect you? Or are you here just for  
3     some reason out of curiosity that you want to be  
4     heard, even though you have no interest?

5             And I don't see how anyone in this  
6     room can say that the ratepayers of Maine, who  
7     are going to pay almost 10 percent of the cost of  
8     the project, don't have a substantial interest.

9             Thank you for that opportunity to  
10    respond.

11            CHAIRMAN GOLDNER: Thank you. We'll  
12    turn now to the New Hampshire Office of the  
13    Consumer Advocate to discuss their case for  
14    intervention.

15            MR. KREIS: Thank you, Mr. Chairman,  
16    and good evening to everybody. I'm proud, as the  
17    Consumer Advocate, to be here for the first time  
18    before the Site Evaluation Committee.  
19    Particularly proud to be sitting next to my  
20    distinguished counterpart from Maine.

21            I'd just like to confess that my  
22    interest in utility regulation really stems from  
23    my years in Maine as a news reporter, when I met

1 some of Mr. Harwood's predecessors and became  
2 interested in this field of public policy and  
3 law. So that's the reason I'm sitting here  
4 today. So it's a pleasure and an honor to be  
5 sitting next to him.

6 I agree with everything my  
7 distinguished counterpart from Maine has said to  
8 you about the reasons why you should grant both  
9 his petition for intervention on behalf of the  
10 Office of the Public Advocate and my petition for  
11 intervention on behalf of the Office of the  
12 Consumer Advocate.

13 Even though I'm here in the forum  
14 state and he's here visiting from a neighboring  
15 state, essentially our interests are coextensive  
16 for exactly the same reason we care about this  
17 proceeding, and our substantial interest has to  
18 do with ratepayer impacts. Because just like  
19 Maine ratepayers are going to be bear 10 percent  
20 of the cost of this project, so, too, is that  
21 true of New Hampshire ratepayers. So it almost  
22 doesn't matter that I'm the guy from New  
23 Hampshire, and he's the guy from Maine. We

1     assert the same substantial interest.

2             I really want to say a couple of  
3     things about Eversource's position, as I've  
4     understood it, from their written pleadings and  
5     from what I've heard Mr. Getz say here today.

6             What the Company is essentially saying  
7     to you is that this project, in terms of its  
8     necessity and its prudence, should be outside of  
9     any scrutiny by any decider whatsoever. If you  
10    go down to Washington, D.C., in front of the  
11    Federal Energy Regulatory Commission and listen  
12    to what the Commissioners at that agency are  
13    saying, they say that it is up to site authority  
14    officials in the individual states to make  
15    determinations about the need for transmission  
16    projects, because all they're doing in  
17    Washington, D.C., is plugging them into federally  
18    regulated transmission rates.

19            So, essentially, what the Company is  
20    here telling you is, this project should be  
21    beyond scrutiny. As long as we decide, as a  
22    Company, that this project is necessary, nobody  
23    should be able to tell us otherwise, as long as

1     it fits in with the land use criteria that  
2     Mr. Getz rattled off.

3             What he ignored is, not only is it  
4     ridiculous public policy to suggest that  
5     something like this would be totally outside the  
6     scrutiny of any regulatory authorities, but the  
7     statute that he cited, Section 16 of your  
8     enabling statute, still contains a general public  
9     interest criteria. And I think you have to apply  
10    that.

11            Like Mr. Harwood, I don't know what  
12    evidence we will ultimately adduce at a hearing  
13    at the end of a docket like this. Like  
14    Mr. Harwood, we will abide by whatever you  
15    determine the scope of the proceeding is.

16            But what Eversource has told you about  
17    us, based on their reading of our enabling  
18    statute, is that, unless it's a rate case, we  
19    don't have the authority to be in the room.

20            Well, that doesn't -- that doesn't  
21    withstand any kind of skeptical scrutiny.  
22    Obviously, we have a long, multi-decade history  
23    of participating in all kinds of proceedings that

1 don't result in rate determinations. And,  
2 obviously, the PUC Commissioners up on the bench  
3 are well aware of that.

4 So I -- it's very troubling to me that  
5 this utility would come in and try to exclude all  
6 ratepayer interests from a proceeding like this.  
7 It would set an awful precedent, and I urge the  
8 Commission -- the Committee, excuse me, not to go  
9 down that route.

10 I guess I disagree with Counsel for  
11 the Public. I don't think that it is a matter of  
12 imagining what influence we might have on the  
13 ultimate outcome of the proceeding. It's way too  
14 early to speculate about what that would be, and  
15 that is not the question before you here today.

16 CHAIRMAN GOLDNER: Thank you. We'll  
17 turn now to the Eversource objection.

18 MR. GETZ: Thank you, Mr. Chairman.  
19 So let's go back to what the issues are here  
20 today.

21 As you laid it out in the procedural  
22 orders is, is this a sizeable change or addition?  
23 Alternatively, should the project be exempt?

1           No decision on either of those issues  
2   is going to affect rates one way or the other.  
3   If you decide that it's sizeable, then the next  
4   step would be, should it be exempt? If you  
5   decide it were sizeable and that it should not be  
6   exempt, then there would be a requirement to file  
7   an application for a certificate.

8           So there's not going to be any impact  
9   on rates based on what you do here today.

10          So let's also get back to -- also, I  
11   want to address the straw man that the Consumer  
12   Advocate started with, that Eversource wants this  
13   project to be on all rate scrutiny.

14          Well, that's just not the case. ISO  
15   New England has its -- has its process for  
16   looking at these types of projects, and FERC  
17   looks at prudence.

18          In fact, in the letter that we have  
19   provided to you from CANE, the New England  
20   Association of Consumer Advocates, says, if we  
21   don't come to agreement with -- with Eversource,  
22   we're going to file a case at FERC challenging  
23   prudence.

1           So it looks like there is something  
2 other than the SEC going beyond its scope of  
3 authority to look at issues of need and prudence.

4           There's very clear lines of  
5 demarcation between siting proceedings and rate  
6 proceedings. It's just as clear, too, that the  
7 Consumer Advocate can participate in rate  
8 proceedings, and the Counsel for the Public has  
9 the authority under statute to participate in  
10 site proceedings.

11           The Consumer Advocate make the case  
12 that there are certain PUC proceedings that don't  
13 affect rates that he has participated in at the  
14 PUC. Well, that may be the case. But I don't  
15 think that the next step in the logic chain from  
16 there is, well, then, he can participate in  
17 anything, because we've had some PUC cases that  
18 didn't affect rates.

19           The OCA enabling statute talks about  
20 rates, tariffs, and consumer services. The  
21 Consumer Advocate, in its reply, says, well,  
22 transmission service, that's a consumer service;  
23 you know, that's enough authority for you to let



1 me in this case, where there's a transmission  
2 project that will provide transmission service.

3 I don't think that's what the statute  
4 is talking about. And, you know, I tried to take  
5 a review of the Commission's rules to see if  
6 there's some guidance with respect to what may  
7 be -- may be discussed in the Consumer Advocate's  
8 enabling statute, and the best I can come up with  
9 is the 1200 rules for the Uniform Administration  
10 of Utility Customer Relations. And there, it  
11 talks about basic utility service means any  
12 tariff, fee, or rate that has been filed with,  
13 and approved by, the Commission.

14 So I think it's -- when the statute is  
15 talking about consumer services, it's talking  
16 about some consumer service directly provided to  
17 a customer of -- of the regulated utility in a  
18 way that comes within the context of the tariff  
19 and the PUC's jurisdiction. It's not to be read  
20 so broadly as to mean that the -- that a  
21 transmission line provides a consumer service.  
22 That's my interpretation of it.

23 So I just, I guess, would close with

1     this, Mr. Chairman. I'd like to try to clear up  
2     this -- you know, if there's any  
3     misunderstanding. The Consumer Advocate says,  
4     Eversource's objection is manifestly an effort to  
5     exclude the OCA, regardless of what issues are  
6     within or beyond the scope of the docket, and  
7     that's -- that's not the case.

8             Eversource's interest is, what's the  
9     proper scope of this proceeding, and we think  
10    it's limited -- well, in the first instance, is  
11    this a sizeable addition; and then, if you  
12    determine that it is and you're gonna take  
13    jurisdiction, then at some point, then you'll be  
14    looking at the traditional siting findings under  
15    162-H.

16            And I would say, among those four  
17    siting findings, one is -- concerns the public  
18    interest. But the public interest is not to be  
19    written so broadly as -- or interpreted so  
20    broadly, as I read it, from the Committee's  
21    rules, that it can mean anything. It's not  
22    setting up a broad-purpose public interest  
23    standard saying, SEC, you just go and find

1     whether this project's in the public interest,  
2     don't pay attention to those other findings,  
3     don't pay attention to the rules, whatever you  
4     think might be encompassed by a broad reading of  
5     public interest, that you can do that with -- you  
6     know, without any restraints.

7             Thank you, Mr. Chairman.

8             CHAIRMAN GOLDNER: Thank you, Attorney  
9     Getz.

10            We'll turn now to the Petitioners, the  
11     Towns of Bethlehem and Easton.

12            MR. DECKER: Again, I'll just state  
13     the Towns do support the motion to intervene by  
14     the OCA.

15            CHAIRMAN GOLDNER: Thank you. And  
16     then, finally, we'll move to the New Hampshire  
17     Counsel for the Public, and ask him for the  
18     position of the Counsel for the Public on the New  
19     Hampshire OCA's petition to intervene.

20            MR. BROOKS: Thank you. No objection.  
21     This is probably already the best-argued  
22     intervention hearing I have ever attended, so  
23     we're making progress, but there's a lot to

1     unpack here.

2             I want to be clear about what I said  
3     before. First of all, as a general matter, there  
4     may be very legitimate issues that are falling  
5     outside the scope of review by other agencies  
6     that people wish had been reviewed. That's not  
7     the issue.

8             The statement was made that  
9     intervention is solely a question of whether you  
10    have an interest in an outcome. Respectfully,  
11    that's never the standard for intervention. If I  
12    have a dispute with my neighbor, and I have a  
13    contract with my neighbor that says, you can't  
14    build your home more than two stories tall. And  
15    a third neighbor wants to intervene in that  
16    matter and say, well, that home's going to affect  
17    me, too, so I have an interest in this case.

18            No, they don't. They're going to be  
19    affected by the outcome, but they don't have an  
20    interest in the dispute that is between those two  
21    people. And so, that's my argument here.

22            If they want to present information  
23    that's actually going to be relevant to the

1 outcome, that may be a reason to intervene, and I  
2 don't think that necessarily has been stated, at  
3 least by the Maine OCA.

4 I do, however, want to say that the  
5 assertion has been made that Counsel for the  
6 Public kind of subsumes all the questions of cost  
7 and economics and everything else. And, yes, we  
8 do that, but that has never been an issue for  
9 intervention for someone else. In other words,  
10 that's never been a reason to exclude another  
11 party.

12 So we may review visual impacts for a  
13 project, but I don't believe the Committee has  
14 ever excluded another party from intervening so  
15 that they could talk about visual impacts. So I  
16 don't think that we preempt OCA's intervention.

17 And I think if perhaps the OCA, New  
18 Hampshire OCA, could talk a little bit more about  
19 the expertise that they bring, there may be  
20 issues that are actually helpful and relevant  
21 that they would weigh in on.

22 I don't think this should be a rate  
23 case, but I do think that there may be expertise

1 as to, for instance, what type of, you know --  
2 what replacement here, full replacement or just  
3 replacement of those poles that absolutely need  
4 it, would be prudent or reasonable, or is the  
5 industry practice, or something else that the OCA  
6 has a lot of experience with.

7           So I think that there may be a role  
8 there, depending on how it's described for the  
9 New Hampshire Office of Consumer Advocate, and,  
10 if that intervention is granted, that OCA could  
11 coordinate with his colleague from Maine if --  
12 you know, people bring experts and have people to  
13 testify and do things like that fairly commonly.  
14 If there was something that was actually relevant  
15 to the proceeding that that information was  
16 necessary, yes, they could coordinate, and the  
17 OCA could present a witness to provide some  
18 relevant testimony, but it would be limited. It  
19 wouldn't be a party with their own status and  
20 their own rights to object and make motions and  
21 all this, so -- so that's Counsel for the  
22 Public's position. Thank you.

23           CHAIRMAN GOLDNER: Thank you. And

1 we'll follow the same process we did with the  
2 Maine office and give the New Hampshire Consumer  
3 Advocate the opportunity to rebut, and hopefully  
4 we can also hear, on Attorney Brooks's point, the  
5 Consumer Advocate's thoughts on what expertise or  
6 experience it brings to this docket.

7 MR. KREIS: Thank you, Mr. Chairman,  
8 and thank you to the Counsel for the Public for  
9 charting out what sounds to me like at least a  
10 plausible path for granting our intervention  
11 motion.

12 We actually have considerable  
13 expertise to bring to bear. The gentleman  
14 sitting to my immediate left is Matthew Fossum.  
15 He is -- in addition to being the Assistant  
16 Consumer Advocate, he is our Director of Regional  
17 and Federal Affairs, and he has been immersed in  
18 the process that has unfolded over the last  
19 several months, maybe close to a year, involving  
20 the actual details of this project, what  
21 Eversource is proposing to do and not to do; the  
22 actual necessity for the project, as opposed to a  
23 much smaller and more targeted project; and the

1 question of what is described often in regional  
2 and federal forums as right-sizing.

3 In other words, here's what Eversource  
4 is basically saying: Well, a few of those pole  
5 have woodpecker damage, and some of them are  
6 rotting a little bit. We want to go and rebuild  
7 the entire thing, and on top of that, we want to  
8 put in optical groundwater, and we want to spend  
9 400 -- or almost 400 million doing that.

10 Well, what we can tell the Site  
11 Evaluation Committee about is whether those  
12 decisions make sense from the standpoint of how  
13 transmission lines are actually built and  
14 implemented. This is a so-called asset condition  
15 project. So it's not a new transmission  
16 facility. It is an upgrade and replacement of an  
17 existing facility. It is nested already within  
18 the region's bulk power transmission system. And  
19 we know something about whether it is truly  
20 necessary for the survival and thriving of that  
21 bulk power transmission system to do what  
22 Eversource is proposing to do.

23 And, you know, I'm not even



1     presupposing an answer to that question. I'm  
2     just saying, in response to the implicit  
3     invitation I just heard from Mr. Brooks, that we  
4     do, indeed, have some expertise to contribute to  
5     that.

6             I wasn't ready to go that far and say  
7     that's what we were going to do. I liked  
8     Mr. Harwood's point, that it really is too early  
9     to tell anybody what we're going to do. But if  
10    the Commission would like us to weigh in and  
11    contribute expertise to that process, so that you  
12    know exactly what you're approving, assuming you  
13    take up the case, we would be more than pleased  
14    to do that.

15            The other thing I would like to say is  
16    that Eversource really finds itself grasping at  
17    straws to try to keep us out of this case, if all  
18    they have is references to consumer services in  
19    the PUC 1200 rules. The PUC 1200 rules govern  
20    customer complaints that are made, in the first  
21    instance, to the Department of Energy, individual  
22    customer complaints, and then, ultimately, if  
23    necessary, adjudicated by the Public Utilities

1 Commission.

2 We have nothing to do with that  
3 process. If you call my office and say, I have a  
4 consumer complaint, the utility got my bill  
5 wrong, they're shutting me off, they're doing  
6 something else I don't like in connection with me  
7 as a customer, I don't help them. I tell them,  
8 call the Department of Energy.

9 So obviously, the way that the 1200  
10 rules are written and the terms of arguing those  
11 rules have nothing to do with what the authority  
12 of the Office of the Consumer Advocate is.  
13 Absolutely nothing.

14 I think that's all I have to say,  
15 unless I left anything out that you would like to  
16 ask me about.

17 CHAIRMAN GOLDNER: Thank you, Attorney  
18 Kreis.

19 So I'll turn now to the Committee  
20 members. Does anyone wish to begin the  
21 discussion regarding the petitions to intervene  
22 by the New Hampshire OCA and the Maine Public  
23 Advocate?

1 Ms. Duprey -- Attorney Duprey?

2 MS. DUPREY: Yes. I had a question  
3 that precedes this a little bit. You said that  
4 because this was filed before the new law took  
5 effect, it's going to proceed under the old  
6 statutory framework.

7 So my question is: Is that true in  
8 terms of the findings that we have to make, and  
9 who is the body that is going to adjudicate this?  
10 Is it these people who are here today, or is it  
11 the newly formulated, whatever it is, under the  
12 new law?

13 CHAIRMAN GOLDNER: So I can for sure  
14 answer your second question, which is, this body  
15 is the one that will adjudicate this issue to  
16 completion. Any docket filed after the date  
17 mentioned, which I'll have to look up again,  
18 would be with the new SEC.

19 MS. DUPREY: So the -- so the process  
20 will be the same as the process that we've been  
21 using in the past?

22 CHAIRMAN GOLDNER: That's correct. No  
23 change.

1 MS. DUPREY: Okay. All right. So I  
2 want to, just from my point of view, distill down  
3 what I feel like I'm hearing here today from the  
4 various counsel. And this -- this -- I sat on  
5 the Seacoast revision of the power line, which is  
6 not dissimilar totally from what we're talking  
7 about today. The issues are a little different,  
8 but the process is basically the same, and many  
9 of the concerns are similar as well.

10 And I have been an advocate for being  
11 strict with our intervention status, and I say  
12 that because the process is so cumbersome with  
13 all the parties that intervene, that -- and  
14 there's so much repetition, that I think that  
15 it's really important for our body to be sure  
16 that we are taking a thorough look at who's  
17 intervening and making, you know, judgments on  
18 that, not just being willing to let anyone  
19 intervene for any reason.

20 And I feel, after reading all the  
21 proceedings in this case and listening to people  
22 here today, that I don't feel like the Maine OPA  
23 and our OPA should be intervenors, and I say that

1 from sort of a combination of what remarks people  
2 have made today.

3 But, one, we are not a rate-setting  
4 body. And while what we do, I suppose, far down  
5 the line could impact rates, our job is really  
6 very real estate oriented. It's like a super  
7 planning board for -- specifically for energy  
8 projects.

9 And that -- it was argued here today  
10 that because we have expertise, we should be able  
11 to be intervenors in this case. Well, lots of  
12 people have expertise, and, you know, their --  
13 their relationship to the case could be quite  
14 tangential. You know, take -- different  
15 environmental bodies could want to come in and  
16 intervene, but they don't have a specific  
17 interest, necessarily, in the case.

18 So in the interests of economy of  
19 these proceedings, which can go on for months and  
20 be really quite tangled with parties, I feel that  
21 we should be strict about this.

22 And to me, this has nothing to do with  
23 rate-setting, which is primarily what your bodies

1 are about, not exclusively necessarily, and maybe  
2 you have further expertise.

3 But I still feel that it is primarily  
4 a real estate-bound situation, where we're  
5 looking at the environment, we're looking at how  
6 this development affects the people who are  
7 nearby, how it affects the region as a whole for  
8 development purposes. But it is not our charge  
9 to determine to nix a project because of rate  
10 structure. We don't have any, most of us,  
11 experience in rate structure. You guys might  
12 because you're the PUC, but I doubt any of us  
13 really have any experience of this, and that's  
14 not our charge.

15 And I'm sorry, and I do feel badly, if  
16 the statutory structure has failed to cover this  
17 situation, but I don't feel like that means that  
18 suddenly, we have expanded powers to do that.

19 I think that the requests that are  
20 being made of us are outside of our -- of the  
21 types of things that would draw a party in under  
22 the statutory framework and what was envisioned  
23 at the time. It may be that there were mistakes

1 made, but I don't think it's our job to fix those  
2 mistakes.

3 So for those reasons, I feel that  
4 these two parties should not be granted  
5 intervenor status, and -- so that's what I have  
6 to say. Thank you.

7 CHAIRMAN GOLDNER: Thank you, Attorney  
8 Duprey.

9 We'll turn now to other Committee  
10 questions or comments for the parties or --  
11 Commissioner Scott? We'll share.

12 CMSR. SCOTT: Thank you. A question  
13 for Attorney Harwood and Kreis, I think. So I  
14 think what I heard is the Counsel for the Public  
15 suggesting that there could be some kind of  
16 working together, if you will. I guess a  
17 question, building on Attorney Duprey's  
18 statements, would it not be possible to  
19 provide -- to the extent you have expertise on  
20 whatever the scope we decide on this docket, to  
21 provide that input through the Counsel for the  
22 Public, is that a viable alternative for you all,  
23 is a question maybe you both could answer.

1           MR. KREIS: I haven't had a chance to  
2 discuss that with the Counsel for the Public.  
3 They have not offered that to us, and they  
4 certainly haven't made an offer like that here.

5           Counsel for the Public, I believe I  
6 heard him say twice that he doesn't oppose either  
7 the OPA's intervention request or our  
8 intervention request.

9           I -- I guess I have a lot of sympathy  
10 for the idea that a complex proceeding like this  
11 one needs to be simplified as much as possible.  
12 We're certainly willing -- I can't speak for  
13 Mr. Harwood, but I'm guessing he would be the  
14 same. We would be willing to coordinate our  
15 participation with his office, because I think  
16 our interests are essentially identical, as I  
17 said earlier.

18           And with -- with all respect to  
19 Committee Member Duprey, we're not -- we're not  
20 just a random neighbor of a project that is  
21 unhappy because some utility wants to build  
22 something that I don't want to look at on my  
23 front porch. We represent the interests of every



1 single utility customer in this state, and that  
2 is not -- that is not an insignificant interest  
3 for purposes of determining whether a party has  
4 standing to intervene statutorily in a proceeding  
5 like this. We have a very substantial interest.

6 CMSR. SCOTT: I'll let Attorney  
7 Harwood respond as well as I ask, but you  
8 anticipated my follow-on question, which was --  
9 which would be, if we were to let you in -- you  
10 know, again, as Attorney Kreis just mentioned,  
11 you effectively have the same interests, so could  
12 you not combine, so to speak?

13 MR. HARWOOD: Yeah, I think it's an  
14 excellent suggestion, Commissioner, and one that  
15 I would have done anyway, but I'm happy to take  
16 the direction from you, but I don't think that  
17 leads to denying the petition to intervene. You  
18 can direct us, and we will voluntarily coordinate  
19 with Counsel for the Public and the New Hampshire  
20 OCA to where we can present our position, our  
21 witnesses, in a constructive and coordinated way,  
22 not to belabor -- I understand the concern of the  
23 public member that these proceedings can get

1 carried away, and I assure you that that is not  
2 our intention. We will be very precise and cost  
3 effective in our presentation and not take up any  
4 more of your valuable time.

5 So I'm happy to have the petition  
6 granted with the condition that we coordinate  
7 with the other public parties to make sure that  
8 that doesn't happen.

9 CHAIRMAN GOLDNER: Other Committee  
10 questions or comments for the parties? Dr.  
11 Doiron?

12 DR. DOIRON: I just wanted to echo --  
13 I think my fellow member, Attorney Duprey, said  
14 it exceptionally well. I don't want to rehash  
15 everything that she said, but I -- I agree with  
16 her conclusions there, and I just wanted that  
17 noted for the Committee, since we deliberate in  
18 public.

19 CHAIRMAN GOLDNER: Thank you.  
20 Attorney Duprey?

21 MS. DUPREY: Not that I really want to  
22 be nitpicking here, but Counsel for the OPA said  
23 it's not like they're a random neighbor who

1 objects to looking at a project, but that is  
2 exactly who is supposed to be in these  
3 proceedings, the random neighbor who lives next  
4 to the project. That's the kind of thing that  
5 we're supposed to be listening to and looking at,  
6 and they're the kind of people who intervene all  
7 the time.

8           It seems to me that -- and this, you  
9 know, hales a little bit from my experience in  
10 the land use world for a long time. Parties go  
11 at these cases hammer and tong. They bring  
12 everything they can, if you're opposing a  
13 project, to try to make sure that it doesn't go  
14 forward. And that's a time-consuming process.  
15 And we already have parties who are going to do  
16 that, so I don't -- I don't think that the two of  
17 them joining together is sufficient, in my view.

18           I think they can join with the two  
19 Towns who want to throw everything at this,  
20 possibly, and they can get together with them, or  
21 if Counsel for the Public is of the same view as  
22 they are. I think there are other opportunities  
23 for this that don't require our granting them

1 status.

2 And, again, I'm -- I want to be a  
3 purist in this, and in my view of the puristic  
4 state of it, I don't think that they rise to the  
5 level of what they are seeking in this case.  
6 Thank you.

7 CHAIRMAN GOLDNER: And I think --  
8 Attorney Duprey, I think you might be the only  
9 one on the Committee with land use experience. I  
10 guess I'll just check and look around.  
11 Commissioner Chattopadhyay and I have rate-making  
12 experience, but I don't think anyone else has  
13 land use experience, so I appreciate that  
14 perspective.

15 Let me turn to Attorney Dell'Orfano in  
16 the back who supports the SEC -- oh, I apologize.

17 MR. DELL'ORFANO: Specific use.

18 CHAIRMAN GOLDNER: Very specific.

19 If -- is there anything that precludes  
20 the Consumer Advocate from Maine and from New  
21 Hampshire from coordinating with the Towns or the  
22 Counsel for the Public or otherwise making sure  
23 that their concerns and their experts are

1 engaged? Can you share your thoughts on that?

2 MR. DELL'ORFANO: I don't have a  
3 microphone.

4 CHAIRMAN GOLDNER: Okay. Please.

5 MR. DELL'ORFANO: Mr. Chairman, thank  
6 you for the question.

7 I think it's a very good question,  
8 and, you know, just a brief answer. I can't  
9 think of a reason why the Maine OPA, New  
10 Hampshire OCA, could not coordinate with Counsel  
11 for the Public or the Towns in presenting their  
12 cases before the Commission.

13 CHAIRMAN GOLDNER: Okay. Thank you.

14 And I would like to publicly apologize  
15 to the Commissioner from the Department of  
16 Transportation. He clearly has land use  
17 experience, so I -- my apologies for the  
18 oversight. It's 5:30, and it's my third hearing,  
19 so I'm getting tired.

20 Okay. Any -- just continue with the  
21 questions and comments for the parties.

22 I'm gonna draw outside the lines  
23 briefly, Attorney Getz, and just ask you a

1 question that I'd like to ask you, though it may  
2 have no relevance to this proceeding. So if you  
3 plead the Fifth, I'll understand.

4 Who should review the cost for this  
5 project? Is it FERC? Is it ISO New England?  
6 Who has jurisdiction on the cost, granting you  
7 that that may or may not have any bearing on this  
8 particular proceeding?

9 MR. GETZ: My understanding of  
10 transmission projects, that they go through the  
11 ISO New England process, and then, ultimately,  
12 it's a FERC decision with respect to transmission  
13 rates.

14 CHAIRMAN GOLDNER: Okay. So said  
15 differently, FERC has the transmission rate  
16 authority in New Hampshire and the country?

17 MR. GETZ: Yes, Mr. Chairman.

18 CHAIRMAN GOLDNER: Thank you. Okay.  
19 Any further questions before I ask for a motion?

20 MR. KREIS: Mr. Chairman, could I --  
21 I'm sorry to interrupt. I just -- I think I need  
22 a little more clarity here.

23 I've heard, now, some talk about

1 requiring the Maine OPA and/or the New Hampshire  
2 OCA to coordinate with either the Counsel for the  
3 Public or the two municipalities. I just want to  
4 be clear, if you deny our intervention requests,  
5 you haven't author -- then our coordinating with  
6 them is entirely at their sufferance, right, and  
7 there is no inevitability that we will be willing  
8 to do what they would want us to do in the  
9 proceeding.

10 Our interests are not coextensive with  
11 that of either the municipalities or the  
12 public -- or Counsel for the Public. So telling  
13 us that we can come into this process, at the  
14 sufferance of one or both these parties, that's  
15 not enough.

16 We're entitled to intervention status  
17 in our own right. And if you grant us that  
18 status and then say, but, in the interest of  
19 efficiency or good case management, or something  
20 else, we'd like you to coordinate with those  
21 parties, that's a different question, something  
22 we'd be willing to consider. But I still don't  
23 think that the law justifies keeping us out

1 completely.

2 I just wanted to make sure that I made  
3 that distinction clear, so you make that  
4 distinction clear when you make your decision.

5 CHAIRMAN GOLDNER: Thank you. I'll  
6 turn now to Attorney Duprey.

7 MS. DUPREY: We're not mandating that  
8 you work with the Towns. We are suggesting that  
9 that's an avenue that you might pursue, and maybe  
10 you have interests that are consonant with one  
11 another and maybe you don't. But in my view, you  
12 don't have the right to be an intervenor, and  
13 that's why I'm going to be voting against that  
14 status.

15 CHAIRMAN GOLDNER: Thank you.  
16 Anything else from the Committee?

17 Okay. Now, I'll ask for a motion in  
18 terms of proceeding with the proposed  
19 intervention status for the Maine Office of the  
20 Public Advocate and the New Hampshire Office of  
21 the Consumer Advocate.

22 CMSR. CASS: I guess --

23 CHAIRMAN GOLDNER: Commissioner Cass.



1 CMSR. CASS: -- I'll make a motion to  
2 deny the petition for intervenor status for both  
3 the Maine AOC and New Hampshire AOC [sic].

4 MS. DUPREY: Second.

5 CHAIRMAN GOLDNER: We have a second.  
6 Discussion?

7 Okay. Having no further discussion,  
8 I'll start the vote. We'll just vote one by one,  
9 I think, might be the cleanest way.

10 Commissioner Scott? Or should we do a  
11 vote all at once?

12 No preference? Let's go one by one.

13 Dr. Doiron?

14 DR. DOIRON: Yes.

15 CHAIRMAN GOLDNER: Mr. York?

16 MR. YORK: Yes.

17 CHAIRMAN GOLDNER: Mr. Jalbert?

18 MR. JALBERT: Yes.

19 CHAIRMAN GOLDNER: Attorney Duprey?

20 MS. DUPREY: Yes.

21 CHAIRMAN GOLDNER: Commissioner  
22 Chattopadhyay?

23 CMSR. CHATTOPADHYAY: Yes.

1                   CHAIRMAN GOLDNER:   Commissioner Cass?

2                   CMSR. CASS:   Yes.

3                   CHAIRMAN GOLDNER:   Commissioner Scott?

4                   CMSR. SCOTT:   Yes.

5                   CHAIRMAN GOLDNER:   And the Chair votes  
6                   yes.

7                   The motion passes unanimously.

8                   Okay.   Next we'll move forward to  
9                   determine a date and time for the final hearing  
10                  on the Towns' petition.   Again, the only issue in  
11                  this proceeding is whether X-178 transmission  
12                  line replacement project requires certification  
13                  under the definition that constitutes a sizeable  
14                  addition or change to an existing facility.

15                  I will ask each of the parties when  
16                  they believe they would be ready for a final  
17                  hearing and what type of evidence the parties  
18                  expect to present at hearing.

19                  Specifically, are the parties  
20                  intending to present multiple witnesses and  
21                  exhibits?   Are the parties intending to proceed  
22                  with offers of proof, with witnesses available  
23                  for cross-examination if questions are asked?

1     Should we build into the scheduled time for  
2     written legal memorandum?

3             And, finally, when reviewing this  
4     matter, the parties should know it will be  
5     helpful to have some visual representation,  
6     detailed description of the project.

7             And I can move slower for the parties  
8     if you didn't capture all that in my soliloquy.  
9     So I will begin with Eversource.

10            MR. NEEDLEMAN:   Mr. Chair, I think it  
11     would be helpful for us if we heard from the  
12     Towns first, since they're the Petitioners here  
13     and bear the burden of proof.

14            CHAIRMAN GOLDNER:   That's fair.   Would  
15     the Towns be comfortable going first?   In other  
16     words, the short version is, how much time do you  
17     need, and what do you --   how do you see this  
18     proceeding moving forward in terms of witnesses  
19     and so forth?

20            MR. DECKER:   I have to ask some  
21     forgiveness of the Committee as I'm very new to  
22     this proceeding.   My initial understanding is  
23     that the Town would be looking to present

1 testimony of witnesses with exhibits and also to  
2 allow for time for written legal memoranda;  
3 according to the normal procedures, presumably,  
4 after a hearing, some post-hearing memoranda.

5 CHAIRMAN GOLDNER: Okay. Thank you.  
6 Do you have any idea, would you be ready in one  
7 month's time, two months' time? How much time  
8 would the Towns need to prepare for this hearing?  
9 And I understand that you haven't heard maybe the  
10 full scope yet. But based on what you currently  
11 envision, how much time would you need to  
12 prepare?

13 MR. DECKER: That's very difficult for  
14 me to answer at this time, and I apologize, so  
15 I -- I'd prefer to hear from the other parties,  
16 if possible.

17 CHAIRMAN GOLDNER: Okay. That is  
18 possible. We'll just try to line up in this  
19 hearing on a time for the next hearing. That's  
20 all we're trying to do today, is to set up the  
21 next session.

22 Okay. Let's move to the New Hampshire  
23 Counsel for the Public.

1           MR. BROOKS: Thank you. So, yes to  
2 offers of proof. Yes to legal memoranda. In  
3 terms of timing, once you get into two months,  
4 you're right in that magical time of year when  
5 it's Thanksgiving and Christmas. So if it can be  
6 enough before that, so that folks aren't having  
7 to leave vacation schedules, or do something else  
8 that they wouldn't have done, I think that would  
9 be better. If not, you may actually want to  
10 extend that period.

11           CHAIRMAN GOLDNER: Okay. Thank you,  
12 Attorney Brooks. And Eversource?

13           MR. NEEDLEMAN: Thank you, Mr. Chair.  
14 Might I suggest that you direct the three parties  
15 to work together and come up with a proposed  
16 schedule that they submit to you for your  
17 approval. I think trying to figure out the  
18 intricacies of that this afternoon might be more  
19 challenging than we have time for.

20           CHAIRMAN GOLDNER: That may be. The  
21 challenge is that getting the nine Committee  
22 members together is also problematic. So maybe  
23 I'll just ask Administrator Biemer if he has any

1     dates that are known to work, and then we can at  
2     least use that as a starting point for the  
3     procedural schedule. And we will, I think,  
4     instruct the parties to work together to come up  
5     with a procedural schedule.

6             But Administrator Biemer, do you have  
7     any dates that are known to work for this  
8     Committee?

9             MR. BIEMER: The date that is known to  
10    work that we have established through RSVP that  
11    we will be able to get a quorum is Friday, the  
12    8th of November.

13            If you're going to work with the  
14    different parties and schedule another date, keep  
15    in mind that our extreme preference is for  
16    Fridays, because it has to be on a day when  
17    there's not going to be a PUC hearing.

18            So Friday, the 8th of November, is a  
19    current day that we can do; and if not that date,  
20    it's most likely going to be another Friday.

21            MR. GETZ: Mr. Chairman?

22            CHAIRMAN GOLDNER: Yes.

23            MR. GETZ: If I might. My

1 understanding, under the statute, is that a  
2 presiding officer can decide procedural matters  
3 alone and doesn't require the convening of the  
4 entire Committee, and I think that's found in  
5 162-H:4, Roman V.

6 CHAIRMAN GOLDNER: That is a  
7 long-standing dispute currently here at the -- as  
8 I said, as a Commissioner. But what I would  
9 propose to do is align with the full Committee,  
10 so that we have good alignment even if -- even if  
11 the presiding officer did have the authority. So  
12 thank you.

13 Okay. So I think the proposal from  
14 Eversource is for the three parties that have  
15 been granted status to work together to come up  
16 with a procedural schedule, with November 8th as  
17 an option; and if that's not an option, to come  
18 back with, I would say, four or five different  
19 Friday options, so that the Committee can -- you  
20 know, we can get as many Committee members there  
21 as possible. So that was a long-winded motion --

22 Attorney Duprey?

23 MS. DUPREY: I just had another

1 question. I think I didn't ask my initial  
2 question correctly.

3 If we determine that there is  
4 jurisdiction, is that a new filing and goes  
5 under the new law as opposed to the old law?

6 CHAIRMAN GOLDNER: That's a good  
7 question. I'm going to ask that question of  
8 Attorney Dell'Orfano.

9 MR. DELL'ORFANO: Our office would  
10 prefer to remit a written answer to that question  
11 as opposed to trying to answer it today.

12 MS. DUPREY: Okay. I'd appreciate  
13 that as soon as you can get around to it.

14 MR. DELL'ORFANO: Absolutely.

15 MS. DUPREY: Thank you.

16 CHAIRMAN GOLDNER: Thank you, Attorney  
17 Dell'Orfano.

18 MR. NEEDLEMAN: Mr. Chair?

19 CHAIRMAN GOLDNER: Yes.

20 MR. NEEDLEMAN: I'm not sure you asked  
21 me, but could I say something about that?

22 CHAIRMAN GOLDNER: Please do.

23 MR. NEEDLEMAN: It seems to me that



1 this proceeding plainly was initiated under the  
2 old statute. If you were to determine that it is  
3 a sizeable addition, then, by extension, you  
4 would be determining that it was necessary for  
5 Eversource to submit an application, and that  
6 would be a new proceeding that would be initiated  
7 under the new statute.

8 CHAIRMAN GOLDNER: Attorney Duprey, I  
9 want to offer the opportunity for any follow-up  
10 or any additional questions as -- while we await  
11 the filing from the Department of Justice.

12 MS. DUPREY: No, thanks. I'm all set.  
13 Thank you.

14 CHAIRMAN GOLDNER: Thank you. Okay.  
15 I'm not sure I can totally repeat the motion that  
16 I made verbatim, but can I have a -- is there a  
17 second on that motion, or would somebody like to  
18 restate the motion?

19 CMSR. CASS: Restate the motion.

20 CHAIRMAN GOLDNER: Restate the motion.  
21 That was the worst possible outcome.

22 So, the motion is for the three  
23 parties to come together and propose a procedural

1 schedule to the Committee with either the next  
2 hearing date of November 8th or four more Friday  
3 options for the Committee to consider, if  
4 November 8th is not an option.

5 Can I have a second on that motion?

6 CMSR. SCOTT: Second.

7 CHAIRMAN GOLDNER: Thank you. Any  
8 discussion?

9 Okay. All those in favor?

10 (Response in the affirmative.)

11 CHAIRMAN GOLDNER: Any opposed?

12 Okay. Seeing none, the motion passes  
13 unanimously.

14 Lastly, today, I know it's getting  
15 late. I apologize for that. I would like to  
16 provide any member of the public here today time  
17 to comment on this matter, limiting comments to  
18 the issues discussed here today.

19 As to the hearing on the merits, where  
20 we'll discuss the proposed project that we just  
21 discussed in the motion, we'll provide an  
22 opportunity at that hearing for the public to be  
23 heard. Comments concerning whether certification

1 is necessary should be provided at that time.

2 Further, all participants are  
3 encouraged to submit written comments. I do have  
4 a checklist in front of me that -- where  
5 Mr. Harwood said that he'd like to speak. I  
6 think we've already attended to that, have we  
7 not, sir?

8 So we have no further comments from  
9 the public on my sign-up sheet. Did I miss  
10 anyone?

11 Okay. Seeing none. We'll look  
12 forward to additional public comments, either in  
13 writing in this docket or at the upcoming  
14 hearing.

15 Okay. With that, I believe this  
16 concludes the pending business before the  
17 Committee. Does any member of the Committee have  
18 any additional business that needs to be  
19 addressed?

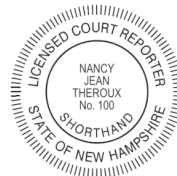
20 Okay. Seeing none, I adjourn the  
21 meeting. We are adjourned.

22 (Whereupon, the meeting was  
23 adjourned at 5:42 p.m.)

## C E R T I F I C A T E

I, Nancy J. Theroux, LCR, RPR, do  
hereby certify that the foregoing transcript is a  
true and accurate transcription of the within  
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