

STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION  
SITE EVALUATION COMMITTEE

March 4, 2025 - 9:14 a.m.  
21 South Fruit Street  
Suite 10  
Concord, NH

Re: **SEC 2024-02**  
**EVERSOURCE ENERGY:**  
Proposed X-178 Transmission Line (*Hearing*)

**PRESENT:** Chairman Daniel Goldner, *Presiding*  
Asst. Commissioner Adam Crepeau, DES  
Commissioner William Cass, NHDOT  
Commissioner Pradip Chattopadhyay, PUC  
Patrick Hackley, Commissioner Designee, DNCR  
James Doiron, Commissioner Designee, DBEA  
James Jalbert, Public Member

Andrew Biemer, SEC Administrator  
Sarah Fuller, PUC Legal Advisor

**APPEARANCES:** **Reptg. Eversource Energy**  
Barry Needleman, Esq. (*McLane Middleton*)  
Martin Bellis, Esq.  
Thomas Getz, Esq. (*McLane Middleton*)  
Rebecca Walkley, Esq. (*McLane Middleton*)

**Reptg. the Public (DOJ)**  
Keely Lovato, Esq.  
Allen Brooks, Esq.

**Reptg. the Towns of Easton and Bethlehem**  
Matthew C. Decker, Esq. (*Drummond Woodsum*)  
Veronica Morris, Town of Bethlehem Select Board  
Robert Thibault, Town of Easton Select Board

Court Reporter: Nwamaka Dawson

1 **ALSO PRESENT:**

2 Chris Soderman (*Eversource*)

3 Carol Burke (*Eversource*)

4 Kurt Nelson (*Eversource*)

5 Jessica Kimball (*Eversource/Tandem Landscape Architects*)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1	<b>I N D E X</b>	
2		<b>PAGE</b>
3	<b>SUMMARY OF THE DOCKET BY CHAIRMAN GOLDNER</b>	6
4	<b>JANUARY 24, 2025 MINUTES APPROVED</b>	8
5	<b>PUBLIC COMMENT BY:</b>	
6	Kris Pastoriza	9
7	<b>OPENING STATEMENTS BY:</b>	
8	Mr. Needleman	15
9	Mr. Decker	18
10	* * * * *	
11	<b>WITNESS PANEL:</b>	<b>CHRIS SODERMAN</b>
12		<b>CAROL BURKE</b>
13		<b>KURT NELSON</b>
14		<b>JESSICA KIMBALL</b>
15	Direct Examination by Mr. Needleman	22
16	Cross-Examination by Mr. Decker	27
17	Questions by Commissioner Chattopadhyay	73, 78
18	Questions by Chairman Goldner	75
19	Questions by Commissioner Cass	80
20	* * * * *	
21	<b>EVERSOURCE PRESENTATION</b>	64
22	* * * * *	
23	<b>CLOSING STATEMENTS BY:</b>	
24	Mr. Needleman	84
25	Mr. Brooks	86
26	Mr. Decker	88
27	* * * * *	
28	<b>COMMITTEE DISCUSSION</b>	91
29	<b>MOTION FOR SEC JURISDICTION PASSES</b>	96

# **E X H I B I T S**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
1	Eversource--Summary Technical Report,	Pre-marked
2	December 10, 2024	
3	Eversource--Responses to Town	Pre-marked
4	Technical Session Data Requests	
5	Counsel for the Public--Fact Sheet	Pre-marked
6	Counsel for the Public--Compilation	Pre-marked
7	of Town Briefings	
8	Counsel for the Public--Screenshots	Pre-marked
9	of X-178 Line	
10	Counsel for the Public--Photographs	Pre-marked
11	of Comparable Access Roads	
12	Counsel for the Public--National	Pre-marked
13	Scenic and Cultural Byways	
14	Towns--Bethlehem, X-178 Presentations	Pre-marked
15	Towns--Easton, X-178 Presentations	Pre-marked
16	Towns--X-178 Permitting Plan Set,	Pre-marked
17	Easton	
18	Towns--Additional X-178 Presentations	Pre-marked
19	Counsel for the Public--PowerPoint	72
20	Presentation	

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

CHAIRMAN GOLDNER: Okay. Good morning. 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 February 4th, 2025, 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 docket number 2024-02, petition requesting jurisdiction and oversight of Eversource proposed X-178 transmission line replacement project. Included in this notice was 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 here today. I'll ask all members to identify themselves and their title. I'm Daniel Goldner, Chairman, Public Utility Commission, and Chairman of the Site Evaluation Committee.

MR. CREPEAU: Adam Crepeau. I'm the assistant commissioner at the Department of Environmental Services.

COMMISSIONER CASS: William Cass, Commissioner, New Hampshire Department of Transportation.

COMMISSIONER CHATTOPADHYAY: Pradip Chattopadhyay,

1 New Hampshire PUC Commissioner.

2 MR. DOIRON: Good morning. Joseph Doiron,  
3 Commissioner's designee for the New Hampshire of Business and  
4 Economic Affairs.

5 MR. HACKLEY: Good morning. Patrick Hackley,  
6 Commissioner's designee for the Department of Natural and  
7 Cultural Resources.

8 CHAIRMAN GOLDNER: Thank you. Moving to our lead-in  
9 agenda, I want to acknowledge that docket 24-02 was filed on  
10 June 3rd, 2024, prior to the changes in the composition of the  
11 Site Evaluation Committee that were enacted via HB 609, which  
12 was signed into law by Governor Sununu on July 26th, 2024.  
13 The law, which took effect immediately upon signing, contained  
14 a provision that SEC proceedings opened prior to the effective  
15 date of the new law would remain subject to the provisions of  
16 RSA 162-H in effect on the date the committee opened this  
17 docket. Therefore, docket number 2024-02 will proceed  
18 pursuant to the version of RSA 162-H in effect on June 3rd,  
19 2024.

20 And for today's meeting, after reviewing our minutes  
21 from our January 24th, 2025 meeting, we will proceed to the  
22 items related to docket 2024-02. The first agenda item will  
23 be receipt of public comment. After public comment, we will  
24 begin with the formal hearing on the petition filed by the

1 Towns of Bethlehem and Easton requesting jurisdiction and  
2 oversight of Eversource's proposed X-178 transmission line  
3 replacement project. Finally, we'll conclude with a  
4 discussion of any other business lawfully before the  
5 committee.

6 Are there any questions on the agenda?

7 *[No verbal response.]*

8 CHAIRMAN GOLDNER: Okay. Seeing none, we'll  
9 commence with the meeting. Moving on to administrative  
10 matters, have the members had the opportunity to review the  
11 minutes from the Committee's last nine-member general business  
12 meeting held on January 24th, 2025? And if so, are there any  
13 changes or corrections to those minutes?

14 *[No verbal response.]*

15 CHAIRMAN GOLDNER: Okay. Hearing none, do I have a  
16 motion to approve the minutes?

17 COMMISSIONER CASS: So moved.

18 COMMISSIONER CHATTOPADHYAY: Second.

19 CHAIRMAN GOLDNER: Commissioner Cass. Thank you,  
20 Commissioner Chattopadhyay. Okay. Let's vote. All those in  
21 favor of the motion to approve the January 24th, 2025, meeting  
22 minutes, say aye.

23 IN UNISON: Aye.

24 CHAIRMAN GOLDNER: Any opposed?

1           *[No verbal response.]*

2           CHAIRMAN GOLDNER: Okay. The minutes of the  
3 Committee are finalized. The Committee administrator shall  
4 mark these minutes as final.

5           Okay. I would like to provide any member of the  
6 public here today a time to comment on this matter. Has  
7 everyone who wishes to had the opportunity to sign in? Okay.  
8 We'll call each speaker by name and provide you with -- and  
9 provide you with the opportunity to state your public comment.  
10 The time, given our agenda today, is limited to three minutes  
11 for comment. I will keep time, and when you have reached your  
12 allotted time, I'll ask you to conclude your public comment.

13           Administrator Biemer, if you could pass along the  
14 list, please. Yes. Thank you. I see two on the list. Just  
15 a moment.

16           MR. BIEMER: Attorney Brooks pointed out that Ms.  
17 Lovato from DOJ signed up, but not to go as a member of the  
18 public --

19           CHAIRMAN GOLDNER: Okay.

20           MR. BIEMER: -- for what it's worth.

21           CHAIRMAN GOLDNER: Very good. Okay. So I have Kris  
22 Pastoriza who wishes to speak today.

23           THE COURT REPORTER: I'm sorry to interrupt. This  
24 is the court reporter. Who is the gentleman that just spoke

1 to you, Commissioner, who was -- concerning Ms. Lovato?

2 CHAIRMAN GOLDNER: Oh. I'm sorry, that was  
3 Administrator Biemer.

4 THE COURT REPORTER: Thank you.

5 CHAIRMAN GOLDNER: Okay. Is Ms. Pastoriza here, and  
6 would Ms. Pastoriza like to speak?

7 MS. PASTORIZA: Where do I go, sir?

8 CHAIRMAN GOLDNER: Any place with a speaker, please.  
9 Perfect. Thank you.

10 MS. PASTORIZA: So is that good?

11 CHAIRMAN GOLDNER: Yes, it -- I'm sorry. Is the red  
12 light on?

13 MS. PASTORIZA: Yep.

14 CHAIRMAN GOLDNER: Perfect. Please proceed.

15 MS. PASTORIZA: All right. We shouldn't have to --  
16 we shouldn't have to be here. We are here because since 2018,  
17 Eversource has been rebuilding its grid in New Hampshire under  
18 the category of asset condition projects, without any federal  
19 or State scrutiny for need, planning, or cost. We are here  
20 because none of the consumer advocates in New England have  
21 taken any meaningful action about the asset condition problem.

22 We are here because ISO New England, a private  
23 corporation allowed by FERC to run the New England grid, has  
24 violated FERC's rules and allowed Eversource to classify the

1 X-178 as an asset condition project paid for by ratepayers,  
2 rather than an elective upgrade paid for by Eversource. As  
3 the X-178 rebuild has not been shown to be necessary for  
4 safety or reliability and will more than double the capacity  
5 of the line, 908 to 200 -- 2,200 amps, it is excluded from  
6 FERC's definition of an asset condition project.

7 We are here because on January 5th, 2024, the New  
8 Hampshire PUC denied my petition of June 2023, requesting it  
9 to investigate Eversource's 70-plus asset condition projects  
10 in New Hampshire, including the X-178 for need, planning, and  
11 costs. PUC, which includes two members of the present SEC,  
12 denied my petition despite New Hampshire RSA 374:2, which  
13 states, quote, "All charges made or demanded by any public  
14 utility for any service rendered by it shall be just and  
15 reasonable... Every charge that is unjust or unreasonable is  
16 prohibited".

17 We are here because the New Hampshire Department of  
18 Energy licensed all Eversource's proposed X-178 crossings of  
19 public lands and waters without the required proof of public  
20 need or Eversource ownership rights. We are here because DES  
21 violated its own rules and accepted Eversource's alteration of  
22 terrain and wetlands permit applications for the X-178 without  
23 landowner signatures or even landowner notification that these  
24 current applications have been submitted.

1           We are here because New Hampshire AG gave its  
2 blessing to DES's violation. We are here because of  
3 regulatory capture, also called agency capture, quote, "a form  
4 of corruption of authority that occurs when a regulator is  
5 coopted to serve the commercial interests of a minor  
6 constituency, such as industry", end quote. That's it.

7           CHAIRMAN GOLDNER: Thank you, Ms. Pastoriza. I want  
8 to thank you for your public comments today.

9           We're here today for a final hearing to review the  
10 Town of Easton and Town of Bethlehem's petition requesting  
11 jurisdiction and oversight of Eversource's proposed X-178  
12 transmission line replacement project. The authority to  
13 convene a hearing in this matter is provided by RSA 541-A and  
14 RSA 162-H:4, RSA 162-H:5, and New Hampshire Administrative  
15 Rule 203.01.

16           The Committee must determine whether the  
17 construction and operation of the transmission line  
18 replacement constitutes a sizable change or addition to an  
19 existing energy facility, requiring a certificate of site and  
20 facility under RSA 162-H:5, II. The Committee may  
21 alternatively determine whether the project should be exempt  
22 under RSA 162-H:4, IV.

23           The three parties to this proceeding are the  
24 petitioning towns, Eversource, and the New Hampshire Counsel

1 for the Public. The parties have filed witness lists,  
2 exhibits, and position statements. We'll now move to  
3 appearances from the parties, beginning with the Petitioners.

4 MR. DECKER: Good morning, everyone. My name is  
5 Matthew Decker. I'm the attorney for the towns of Bethlehem  
6 and Easton. And present with me here this morning are  
7 Veronica Morris, a member of the Select Board of the Town of  
8 Bethlehem, and Robert Thibault, a member of the Select Board  
9 of the Town of Easton.

10 CHAIRMAN GOLDNER: Thank you. The New Hampshire  
11 Counsel for the Public?

12 MS. LOVATO: Good morning. My name is Keely Lovato,  
13 and I'm Counsel for the Public on this matter.

14 CHAIRMAN GOLDNER: Thank you. And Eversource  
15 Energy?

16 MR. NEEDLEMAN: Good morning. Barry Needleman from  
17 McLane Middleton, representing Eversource. And to my right,  
18 with me, Marvin Bellis from Eversource, and Tom Getz and  
19 Rebecca Walkley from McLane Middleton.

20 CHAIRMAN GOLDNER: Thank you. Okay. Are there any  
21 other preliminary issues we need to address before beginning  
22 testimony?

23 *[No verbal response.]*

24 CHAIRMAN GOLDNER: Okay. We note that Eversource

1 has identified four witnesses today. The Petitioners have  
2 indicated they do not anticipate independently calling any  
3 other witnesses. Counsel for the Public has also not  
4 identified any other independent witnesses. Eversource has  
5 has pre-filed 11 exhibits to the file for identification  
6 purposes.

7 Normally the Petitioner would present its witness  
8 list first. However, it appears that the Petitioners will  
9 only be asking questions of the Eversource witnesses. Given  
10 this information, does Eversource wish to qualify their  
11 witnesses and perform direct to we begin the proceeding?

12 MR. NEEDLEMAN: Yes, Mr. Chair, I'm happy to do so.  
13 And I appreciate you noting the order of the proceeding under  
14 the rules. And likewise -- I didn't hear you mention it, but  
15 just for the record, I wanted to note that according to the  
16 Committee's rule -- and I'm looking at cite 202.19 -- the  
17 party asserting a proposition has the burden of proof to prove  
18 that proposition by a preponderance of the evidence. And so  
19 even though we are putting these witnesses up, we as an  
20 intervenor don't have a burden of proof. It is the Towns that  
21 has the burden of proof here.

22 That being said, I'm happy to move forward with the  
23 witness panel.

24 CHAIRMAN GOLDNER: Okay. Just a moment. I'll go

1 over a couple other preliminaries, then we'll get -- we'll  
2 get --

3 MR. NEEDLEMAN: Sure.

4 CHAIRMAN GOLDNER: -- started. Sorry. It was a bit  
5 of a false start. Okay. I'll just check and make sure  
6 that -- if there's any other additions or amendments to the  
7 proposed exhibit list the Committee received on December 13th,  
8 2024?

9 *[No verbal response.]*

10 CHAIRMAN GOLDNER: Okay. Hearing none. And I'll  
11 just check in and see if the parties wish to make opening  
12 statements before we go to the Eversource witnesses. I'll  
13 just check with the Petitioners. Do the Petitioners wish to  
14 make any opening statement, or would the Petitioners prefer to  
15 go directly to the witnesses?

16 MR. DECKER: I don't have an opening statement  
17 beyond what was set forth in the Towns' position statement.  
18 So for the sake of efficiency, I'm in favor of proceeding  
19 right to the witnesses.

20 CHAIRMAN GOLDNER: Okay. Are the other parties  
21 amenable to that approach?

22 MS. LOVATO: Yes.

23 CHAIRMAN GOLDNER: Okay.

24 MR. NEEDLEMAN: I hate to be a fly in the ointment,

1 but if you are offering, I would appreciate the chance to make  
2 a brief opening statement.

3 CHAIRMAN GOLDNER: Okay. I'll just circle back  
4 around to the Petitioner -- or to the Petitioners and the  
5 counsel to see if they would also like to make an opening  
6 after the Company's opening. So please proceed, Attorney  
7 Needleman.

8 MR. NEEDLEMAN: Thank you, Mr. Chairman, members of  
9 the Committee. As I said, my name is Barry Needleman. I  
10 represent Eversource. As you noted, Mr. Chair, the Towns  
11 filed this petition alleging that the X-178 is a sizable  
12 addition or change that merits Committee jurisdiction. Under  
13 your rules, as I noted, the Towns have the burden of proof  
14 here, and it's our belief that they haven't met that burden.

15 To meet the burden, what they're required to do is  
16 to cite to the legal standard that governs the analysis of  
17 sizable additions and then to demonstrate that the facts here  
18 meet that standard. This Committee has clearly articulated  
19 that standard, and we cited to the law in our position  
20 statement. The Town also cited to that law. And it  
21 articulates five factors that need to be considered when you  
22 undertake an analysis like this. And I won't go through all  
23 of them, but I'll just give a couple of examples of why we  
24 believe the Town has not satisfied its burden here.

1           For example, one of the factors that this Committee  
2 has previously identified is, quote, "whether the project  
3 requires the acquisition of new land". The Town in its  
4 position paper asserts that there will be the acquisition of  
5 new land rights here. We have a witness who can speak to that  
6 issue, and -- Mr. Nelson to be specific, and if asked will  
7 demonstrate that no new land rights are required, and in fact  
8 the project can be built without such rights.

9           Another example is -- one of the factors is whether  
10 the project changes the capacity of the existing facility.  
11 The current line is a 115 kV line. If the project goes  
12 forward as proposed, the new line will be a 115 kV line.  
13 There has been some confusion here about whether the capacity  
14 is going to change. You heard, for example, Ms. Pastoriza  
15 incorrectly assert that it will. If asked, one of our  
16 witnesses, Mr. Soderman, can clarify that point and  
17 demonstrate that there won't be a change in capacity. And so  
18 I won't go through all the factors, but my point being that we  
19 don't believe the Town has and can meet its burden here.

20           Likewise, Counsel for the Public filed a position  
21 paper here asking that the Committee take jurisdiction. In  
22 its position paper, we think there are several deficiencies.  
23 First, they fail to actually cite the specific STC standard in  
24 the five factors that I just talked about, and to make any

1 attempt to try to tie the facts to those standards.

2           Secondly, Counsel for the Public, in support of its  
3 position, cites to RSA 162-H. However, with respect to that  
4 argument, I think they've misread the statute. Specifically  
5 in their position statement at page 4, they assert that the  
6 statute, quote, "describes a minimum size for transmission  
7 projects", close quote. They then cite to RSA 162-H, VII(d).  
8 They quote the statute and argue that this project meets that  
9 minimum size standard that they just referred to. And then  
10 the remainder of their position paper is then built on that  
11 premise.

12           The premise, however, is faulty. And what I mean by  
13 that is when you look at their position paper, they quote the  
14 statute, and their quote is that SEC jurisdiction attaches to,  
15 quote, "any transmission line of a design rating of 100  
16 kilovolts that is in excess of ten miles in length", period.  
17 End quote.

18           That's not actually what the statute says. What the  
19 statute says is, "an electric transmission line of a design  
20 rating in excess of 100 kilovolts that is in excess of ten  
21 miles in length, over a route not already occupied by a  
22 transmission line", period. In fact, this route is already  
23 occupied by a transmission line, and we're proposing to  
24 rebuild that line. So the quote that Counsel for the Public

1 relies on and it builds their argument on just doesn't support  
2 their position.

3           With respect to Eversource, we're an intervenor, and  
4 as I've noted we have no burden of proof. Notwithstanding  
5 that, we've presented a detailed technical report, and we have  
6 our witnesses here today, and you'll hear from all of them to  
7 answer whatever questions anybody might have about the facts  
8 of the case. And when that concludes, we believe that it's  
9 going to demonstrate that the project is not a sizable change  
10 or not a sizable addition. And so consequently, we would ask  
11 that the Committee deny the Towns' petition. Thank you.

12           CHAIRMAN GOLDNER: Thank you, Attorney Needleman.  
13 I'll now allow -- or return to the Petitioners to see if they  
14 would like to make an opening statement.

15           MR. DECKER: Yes, please. Good morning. The Towns  
16 agree that we have the burden of proof in this petition, and  
17 we believe we can meet that burden and do meet that burden  
18 based on the statements of Eversource about their project.  
19 They are the masters of their project. We trust that the  
20 project that they have presented in their factual materials  
21 and the exhibits that they've submitted here represent the  
22 project that they do indeed intend to implement. We also  
23 agree with Eversource on the five factors that are to be  
24 applied in terms of the Site Evaluation Committee's

1 determination about whether this is a sizable change to the  
2 existing X-178 transmission line.

3           We disagree with Eversource about the analysis of  
4 those five factors. And I will quickly go through all five of  
5 the factors. One is that the proposed changes will  
6 substantially increase the size of the facility in a number of  
7 material dimensions. And we don't have any disagreement  
8 about -- that the towers are going to be changed from wood to  
9 steel -- weathered steel. They are almost across the board  
10 going to increase in height with an average height increase of  
11 13 feet or more. And there will be new wires strung across  
12 the facility from end to end.

13           And I want to emphasize about those wires. The  
14 conductor wire is going to be changed from ACSR to ACSS with  
15 an increased weight and a cost related to it. And the shield  
16 wire is going to be changed to optical ground wire which --  
17 with an increased cost and increased weight related to that,  
18 as well as the addition of communication capacity.

19           Another factor is whether the proposed change will  
20 create a change in the capacity of the existing facility.  
21 It's the Towns' position that this project will enable a  
22 change in capacity. With respect to the conductor, the facts  
23 will show that the limiting part on the increase in capacity  
24 in terms of voltage is the fact that Eversource is not

1 increasing -- is not updating its substations. But the  
2 conductor they are proposing to install will be forward  
3 compatible, such that when an upgrade to the substations  
4 happen, you will have increased capacity. So this is a  
5 material step towards increasing the capacity of the  
6 transmission -- of electric transmission. You are also  
7 increasing the capacity -- adding capacity in terms of  
8 communication between substations with the addition of the  
9 optical ground wire.

10 In terms of the proposed changes requiring the  
11 acquisition of new land, it's the Towns' position that -- and  
12 Eversource, I don't think, can disagree that part of this  
13 project is the acquisition of new access roads to implement  
14 the project -- access roads that are outside the right-of-way.  
15 Certainly, that's not a -- necessarily a fee acquisition of  
16 land, but in some cases it may be a fee acquisition. And in  
17 any case, they are acquiring or proposing to acquire some sort  
18 of land rights to gain that additional access to the right-of-  
19 way from outside the right-of-way.

20 In terms of disruption to the environment, that is  
21 another factor that Eversource did not mention in its opening.  
22 The Towns believe there will be significant additional  
23 disruption to the existing environment with this project, and  
24 one of the things that we wanted to specifically highlight is

1 that part of this proposal is the installation of work berms  
2 around the base of each of the 580 or 594 steel weathered  
3 poles, which are going to be 100 by 100 feet square around the  
4 pole, in some cases larger. They're going to be generally  
5 leveled. They're going to be generally graveled. And then  
6 post-construction, they will -- are proposed to generally  
7 remain in a 30-foot by 60-foot shape around the base of each  
8 of the 580 towers. There's also wetlands impacts. There's  
9 other impacts which will be seen from the list of permits that  
10 have been put into the record.

11 So that's my review of the five factors, and that's  
12 why the Town suggests that this is a sizable project. This is  
13 49 miles of transmission line going through nine towns  
14 covering roughly a quarter of the length of the state from  
15 north to south. This is a sizable project any way you slice  
16 it, and we believe that the evidence in the record and the  
17 evidence heard today will support that.

18 CHAIRMAN GOLDNER: Thank you. And we'll also  
19 provide an opportunity for the Counsel for the Public to make  
20 an opening statement if the Counsel desires.

21 MS. LOVATO: Thank you. I do not have an opening  
22 statement at this time, but I'll address any points raised in  
23 my closing presentation. Thank you.

24 CHAIRMAN GOLDNER: Thank you. Okay. Let's move to

1 the swearing in of the witnesses and direct -- I'll swear in  
2 the witnesses. Could you raise your right hands, please?

3 (WHEREUPON, CHRISTOPHER SODERMAN, CAROL BURKE, KURT  
4 NELSON, JESSICA KIMBALL were duly sworn and  
5 cautioned by the Chairman.)

6 CHAIRMAN GOLDNER: Thank you. The witnesses are  
7 available for direct.

8 MR. NEEDLEMAN: Thank you, Mr. Chair. I'm going to  
9 start on the far end, and I'll work my way back down.

10 DIRECT EXAMINATION

11 BY MR. NEEDLEMAN:

12 Q So Mr. Soderman, can you please state your full name  
13 and where you're employed?

14 A (Soderman) My name is Christopher Soderman. I'm  
15 director of transmission line engineering at Eversource  
16 Energy.

17 Q And what are your responsibilities at Eversource?

18 A (Soderman) My responsibility is to lead the  
19 transmission line engineering team to both overhead and  
20 underground transmission lines throughout the Eversource  
21 service territory in Connecticut, Massachusetts, and New  
22 Hampshire.

23 Q And what has your role been in the X-178 project?

24 A (Soderman) I have been on an advisory and review role

1 of this effort, and I have reviewed the technical report  
2 previously submitted.

3 Q And that technical report that's been designated here  
4 as Exhibit 1, I assume you're familiar with it?

5 A (Soderman) Yes.

6 Q And did you play a role in drafting that report?

7 A (Soderman) Yes.

8 Q Could you describe that, please?

9 A (Soderman) I provided some of the language that was  
10 included in the report as well as reviewing the report in its  
11 entirety.

12 Q And in this matter, there was a technical session held  
13 on November 20th of 2024 where witnesses were made available  
14 to answer questions from the county -- Counsel for the Public.  
15 Were you present at that session?

16 A (Soderman) I was.

17 Q And did you answer questions?

18 A (Soderman) I did.

19 Q Thank you. Ms. Burke, I'll move on to you. Could you  
20 please state your full name and where you're employed?

21 A (Burke) Sure. I'm Carol Burke. I'm the director of  
22 project management and construction for Eversource.

23 Q And what are your responsibilities at Eversource?

24 A (Burke) My department oversees the planning and

1 construction of capital projects for Eversource.

2 Q And --

3 THE COURT REPORTER: I'm sorry. Excuse the  
4 interruption. This is the court reporter. Ms. Burke, please  
5 speak up and into the mic. And also, please repeat the last  
6 answer that you just gave Counsel Needleman.

7 BY MR. NEEDLEMAN:

8 Q Could you please repeat what your responsibilities are  
9 at Eversource?

10 A (Burke) Sure. It's -- it's my responsibility -- my  
11 department does the oversight and the planning for capital  
12 projects for New Hampshire.

13 Q And what role have you played in the X-178 project?

14 A (Burke) I -- similar to my colleague, I helped to  
15 review the documents that have been provided for the technical  
16 report.

17 Q And so did you participate in the creation of that  
18 report?

19 A (Burke) I did the review for the report.

20 Q And you were also present and answered questions at  
21 the November 20th technical session?

22 A (Burke) I was.

23 Q Thank you. Mr. Nelson, let me turn next to you.

24 Could you please state your full name and where you're

1 employed?

2 A (Nelson) Sure. Kurt Nelson. I'm the manager of  
3 licensing and permitting for Eversource.

4 Q And what are your responsibilities?

5 A (Nelson) My responsibilities are to help manage and  
6 coordinate procurement of our environmental land use permits  
7 for any of our projects.

8 Q And what role have you played in the X-178 project?

9 A (Nelson) I've played both a managerial role and a  
10 direct role in the permitting -- the environmental land use  
11 permitting for the X-178.

12 Q And did you participate in the creation of the summary  
13 technical report, Exhibit 1?

14 A (Nelson) I did.

15 Q And what specifically did you do?

16 A (Nelson) So I contributed to many of the sections  
17 pertaining to the environmental impacts of the project and  
18 also the cultural resource aspects of the project.

19 Q And you were also present at the November 20th  
20 technical session to answer questions?

21 A (Nelson) I was.

22 Q Thank you. And then finally, Ms. Kimball, could you  
23 please state your full name and where you're employed?

24 A (Kimball) Hi. My name is Jessica Kimball, and I am

1 the owner and principal of Tandem Landscape Architects.

2 Q And what are your responsibilities there?

3 A (Kimball) I'm a consulting landscape architect  
4 conducting projects and visual assessment and other landscape  
5 control activities.

6 Q And what role have you played in the X-178 project?

7 A (Kimball) We were brought on this past summer to  
8 provide visual comparison material in response to the  
9 petition.

10 Q And did you participate in the creation of the summary  
11 technical report?

12 A (Kimball) I did.

13 Q And what did you do for that?

14 A (Kimball) I assisted with the drafting of the visual  
15 comparison section and developed the materials seen in  
16 appendix 3 of Exhibit 1, the visual comparison material.

17 Q And you were present and answered questions at the  
18 November 20th technical session?

19 A (Kimball) I was.

20 Q Okay. Thank you.

21 MR. NEEDLEMAN: Mr. Chair, they're available for  
22 cross.

23 CHAIRMAN GOLDNER: Thank you. We'll turn now to the  
24 Petitioners for cross.

1 MR. DECKER: Thank you. I'll start with Mr.  
2 Soderman and try to direct my questions to the correct person,  
3 but I apologize if -- if somebody else is better suited to  
4 answer a particular question, I'm sure you'll let me know.

5 CROSS-EXAMINATION

6 BY MR. DECKER:

7 Q So Mr. Soderman, just establishing the basic facts of  
8 this project as set forth in the technical report, the X-178  
9 is currently a 115 kilovolt line?

10 A (Soderman) It is.

11 Q And it extends 49 miles from end to end?

12 A (Soderman) Yes.

13 Q Through nine towns in the State of New Hampshire?

14 A (Soderman) Yes.

15 Q Those towns are Campton, Thornton, Woodstock, Lincoln,  
16 Easton, Sugar Hill, Bethlehem, Dalton, and Whitefield,  
17 correct?

18 A (Soderman) Well, if you could just give me that name  
19 again, that would be helpful.

20 Q Sure. I'm looking at page 4 of the technical report,  
21 which is page 7 overall of the --

22 A (Soderman) Yes.

23 Q -- exhibits.

24 A (Soderman) Yep. That's correct.

1 Q Great. Thank you. The line currently consists of 594  
2 structures, 580 of which are wood H-frame and 14 of which are  
3 weathering steel, correct?

4 A (Soderman) Correct.

5 Q The current range of structure heights for those  
6 wooden H-frame poles is 40.1 feet to 70 feet, with an average  
7 height of 50.6 feet, correct?

8 A (Soderman) Yes.

9 Q And as Eversource hopes to implement this project, do  
10 you know off the top of your head the range of heights of the  
11 replacement steel weathered poles?

12 A (Soderman) The ranges -- the -- excuse me. Ranges up  
13 to 98 feet in height with the average -- with the average of  
14 the proposed structures being 63.6.

15 Q Do you know the average increase in height of the  
16 structures in changing from the wooden poles to the weathered  
17 steel poles?

18 A (Soderman) 13.

19 Q 13 feet?

20 A (Soderman) Yes.

21 Q Can you describe for the panel the reasons for the  
22 increase in the height of the poles?

23 A (Soderman) Surely. There are a number of factors that  
24 are driving the change in structure height. One of them is

1 being a change to our structure top design, which increases  
2 the separation between the shield wires, which are the two  
3 wires at the very top of the structure, from the crossarm.  
4 This provides a better shielding angle for lightning and  
5 improves the overall reliability of the structure. In  
6 addition, we have height increases associated with road  
7 crossings to ensure that we maintain enough clearance and  
8 provide for distribution lines to be constructed on roadways  
9 in the future, should they be needed.

10 Q Is the increase in height also related to a change in  
11 standards or safety requirements on the federal or state  
12 level?

13 A (Soderman) There are some changes to the National  
14 Electrical Safety Code that have occurred since the original  
15 lines were constructed.

16 Q Yes.

17 A (Soderman) And that is driving some of those changes,  
18 most notably the clearances at road crossings.

19 Q Does the increase in height -- or is the increase in  
20 height necessitated in any way by the change from -- the  
21 change in form of conductor wire and the change in form of  
22 shield wire?

23 A (Soderman) Certainly not the shield wire. The  
24 conductor has, I would say, for the span of length that we're

1 talking about, very similar set of characteristics, even at  
2 its max sag condition. So I would expect it to -- I would  
3 expect it to -- you know, 500-foot span length to not really  
4 have a material effect.

5 Q Can you expand on your answer as to why certainly not  
6 the shield wire?

7 A (Soderman) Well, the shield wire isn't going to govern  
8 clearance to ground.

9 Q Does the change from -- is the change from wood poles  
10 to steel poles in part necessitated by a change in weight of  
11 the wires?

12 A (Soderman) No.

13 Q Okay. Can you describe for the panel what the issue  
14 of uplift is?

15 A (Soderman) Yes. Uplift occurs when you have a  
16 dramatic change in elevation between two conductor attachment  
17 points, and the structure at the lower attachment point will  
18 actually have an upward force, meaning the wires will pull up  
19 on the structure.

20 Q I'm looking at footnote 13 in the tech report that's  
21 at page 10 of the tech report and page 13 -- if I'm -- exhibit  
22 numbering -- states that the material cost of ACSS -- let me  
23 back up. ACSS is the aluminum conductor steel supported  
24 conductor that is the proposed replacement wire, correct?

1           A   (Soderman) It is.

2           Q   So currently we have ACSR, aluminum conductor steel  
3 reinforced, is what's currently on the X-178 line?

4           A   (Soderman) It is.

5           Q   Okay. Footnote 13 states that the material cost of  
6 ACSS is \$6.04 per foot and weighs 1.631 pounds per foot, as  
7 compared to the existing conductor, which is \$3.90 per foot  
8 and weighs 1.094 pounds per foot. Difference between \$6.04 a  
9 foot and \$3.90 per foot appears to be \$2.14 per foot. And  
10 just doing the math myself, 5,280 feet in a mile, 49 miles of  
11 line. Do you agree that equates to approximately \$553,660  
12 cost on the ACSS versus using ACSR?

13          A   (Soderman) Yes.

14          Q   And is my math correct that -- that would just be one  
15 run of wire from end to end. But how many runs of wire do we  
16 actually have with the conductor?

17          A   (Soderman) There would be three phases, each of them.

18          Q   So would I multiply that by 553,000 number by three?

19          A   (Soderman) Yes.

20          Q   Okay. So over 1.5 million in cost is associated with  
21 the decision to use ACSS over ACSR; is that accurate?

22          A   (Soderman) It is not complete in terms of the story.  
23 It does not account for life cycle cost.

24          Q   Okay. Can you expand on that answer?

1           A   (Soderman) Surely. One of the things that Eversource  
2   has discovered over the years, and it's brought up quite often  
3   in front of another State agency who looks into life cycle  
4   costs, is that once you've made -- once you've established the  
5   voltage that you're at, if you go to a larger conductor size,  
6   the line losses alone -- reduction in line losses alone,  
7   particularly over a 49-mile stretch, will more than adequately  
8   offset the cost -- increased cost of conductor size.

9           Q   Can you describe more specifically for me what you  
10   mean by line losses?

11          A   (Soderman) Sure. These are the ohmic line losses  
12   associated with the heating of the conductor. So the  
13   conductor has a resistance value, call it  $R$ , and there is a  
14   current that is carrying -- changing minute to minute, hour by  
15   hour, on the transmission line. For any given moment, the  
16   amount of heat power transfer to the wire is a function of the  
17   current squared multiplied by that resistance value,  $I^2R$ .  
18   Those are referred to as ohmic line losses. They're just  
19   loss to heat. Now if you reduce the resistance of the -- the  
20   conductor, and essentially you're holding the  $I^2$  value  
21   the same, you will dramatically reduce the line losses. And  
22   now you multiply that over the life of the conductor.

23          Q   So if I can paraphrase my understanding of your  
24   answer, you expect to realize savings over time due to better

1 conductivity over time, which you expect to offset the upfront  
2 cost of the more expensive wire?

3 A (Soderman) Yeah. This has been borne out many times  
4 for the -- over the years through calculations, yes.

5 Q Okay. Similar questions with respect to the optical  
6 ground wire, footnote 17 at page 12 of the technical report,  
7 is \$1.65 per foot and weighs 0.476 pounds per foot as compared  
8 to static wire, which is \$0.91 per foot and weighs .2618  
9 pounds per foot. So again, having done that same math for the  
10 optical ground wire, I come up with a difference of \$0.74 per  
11 foot multiplied by 5,280 feet in a mile over 49 miles, and I  
12 come up with \$191,452.80 of E (phonetic), increased cost of  
13 one run of optical ground wire versus static wire; is that  
14 correct?

15 A (Soderman) Yes.

16 Q And how many runs of optical ground wire is Eversource  
17 proposing?

18 A (Soderman) Two.

19 Q Okay. So that \$191,452.80 would then be multiplied by  
20 two for the difference in cost between using optical ground  
21 wire and static wire?

22 A (Soderman) Yes.

23 Q Okay. So nearly \$400,000 on the -- additional cost on  
24 the optical ground wire?

1           A   (Soderman) Yes.

2           Q   Are there similar life cycle cost savings with respect  
3 to the optical ground wire?

4           A   (Soderman) Not directly. Despite the fact that, you  
5 know, the -- the optical ground wire isn't directly energized,  
6 although there will be some circulating current between the  
7 two of them because of their proximity to the phases and the  
8 fact that they form a closed loop. So typically for an H-  
9 frame configuration like this, you can expect to see about ten  
10 percent of phase current circulating in the shield wires. But  
11 again, now you're bringing that I factor by -- down by a  
12 factor of ten, and then when you square that, you're bringing  
13 it down by a factor of 100. The line losses on OPGW really  
14 don't amount to very much.

15          Q   Thank you. Now with the difference is -- differences  
16 in weight -- the difference in weight of the ACSS versus ACSR  
17 line I have is .537 pounds per foot. How is that -- how  
18 does -- how is that difference in weight factored into the --  
19 does that difference in weight impact the need for steel poles  
20 versus wood poles?

21          A   (Soderman) No.

22          Q   Okay. Same question with respect to the optical  
23 ground wire. Does the difference in weight have an impact on  
24 the ability to use steel poles versus the ability to use

1 wooden poles?

2 A (Soderman) No.

3 Q Does the difference in weight between the ACSR and the  
4 ACSS impact the height calculations for the ground clearance  
5 and safety standards that you spoke about earlier?

6 A (Soderman) Not the difference in weight.

7 Q Does something else about the ACSS versus ACSR impact  
8 the height of the towers?

9 A (Soderman) What you have to take a look at with any  
10 conductor is the entire conductor movement envelope from its  
11 coldest condition, for us minus 20 degrees Fahrenheit, to its  
12 maximum sag condition, which can either be radial loading of  
13 ice or maximum operating temperature, and the various sag and  
14 tension characteristics of the conductor itself. So it would  
15 be a stress/strain relationship as well as its thermal  
16 expansion coefficient.

17 Q And under what conditions do you anticipate the  
18 greatest sag with the X-178 line?

19 A (Soderman) Under max operating conditions -- you know,  
20 the max operating temperature, in this case 200 degrees C.  
21 That's what it will be designed for.

22 Q You expect greater sag under 200 degrees -- let me  
23 back up. Do you expect greater sag in the summer or the  
24 winter?

1           A   (Soderman) It doesn't matter.

2           Q   Doesn't matter. Summer or winter, the greatest sag is  
3 just going to be dependent on the heating of the wire based on  
4 the current going through it?

5           A   (Soderman) The design of the transmission line is  
6 based off of the conductor temperature regardless of what the  
7 internal or external factors are.

8           Q   Does ice accumulation on the line impact sagging at  
9 all?

10          A   (Soderman) It does.

11          Q   In what way?

12          A   (Soderman) It makes conductors sag more.

13          Q   Okay. And does the possibility for ice accumulation  
14 on the ACSS line, which is heavier, require a greater tower  
15 height versus ice accumulation on the ACSR lines?

16          A   (Soderman) The governing case in both would be maximum  
17 operating temperature, not the one inch of ice.

18          Q   Okay.

19          A   (Soderman) Conductor of that is 140 degrees C, as in  
20 the ACSR, or 200 degrees C as in the case of ACSS, there can  
21 be ice on.

22          Q   So I'm looking back at page 11 of the tech report in  
23 the middle of the page. This is page 14 overall of the  
24 exhibit packet -- states that, "the primary driver of the

1 height increase is the NESC requirement that transmission  
2 lines in this area of New Hampshire be designed to withstand  
3 one inch of radial ice with 40 mile-per-hour winds". Is that  
4 an accurate statement?

5 A (Soderman) Where are we with that?

6 Q Sorry. That's page 11 of the technical report in  
7 the --

8 A (Soderman) Ah, yes.

9 Q -- middle paragraph.

10 A (Soderman) The paragraph starting, "While many other  
11 conductors"?

12 Q The sentence just above that. "As referenced above,  
13 the primary driver of the height increase is the NESC  
14 requirement that transmission lines in this area of New  
15 Hampshire be designed to withstand one inch of radial ice with  
16 40 mile-per-hour winds".

17 A (Soderman) Yeah. That that refers to the sag  
18 associated with the composite core conductors. Those would --  
19 those would be governed -- both the TF conductor and the ACCC  
20 conductor would be governed by that one inch of ice case.

21 Q But the ACSS conductor is not governed by the one inch  
22 of ice case?

23 A (Soderman) Correct.

24 Q But the ACSS increase -- the ACSS is not governed by

1 the one inch of ice case. I'm just trying to just square your  
2 testimony with the tech report -- what I understood from the  
3 tech report, anyway. So to clarify, your testimony is the  
4 ACSS is governed by temperature, and the others are -- the  
5 other types of conductor are governed by ice?

6 A (Soderman) For their vertical clearance, yes.

7 Q Okay. Thank you. With respect to the installation of  
8 the optical ground wire, what does Eversource rely on  
9 currently for communication?

10 A (Soderman) So Eversource relies on a number of  
11 mechanisms, in some cases making use of power line carrier, in  
12 some cases making use of third-party communication channels.

13 Q Well, let me back up. Can you explain what we're  
14 talking about when we talk about communication and the type of  
15 communication that this optical ground wire will enable?

16 A (Soderman) I'm not sure I understand your question.

17 Q In the tech report, still on page 11, at the bottom of  
18 the page, heading C, optical ground wire, it states,  
19 "Communications between substations play a critical role in  
20 maintaining a safe and reliable transmission system". Can you  
21 describe for me and the panel what are the communications  
22 between substations that are referred to there?

23 A (Soderman) There can be a number of pieces of  
24 information. These can include relay signals between the ends

1 of transmission line. This can be real-time data on voltage  
2 and current and phase angle of the transmission line, high-  
3 speed protection schemes which will enable a faster clearing  
4 of the transmission line in the event of a fault.

5 Q Then, flipping to page 12 in the tech report, the last  
6 paragraph on the page states that, "Seven transmission  
7 substations in northern New Hampshire will be connected to  
8 Eversource's fiber communications network once OPGW is  
9 installed on the X-178 line. Today, each of these seven  
10 substations is dependent on third-party leased line services."  
11 Is that correct?

12 A (Soderman) Yes.

13 Q It then continues, "Communications to support the  
14 metering and telemetry required by ISO New England control and  
15 security systems needed to comply with the NERC CIP standards  
16 and in some cases system fault protection, relaying, are being  
17 carried over", quote/unquote, "'landline' services leased from  
18 a third-party telecommunication provider." That's correct?

19 A (Soderman) Yes.

20 Q And with the installation of the optical ground wire,  
21 Eversource would no longer be relying on landline services  
22 from the third-party telecommunication provider, correct?

23 A (Soderman) Correct.

24 Q So you'd have signals from your seven transmission

1 substations coming directly over the optical ground wire to an  
2 Eversource data center or control center; is that accurate?

3 A (Soderman) Yes.

4 Q And again, because you're having two runs of optical  
5 ground wire, you're -- those two runs will be redundant with  
6 one another; is that accurate?

7 A (Soderman) They will probably actually serve the  
8 function of diverse paths, which is required by the Northeast  
9 Power Coordinating Council, NPCC, criteria, as well as the  
10 North American Electric Reliability Corporation, or NERC,  
11 criteria to have diverse paths for your high-speed protection  
12 schemes. So likely fibers -- there will be fibers in each  
13 OPGW that will serve as the primary communication path for  
14 high-speed communication schemes.

15 Q I'd like to ask a little bit more about transmission  
16 capacity. The current transmission capacity is 115 kilovolts  
17 on the X-178 line; is that correct?

18 A (Soderman) That is the voltage rating, yes.

19 Q And if Eversource were in the future to desire to  
20 increase the transmission capacity, what would be the next  
21 step up in voltage rating?

22 A (Soderman) The next step up in voltage rating would be  
23 230 kV, which is a little less common in New Hampshire and on  
24 the Eversource system. More commonly, it would be a 345 kV,

1 kilovolt, system.

2 Q If Eversource were to one day in the unforeseeable  
3 future seek to increase the transmission capacity to either  
4 230 kilovolts or 345 kilovolts, would that require the  
5 replacement of the ACSS wire that Eversource is proposing to  
6 install on this project?

7 A (Soderman) At minimum, it will require a -- one  
8 additional conductor per phase.

9 Q Can you explain more what you mean by that, one  
10 additional conductor per phase?

11 A (Soderman) Surely. Our -- our standard 345 kV designs  
12 incorporate two conductors per phase. They are separated at  
13 the end of the insulator strings by 18 inches. The intent of  
14 the two conductors per phase is to minimize corona effects at  
15 extra high voltage and operation, which will -- horrible  
16 noise, radio interference as well as degradation of the  
17 insulators. So by selecting two conductors per phase, we  
18 dramatically reduce the corona effect.

19 Q So for future voltage increases, the installation of  
20 the ACSS line that we're talking about as part of this project  
21 would not be enough. Eversource would be looking at having to  
22 add additional runs of conductor to the entire length of the  
23 line if it wanted to add -- go above 115 kilovolts in the  
24 future. Is that your testimony?

1           A   (Soderman) Yes. We would -- we would likely actually  
2 go to an even larger conductor diameter to further reduce  
3 those corona effects.

4           Q   So the change from ACSR to ACSS does not practically  
5 impact Eversource's ability to increase transmission capacity  
6 on the X-178 line; is that correct?

7           A   (Soderman) You cannot change voltage just by changing  
8 the wire.

9           Q   What else would need to happen to the AC -- excuse  
10 me -- to the X-178 line to increase voltage capacity?

11          A   (Soderman) The entirety of it would have to be  
12 rebuilt.

13          Q   So another 100 percent replacement of all  
14 infrastructure in the corridor?

15          A   (Soderman) Were it to be necessary, yes.

16          Q   Sorry. I'm flipping around through my exhibits  
17 because I'm wanting to find something else in order to see --  
18 I'm now looking within Exhibit 11, which is a series of  
19 Eversource PowerPoints and materials from various sources.  
20 And I'm looking at specifically -- there is a PowerPoint which  
21 I believe begins at -- page 384 is the front page of the  
22 PowerPoint. It says it's the New Hampshire line X-178 rebuild  
23 follow-up presentation to the Planning Advisory Committee  
24 meeting, June 20th, 2024.

1 A (Soderman) Yes.

2 Q And then there is a slide within that presentation at  
3 page 403 of the record. Heading on that slide is, "Long-term  
4 Capacity Needs".

5 A (Soderman) Yes.

6 Q So the top line says that "the X-178 line was  
7 overloaded in some 2050 study scenarios". The second bullet  
8 point states, "achieving an LTE", which is long-term  
9 emergency, "rating of at least 344 megavolt amperes would  
10 require upgrades to both the X-178 line conductor and  
11 associated substation equipment". And then the third bullet  
12 point states, "1272 ACSS 54/19", quote/unquote, "'Pheasant' is  
13 a standard conductor for Eversource and would be installed as  
14 part of the line rebuild even without 2050 study results".

15 Backs up to the -- sorry. Back up to the second  
16 bullet point about achieving an LTE rating of at least 344  
17 MVA. "Installation of the 1272 ACSS 54/19 'Pheasant' as part  
18 of the full line rebuild would increase the LTE rating of the  
19 conductor to 518 MVA". 1272 ACSS 54/19 Pheasant, that's the  
20 conductor wire we're talking about Eversource installing with  
21 this project?

22 A (Soderman) Yes.

23 Q Okay. Explain to me what that means, that  
24 installation of this Pheasant ACSS would increase the LTE

1 rating of the conductor to 518 MVA?

2 A (Soderman) It has a higher overall current rating for  
3 the conductor alone.

4 Q And then the next line, "The line would then be  
5 limited to 254 MVA LTE due to substation equipment, which  
6 would be addressed as part of a future project". So would --  
7 would there be some additional transmission capacity with the  
8 ACSS but for a lack of upgrading to the substation equipment?

9 A (Soderman) Yes, but the ability to realize some of  
10 that, particularly considering the long length of this  
11 transmission line, might require more than just upgrades to  
12 the existing equipment. It may require additional equipment  
13 to be installed in the transmission circuit to support voltage  
14 for such a large power draw over such a long distance.

15 Q My general understanding of this slide on 403, if I  
16 can summarize, is that installation of the ACSS would be a  
17 substantial step towards addressing a projected overload  
18 scenario in 2050; is that correct?

19 A (Soderman) It would be an important step along the  
20 way, yes.

21 Q Okay. And another step along the way would be to  
22 upgrade the substation equipment; is that correct?

23 A (Soderman) Yes.

24 Q Okay. And what other important steps along the way

1 would there be?

2 A (Soderman) Without doing a more detailed system study,  
3 I can't specify the exact equipment that would be needed.

4 Q But additional lines of conductor would be needed?

5 A (Soderman) Well, certainly for circuits up and  
6 downstream of the X-178, you would need to make sure that  
7 those ratings were also addressed, as well as making sure that  
8 we have proper voltage support to transfer the -- transfer the  
9 larger amount of power over longer distances at 115 kV.

10 Q So not -- notwithstanding what this slide with respect  
11 to long-term capacity needs states, actual addition -- or  
12 upgrades to long-term capacity would require Eversource to go  
13 back and run additional lines the entire length of the 49  
14 miles?

15 A (Soderman) No, I was referring to other transmission  
16 lines outside of the X-178.

17 Q Okay. So with the ACSS line installed, there would be  
18 no -- to address these future capacity needs, there would be  
19 no need to run additional lines the entire length of the X-  
20 178?

21 A (Soderman) That's correct.

22 Q Okay. Thank you.

23 MR. DECKER: And I apologize to everyone in the room  
24 for my probably least knowledgeable vocabulary with all these

1 technical electrical terms.

2 CHAIRMAN GOLDNER: Attorney Decker, let me just jump  
3 in real quick. So I've been made aware that one of the  
4 Committee members has a hard stop today at 12:30 to meet a  
5 federal requirement. So just checking in as a time check to  
6 see how much we can get accomplished today, do you have an  
7 idea for how much longer your cross might be? And I don't  
8 want to shorten it in any way. We can come back for an  
9 additional day if needed. I'm just checking to see what  
10 you're looking at in terms of additional time.

11 MR. DECKER: I've learned that I always  
12 underestimate how much time I think something is going to  
13 take. I will try to get through the rest of this  
14 expeditiously, hopefully in less than half an hour.

15 CHAIRMAN GOLDNER: Okay. And then please don't --  
16 don't change your questions or your line of questionings or  
17 speed up in any way. It's just -- I'm just trying to  
18 understand what we can get done today and what we might have  
19 to -- or if we might have to continue the hearing. So please  
20 proceed. And just for the sake of all the parties in the  
21 room, we do have a hard stop at 12:30 today, rather.

22 So please proceed, Mr. Decker.

23 MR. DECKER: Thank you, sir. I think my next set of  
24 questions might be to Mr. Nelson with respect to right-of-way

1 and environmental impacts.

2 BY MR. DECKER:

3 Q Mr. Nelson, you heard in the opening statements what  
4 one of the concerns of the Towns is acquisition of additional  
5 off-right-of-way access routes. Are you able to speak in big  
6 picture numbers about the number of off-right-of-way access  
7 routes Eversource is expecting to add with respect to this  
8 project?

9 A (Nelson) Yes, I can. I actually brought a list with  
10 me. You need an exact number of potential off-right-of-way  
11 access routes? For visual purposes I can show you what the  
12 list looks like. Color coded. Access routes in yellow mean  
13 we have secured those rights. And we have other various  
14 stages of either having achieved agreement or not on some of  
15 the other access routes.

16 Why do we -- why do we have this many off-right-of-way  
17 access routes? Well, number one, it is a long -- it's a long  
18 line, 49 miles. Very common situation for our transmission  
19 rights-of-way for us to work with underlying landowners and  
20 enter into an agreement we call a temporary access agreement,  
21 which is essentially just a letter agreement between us and  
22 the underlying property owner. Purpose for doing this is for  
23 minimizing our disturbance within the right-of-way, avoiding  
24 environmental sensitive receptors such as wetlands, streams,

1 et cetera, or avoiding tough terrain within the right-of-way  
2 corridor.

3 When we go about permitting these projects, however,  
4 we do permit for the contingency that we will have to be  
5 reliant on 100 percent in-right-of-way access. So for the  
6 most part, our environmental plan set should reflect that.

7 Q So the environmental plan set reflects an assumption  
8 that you will have none of these additional off-right-of-way  
9 access?

10 A (Nelson) There's -- you'll often see -- in the plan  
11 set that you will see that we've permitted in-right-of-way  
12 contingency access. Now, there may be some gaps here where we  
13 are absolutely 100 percent secure in our agreement with an  
14 underlying landowner to use that -- that off-right-of-way  
15 access. So there are some gaps in the -- in the plan set that  
16 we need not show in-right-of-way access, but should we --  
17 should that need occur, we could then amend those plans to --  
18 to follow the in-right-of-way access route.

19 Q Now, I caught a quick glimpse at your list there. Is  
20 50 a fair estimate of the number of access points you've got  
21 in the works there?

22 A (Nelson) 51 is the number.

23 Q 51. Wow. That was a really good estimate from ten  
24 feet away. Can you describe the types of access that you're

1 getting? You mentioned a temporary access agreement. How  
2 many of those 51 are temporary access agreements?

3 A (Nelson) I would say the majority are -- are  
4 temporary. We do have some access agreements that are  
5 permanent in nature as well.

6 Q How many do you have that are permanent?

7 A (Nelson) Of the -- of the existing ones that we have  
8 right now, I'm counting one, two, three, four, five, six,  
9 seven.

10 Q And with respect to the temporary versus permanent  
11 access, are there differences in how those -- are those access  
12 ways existing, or will Eversource need to construct them?

13 A (Nelson) For the most part, yes, they are existing.  
14 We don't have at this time any sort of access that's  
15 essentially an unapproved route to the right-of-way corridor.  
16 The -- these sorts of access are some dirt road or access road  
17 or clearing or something of that nature that would get us to  
18 the regular corridor. In many instances, these -- say it's a  
19 dirt road that may need to be improved with gravel to armor  
20 and to allow for passage of our construction equipment.

21 Q You anticipated my next question -- is, what were the  
22 improvements that were going to be required for the access  
23 routes?

24 A (Nelson) Correct. Yeah. So basically we look to

1 armor these access roads with sufficient amounts of gravel  
2 that would avoid a scenario of rutting or increased potential  
3 for sedimentation and erosion. Some instances -- there may be  
4 some trimming along the access route to make sure there's  
5 enough clearance for vehicles.

6 Q Any difference between what you do for a temporary  
7 access versus what you do for a permanent access?

8 A (Nelson) Yeah. We work with the underlying  
9 landowners. So as far as to the extent that any of these  
10 routes are improved, the -- there are instances where we would  
11 abide by the preference of what -- whatever the underlying  
12 landowner's preference was.

13 Q Are there cases where a landowner has been unwilling  
14 to grant access across their land that Eversource has  
15 requested?

16 A (Nelson) Yes.

17 Q And what does Eversource do in those situations?

18 A (Nelson) Then we -- then we seek in-right-of-way  
19 access routes as needed. We have many on this list that are  
20 certainly noncrucial for new construction. So in some  
21 instances, no action is needed, really, if we don't acquire  
22 the -- the rights.

23 Q Are there any on the list that are crucial for the  
24 construction?

1           A   (Nelson) There are -- I would say, yes, there are  
2 several that are highly advantageous. But again, they can  
3 probably be constructed without their presence. And the  
4 answer to that is yes, to my knowledge. For example, I know  
5 that the one section of the right-of-way corridor that is  
6 extremely challenging that's up in the White Mountain National  
7 Forest; in that instance, the access within right-of-way is  
8 very challenging. However, we do have construction methods  
9 that's going to allow us to -- to -- to get that access we  
10 need by implementing use of helicopters in that instance.

11           Q   When you say some of the access roads are, quote/  
12 unquote, "crucial" or "highly advantageous", but you could  
13 proceed with the construction without them, does the "highly  
14 advantageous" refer to cost of the construction, environmental  
15 disturbances, or both?

16           A   (Nelson) Those usually go hand in hand. You know,  
17 usually it's instances of extremely difficult topography  
18 within the in-right-of-way access route, or the environmental  
19 features like streams, wetlands, et cetera. And there's  
20 usually always a savings when we can avoid those.

21           Q   If you have the exhibits pack in front of you, I'm now  
22 looking at Exhibit 10, which is at pages 348 through 360 of  
23 the overall exhibit packet. And I'll represent to you this is  
24 13 pages of a map sheet showing the section of the

1 transmission line that is -- that would -- is passing through  
2 the Town of Easton.

3 A (Nelson) You'll have to bear with me for a minute.  
4 I'm not sure if I have that exhibit at my disposal.

5 Q If not, we can pass you up a copy.

6 A (Nelson) Okay. Yeah. Okay. Thank you.

7 Q Thank you. Just looking at the -- well, since we're  
8 on the topic of access roads, we can flip ahead a couple pages  
9 to sheet 6 of 13. That's page 353 overall.

10 A (Nelson) Yep.

11 Q And the upper left-hand side of that sheet, I see a  
12 purple dashed line. And then the legend defines that as  
13 potential right-of-way access pending rights. Is this an  
14 example of the type of access --

15 A (Nelson) (Indiscernible).

16 Q -- right-of-way access route that we've just been  
17 discussing?

18 A (Nelson) Yeah. This -- the purpose of this access  
19 there is that we are seeking to utilize that little gravel pit  
20 area as a laydown area to help support our construction. In  
21 this instance, the virtue of having this off-right-of-way  
22 access route in and of itself really isn't (audio  
23 interference) in-right-of-way construction. The purpose of  
24 this access is relative to the use of that property for a

1 laydown area.

2 Q Okay. Thank you. Flipping ahead to sheets 12 and 13,  
3 I saw some more purple dashed lines there.

4 A (Nelson) Uh-huh.

5 Q Are those an example of an access route that is needed  
6 to simplify access to the -- that section of the construction  
7 project?

8 A (Nelson) Correct, yeah. I believe the intent with  
9 that is -- and I offhand don't know the current status of  
10 whether that's been acquired or not, but as you can see on the  
11 plan itself, we do have the ability to construct completely  
12 within right-of-way.

13 Q Thank you. I guess -- backing up to page -- sheet 1  
14 of 13, talking about other environmental disturbances. The  
15 areas on these sheets highlighted in light green, those  
16 designate wetlands, correct?

17 A (Nelson) (No audible response).

18 Q And then the yellow dashed line shows the proposed  
19 access route. This is the route that construction vehicles  
20 would follow to access each of the pole sites; is that  
21 correct?

22 A (Nelson) The dashed line, correct.

23 Q The yellow dashed line, right?

24 A (Nelson) Yep.

1 Q And then sometimes underneath the yellow dashed line,  
2 there is a wider yellow line with hatching in it.

3 A (Nelson) Uh-huh.

4 Q And that's designated as temporary wetland matting; is  
5 that correct?

6 A (Nelson) Correct.

7 Q So across these various 13 sheets, we have the yellow  
8 dashed line that is the right-of-way access line, in multiple  
9 instances crossing full wetlands throughout the Town of  
10 Easton, correct?

11 A (Nelson) Correct.

12 Q Okay. And is that fairly representative of the  
13 project as a whole?

14 A (Nelson) Correct, yes. Yeah. The -- the crossing of  
15 wetlands when constructing projects like this is -- is  
16 unavoidable. We permit this project through the DES Wetlands  
17 Bureau. It also gets reviewed by Army Corps of Engineers, and  
18 portions within the White Mountain National Forest also get  
19 reviewed by the U.S. Forest Service for environmental impacts.  
20 Our standard dredge and fill permitting for this project --  
21 nature permit is heavily predicated on the premise of  
22 avoidance and minimization.

23 So as we go forth in planning these projects, we've  
24 conducted a number of constructability lockdowns within the --

1 within the right-of-way corridor, and it's incumbent upon us  
2 to put forth a -- a plan that avoids -- avoids and minimizes  
3 impact to the extent practicable. So we carefully look at our  
4 access routes within the right-of-way corridor. If we can  
5 avoid impacts to wetlands, we can. That sometimes -- or  
6 oftentimes is dependent on what the topography within the --  
7 the right-of-way corridor looks like. But every last stand of  
8 these plans that we put in front of the -- the Wetlands Bureau  
9 is -- is highly scrutinized by the Bureau, and we often get  
10 inquiries from them or (indiscernible) just confirming that we  
11 thought this through and that we're -- we're using the most --  
12 we're minimizing to the extent that we can.

13 Q Thank you. Just since we're on the topic of permits,  
14 real quickly, Appendix 1 to the technical report is a list of  
15 all the permits, federal, state, and local, that have been  
16 applied for or that Eversource has determined will be  
17 necessary, correct?

18 A (Nelson) Correct.

19 Q Thank you. I'm not going to spend time getting into  
20 all of those at this point, but just reference those for the  
21 panel. Still looking at the map of the Easton corridor, I  
22 guess sheet 1 also shows part of Lincoln. The red dots with  
23 the red numbers going across them, those are the proposed  
24 location of the new steel poles, correct?

1 A (Nelson) Correct.

2 Q And around each of those red dots, we have a  
3 rectangle, sometimes gray, sometimes with the yellow hatching  
4 around them. Do you see those rectangles?

5 A (Nelson) Yes.

6 Q And what are those rectangles?

7 A (Nelson) So those rectangles represent our work pad  
8 areas that -- those are -- those are areas that we utilize to  
9 have safe room for our equipment to conduct the installation  
10 of new structures and remove the old structures.

11 Q And the tech report referred to referred to those as  
12 100 by 100. Is that what's approximately shown here on these  
13 plans?

14 A (Nelson) Correct. Yep.

15 Q And then on sheet 1 in the center of the page, there's  
16 a much longer --

17 A (Nelson) Uh-huh.

18 Q -- gray panel around pole 267. What is the reason for  
19 the shape of that one?

20 A (Nelson) The purpose of that location is, I believe,  
21 for a pole pad area. So there are certain areas within the  
22 right-of-way corridor where we need to set up conductive  
23 poling locations. I'll have to confirm. I'm not 100 percent  
24 sure if that's, in this instance, just for poling or it also

1 may be a location for us to temporarily stage some equipment  
2 within the right-of-way corridor.

3 I should note, however -- the -- the page that we are  
4 on, this is in a draft form of the -- this is in the central  
5 segment of the X-178, the segment that we call X-178 II.  
6 Because of the long permit frames in the White Mountain  
7 National Forest, we had further segmented the permitting on  
8 the X-2 segment into phase I and phase II. So we have not  
9 actually submitted our permit applications for this section of  
10 the right-of-way corridor. And I know that we do have  
11 revisions stemming from our continued constructability  
12 assessments. And we do have some significant changes to the  
13 plans that -- here in this location.

14 Q Okay. Fair enough. And I acknowledge that this is a  
15 draft. But would you agree that this example is generally  
16 representative of the types of wetlands crossings and work  
17 pads that would be used -- implemented as part of the project  
18 overall?

19 A (Nelson) Yes. Correct.

20 Q Thank you. With respect to the work pads around each  
21 of the poles, is that -- are those areas currently flat,  
22 level, cleared ground?

23 A (Nelson) No. So the -- the areas within the broader  
24 wetland complexes are typically quite flat. But in this -- in

1 the -- in this particular section, obviously you can see the  
2 contour lines there where we are in some very hilly terrain.

3 Q So as part of installation of these work pads, is that  
4 ground going to be leveled?

5 A (Nelson) That's the plan, yes. Yep.

6 Q And then it'll be graveled?

7 A (Nelson) In upland areas, yes.

8 Q What about non -- oh, nonupland areas would be wetland  
9 areas?

10 A (Nelson) In wetland -- and -- excuse me. In wetland  
11 areas, we'd be utilizing timber mat -- timber mats. We're not  
12 proposing any permanent impact resulting from these work pads  
13 in wetland areas. So in nonwetland areas, in uplands, that's  
14 where we propose to use gravel. You can see some of these  
15 work pad areas. You can see we might have a portion of that  
16 pad maybe in wetlands, a portion out. We -- let's see -- we  
17 sort of symbolize in yellow that at a minimum, those -- those  
18 areas would need to be matted, but in likelihood it would be  
19 be a fair amount of construction matting outside of the  
20 wetland that would be deployed in that scenario.

21 Q Thank you. And so the construction pads in the  
22 wetlands areas, which are hatched yellow on these draft  
23 drawings, would not be permanent. You'd be removing the  
24 matting, and it would just be natural wetlands around the pole

1 after the pole is installed; is that correct?

2 A (Nelson) (No audible response).

3 Q Thank you. Can you describe a little bit more what  
4 the matting is?

5 A (Nelson) Sure. Yeah. We utilize your standard  
6 construction of timber matting. These generally are timbers  
7 on the order of, say, 8 by 8 or 10 by 10, strung together in  
8 segments that are about 4 feet by 16 feet. And these timbers  
9 get deployed in wetland areas. They get -- they may be  
10 stacked together, and the -- the width of the mats are  
11 typically of a 16-foot width we use for our access route  
12 through -- through a wetland area as well.

13 Q Thank you. And I was just flipping to see if I could  
14 find a picture, the matting, in our exhibits, because I know  
15 I've seen it. I may have neglected to put a flag on it.

16 So I'm not sure if this is a question for Mr. Nelson  
17 or for somebody else, but within the work pads, installing the  
18 poles, it's expected that there will be drilling down into the  
19 ground to create the sinkhole for the poles to be inserted  
20 into; is that correct?

21 A (Nelson) Correct.

22 Q And then there will be -- we just saw, the manner of  
23 holding the poles vertical will be cans -- gravel-filled cans.  
24 The poles will go into cans and then the cans will be

1 backfilled with gravel; is that correct?

2 A (Nelson) Correct. If we could add a little more  
3 detail to that. That's what -- what we call our direct imbed  
4 structures. We have other foundation types as well. We will  
5 have a few concrete foundations on some structures that  
6 require that from a design standpoint. And we are also  
7 proposing the use of micropile foundations in the White  
8 Mountain National Forest.

9 Q When you say concrete, is that around just the base of  
10 the pole, or is that a -- more broadly used for the  
11 construction pad?

12 A (Soderman) So we're talking about using concrete for a  
13 footing that would have to get drilled into a reinforced  
14 concrete caisson foundation. We have anchor bolts projecting  
15 out, and the poles would be mounted on top of those anchors.

16 Q Thank you. Okay. I found an instance of the timber  
17 matting. I'm looking at page 243, which is within Exhibit 8.  
18 Mr. Nelson, I don't -- if you don't have that in front of,  
19 you -- I might not have given a copy to you.

20 UNIDENTIFIED SPEAKER: (Indiscernible).

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 MR. DECKER: For example, on -- oh --

23 UNIDENTIFIED SPEAKER: (Indiscernible).

24 MR. DECKER: It's probably the same -- same pictures

1 at the B112.

2 UNIDENTIFIED SPEAKER: (Indiscernible).

3 BY MR. DECKER:

4 Q There's a picture on that page 243 on the left side,  
5 B112, active civil construction 2023. Does that show the  
6 timber matting being installed in the wetlands?

7 A (Soderman) It does, yep.

8 (Pause)

9 MR. DECKER: Mr. Chairman, I think I'm at a point  
10 where I have asked most of my questions, and so I'm prepared  
11 to yield further time, and I may have some more questions on  
12 redirect.

13 CHAIRMAN GOLDNER: Okay. Thank you. We'll take a  
14 brief break. But before we do that, I'll check with Counsel  
15 for the Public to just -- for a time estimate of what you're  
16 expecting.

17 MS. LOVATO: For our final presentation, I think 15  
18 to 20 minutes should be sufficient. And we had an opportunity  
19 to question the witnesses at the technical session on November  
20 20th, so we don't have any questions for them at this time.

21 CHAIRMAN GOLDNER: Okay. Thank you. So we'll just  
22 take a brief break and come back at 11:00 sharp. Off the  
23 record.

24 (Recess at 10:52 a.m., recommencing at 11:01 a.m.)

1           CHAIRMAN GOLDNER: Okay. We'll go back on the  
2 record. Yeah. It's about 11:00, and we'll move to Counsel  
3 for the Public. If the Counsel for the Public has any  
4 questions for the witnesses.

5           MR. BROOKS: Thank you. First, my name is Allen  
6 Brooks, A-L-L-E-N. I refer to myself as also Counsel for the  
7 Public.

8           So as Attorney Lovato stated, we appreciate the  
9 communications that Eversource has made so far. We had a very  
10 long technical session. All of our questions were answered,  
11 the technical report is very thorough, and we have exhibits  
12 that have been stipulated to, and you have a list of those in  
13 your materials. So we don't have to examine the witnesses.  
14 But we do have a presentation -- PowerPoint presentation that  
15 Attorney Lovato will provide, and we would like that  
16 presentation to be entered into the record.

17           I would like to address two things very quickly  
18 before Attorney Lovato begins. The first is the statement of  
19 Attorney Needleman that we believe in our position paper that  
20 the standard was (indiscernible) and that the rest of our  
21 argument is based upon that. Our position actually was that  
22 the standard is whether or not it is significant, and we  
23 talked about that in depth. We did use that as what we call  
24 guidance to say, what does the legislature consider big versus

1 small, but that certainly was not the standard. So I'm not  
2 sure what the confusion was with respect to that statement.

3 The one other point is that -- I believe the Chair  
4 mentioned that it may be considered whether this project will  
5 qualify for an exemption. I believe that the process for an  
6 exemption requires either an application or a request for  
7 exemption and a hearing and accounting, so I'm not sure how  
8 far we go. I would like to reiterate, though, that we are not  
9 opposed either to the project overall or to possibly  
10 proceeding through an exemption. The only issue that we're  
11 addressing here is whether the SEC has jurisdiction.

12 And with that, I'll turn it over to Attorney Lovato.  
13 Cheers.

14 MS. LOVATO: Thank you. I'm just going to share my  
15 screen here.

16 CHAIRMAN GOLDNER: I'll just check to see if anyone  
17 objects to the presentation from Attorney Lovato?

18 MR. NEEDLEMAN: Mr. Chair, I'm just curious about  
19 the process here. Is this a closing argument? Because at  
20 this point, it seems like we're still dealing with the  
21 witnesses, and I assume that the Committee will have questions  
22 as well.

23 CHAIRMAN GOLDNER: Attorney Brooks?

24 MR. BROOKS: Thank you. That's a good question. In

1 order to move this along more expeditiously, I think that this  
2 would be essentially our portion of the presentation that you  
3 get through witnesses and through the more -- kind of the  
4 contract that we usually use, but that takes a lot of time.  
5 So we would like to do this, but we believe that Eversource  
6 should have the opportunity to respond to the things that we  
7 say in here in whatever way they want -- to use the witnesses  
8 to do so, to have Attorney Needleman or others just address  
9 it. But usually this would come in through witnesses. You  
10 give this type of presentation, but they would still have the  
11 opportunity to cross-examine or provide more evidence. So  
12 they should have the opportunity to do that. Our closing  
13 statement will probably be extremely brief at the end of the  
14 event.

15 CHAIRMAN GOLDNER: Attorney Needleman, is that  
16 acceptable to the Company?

17 MR. NEEDLEMAN: Understood. No objection.

18 CHAIRMAN GOLDNER: Okay. Thank you.

19 Does the staff have any objections to the  
20 presentation?

21 MR. DECKER: No objection.

22 CHAIRMAN GOLDNER: Okay. Thank you. Attorney  
23 Brooks, Attorney Lovato, please proceed.

24 MS. LOVATO: Thank you, Mr. Chairman Goldner and

1 honorable members of the Site Evaluation Committee. Thank you  
2 for this opportunity and time. And I'd like to note that all  
3 images in this PowerPoint are taken from other exhibits that  
4 were provided in the joint exhibit list.

5           So our position today is that Eversource's X-178  
6 placement project constitutes a sizable change and therefore  
7 the SEC has jurisdiction over this project and should take  
8 jurisdiction. RSA 162-H, the statute that creates the SEC,  
9 provides that the Council has jurisdiction over the  
10 construction of any new energy facility which, as discussed,  
11 involves transmission lines of a designated kilovolt rating of  
12 over 100 kilovolts and that exceed ten miles in length, though  
13 as Attorney Needleman pointed out, those are when they're  
14 within a new area.

15           But additionally, the statute also provides that the  
16 Council has jurisdiction over sizable changes or additions to  
17 existing facilities. That term is not defined by statute,  
18 though in past decisions involving questions of whether a  
19 change is sizable, such as in the Merrimack Station case and  
20 in the Granite State Gas Transmission Company case, the SEC  
21 has considered five factors which have been discussed today,  
22 so I'll just go through them quickly.

23           The first is the size of the existing energy  
24 facility and the size of the proposed change; second, whether

1 the project will result in the acquisition of new land;  
2 whether it will result in a change in the capacity of the  
3 facility; whether the proposed change just merely involves the  
4 replacement of existing components, as opposed to the  
5 expansion or increase in size of components; and lastly,  
6 whether the change or addition will disrupt the existing  
7 environment.

8           When applying these factors in the past, the SEC has  
9 stated that the vast difference in size, type, and capacity of  
10 existing energy facilities must govern the nature and  
11 consideration of the weight applied to the various factors.  
12 And that language comes from the order granting motion for  
13 declaratory ruling in the Granite State case, which was  
14 quoting the Merrimack Station case. So in other words, this  
15 is a balancing test. The weight applied to the factors is  
16 determined by the specific facts of the case, and when applied  
17 to the facts of the X-178 replacement project, we believe  
18 these factors weigh in favor of it constituting a sizable  
19 change.

20           Firstly, when we look at the size of the existing  
21 energy facility and the size of the proposed change, we see  
22 that they are equivalent because we are dealing with a full  
23 rebuild, a term that Eversource used at least three times in  
24 its technical report. This project will involve the

1 replacement of the structures, conductor wire, and ground  
2 wire -- or replacement of the static ground wire with optic  
3 ground wire.

4           The scale of this change is much larger than what  
5 we've seen in prior cases where the SEC found that a change  
6 was not sizable. For example, in the Granite State case, when  
7 you were asked whether a 0.9-mile change in a 15.6-mile  
8 natural gas transmission line, in other words a change to five  
9 percent of the line, was sizable, you found it was not,  
10 whereas I mentioned here we're really looking at a 100 percent  
11 change.

12           Next, whether the project will require the  
13 acquisition of new land. While the majority of this project  
14 will exist within the current right-of-way -- or that's where  
15 the new line will exist, Eversource noted in its technical  
16 report, and as you heard today from Mr. Nelson, they are in  
17 communications to get some new property rights for those  
18 access roads.

19           Next, whether there will be a change in capacity.  
20 In short, Eversource has stated that this will not change the  
21 capacity of the line. That position is disputed by members of  
22 the public as well as the Towns, but since the other factors  
23 here weigh very heavily in favor of the change being sizable,  
24 this factor is not determinative.

1           And next, whether the project merely involves the  
2 replacement of components as opposed to an expansion or  
3 increase in the size of components. Here we are clearly  
4 dealing with an expansion and increase in size. Most  
5 importantly, Eversource will be replacing all of the current  
6 wood structures depicted in the yellow box, which -- with much  
7 taller metal structures depicted in the blue box.

8           To quantify the size of this change, we can look at  
9 some of the numbers here. So there's currently 580 wood  
10 structures along the current X-178 line. The proposed line  
11 would constitute 591 steel structures, which, as you've heard  
12 today, would be an average of 13 feet taller. So across the  
13 full 49 miles of the line, we're looking at about 1.5 miles of  
14 upward increase. And on an individual level, some structures  
15 will increase as much as 13 feet.

16           So the scale of this expansion is also much more  
17 significant than what the SEC has considered in prior projects  
18 and found was not a sizable change. Going back to the Granite  
19 State case, in that case, they found that an increase in the  
20 overall length of the 15.6-mile natural gas line of 0.1 miles,  
21 or at a less than one percent increase, was not sizable. This  
22 height increase is obviously much more significant than a less  
23 than one percent increase.

24           Lastly, we consider whether this project will

1    disrupt the existing environment. When applying this factor  
2    in the past, the SEC has looked at the location of the current  
3    energy facility. So for example, in the Merrimack Station  
4    case, the SEC found that the addition of scrubbers to that  
5    site would not be sizable because, quote, "the addition would  
6    be at the industrial site, so there would be no effect on the  
7    aesthetics of the site, historic at the site, public health,  
8    or safety, air, and water quality of the natural environment".  
9    And that language came from the order denying declaratory  
10   ruling.

11           In contrast, here the X-178 line traverses largely  
12   through undeveloped forest land, specifically in the White  
13   Mountain National Forest, as seen from this image from Google  
14   Maps. As you can see outside of the right-of-way, dense  
15   forest, and even within the right-of-way, it's also lush  
16   greenery. This project will disrupt this existing  
17   environment, mainly because it requires the construction of  
18   access roads and work paths, which you've heard a lot about  
19   today.

20           But to provide you an idea of what that will look  
21   like, here are some images of similar transmission lines that  
22   have these in place. Clearly this photo is taken from a  
23   different season, but still you can see just the footprint of  
24   work pads and access roads, some of which will be temporary in

1 these projects, but others which will remain and be permanent.  
2 These will disrupt the existing environment, and they will  
3 have a large visual impact. While Eversource has conducted  
4 some visual impact analysis, that's focused on the top of the  
5 structures, not on the changes to the right-of-way. And for  
6 more of an idea of what the visual impact might be, you can  
7 look at some of the public comments submitted by Kris  
8 Pastoriza, which provides some helpful aerial shots of the  
9 right-of-way.

10 So in conclusion, it appears that four of these  
11 factors weigh in favor of the change being sizable. And  
12 further, three of these factors weigh so heavily in favor that  
13 even excluding the acquisition of new land factor, we still  
14 believe this constitutes a significant change, and therefore  
15 the SEC has jurisdiction under RSA 162-H:5, Section 1.

16 And lastly, we'd just like to add that assuming  
17 jurisdiction here would serve the SEC's purpose because it was  
18 created to balance the potentially significant impacts and  
19 benefits in decisions about siting, construction, and  
20 operation of energy facilities, as well as to provide full and  
21 complete exposure to the public. And while we're not  
22 suggesting that this is, in fact, a new energy facility, at  
23 100 kilovolts in transmission and rating and 49 miles in  
24 length, the X-178 replacement project does exceed the size of

1 what would be considered a new energy facility if it were  
2 being built anywhere else. Therefore, those same potentially  
3 significant impacts and benefits involved in decisions about  
4 siting, construction, and operation of energy facilities are  
5 at issue here.

6 Lastly, ensuring full and complete disclosure to the  
7 public is in the public interest. As we've seen, there has  
8 been significant public interest in this project just from the  
9 number of comments as well as the number of individuals here  
10 today. Thank you again. I appreciate this opportunity.

11 CHAIRMAN GOLDNER: Thank you, Attorney Lovato.  
12 Would the Counsel for the Public like to submit the PowerPoint  
13 as an additional exhibit? I think you said yes before.

14 MR. BROOKS: Yes.

15 CHAIRMAN GOLDNER: Okay. Are there any objections?

16 MR. NEEDLEMAN: Can I ask you a question, Counsel  
17 for the Public?

18 MR. BROOKS: Of course.

19 MR. NEEDLEMAN: I don't recall seeing this exhibit  
20 beforehand. I may just be forgetting. Did you provide it to  
21 us?

22 MS. LOVATO: We didn't provide the PowerPoint, but  
23 all images in the PowerPoint and information were taken from  
24 existing exhibits, and you'll see those citations within the

1 PowerPoint.

2 MR. NEEDLEMAN: Okay. So all of the images to the  
3 various transmission lines that were included here were part  
4 of the exhibits that we already reviewed and Eversource had  
5 the chance to verify were accurate?

6 MS. LOVATO: Yes. There was two exhibits admitted  
7 by Counsel for the Public. One consisted of photos taken from  
8 along the power line, and another was a compilation of photos  
9 from screenshots of Google Images.

10 MR. NEEDLEMAN: Mr. Chair, I won't object to the  
11 admission of the exhibit, but that's not a concession that the  
12 characterizations regarding them are accurate.

13 CHAIRMAN GOLDNER: Okay. Noted, Attorney Needleman.  
14 Okay. And then the next question would be -- so we'll add  
15 that -- if the Counsel for the Public could provide that to  
16 the administrator, we'll include it as Exhibit 12. There's 11  
17 current exhibits. This would be Exhibit 12.

18 CHAIRMAN GOLDNER: And then I'll also -- I'm going  
19 to go to Eversource now. If they would -- if Eversource would  
20 like to ask any questions of the Counsel for the Public or  
21 friendly cross of the Eversource witnesses relative to the  
22 presentation, you're invited to do so at this time.

23 MR. NEEDLEMAN: Would it be appropriate for me to me  
24 to hold off on any redirect until after the Committee had

1 asked questions, so I didn't need to do it twice?

2 CHAIRMAN GOLDNER: Yes.

3 MR. NEEDLEMAN: Okay.

4 CHAIRMAN GOLDNER: I believe that that is okay.

5 Just a moment. Let me check something here. Yes. That would  
6 be -- that would be fine.

7 MR. NEEDLEMAN: Thank you.

8 CHAIRMAN GOLDNER: Okay. Do you the Towns have any  
9 questions relative to the presentation or any further  
10 questions for the Eversource witnesses?

11 MR. DECKER: Not at this time.

12 CHAIRMAN GOLDNER: Thank you. Okay. We'll turn now  
13 to Committee questions. After Committee questions, we'll move  
14 to the follow-up from the parties on Commissioner questions,  
15 including the points that Attorney Needleman made earlier. So  
16 I'll now move to the Committee for any questions for the  
17 parties, but specifically and mostly probably for the  
18 Eversource witnesses. If any.

19 Commissioner Chattopadhyay, please start.

20 QUESTIONS BY COMMISSIONER CHATTOPADHYAY:

21 Q So thank you. This is the position statement by the  
22 Towns and in that it says, "the proposed change will require  
23 the acquisition of new land", and then he describes it. It  
24 says, "Eversource will need to acquire easements and/or other

1 rights, including perhaps fee ownership, to construct many of  
2 the ROW access roads that will be needed to reach the ROW,  
3 bring in materials, and perform the upgrade work". I just  
4 want to get a sense from the witnesses here. There is also  
5 some discussion about, you know, the interaction between  
6 Eversource and the Army and -- that's what I heard. So would  
7 you agree that this is -- this will require an acquisition of  
8 new land?

9 MR. NEEDLEMAN: Mr. Chair, if I may? Just for the  
10 benefit of the court reporter, could I ask the witnesses to  
11 identify themselves before they answer questions?

12 CHAIRMAN GOLDNER: Yes. Thank you.

13 A (Nelson) Hi. Kurt Nelson, manager of licensing and  
14 permitting for Eversource. I think I can address this. With  
15 respect to off-right-of-way access, the question of whether  
16 the project is constructible without off-right-of-way access,  
17 I believe it is. But off-right-of-way access is -- is  
18 advantageous for us for this project and is sort of the  
19 standard process we would do for any sort of line rebuild of  
20 this nature. Any -- any -- any right-of-way project we do, of  
21 any size, scope, we're always looking to see if we have  
22 advantageous off-right-of-way access routes here. So a  
23 very -- very commonplace going into this.

24 So we have been embarking on our permits for this

1 project and -- and seeking the off-right-of-way access is just  
2 sort of the standard matter of course for us for a project of  
3 this type. But is the project wholly dependent on it? I  
4 don't believe that's the case.

5 BY COMMISSIONER CHATTOPADHYAY:

6 Q So leaving aside the issue of whether you're wholly  
7 dependent on it or not, my question is, so this will really  
8 require acquisition of new land or not?

9 A (Nelson) It certainly doesn't require the acquisition  
10 of land in fee. Often our off-right-of-way access -- legal  
11 terms or is just essentially an agreement letter signed by  
12 both the underlying landowner and Eversource. And the  
13 majority of those are in the -- are temporary in nature.

14 A (Burke) And this is Carol Burke. I just want to add  
15 to that. Many of these are existing accesses that have been  
16 handshake agreements for years with landowners. We're now  
17 just looking to memorialize that on a piece of paper. It's  
18 not -- it's not an acquisition. It's really just an agreement  
19 with the landowner.

20 Q So you disagree with the characterization here by the  
21 Towns?

22 A (Burke) Correct.

23 QUESTIONS BY CHAIRMAN GOLDNER

24 Q I'll just follow up with a different question. So

1 when the 115 kV line -- or voltage line, rather -- kilovoltage  
2 line was to was designed by the Company to keep the R-15  
3 (phonetic) line there today, there was discussion before about  
4 what would it take to upgrade to 230 kV or 345 kV. When you  
5 designed the current line or when you looked at the 115 kV  
6 line, how much margin did you have? Would you -- was it close  
7 saying we really need to upgrade this to a different voltage,  
8 or was it comfortably within the analysis given the current  
9 load profile?

10 A (Soderman) I want to make sure I understand your  
11 question properly. This -- this rebuild is being sought from  
12 an asset condition, an asset management perspective. At  
13 present there are no immediate systems planning drivers to --  
14 to this project. It is purely for asset condition reasons.  
15 One of the things we took a look at while we were reviewing  
16 the project is, okay, are we making sure we're setting -- not  
17 setting ourselves up to have to pull the wire in 20 years and  
18 evaluated it against that 2050 case. But that did not require  
19 a change in voltage.

20 Q I understand, and I guess what I'm trying to ask is  
21 that, when you did that analysis to keep the current voltage  
22 on the line, did it -- were you -- was it the -- and you  
23 looked at potentially upgrading 10 or 20 years, what did that  
24 analysis show? Did it show that for the next 100 years

1   there's no need for an upgrade?

2           A   (Soderman) I'm very reticent to say 100 years.  
3   Transmission system planning usually doesn't look out quite  
4   that far. But we don't see any need in the near term for this  
5   to change. However, you know, the one thing I'll -- the one  
6   caveat I'll put that, it's because Eversource doesn't own  
7   generation anymore, you know. Another independent power  
8   provider could come in and change the way the entire system  
9   works for whatever reason. So I'm reticent to give you any  
10  ironclad numbers because other external factors could drive  
11  that. But right now, we don't see any need to change the  
12  voltage on this transmission line.

13          Q   And so usually, I mean, in my verbiage, there would  
14  be -- there'd be a margin of safety. So you'd look at the  
15  current environment and you'd say, okay, well, we really -- we  
16  could have doubled the amount of load on this line and we  
17  would still be okay. Do you have any -- can you give the  
18  Committee any information on how much margin of safety you  
19  have on this -- on the current design?

20          A   (Soderman) So if you take a look at the -- the exhibit  
21  that was kind of brought up earlier when we spoke regarding  
22  the 2050 planning study. Now, keep in mind that that is a  
23  very forward-looking study, and exactly how that's going to be  
24  realized over the next 25 years is -- is, you know, obviously

1 subject to change. But the line would be kind of set up in  
2 place to kind of deal with that in the future. But it would  
3 require, you know, other changes on the system, changes at the  
4 substation, changes on the transmission line. So -- but it  
5 wouldn't require us necessarily to change this conductor. And  
6 there's market conductor alone above that, yes.

7 Q Okay. And can you give us any flavor for -- in  
8 today's design, do you have a 50 percent margin, 70 percent  
9 margin? Do you have -- can you give us any indication of how  
10 close it is to the edge?

11 A (Soderman) So taking a look at the -- taking a look at  
12 the 2050 study slide, right, they were identifying an overload  
13 getting to 344 MVA, and the thermal limit on the conductor  
14 alone is 518 MVA. So we're at about 70 percent.

15 Q Okay. Thank you. Okay. That's what I was looking  
16 for. Thank you.

17 CHAIRMAN GOLDNER: Commissioner Chattopadhyay?

18 QUESTIONS BY COMMISSIONER CHATTOPADHYAY:

19 Q I was going to go there, the same issue. I'm not an  
20 engineer, so I'm trying to frame my question as much as I can.  
21 I think the discussions -- there was some mention of -- in the  
22 ACSS approach, if you build or change substations or have  
23 additional equipments, you can carry more electricity; is that  
24 what you meant?

1           A   (Soderman) Current.

2           Q   More current. Okay. Given the -- what you have right  
3 now, can you give me a sense of whether there is a possibility  
4 of the existing structures carrying more current with some  
5 adjustments?

6           A   (Soderman) So they -- once the existing lines and the  
7 existing wires today, if they could be modified to carry  
8 additional current beyond what their rating is presently? No.  
9 They are at the thermal limit of ACSR. (Indiscernible)  
10 shielding.

11          Q   Okay. Can you give me a sense of how much more  
12 current can ACSS accommodate if you went with the other -- the  
13 discussion about substation and additional equipment? Just a  
14 ballpark.

15          A   (Soderman) So when you take a look at the long-term  
16 emergency rating -- and keep in mind it's not just a change  
17 from ACSR to ACSS, it's also a larger conductor size. But  
18 you're going from current LTE rating of 239 MVA to 518 MVA.

19          Q   Okay. Thank you.

20               THE COURT REPORTER: Excuse me for interrupting.  
21 This is the court reporter. Mr. Soderman, will you please  
22 repeat the last number, the 500 that you said? And please  
23 speak up moving forward.

24               MR. SODERMAN: 518. 5-1-8 MVA --

1 THE COURT REPORTER: Thank you.

2 MR. SODERMAN: -- by the book.

3 THE COURT REPORTER: Thank you.

4 CHAIRMAN GOLDNER: Any other questions from the Site  
5 Evaluation Committee before we move to the parties for any  
6 follow-up questions of the witnesses? Commissioner Cass?

7 QUESTIONS BY COMMISSIONER CASS

8 Q So I know we just kind of briefly -- I know in some of  
9 the presentation materials there was a consideration of  
10 alternatives, but it seemed like there was a base alternative  
11 of just replacing structures that were in degradation. And  
12 that led to, well, while we're doing there and have -- not  
13 have to return to the right-of-way, there's others that are in  
14 similar condition, so we'll kind of do those. And then it  
15 sounded like -- as a change to a broader whole rebuild of  
16 replacing the conductors and everything led to a substantial  
17 number of more structures and towers and things needed to be  
18 rebuilt up to the total -- the full rebuild of 578, whatever  
19 the number.

20 So I don't know if you can kind of briefly just kind  
21 of walk through the thought process that led to -- from  
22 needing to replace some degraded structures and stuff from --  
23 to a rebuild. And I don't know who that would be best to  
24 answer it, but there was a series of kind of decisions that

1 led to an asset assessment to a fuller rebuild, that I'm just  
2 curious how that kind of progressed.

3 A (Soderman) Yeah. This is Chris Soderman again. So  
4 obviously we take a look at the condition of our structures,  
5 and we take a look at the condition as they're changing  
6 overall. And we noted that a number of structures, even  
7 though they were classified as B, they had a significant age  
8 component to them. And when we started taking a look at  
9 replacing existing structures, that caused cascading effects  
10 on neighboring structures. So -- so that was one of the  
11 things that was driving to us.

12 But one of the things that also continued to kind of  
13 really hit the, you know, hit -- to drive the point home for  
14 us is in 2024, we did an additional drone review, and we saw a  
15 substantial increase in the number of structures that were  
16 given that priority C rating, meaning we should replace them.  
17 And so that really kind of illustrates to us pretty  
18 consistently that this transmission line, and you know, the  
19 overall assets are at the end of their life, and they really  
20 need to be replaced. It's not -- it's -- it's not a question  
21 of if, it's a question of how quickly the other ones are going  
22 to fall into that category, you know, one year, two years, you  
23 know, five years. We know it's going to be relatively  
24 quickly.

1           So when you think about the mobilization, actually  
2 going out there and setting up your access roads, again -- and  
3 again, particularly when we're talking -- thinking about the  
4 wetland areas, right, you're going to mat through them.  
5 You're going to have to remove those mats and then have to go  
6 back out there to get those structures up again. You're going  
7 to be matting against -- you're going to incur that same civil  
8 cost, meaning the civil site development cost, which is a  
9 substantial portion of any transmission line project.  
10 Considering that you're going to look into hitting those same  
11 costs again and again and again, that's kind of what -- what  
12 drove us to selecting the -- the full rebuild.

13           Q   Thank you.

14           CHAIRMAN GOLDNER:   Any other questions?

15           *[No verbal response.]*

16           CHAIRMAN GOLDNER:   Okay. We can move now to what  
17 I'll call redirect with Eversource.

18           MR. NEEDLEMAN:   I don't have any redirect, Mr.  
19 Chair.

20           CHAIRMAN GOLDNER:   Okay. Thank you. Do either the  
21 Petitioners or the Counsel for the Public have any redirect?

22           MS. LOVATO:   Counsel for the Public does not have  
23 any redirect. Thank you.

24           CHAIRMAN GOLDNER:   Thank you.

1           MR. DECKER: No further questions from the Towns.  
2 Thank you.

3           CHAIRMAN GOLDNER: Thank you. Well, I'll check in  
4 with the Towns. The Petitioners had reserved the right to  
5 call the Select Board representatives for the purposes of  
6 impeachment. So I'd just like to check in to see if the Towns  
7 would like to call the Select Board representative to the  
8 witness stand?

9           MR. DECKER: No, thank you.

10          CHAIRMAN GOLDNER: Okay. Okay. Thank you. Okay.  
11 So let's move on to closing arguments. I believe that we can  
12 fit everything in by 12:30. Just a quick time check. After  
13 closing, we can strike ID on the exhibits, and then we can  
14 move to deliberations. So if the closings are relatively  
15 brief, I think we'll be okay. If the closings are longer, we  
16 can take written closings and then return on a different day  
17 for deliberations. Do the parties have an estimate for how  
18 long the closings would take, or if they have a preference on  
19 a written versus verbal closings?

20          MR. DECKER: I have a brief closing, and I prefer to  
21 present it orally.

22          CHAIRMAN GOLDNER: Okay.

23          MR. NEEDLEMAN: Same with me.

24          CHAIRMAN GOLDNER: Okay. Counsel for the Public?

1           MR. BROOKS: Just a couple minutes, and I think that  
2 we would like to be able to get Eversource an answer today if  
3 we can, so we'll be quick.

4           CHAIRMAN GOLDNER: So very good. Thank you. Okay.  
5 So let's go with oral closings and -- which will be followed  
6 by of deliberations. And we'll begin with Eversource.  
7 They're the --

8           MR. NEEDLEMAN: I thought we'd begin with  
9 Petitioner.

10          CHAIRMAN GOLDNER: They have the burden of proof, so  
11 usually we let them go last.

12          MR. NEEDLEMAN: Okay. So Mr. Chair, I'll focus on  
13 the five factors again, starting with the first one, the  
14 existing size of the facility versus the new facility.  
15 Currently, what you have is a line that's 49 miles long. It's  
16 115 kV. It goes through nine towns. If the project is built  
17 as proposed, the new line will be 49 miles long, 115 kV, and  
18 it will go through nine towns. It will be in the same  
19 corridor. The new structures will be marginally higher. You  
20 heard Ms. Lovato say that this is a 100 percent change. I  
21 would respectfully disagree. I would say it's functionally a  
22 swap out, one line for a different line.

23                 With respect to the second line -- the second  
24 category, acquisition of new land, we've been around and

1 around on this one. What's clear, though, is that there's no  
2 expansion or widening of the right-of-way, and that to the  
3 extent some of these handshake agreements are being more  
4 formally memorialized, they are ultimately not necessary. You  
5 heard Mr. Nelson say that the project could be built without  
6 those if needed.

7 We also heard a lot about changes in capacity, but  
8 ultimately what we've heard is that it's going to be an  
9 existing 115 line and a new 115 kV line. And that if there  
10 were to be any material changes to the ability of the line to  
11 carry power, that would require additional work that isn't  
12 contemplated by this project.

13 Four, the question of whether it is a replacement of  
14 existing components as opposed to an expansion. You've heard  
15 testimony throughout the day explaining how what's happening  
16 here is replacing the existing components of the line and not  
17 taking the line in and expanding it, for example, moving it  
18 from a 115 to a 230 kV line.

19 And finally, with respect to disruption of the  
20 environment, Ms. Lovato noted that the line traverses  
21 undeveloped forest land. It will continue to traverse  
22 undeveloped forest land. There's going to be no effect to  
23 that land off of the right-of-way. It is true that there are  
24 a wide range of environmental considerations associated with

1 this project. And in fact, many of those permits have already  
2 been acquired by the Department -- from the Department of  
3 Environmental Services, and several others are in the works.

4           What you didn't hear at all today was discussion  
5 from Ms. Kimball about the aesthetic effects, and she was able  
6 to take a look at that briefly. And you have that information  
7 in the report. And what you see, contrary to what Ms. Lovato  
8 said about there being a large visual impact, is that the  
9 record reflects that there will be a marginal visual impact at  
10 best based on the work that Ms. Kimball did.

11           And so in sum, Eversource's position is when you  
12 drill down into the five factors that this Committee needs to  
13 consider, this is, in fact, not a sizable thing. Thank you.

14           CHAIRMAN GOLDNER: Okay. Thank you. I'll go to the  
15 Counsel for the Public next, and then the Petitioners who have  
16 the burden.

17           MR. BROOKS: Thank you. So I can't do any better  
18 than Attorney Lovato did, but I'll add just a couple thoughts  
19 at the end. To be candid, it's sizable, mostly because, what,  
20 it's 50 miles of a complete replacement. On average, every  
21 tower is 13 feet higher. Some are less, but some are a lot  
22 more.

23           The thing that jumps out at me about this project  
24 that may be a little bit different from other projects you've

1 looked at is actually the access roads. They have the current  
2 access roads for the entire corridor. That's different than  
3 it is now. If you see Exhibit 5 on that presentation that we  
4 provided to you, that's a view from Sugar Hill. And you can  
5 see miles down that corridor. And that's going to be a  
6 different (indiscernible). That doesn't mean that it's bad.  
7 It doesn't mean that it can't be addressed and maybe addressed  
8 in a way that we're all satisfied with. But 50 miles of total  
9 replacement with higher towers the entire way and new access  
10 roads -- new permanent access roads is a sizable addition.  
11 It's a significant change under the statute.

12 I would, though, again, like to point out that, at  
13 this point, Eversource has done a very good job of working  
14 with State agencies, that includes DES but also Fish and Game,  
15 to try to figure out how to address impacts. I don't want  
16 this to be reviewed just for the sake of it taking up  
17 additional time, but I think it fits under the statute, and  
18 whether that's an exemption or maybe a process where we all  
19 make sure that we proceed as expeditiously as possible during  
20 the full application, I think that's all fair. I think it  
21 would be unfair to unfair to Eversource to drag this out for  
22 the sake of dragging it out.

23 But I also hope that people consider the precedent  
24 that you're setting here. This happens to be a pretty good

1 project. They've done a lot of work. They looked at some of  
2 the towers. They haven't done an aesthetic impact of many or  
3 most of what the towers are, and they haven't really done that  
4 much aesthetic impact, in my opinion, on the access roads.  
5 But it's a fairly good project. But you have to think of the  
6 next time when you get a project that is not quite as good,  
7 that has more impacts that you feel you really need to  
8 examine. That's 50 miles of total replacement along with new  
9 access road and increased height. Are you then going to say,  
10 well, we're taking jurisdiction over this one, but because we  
11 don't necessarily like aspects of it.

12 So the question here is just, is a project like this  
13 sizable enough for you to look at? We believe that it is.  
14 Thank you.

15 CHAIRMAN GOLDNER: Thank you. And finally we'll  
16 move to closing with the Petitioners.

17 MR. DECKER: Thank you, sir. I'd like to start out  
18 by saying -- in case I didn't in my opening, I want to  
19 emphasize that the Towns are not expressing a position against  
20 the project as a whole at this point, or they're just not  
21 disputing whether this project is a good idea. Rather, that  
22 the Towns are seeking this Committee's oversight on the whole  
23 49-mile project from end to end. We've got nine towns  
24 involved, nine different sets of zoning ordinances and site

1 plan review regulations and other local complications.

2 Appendix 1 to Exhibit 1 is a list of all the  
3 different permits that this project requires at the federal,  
4 state, and local levels. When I was here for the first time  
5 back in September, there was a Committee member who's not  
6 present today who emphasized that this Committee's role is as  
7 a super state-level land use board role, and that is what the  
8 Towns are seeking, a consistent review and approval of the  
9 project, however that may play out across all nine towns.

10 With respect to the five elements, the Towns assert  
11 that there is substantial evidence in the record in all of the  
12 exhibits that have been submitted to the Committee to support  
13 that there will be a substantial increase in size in this  
14 project with reference to the change from wooden poles to  
15 metal poles, from static shield wire to optical ground wire,  
16 and from ACSR conductor to ACSS conductor. There will be  
17 substantial changes in -- the potential for substantial  
18 changes in capacity with the change in conductor from ACSR to  
19 ACSS. So although Eversource maintains this will remain a 115  
20 kilovolt line at the conclusion of this project, they will  
21 have made substantial progress towards it being something more  
22 in the future. Also, the optical ground wire adds  
23 communication capacity, and that's an additional capacity  
24 change with this project that comes at a substantial cost in

1 terms of the cost per foot of the optical ground wire versus  
2 the static wire.

3           We've gone through the exhibits showing that there  
4 will be new access routes required. There will be substantial  
5 disturbances to wetlands. There will be substantial  
6 environmental impacts. While Eversource argues that this  
7 project can be done without the new off-right-of-way access  
8 roads, I believe it's also correct that doing the project  
9 without those access routes potentially increases the cost of  
10 the project significantly, and it also increases environmental  
11 impacts significantly. There will also be the disturbance of  
12 the work pads which are not mentioned at all in Eversource's  
13 materials, but every single one of these poles is going to  
14 have a 100 by 100, perhaps shrinking to 30 by 60, work pad  
15 where the ground is leveled and the ground is graveled. And  
16 that is a significant disturbance in and of itself.

17           So I believe the Towns have carried their burden to  
18 demonstrate that all five factors that the SEC considers in  
19 determining whether this is a sizable project have been  
20 satisfied by the testimony that's been heard and all of the  
21 exhibits that are before the panel. Thank you.

22           CHAIRMAN GOLDNER: Thank you. Just a bit of  
23 cleanup. I failed to excuse the witnesses previously. The  
24 witnesses are excused. Thank you for your testimony today.

1           Are there any objections to striking ID on all  
2 exhibits submitted today and accepting them into evidence as  
3 full exhibits? That's 1 through now 12?

4           *[No verbal response.]*

5           CHAIRMAN GOLDNER: Hearing none, I will strike ID on  
6 the Exhibits 1 through 12 and enter them as full exhibits in  
7 this docket.

8           And we'll move now to Committee deliberations.  
9 Before we begin discussion, I'll remind the Committee members  
10 of the scope of today's proceeding. The only issue today is  
11 whether or not the proposed X-178 project qualifies as a  
12 sizable change to an existing facility and thus falls under  
13 SEC jurisdiction pursuant to RSA 162-H:5, I.

14           I'll turn now to the Committee members. Does anyone  
15 wish to begin discussion regarding the Petitioners' request  
16 for the SEC to assume jurisdiction and oversight of the  
17 Eversource proposed X-178 transmission line project?

18           MR. DOIRON: Mr. Chairman?

19           CHAIRMAN GOLDNER: Mr. Doiron.

20           MR. DOIRON: Just a point of -- just sort of  
21 discussing a point of information, a clarification. So if we  
22 as a body determine that the Towns have made burden of proof  
23 that qualifies it as a sizable change, what happens next?  
24 Because this docket came before us before the law changes, so

1 it would then be sent to the new Site Evaluation Commission  
2 under the new law, correct?

3 CHAIRMAN GOLDNER: That's right. That's right. And  
4 I'll answer the question by saying that if the Committee were  
5 to rule in favor of the Towns, then Eversource would be  
6 required to file an application pursuant to RSA 162-H:7. This  
7 would be a new docket under the new SEC.

8 MR. DOIRON: Thank you, Mr. Chairman.

9 CHAIRMAN GOLDNER: Further discussion from the  
10 Committee?

11 COMMISSIONER CASS: I'll ask one question. So it's  
12 probably a little bit following up on that. So when you put  
13 the motion -- when you put the decision to us, if it's really  
14 that -- that case of whether you think this constitutes a  
15 sizable change, not whether -- because this is what I'm  
16 struggling with. I think all the exhibits and stuff -- I  
17 think the rationale that led to a complete rebuild. The type  
18 of analysis that has gone into the visual assessments and the  
19 restoration, I have great trust in, and our permitting  
20 authorities to see that things are done within the rules and  
21 things like that.

22 So as I'm struggling with this, I'm looking at  
23 this -- I'm looking at, so what more would the SEC -- what  
24 more would any jurisdiction bring to this process that isn't

1 being done? And maybe that's not a pertinent question from  
2 the way you posed it at the beginning, but that's what I'm  
3 kind of trying to wrestle with myself, so.

4 CHAIRMAN GOLDNER: Yeah, I would maybe address that  
5 by saying the question, at least from my perspective, is just,  
6 should the SEC be taking jurisdiction under the statute, under  
7 the current law, the lawmakers having decided that the SEC has  
8 responsibilities to take jurisdiction and -- under certain  
9 circumstances, the five factors were highlighted before. So  
10 for me, it's just a question of law, the legislators having  
11 intended that the SEC to take jurisdiction under certain  
12 circumstances.

13 MR. DOIRON: Mr. Chairman? I would say from a --  
14 just going through everything -- everything was incredibly  
15 thorough, the number of exhibits and the witnesses, the  
16 testimony here today. I think I found most compelling the  
17 presentation and comments from the -- from Attorney Lovato and  
18 Attorney Brooks. And that's kind of where I'm wrestling with  
19 as well. I mean, that's kind of where I'm at. And I'm --  
20 so -- just to spur the conversation to continue because we had  
21 a lull. And that's kind of where I'm thinking most in terms  
22 of what I heard here today.

23 CHAIRMAN GOLDNER: I'll just add to the answer  
24 earlier to Commissioner Cass. There could be an exemption

1 under the law, as highlighted by the Counsel for the Public,  
2 after application. So if the SEC took jurisdiction, that  
3 exemption is possible under the law, but the application would  
4 come first. Okay.

5 MR. CREPEAU: Adam Crepeau. I think most  
6 compelling -- I agree with Mr. Doiron that most compelling was  
7 the Counsel for the Public's testimony that this is -- this  
8 would be precedent setting. And so I'm sort of leaning in  
9 that direction, for the SEC to take jurisdiction and consider  
10 an exemption after application's applied.

11 CHAIRMAN GOLDNER: Thank you.

12 UNIDENTIFIED SPEAKER: And he was right there.

13 CHAIRMAN GOLDNER: Commissioner Chattopadhyay?

14 COMMISSIONER CHATTOPADHYAY: In understanding where  
15 I'm at, for me I'm viewing this as a question of whether we  
16 consider this as a sizable change or not. And I'm going to  
17 leave it at that. And I think I've heard enough to come to a  
18 conclusion.

19 CHAIRMAN GOLDNER: Any other questions before we  
20 move to a motion? And I can propose a motion or a Committee  
21 member can propose a motion if that would be -- if anyone is  
22 ready to do so. There's always a long pause before I propose  
23 it. So.

24 COMMISSIONER CASS: So I -- if I could -- I could

1 make a motion. I can feel that it's a sizeable change. That  
2 would be my thing. I got my five. The question would be,  
3 what more value the SEC could add in its jurisdiction. But  
4 taking that aside, I think motion that this is within  
5 jurisdiction as it does (indiscernible) to abide by all the  
6 presentations of the (indiscernible). (Indiscernible).

7 MR. CREPEAU: Second.

8 CHAIRMAN GOLDNER: Okay. Thank you. We have a  
9 motion and a second. Further discussion?

10 *[No verbal response.]*

11 CHAIRMAN GOLDNER: Okay. Hearing none, we can take  
12 it to a vote. I think in this circumstance, having heard  
13 everything, we can start with Mr. Hackley, and if everyone can  
14 identify themselves for the court reporter and vote yes or no,  
15 please, to the motion from Commissioner Cass.

16 MR. HACKLEY: Patrick Hackley, designee for the  
17 Department of Natural and Cultural Resources. Yes.

18 MR. DOIRON: Joseph Doiron. Yes.

19 COMMISSIONER CHATTOPADHYAY: Pradip Chattopadhyay,  
20 New Hampshire PUC. Yes.

21 COMMISSIONER CASS: William Cass, Commissioner, New  
22 Hampshire DOT. Yes.

23 MR. CREPEAU: Crepeau, Department of Environmental  
24 Services. Yes.

1           CHAIRMAN GOLDNER:  And Dan Goldner, Chair, SEC.

2   Yes.  The motion passes unanimously.

3           And I'll ask at this time if there's any other  
4   business lawfully before the committee?

5           *[No verbal response.]*

6           CHAIRMAN GOLDNER:  Okay.  Seeing none -- and we'll  
7   adjourn the meeting.  Thank you everyone for your time.  We're  
8   adjourned.

9           (Whereupon the hearing was concluded at 11:53 a.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

CERTIFICATE

I, Traci Fine, a court-approved proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST(S): Derek Sonderfan

TRACI FINE, CDLT-169  
Proofreader

March 5, 2025