

**THE STATE OF NEW HAMPSHIRE
SUPREME COURT**

No. 2018-0468

**NORTHERN PASS TRANSMISSION LLC
AND
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY**

**Appeal from Orders of the Site Evaluation Committee
Dated March 30, 2018 and July 12, 2018**

**APPENDIX TO
BRIEF OF NORTHERN PASS TRANSMISSION LLC AND
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

November 29, 2018 - 1:04 P.M. DAY 2
49 Donovan Street Afternoon Session ONLY
Concord, New Hampshire

{Electronically filed with SEC 12/17/18}

IN RE: SEC DOCKET NO. 2015-04
Application of Public Service
Company of New Hampshire, d/b/a
Eversource Energy, for a
Certificate of Site and
Facility.
(SEC Deliberations)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

- | | |
|----------------------------------|------------------------------------|
| Patricia Weathersby | Public Member |
| (Presiding Officer) | |
| David Shulock, Esq. | Public Utilities Commission |
| Elizabeth Muzzey, Dir. | Div. of Historic Resources |
| Charles Schmidt, Admin. | Dept. of Transportation |
| Christopher Way, Dep.Dir. | Div. of Economic Dev. |
| Michael Fitzgerald, Dir. | Dept. of Env. Services |
| Susan Duprey | Public Member |

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel for SEC
Iryna Dore, Esq.
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

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{SEC 2015-04}[DELIBERATIONS-DAY 2 AFTERNOON
ONLY]{11-29-18}

1 if we were to just say we wanted something
2 instead of the pamphlet, what are the
3 mechanics of that? Do we really have the
4 ability to do that?

5 MR. IACOPINO: You have the legal
6 authority to condition it if you're inclined
7 to grant the certificate, to condition that
8 certificate in any way pretty much that you
9 choose, that there's a record for. If you
10 believe that there is some impact on the
11 historic resources that can be mitigated, you
12 can issue additional conditions over and above
13 their MOU for --

14 MS. DUPREY: Okay. So we can't
15 trade it out. We can't take something out of
16 the MOU. What we could do is add something.

17 MR. IACOPINO: No, I think you could
18 say we condition the certificate on the MOU,
19 with the exception of section whatever. I
20 mean, I don't know what section this is.

21 MS. DUPREY: But even if we did
22 that, this is still an agreement with the DHR.
23 I mean, maybe for purposes of the SEC they
24 don't have to do it. But they're still going

1 documents are part of the certificate.

2 MR. FITZGERALD: Can I make a
3 suggestion? Seems to me we could accept the
4 condition of the MOA, MOU, whatever it is,
5 with the exception of that one, that satisfies
6 the SEC. Whatever the historic office wants
7 to do beyond that is fine. And then we
8 condition the Applicant spend an amount,
9 \$20,000 or whatever, and delegate the
10 authority for doing that to the historical
11 office to work in conjunction with the Town of
12 Newington and Newington Historic Commission
13 and representatives of the Pickering Farm to,
14 you know, implement a plan for the use of that
15 money.

16 PRESIDING OFFICER WEATHERSBY:
17 Trying to get that farm piece in there. Give
18 you credit.

19 MR. FITZGERALD: I don't care. It
20 doesn't necessarily have to be the Pickering
21 Farm or something. But, you know --

22 PRESIDING OFFICER WEATHERSBY: I
23 think there's been -- my understanding of the
24 involvement with the folks that own Pickering

1 Farm is that they haven't been particularly
2 willing to have a lot of dialogue concerning
3 the Project. So I wouldn't want to condition
4 this on their approval or their input if they
5 do not want to participate in that process.

6 DIR. MUZZEY: One of my concerns is
7 I wouldn't want the Site Evaluation Committee
8 to put a state agency into an administrative
9 difficulty, where one of the aspects of their
10 agreement documents is now not part of the
11 certificate. I think that puts the agency in
12 a difficult position and reopens negotiations
13 on the agreement between the community, the
14 agency and the Applicant as to whether or not
15 that was an appropriate stipulation and what
16 should now be done with it. That's why I
17 would prefer to exercise what I believe I
18 heard is the Committee's option to go back to
19 the state agency, see whether the stipulation
20 can be changed within this document and then
21 have what I view as the need or solution where
22 the two documents just become part of the
23 certificate.

24 PRESIDING OFFICER WEATHERSBY: So,

1 Attorney Iacopino, could we then do an
2 either/or condition where the Applicant and
3 parties to the MOU will seek to replace that
4 condition with that as suggested by the
5 Committee and amend that agreement? And if
6 that does not occur, then instead we will then
7 go to what we said where the Committee then
8 will impose that condition? That pretty much
9 assures that the agreement will be amended.

10 MS. DUPREY: Can we not just assign
11 an arbitrary value to the pamphlet, like let's
12 say it's \$1500 and the grant's another
13 \$18,500, and let them figure out how to get
14 out from under the pamphlet? I just think
15 that we're doing too much here. I don't think
16 we need to do all this. Maybe you think the
17 pamphlet's worth \$500. I don't know what it
18 is. But whatever it is, let's just come up
19 with our own number and let the DHR thing
20 alone, and the parties that are expert at
21 this, they can figure it out.

22 PRESIDING OFFICER WEATHERSBY: I
23 think we are spending too much time on this.
24 I agree.

1 (Various SEC members voicing agreement.)

2 PRESIDING OFFICER WEATHERSBY: But I
3 don't think that solution solves Director
4 Muzzey's -- you know, why don't we take a
5 10-minute break, get clear our heads a little
6 bit, maybe talk to counsel and then come back.

7 (Recess was taken at 2:39 p.m.

8 and the hearing resumed at 2:50 p.m.)

9 PRESIDING OFFICER WEATHERSBY: So
10 let's resume our deliberations concerning
11 mitigation for the Alfred Pickering Farm's
12 work site. Ms. Duprey, I think you may have a
13 suggestion.

14 MS. DUPREY: I did. And I wouldn't
15 be true to myself if I didn't first try to put
16 something on the record. So I would once
17 again like to call people's attention to
18 Patricia O'Donnell's remarks towards the end
19 of her testimony. I went back and looked at
20 the transcript, and of course did not note the
21 page, but noted in there that she was asked
22 about mitigation. And she was asked about
23 this pamphlet specifically. And I think it
24 might have actually been you, Madam Chair, who

1 asked her were there other kinds of
2 mitigation -- or someone did, let me say
3 that -- were there other kinds of mitigation
4 that she could suggest. And she suggested
5 perhaps a workshop on rebuilding your stone
6 wall, and I think another one on historic
7 stone walls. So I just put that out there
8 because I think that's very much in keeping
9 with the kind of thing we're looking at here.
10 And she went on to say there's all kinds of
11 things you could do. It's such a rich pallet.
12 And by that, I don't think she was really
13 referring to going and spend money. I think
14 she was referring to the kind of things you
15 can do to educate the public, which this is
16 very much in keeping with that. So I think it
17 was an appropriate mitigation effort. That
18 said, I'm in the minority. I can count heads.
19 And we've been struggling with how to manage
20 this situation, and I think the best thing
21 that we can do is to set aside an amount of
22 money -- and I'm going to propose \$20,000;
23 that's a number that's been discussed here,
24 and people can take issue with that -- and to

015-04} [DELIBERATIONS-DAY 2 AFTERNOON
ONLY] {11-29-18}

1 say that we unlink it from the MOU and MOA and
2 leave those documents as they are. I don't
3 think going back to the agency is a good idea.
4 I think it's just overly complicated, and the
5 lawyers will spend \$2,000 figuring that out.
6 So let's just give a sum of money. Give it to
7 the Town to be spent in furtherance of their
8 notion of mitigating the Pickering Farm, with
9 oversight or review by DHR, and to be spent
10 within five years. And I think that's it. I
11 think that's enough.

12 PRESIDING OFFICER WEATHERSBY: So
13 just to make sure I understand what you're
14 proposing, it's what we were talking about
15 before the break, but uncoupling it from the
16 requirement in the MOU that the booklet and
17 educational presentation be done.

18 MS. DUPREY: That will remain.

19 PRESIDING OFFICER WEATHERSBY: So
20 that will remain.

21 MS. DUPREY: Yes.

22 PRESIDING OFFICER WEATHERSBY: And
23 this will be a condition that the Committee
24 imposes in addition to whatever is in that

1 MOU.

2 MS. DUPREY: Correct.

3 PRESIDING OFFICER WEATHERSBY: Am I
4 understanding you correctly?

5 MS. DUPREY: Yes. And if the
6 parties on their own separately decide they
7 want to approach DHR to unencumber themselves
8 of the booklets, I think that's between the
9 parties and DHR. I don't think that we need
10 to be in the middle of that. So I suggest
11 that we do this separately; that it be in
12 mitigation of the Pickering Farm, where there
13 was a lot of consideration to going
14 underground. We're not doing that, so I think
15 we're justified in giving a sum of money, if
16 that's what we so decide. And I think the
17 only thing that's up in the air is \$20,000.
18 I'm suggesting that as the number that you all
19 had been tossing around before. Thank you.

20 PRESIDING OFFICER WEATHERSBY:
21 Thank you. I actually like your suggestion.
22 We've all felt, and I think I vocalized and
23 many of us have vocalized that there's value
24 to what has been proposed as mitigation, and

1 we just didn't feel it was far enough. So I
2 actually like that proposal. I'll just leave
3 it at that.

4 How do other people feel about this
5 proposal, both uncoupling and dollar amounts,
6 or any other terms concerning the proposal?

7 MR. WAY: I like the proposal, and I
8 like the uncoupling. I accept not changing
9 the agreements whatsoever.

10 Did you mention about reporting
11 back to the SEC? I think we probably want
12 to --

13 MS. DUPREY: I did not.

14 MR. WAY: We probably would like to
15 keep that in there. I think I'm good.

16 MR. SCHMIDT: I'm good as well.

17 PRESIDING OFFICER WEATHERSBY: And
18 Director Muzzey, you look like you're going to
19 say something.

20 DIR. MUZZEY: I like that solution
21 as well. It's far more efficient, far more
22 straightforward. I do have a concern about
23 the dollar value. We're talking about
24 preservation activities here that are being

1 done by professionals, potentially talking
2 about doing things to repair historic
3 buildings, potentially large projects, trying
4 to match those large projects. I actually had
5 a dollar figure in mind closer to \$50,000. I
6 certainly would be willing to compromise on
7 that. But I just think not too much in this
8 day and age with professionals involved can be
9 accomplished with \$20,000.

10 MS. DUPREY: I guess I'm not sure
11 we're the only ones who have to contribute to
12 the pool of money. So I think 50,000 is
13 really a lot. And I'm going to leave it to
14 others to say how they feel about it. But
15 it's higher than what I had in mind, that's
16 for sure.

17 MR. SCHMIDT: I agree. Like I
18 mentioned earlier, there's opportunity to use
19 whatever money we allocate as a matching fund
20 to leverage other -- I'm not sure what
21 percentage you have the ability to match. But
22 say it's 80 percent or whatever. I think
23 20,000 is a comfortable level.

24 MR. WAY: I think I'll stick with

1 20,000.

2 PRESIDING OFFICER WEATHERSBY: I'm
3 getting the sense that 20,000 we feel is
4 enough. I can go higher. Having done some
5 preservation projects, coordinated a few
6 myself, I know that that doesn't go far by a
7 portion of a project. But then, you know,
8 \$20,000, it depends on what the mitigation is.
9 Twenty thousand could go a long way towards a
10 stone wall educational seminar and, you know,
11 some of the other smaller projects. So I'd
12 love to go higher, but I understand there has
13 to be -- I think 20 would be a minimum. Maybe
14 we could go to 30 or 40. But I'm sensing 20
15 is the amount that the group is kind of
16 settling on. Is that --

17 Mr. Shulock, how are you feeling?

18 MR. SHULOCK: I'm actually
19 indifferent to the amount. I'm just happy
20 that the pamphlet remains because I think it
21 actually would be beneficial to the town to
22 have a historically, professionally researched
23 and prepared booklet on the history of the
24 town made available to everybody. I think

1 that that will have a lasting effect well
2 beyond trimming the tree or whatever they
3 might do with the money. So I'm comfortable
4 with the proposal as it is, and I'll look to
5 other people to decide an amount.

6 PRESIDING OFFICER WEATHERSBY: So
7 I'm sensing \$20,000 as not interfering at all
8 with the MOU. Are people -- is anyone
9 objecting to that?

10 [No verbal response]

11 PRESIDING OFFICER WEATHERSBY: So,
12 none.

13 MR. FITZGERALD: Sold.

14 PRESIDING OFFICER WEATHERSBY: Going
15 , going, gone. All right. For now, let's
16 have that as our condition and say, "It's not
17 over until the fat lady sings," and we can
18 revisit it if someone really wants to. But
19 let's move on. I don't even know where we
20 are. Director Muzzey will reorient us.

21 DIR. MUZZEY: Why don't we continue
22 with our discussions of the stipulations in
23 the Memorandum of Understanding. And we can
24 travel across Little Bay to Item II, the

015-04} [DELIBERATIONS-DAY 2 AFTERNOON
ONLY] {11-29-18}

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

December 7, 2018 - 9:00 a.m. DELIBERATIONS
49 Donovan Street
Concord, New Hampshire

DAY 5
Morning Session ONLY

{Electronically filed with SEC 12-20-18}

IN RE: SEC DOCKET NO. 2015-04
Application of Public
Service of New Hampshire
d/b/a Eversource
Energy for Certificate
of Site and Facility
(Deliberations)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Patricia Weathersby
(Presiding Officer)

Public Member

David Shulock, Esq.
Dir. Elizabeth Muzzey
Charles Schmidt, Admin.
Dep. Dir. Christopher Way
Dir. Michael Fitzgerald
Susan Duprey, Esq.

Public Utilities Comm.
Div. of Hist. Resources
Dept. of Transportation
Div. of Economic Dev.
Dept. of Env. Services
Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq. Counsel for SEC
Iryna Dore, Esq. Counsel for SEC
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

{SEC 2015-04} {Deliberations - Day 5 Morning ONLY} {12-7-18}

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file a copy of its blasting plan with
the State Fire Marshal for informational
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employment 39

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1 and to the Applicant that this area is of high
2 importance for recreation and to some extent
3 tourism, but the construction impacts are
4 temporary. There's not going to be any roads
5 closed, people can still get into businesses.
6 People can still get to the Bay.

7 And then the permanent impacts of having
8 the Project erected aboveground and across the
9 Bay are really aesthetic impacts which we've
10 already talked about and will not have a
11 significant negative impact on people using
12 those resources such as trails or the bay.

13 Just from personal experience I can say
14 that I frequently kayak in the Piscataqua River
15 where the overhead lines cross back and forth
16 between Maine and New Hampshire, and there are
17 many kayakers, in particular boaters and
18 fishermen that are going up and down that river
19 despite the large negative impact, aesthetic
20 impact of those lines.

21 So I think it goes back a little bit to the
22 people that are using -- and it does diminish my
23 experience, I will say, but it goes back to the
24 fact that people are using that resource for the

{SEC 2015-04} {Deliberations - Day 5 Morning ONLY} {12-7-18}

1 recreational opportunities and are willing to
2 perhaps look at a transition pole on the shore
3 and still use that resource. Ms. Duprey?

4 MS. DUPREY: Madam Chair, your remarks are
5 really important and also interesting in that
6 there's this interplay between all of our
7 standards, but particularly undue interference
8 in the orderly development and the public
9 interest standards, and as you were talking
10 about kayaking near lines, it struck me that
11 that might be something that we take up in the
12 public interest segment which is not the same
13 high level of a standard where here it's undue
14 interference. That's a pretty tough standard so
15 pretty high bar so I just wanted to comment on
16 that. Thank you.

17 PRESIDING OFFICER WEATHERSBY: Anyone else
18 like to chime in concerning tourism and
19 recreation? Do we want to do a straw poll then
20 as to what folks think, whether there's an
21 unreasonable adverse effect on tourism? And
22 recreation as a result of this Project?

23 MR. FITZGERALD: No.

24 MS. DUPREY: No.

{SEC 2015-04} {Deliberations - Day 5 Morning ONLY} {12-7-18}

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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

December 7, 2018 - 2:15 P.M. DAY 5
49 Donovan Street Afternoon Session ONLY
Concord, New Hampshire

{Electronically filed with SEC 12/21/18}

IN RE: SEC DOCKET NO. 2015-04
Application of Public Service
Company of New Hampshire, d/b/a
Eversource Energy, for a
Certificate of Site and
Facility.
(SEC Deliberations)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

- Patricia Weathersby Public Member
(Presiding Officer)
- David Shulock, Esq. Public Utilities Commission
- Elizabeth Muzzey, Dir. Div. of Historic Resources
- Charles Schmidt, Admin. Dept. of Transportation
- Christopher Way, Dep. Dir. Div. of Economic Dev.
- Michael Fitzgerald, Dir. Dept. of Env. Services
- Susan Duprey Public Member

ALSO PRESENT FOR THE SEC:

- Michael J. Iacopino, Esq., Counsel for SEC
- Iryna Dore, Esq.
(Brennan, Lenehan, Iacopino & Hickey)
- Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

{SEC 2015-04} [DELIBERATIONS-DAY 5 AFTERNOON
ONLY] {12-07-18}

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1 say was conclusory in a lot of places. In
2 neither case could you put your hands on hard
3 evidence of how this was affecting the
4 prevailing land uses. I think the closest
5 thing would be I don't want to see this pole,
6 I'm impacted by the visuals of this. And I
7 think that that's really what we're talking
8 about here. Whether it be on a recreational
9 trail, whether it be I'm sitting in my living
10 room, I'm sitting on my dock, I'm not sure
11 any of us would argue that you can't still
12 farm your land on the side of the
13 right-of-way or you can't still conduct your
14 forestry practice on the side of the
15 right-of-way by virtue of a tower going into
16 an existing right-of-way. But I think the
17 bigger question is: Do those visuals in some
18 way sufficiently impact the land use of the
19 area that it rises to the level of violating
20 the segment of the statute and of our rules?
21 I think that where we have been through the
22 aesthetics piece of this and the historic
23 piece, to me, that weighs against that. But
24 I don't know how others of you feel. And you

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ONLY}{12-07-18}

1 Way.

2 MR. WAY: And I know when I look at
3 the statutory language and we're supposed to
4 weigh the views of the municipalities, I think
5 that there is a formula, a balance there that
6 you have to strike, and what do you do with
7 that information. But I know it's a different
8 discussion when it's our reliability project as
9 opposed to something that might be more
10 elective. It's different. And so to what
11 extent we may have the luxury of maybe
12 considering the impact of a master plan might
13 be a little bit different with a reliability
14 project.

15 PRESIDING OFFICER WEATHERSBY: I
16 think we'll take up that issue as well in the
17 public interest area when we talk about that.
18 You're ahead of us as usual.

19 Anything else about land use, views
20 of municipalities you want to talk about?

21 Ms. Duprey.

22 MS. DUPREY: I just wanted to note
23 that I had specifically asked to move land use
24 towards the end of our discussion. And while

1 this may feel like a briefer discussion than we
2 expected, it's for the very reason that I asked
3 to have it moved to the end, where I felt like
4 getting through historic and the aesthetics and
5 the water quality in particular would help to
6 make this discussion easier to get our arms
7 around. Because if we had started at the other
8 end, I just didn't know how we were going to be
9 able to address each of these things. So I
10 appreciate your willingness to move it, and I
11 think that's made the discussion a bit more
12 efficient than it would have otherwise been.
13 Thank you.

14 PRESIDING OFFICER WEATHERSBY: Okay.
15 Let's take a ten-minute break and come back at
16 4:15. We'll talk about economic, if there's
17 anything left to talk about, and then maybe
18 property tax. We'll try to wrap up around
19 5:00. So we'll try to take some of the smaller
20 issues when we come back, or hopefully smaller
21 issues. So let's come back in ten minutes.
22 Thank you.

23 (Recess was taken at 4:08 p.m.

24 and the hearing resumed at 4:23 p.m.)

015-04} [DELIBERATIONS-DAY 5 AFTERNOON
ONLY] {12-07-18}

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

December 10, 2018 - 10:15 a.m. DELIBERATIONS
49 Donovan Street
Concord, New Hampshire

DAY 6

{Electronically filed with SEC 12-21-18}

**IN RE: SEC DOCKET NO. 2015-04
Application of Public
Service of New Hampshire
d/b/a Eversource
Energy for Certificate
of Site and Facility
(Deliberations)**

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Patricia Weathersby
(Presiding Officer)

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Charles Schmidt, Admin.
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Dir. Michael Fitzgerald
Susan Duprey, Esq.

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Iryna Dore, Esq. Counsel for SEC
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

{SEC 2015-04} {Deliberations - Day 6} {12-10-18}

I N D E X

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{SEC 2015-04} {Deliberations - Day 6} {12-10-18}

1 know, thinking of our previous discussion about
2 some sort of cost sharing for a property owner
3 to have an appraisal done does represent some
4 cost sharing.

5 MS. DUPREY: True.

6 PRESIDING OFFICER WEATHERSBY: Mr. Way?

7 MR. WAY: I'm not sure where you want to go
8 with this from this point forward. I agree with
9 Ms. Duprey's conclusion. I thought it was a
10 very good summary. I felt a level of comfort
11 through the testimony and the report.

12 I do wish that the site visit had been a
13 little bit more fit to the property, you know,
14 doing it from the street view a lot of times
15 didn't do it for me when I looked at the
16 visuals, but that I think I'm still comfortable
17 where we ended up.

18 I think the Dispute Resolution Process is
19 in place to address these issues. I agree with
20 Director Muzzey that, yeah, appraisal isn't a
21 cheap thing, and now that I'm hearing that I'm
22 feeling even better about what we did this
23 morning.

24 So I'm not sure where you want to go from

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1 here, but I think I'm fairly persuaded we've got
2 a system in place, and that's not to negate what
3 I believe will be some impacts. There are going
4 to be some that are going to experience it, and
5 thankfully, hopefully, it doesn't seem like
6 there will be a great number, but it doesn't
7 diminish those that do.

8 PRESIDING OFFICER WEATHERSBY: Mr. Schmidt.

9 MR. SCHMIDT: I am concerned on a couple of
10 things. Primarily, that he didn't do a site
11 visit. I'm not sure how familiar he is with the
12 economy of that area. You can do research, you
13 can look at things in the market, but that's
14 only part of the equation when you're doing an
15 appraisal. My sense is, and I'm not sure if I
16 agree with his emphasis being on just the
17 distance to the right-of-way. I think there's
18 other factors that an appraiser should take into
19 account. But with that said, with the
20 weaknesses, I do think the appeal process will
21 accomplish specific property issues that may
22 come up whereas we may not have the knowledge or
23 the expertise, I think it, the criteria is in
24 place where a site specific analysis could be

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1 done.

2 MS. DUPREY: So I just wanted to
3 distinguish, and I think that Mr. Schmidt is
4 probably making this distinction, but I just
5 wanted to be certain. He did go to every
6 property, but he couldn't go on the property.
7 He had to stand at the edge of them. Thanks.

8 PRESIDING OFFICER WEATHERSBY: So I'll just
9 add my two cents. I think I'm pretty much of in
10 agreement with what others have said. I found
11 Mr. Chalmers' analysis lacking in at least four
12 ways.

13 One, in his analysis about how many feet
14 from the right-of-way is all based on the
15 location of the house and not whether the
16 property was within a certain amount of feet.
17 For example, Mr. Fitch whose house we -- or Mr.
18 Frizzell. I always get them mixed up. The one
19 in Newington whose property we visited. His
20 house I don't think he said he will make the
21 cut.

22 Second point is that the view of the
23 Project had to be from the house and not
24 somewhere else on the property in that he

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1 couldn't go to the houses to look. So it was a
2 bit of a -- and I understand he didn't have
3 access, property rights, et cetera, but it was
4 a, he did the best he could with that, but I
5 don't think it really was sufficient.

6 I, too, have trouble with his potential
7 visibility category. It was so broad it felt
8 like you could have a view of a tiny bit of the
9 top of one structure or you could have partial
10 visibility of many, and the fact that it wasn't
11 a clear view or no view, everyone was lumped
12 together, and I thought there should have been
13 graduations there.

14 And my fourth criticism was I don't think,
15 I could be wrong, but I don't think he did any
16 analysis of the property owners' views affected
17 by the concrete mattresses.

18 So I question his analysis. I didn't find
19 his conclusions very reliable. But the Dispute
20 Resolution Process kind of saves the day because
21 if he is wrong there is a way for folks to get
22 compensated. So I feel as though that basically
23 does result in there will be an adverse effect
24 on those property owners, but it will not be an

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1 swath that it cuts through the region is only a
2 small portion of the region as a whole to begin
3 with. So, you know, I'm able to get past those
4 criticisms for this Project, but only because
5 there's a Dispute Resolution Process, and I
6 would hope that this study is not used as
7 evidence in that process.

8 MS. DUPREY: Okay. The only reason I raise
9 it is I think that --

10 MR. SHULOCK: I acknowledge that I have no
11 control over that.

12 MS. DUPREY: Okay. That wasn't really my
13 issue so much as I think it's important with
14 respect to this finding that the finding be that
15 there is not an undue interference with the
16 orderly development of the region. And I would
17 just caution that I think that that should be
18 separate, I think it should be separate from the
19 Dispute Resolution Process. I think the Dispute
20 Resolution Process is great and it reimburses
21 everybody, but I think the finding needs to be
22 and maybe, attorney Iacopino, you feel
23 differently than that, that it's not affecting
24 the region.

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1 MR. IACOPINO: The ultimate determination
2 that the Committee must make is whether or not
3 the Application as proposed with whatever
4 amendments that have been made and any
5 conditions that you find, whether or not the
6 siting, construction and operation of the
7 facility will unduly interfere with the orderly
8 development of the region.

9 In coming to that conclusion you have the
10 considerations that are required by our rules
11 that you must consider of which property values
12 is one of them. It is up to the Committee as to
13 how you ultimately come to the Final Decision on
14 whether or not the process will interfere with
15 the orderly development of the region. It's not
16 a checklist. You have to consider property
17 values though under your rules.

18 MR. FITZGERALD: I recall we had some
19 discussion, but I'm not sure it was resolved,
20 what we consider the region. To me the region
21 is not just the right-of-way with the easement
22 and the 13-mile line. It's broader than that.
23 So I guess I wonder if others feel the same way.

24 DIR. MUZZEY: I've been looking at the

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