

**SITE EVALUATION COMMITTEE**

**Docket No. 2015-04**

**Application of Public Service Company of New Hampshire d/b/a Eversource Energy  
for a Certificate of Site and Facility**

**August 23, 2018**

**REPORT OF PREHEARING CONFERENCE**

**Background and Notice**

On August 22, 2018, a prehearing conference was held in this docket. Pamela Monroe, Administrator and Michael J. Iacopino, Counsel to the Committee served as the hearing officer(s). This memorandum serves as a report of prehearing conference under RSA 541-A:31, V(d).

Notice of the prehearing conference agenda, pursuant to RSA 541-A:31, V(b), was issued on August 10, 2018. The prehearing conference was recorded verbatim. This memorandum is meant only as a summary of those matters that should be reported to the Subcommittee. To get a more detailed understanding of the prehearing conference, the reader should review the transcript upon its filing.

**Participants**

Appearances were taken at the beginning of the prehearing conference. All attendees who noted their appearance are listed in the transcript of the prehearing conference.

**General Discussion**

**Explanation of Prehearing Conference Process**

After taking appearances, Mr. Iacopino explained the prehearing conference process. The attendees were advised that the prehearing conference was an opportunity for an informal discussion of procedural matters. The statutory purposes of a prehearing conference were

reviewed with the participants.

### **Discussion Regarding Stipulations and Settlement**

On August 15, 2018, the Applicant and Counsel for the Public jointly stipulated to facts and request for findings (Stipulation.) The remaining parties were canvassed about whether they would join the stipulation. The Town of Newington (Newington) and the Conservation Law Foundation (CLF) each indicated that they might partially join in the stipulation. The remaining parties indicated that they did not have adequate time to review the Stipulation and therefore could not respond. The parties reported that except for certain Memoranda of Understanding (MOU) between the Applicant and Newington and the Applicant and the Town of Durham/UNH (Durham/UNH), no other stipulations were likely. The parties were encouraged to settle as many issues as possible prior to the commencement of the adjudicative proceeding.

### **Changes, Amendments and Withdrawal of Testimony**

Attorney Geiger reported that Dennis Hebert would adopt testimony from the Newington witness, Eric Weinrieb. The concerns expressed in the Weinrieb testimony have been resolved by an MOU between the Applicant and Newington. Newington requests that Mr. Weinrieb's testimony remain in the record as adopted by Mr. Hebert. Neither the Applicant nor any other party objected.

### **Order of Presentation**

After brief discussion, the parties agreed on the following order of presentation of witnesses:

1. Applicant
2. Newington
3. Durham/UNH
4. Durham Residents Group
5. Durham Historic Society
6. Keith Frizzell
7. Helen Frink

8. Fat Dog Shellfish (Jason Baker)
9. Counsel for the Public

### **Order of Applicant's Witnesses**

The Applicant was asked to provide its proposed order of witnesses. The Applicant ordered its witnesses by expected date of testimony:

- August 29, 2018  

William Quinlan, President & COO Public Service Company of New Hampshire d/b/a Eversource Energy.

Construction Panel consisting of six members: Kenneth Bowes, David Plante, Lynn (Farrington) Frazier, William Wall, Marc Dodeman, and Nick Strater.
- August 30, 2018  

Victoria Bunker (Archeological)

Construction Panel (continuation)
- September 17, 2018  

Construction Panel (continuation)

Robert Andrew (System stability and Reliability)

Aaron Cullen (Financial Capability)
- September 18, 2018  

Environmental Panel consisting of Sarah Allen, Ann Pembroke, Kurt Nelson, Bjorn Bjorkman, and Dr. Craig Swanson.
- September 20, 2018  

Environmental Panel (continuation)

Robert Varney (Orderly Development and Tourism)

Dr. Lisa Shapiro (Economics, Employment Tax Revenue)

- September 21, 2018

Dr. James Chalmers (Property Values)

Cherilyn Widell (Historical Resources – Above-Ground)

- September 24, 2018

David Raphael (Visual Impacts and Aesthetics)

Dr. William Bailey (Electric and Magnetic Fields, Public Health and Safety)

Durham/UNH, Newington, Crowley Joyce Trust, Helen Frink and CLF expressed concerns and objected to the Applicant's order of witnesses. The primary concern is that the Department of Environmental Services (DES) continues to meet and negotiate conditions with the Applicant. The results of further DES review and consultation will not be known until September 7, 2018, at the earliest. DES may recommend additional or different conditions than contained in its final recommendations. The intervenors are concerned they may lose the opportunity to adequately assess new information from DES and competently examine the construction panel in the light of that information. The Applicant pointed out that the Construction Panel will be available on September 17, 2018, ten days after a further response is expected from DES.

Attorney Iacopino advised the parties and cautioned the Applicant that should the Presiding Officer determine that additional examination of the Construction Panel is appropriate, the witnesses on that panel may be recalled for further cross-examination.

Attorney Patch also expressed the Durham/UNH concern that the Construction Panel containing six members was too large and requested that it be broken down by witness testimony. Attorney Iacopino explained that it was customary to allow each party to determine how it presents its case. Each party will have sufficient time to cross-examine the members of

the panel.

If any party seeks further relief on this issue, they should file a motion specifying the exact relief sought.

### **Order of Examination of Witnesses**

The parties discussed and agreed on the following order of examination of witnesses:

1. Durham/UNH
2. Newington
3. CLF
4. Durham Residents Group
5. Durham Historic Society
6. Keith Frizzell
7. Helen Frink
8. Fat Dog Shellfish (Jason Baker)
9. The Nature Conservancy
10. Crowley Joyce Revocable Trust
11. Counsel for the Public
12. Applicant

### **Expected Length of Examination**

The parties shared the expected length of examination with each witness/panel. The estimates are attached to this report. The parties were assured that their estimates would be treated only as estimates for planning purposes and not used as a limitation. Based on the estimated length of examination, it is anticipated that the presentation of the Applicant's case will take about 4.5 -5 days; the intervenors will take approximately 3 days; and Counsel for the Public's witnesses will take approximately 1.5 days. The estimates do not include account for questions from the Subcommittee.

### **Exhibits**

Prior to the prehearing conference, the parties were asked to pre-mark and provide all exhibits in electronic format so they can be easily transmitted to the Subcommittee and other parties. In addition, each party was asked to provide an exhibit list. Any party that has not

pre-marked and filed exhibits along with an exhibit list shall do so immediately. Any party that has questions about exhibits should contact the Administrator.

The parties are expected to update their exhibit lists as new exhibits are added or eliminated.

### **Friendly Cross Examination**

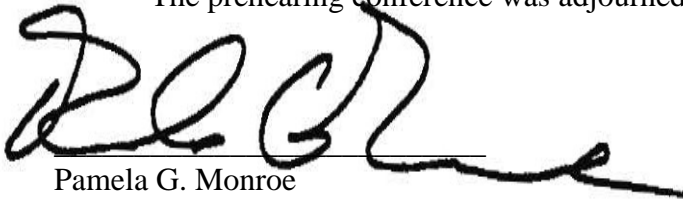
The parties were advised that friendly cross-examination would be discouraged during the course of the adjudicative hearing. The Durham Residents were also advised that members of an intervenor group would not be permitted to examine other members of the same group.

### **Spokesperson for Durham Residents**

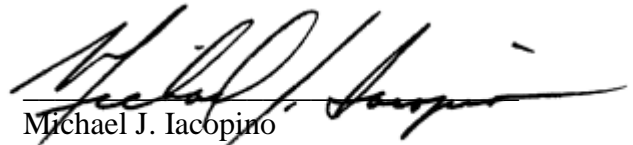
The Durham Residents reported that Ms. Heald's counsel, Attorney Marcia Brown, will act as spokesperson for the group.

### **Adjournment**

The prehearing conference was adjourned.



Pamela G. Monroe  
Administrator



Michael J. Iacopino  
Counsel to the Committee

**Attachment to Prehearing Conference Report**

August 23, 2018

**Applicant's Witnesses (not in order of presentation):**

Witnesses	NEW	TD/UNH	CLF	DR	DHS	K F	HF	FDS	TN C	JCT	CFP	TOTAL
Quinlan	10 <sup>1</sup>	25	10	10							20	<b>1 h 35 m</b>
Andrew	45	15	5	5							15	<b>1 h 25 m</b>
Bowes, Plante, Frazier, Strater, Dodeman, Wall	60	120	90	30			15			60	120	<b>8 h 15 m</b>
Cullen	5	15	10				5			5	5	<b>45 m</b>
Raphael	30	30	15	45			15			60	30	<b>3 h 45 m</b>
Bunker	10	10									40	<b>1 h</b>
Widell	60	20					30				20	<b>2 h 10 m</b>
Allen, Pembroke, Nelson, Bjorkman, Swanson	60	120	90	45			30			60	90	<b>8 h 15 m</b>
Bailey	5	10		45							5	<b>1 h 5 m</b>
Varney	60	20	15	15						30	30	<b>2 h 10 m</b>
Chalmers	30	10		60		45	10			15	40	<b>3 h 30 m</b>
Shapiro	5	5	5								5	<b>20 m</b>
<b>TOTAL: 34 hours 35 minutes</b>												

**Intervenors' Witnesses (not in order of presentation):**

Witnesses	NEW	TD/ UNH	CLF	D R	D H S	K F	H F	FDS	TN C	JCT	CFP	APP	TOTAL
Selig (Durham/UNH)	5		20	15							10	60	<b>1 h 50 m</b>
Famely, Schultz, Jones, Dacey (Newington)	15		30	15						15	30	90	<b>3 h 15 m</b>
Hebert (Newington)		15	10	15						30	15	90	<b>2 h 55 m</b>
V&J Miller, R.C. Miller, A&M Fitch, Heald (Durham 155Residents)	5	15	15								30	60	<b>2 h 5 m</b>
Sanberg and Mackie	5	15		5		15					20	60	<b>2 h</b>

<sup>1</sup> Estimated time in minutes.

(Durham Historic Association)													
Frizell	20	5	5	5								15	<b>55 m</b>
Frink	20	5	10	15								30	<b>1 h 30 m</b>
Baker (Fat Dog)	5	5	20	5								30	<b>1 h 15 m</b>
<b>Total: 15h 45m</b>													

**Counsel for the Public's Witnesses (not in order of presentation):**

Witnesses	NE W	TD/ UNH	C L F	D R	DHS	K F	HF	FDS	TNC	JCT	APP	TOTAL
Whitney and Ladewig	30	45	30	15						30	60	<b>3 h 30 m</b>
Lawrence	30	20	10	15			10			10	60	<b>2 h 35 m</b>
O'Donnell	45	20					20				90	<b>2 h 55 m</b>
<b>Total: 9 hours</b>												