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STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

September 29, 2017 - 1:40 p.m. DAY 42  
49 Donovan Street AFTERNOON Session ONLY  
Concord, New Hampshire

{Electronically filed with SEC on 10-16-17}

IN RE: SEC DOCKET NO. 2015-06  
Joint Application of Northern  
Pass Transmission, LLC, and  
Public Service Company of  
New Hampshire d/b/a Eversource  
Energy for a Certificate  
of Site and Facility.  
(Hearing on the merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:  
Chrmn. Martin P. Honigberg Public Utilities Comm.  
(Presiding as Presiding Officer)

Cmsr. Kathryn M. Bailey Public Utilities Comm.  
Dir. Craig Wright, Designee Dept. of Environ. Serv.  
Christopher Way, Designee Dept. of Resources &  
Economic Development  
William Oldenburg, Designee Dept. of Transportation  
Patricia Weathersby Public Member  
Rachel Dandeneau Public Member

ALSO PRESENT FOR THE SEC:  
Michael J. Iacopino, Esq., Counsel to the SEC  
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

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

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I N D E X

NORTHERN PASS CONSTRUCTION WITNESS PANEL:

Samuel Johnson  
Kenneth Bowes  
Nathan Scott  
Lynn (Farrington) Frazier  
John Kayser

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[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

4

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

2 (Hearing resumed at 1:40 p.m.)

3 CHAIRMAN HONIGBERG: We're  
4 going to get started again. We're ready to  
5 resume, and I believe that the first  
6 questioner is Ms. Pastoriza. Whenever you're  
7 ready Ms. Pastoriza.

8 MS. PASTORIZA: We're having  
9 technical difficulties.

10 (Pause)

11 CROSS-EXAMINATION

12 BY MS. PASTORIZA:

13 Q. So I'm going to start with some questions  
14 that don't require visual aids as long as  
15 they're working on them.

16 I'm Kris Pastoriza, Eastern Conservation  
17 Commission.

18 Mr. Scott, you mentioned discussion with  
19 DOT and protocols having to do with setting  
20 the right-of-way. So what are those  
21 protocols?

22 A. (Johnson) I believe that was me this morning.  
23 So, the protocols that we've established  
24 are to use the commissioner's return of

1 layout as the primary source of documentation  
2 when that is available. The second source  
3 would be the historic layouts, as they've  
4 been laid out over the past several hundred  
5 years and as we've discussed in the past.  
6 And then the third would be the prescriptive  
7 identification of the right-of-way. We also  
8 discussed a lot of nomenclature and things  
9 that they would like to see on the maps, as  
10 far as the markings and/or other things  
11 pertinent to the survey.

12 Q. So, given that that's standard surveying  
13 procedure, why wasn't that done when you had  
14 your first survey in?

15 A. (Johnson) Effectively, that was done that  
16 way. We've been able to get more information  
17 from the DOT archives that will enhance the  
18 product that we've put forth.

19 Q. You had the information from DOT archives  
20 around 2014, and you went to the archives  
21 during your first surveyor trip. So why has  
22 it taken that documentation so long to work  
23 its way into the survey?

24 A. (Johnson) It's not that it's taken so long to

1 get into the survey, it's the way we labeled  
2 or described such documentation and then the  
3 actual dialogue with the DOT as to how they  
4 wanted to see those documents put together.

5 Q. So you're saying you had the road layouts and  
6 you simply didn't put them on your survey?

7 A. (Johnson) No. We put what we believed were  
8 the appropriate road layouts on the survey.  
9 We just didn't necessarily label them  
10 correctly or put enough information on to  
11 satisfy the DOT's requirements.

12 Q. Were the road surveys labeled at all on your  
13 survey layouts?

14 A. (Johnson) In some places, yes, in some  
15 places, no.

16 Q. Could you point me to a location on your  
17 survey where they were noted?

18 A. (Johnson) I do not have that information in  
19 front of me here.

20 Q. Okay. So, Mr. Bowes, I'm showing you part of  
21 your testimony from May 31st, 2017, Day 10  
22 Afternoon Session, Page 70, which involves  
23 your description of Eversource's expertise  
24 with cables and utility obstructions. You

1           stated that Eversource has experienced  
2           working on projects involving more cables  
3           than this project. Is that true?

4    A.    (Bowes) Yes. In fact, since we last  
5           testified as a panel in this docket, I've  
6           sited two other underground projects.

7    Q.    During your testimony, you also stated that  
8           Eversource has experience working on wider  
9           and deeper excavations than this project.

10   A.    (Bowes) Yes. In fact, the two that I just  
11           mentioned, one is a six-conductor project and  
12           one is a three-conductor, but with four, one  
13           spare duct bank for total conduits.

14   Q.    You also stated that Eversource has  
15           experience working on projects involving more  
16           obstructions and more congested areas than  
17           this project.

18   A.    (Bowes) Yes. In fact, these two projects are  
19           just that as well.

20   Q.    So I'm showing you what is identified as  
21           No. 3 of Joint Muni 295, which is Exception  
22           Request 7, Revision 1, which is the area for  
23           Main Street, Plymouth. Showing you two of  
24           the plans you submitted in that exception

[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

8

1 request. Would you consider this area to be  
2 less congested than other areas that  
3 Eversource has experience working in?

4 (Witness reviews document.)

5 A. (Bowes) Yes.

6 Q. So in this area, I counted 103 conflicts for  
7 which you are requesting exceptions from  
8 DOT's Utility Accommodation Manual. Does  
9 that number sound correct?

10 A. (Bowes) I don't know. But I'll accept that  
11 number.

12 Q. Is it fair to say that you are unaware of the  
13 existence of each of those obstructions when  
14 you proposed to bury the route under Main  
15 Street, Plymouth?

16 A. (Bowes) Specifically, I would agree with  
17 that. I mean, obviously we knew that there  
18 were water, sewer and other utilities  
19 potentially in the roadway. But  
20 specifically, I would agree with that.

21 Q. Is it fair to say that you were unaware of  
22 the location of each of the obstructions when  
23 you submitted the permit application to the  
24 Department of Transportation in October 2015?



[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

9

1 A. (Bowes) Yes, I don't believe we'd done any  
2 utility survey at that point.

3 Q. And were you unaware of the existence in  
4 location of these obstructions when you  
5 testified before the Site Evaluation  
6 Committee in May and June this year?

7 A. (Bowes) The specific location, again, I would  
8 agree.

9 Q. So now I'm showing you what has been marked  
10 as No. 4, Joint Muni 295, which is the first  
11 two pages of Exception Request No. 7,  
12 Revision 1. You asked for an exception  
13 request to be allowed to bury the line over  
14 existing utilities on Main Street in  
15 Plymouth; is that right?

16 A. (Bowes) Yes.

17 Q. And the utilities on Main Street are similar  
18 to the type of obstructions you stated  
19 Eversource had vast experience dealing with.

20 A. (Bowes) There are some of them, yes. We've  
21 also typically experienced gas and the  
22 telecommunications as well.

23 Q. Have you worked on any large projects without  
24 knowing the existence and location of

1           obstructions in the proximity of a route  
2           before and during the planning process?

3    A.    (Bowes) Yes.  In fact, the normal course of  
4           business is to go through and get a siting  
5           certification and then go into a development  
6           and management period where the final design  
7           is completed and a permit is issued by the  
8           DOT.  So it's a very normal course of action.

9    Q.    Might not your choice depend on what you find  
10           or don't find underground?

11   A.    (Bowes) So I would say yes.  But to be more  
12           specific, I could address -- if you have a  
13           more specific question, I could answer it  
14           more completely.

15   Q.    In Exception Request Revision 1, Page 2, you  
16           also stated that, quote, "This trench width  
17           and additional offsets necessary for  
18           construction would likely require either  
19           complete road closures or result in  
20           significant traffic impacts, including  
21           extended duration of construction within  
22           roadway to allow for sheeting, installation  
23           and removal and extensive excavation due to  
24           the depth and width of the trench."

1           So when Lynn, formerly Farrington,  
2 testified there would be no road closures or  
3 significant traffic impacts in Plymouth, it  
4 meant there would be no road closures if the  
5 Department of Transportation granted this  
6 exception request?

7   A.   (Bowes) I would say yes. I'll answer, and I  
8 think Lynn is in agreement with that.

9   Q.   So are there other areas on the route where  
10 you stated there would be no road closures  
11 that are dependent on getting an exception  
12 request from DOT?

13   A.   (Johnson) So, first, I believe that there is  
14 a road closure in Plymouth where construction  
15 goes around the traffic circle. That has  
16 been part of our plan from the beginning.  
17 But in either sense, the answer is no. For  
18 the remainder of the Project, if we don't get  
19 an exception granted, it means that we have  
20 to dig deeper and take longer to get through  
21 certain areas. It does not mean that we  
22 would require road closures.

23   A.   (Bowes) And maybe to elaborate, the use of  
24 plating has minimized that need as well.

[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

12

1 Q. So at this time, the exception request for  
2 Main Street has still not been approved?

3 A. (Johnson) I'm sorry. Could you repeat that?

4 Q. At this time, the exception request for Main  
5 Street has still not been approved?

6 A. (Johnson) That is correct. We are waiting  
7 for additional survey information to resubmit  
8 the request.

9 Q. So you have made an exception request for  
10 Main Street because there are culverts, storm  
11 drains, catch basins, railroads, guardrails  
12 and utility poles that need to be avoided?

13 A. (Johnson) Correct.

14 Q. In the event that the Northern Pass  
15 Transmission Line is constructed in the road,  
16 you maintain that this would not be an  
17 obstruction to future utility siting or  
18 maintenance?

19 A. (Johnson) So I think Mr. Bowes answered that  
20 this morning. There are provisions as part  
21 of the construction that would minimize  
22 impacts.

23 Q. So is it your position, then, in the event  
24 that Northern Pass is buried, all of the

1           municipal utilities above and under the road  
2           should be considered obstructions; yet  
3           Northern Pass will not be an obstruction?

4    A.    (Johnson) Again, I think we addressed that  
5           this morning.

6    Q.    I would like to focus on the exception  
7           request in Franconia. I'm showing you the  
8           permit application submitted on December 8,  
9           2016, for the SHEB Estate Bypass. So the  
10          exit area work space shows a right-of-way at  
11          four rods. Yes?

12   A.    (Johnson) I'll take your word for it.

13   Q.    And the building at the edge of the  
14          right-of-way, you can see it butts right up  
15          against it?

16   A.    (Johnson) Yes.

17   Q.    All right. Next one. And this is Exception  
18          Request 117 for the same area. According to  
19          the plans submitted with this exception  
20          request, the plan shows the right-of-way at  
21          three rods; is that right?

22   A.    (Johnson) It's a possibility, yes.

23   Q.    You see the building that's farther away.  
24          And if you measure using the underground

1 points that are 100 feet apart...

2 So on what information did you base this  
3 change of width of the right-of-way?

4 A. (Johnson) That would have been the research  
5 that was done as we prepared the original  
6 survey report.

7 Q. Why wasn't it in the original SHEB sheet  
8 then?

9 A. (Johnson) Yeah, they're completely different  
10 times. That information was provided, as  
11 Mr. Scott has said, when he was doing the  
12 initial assessment back in the summer of  
13 2015.

14 Q. So what layout refers to that three-rod  
15 section?

16 A. (Johnson) I'd have to go back to the records  
17 to find it. But I'm certain we can.

18 Q. So how far do you continue -- how far does  
19 that right-of-way continue in your assessment  
20 of the layout? What are the bounds of it?

21 A. (Johnson) Do you mean length of miles along  
22 the road?

23 Q. Yeah.

24 A. (Johnson) Again, I'd have to go look at the

1 details of this particular section.

2 Q. So you have right-of-way information that  
3 you're using to incorporate into your  
4 exception request, but you're not making it  
5 available for us to use to look at the rest  
6 of the route.

7 A. (Johnson) It would be the survey report that  
8 was prepared and given to everybody earlier  
9 this year.

10 Q. That was rejected.

11 A. (Johnson) Agreed. But the basis of that  
12 isn't going to fundamentally change. It's  
13 the way that we're describing and then  
14 referencing all of the things, including what  
15 historic layouts were used.

16 Q. So if I were to take your survey, which I  
17 believe has no width on it, and lay it over  
18 the permit plans, I would understand what you  
19 consider to be three rods?

20 A. (Johnson) So, the permit plans, as you've  
21 noted, were clearly done with a four-rod  
22 layout. The information has been updated  
23 through research to prove that it's a  
24 three-rod layout. As we develop the

1 alignment going forward and submit to the DOT  
2 for approval, that will show a three-rod  
3 layout, and the alignment will be contained  
4 within that three-rod layout.

5 Q. So you have no material to give us showing  
6 the bounds of that three rods right now.

7 A. (Johnson) We are creating that survey report  
8 right now. And as we discussed earlier, it  
9 will be ready in six to eight weeks.

10 Q. So is the three-rod width based on the 1839  
11 layout?

12 A. (Johnson) Again, I don't know. But I can  
13 certainly find out.

14 Q. So if most of Route 116 in Franconia is now  
15 known to be three rods, would that increase  
16 your estimated construction time?

17 A. (Johnson) I believe Route 116 is four rods.  
18 But it wouldn't change our construction  
19 whether it was three rods or four rods.

20 Q. Would it increase traffic delays?

21 A. (Johnson) No.

22 Q. So if your original survey was basically  
23 correct, but you simply failed to cite what  
24 you were using for the widths, then why are



1           there SGC and BL Companies surveyors out  
2           there now, as they told me, trying to see  
3           evidence in the ground and figure out the  
4           right-of-way width on 116?

5       A.    (Johnson) So as I mentioned earlier, a lot of  
6           what we're doing is tightening up the survey,  
7           if you will.  There are certainly lots of  
8           monuments and/or iron pins that weren't --  
9           that they did not find or weren't able to  
10          locate the first time they were out.  They're  
11          going back to make a concerted effort to see  
12          if they can find those particular monuments  
13          or pins.  You know, it's hard to estimate  
14          property by property how many of those there  
15          are.  They found a significant number while  
16          they were out there in the places that they  
17          expected to find them.  They are going out  
18          again now to do further refinements, if you  
19          will.

20       Q.   Is it normal practice to hire a survey team  
21           and need to send them back out again a year  
22           later to look at their route?

23       A.    (Johnson) Absolutely.

24       Q.    Okay.  So this is Page 9 of the transcript

1 for the afternoon of Day 6, May 1st, 2017.  
2 So, during his testimony, Mr. Scott was asked  
3 the question, quote, "So, wherever you can be  
4 off the road, and still within the  
5 right-of-way, is where -- is the goal for the  
6 open trench, correct?"

7 And your answer was, "There's a  
8 variation on that. That's definitely what  
9 the DOT is requesting. However, we are  
10 putting in requests for variance where we  
11 know that we would be killing trees."

12 Next I'd like to review the Department  
13 of Transportation's letter dated  
14 December 2nd, 2016. On Page 2, No. 15, it  
15 states, quote, "Anticipated tree  
16 cutting/taking should be shown on the plans,"  
17 end quote.

18 So in my review, I saw only a few  
19 exception requests that mentioned trees.  
20 Have you submitted exception requests for all  
21 locations where tree clearing would occur?

22 A. (Johnson) I think, as we mentioned earlier  
23 this morning, we have not. And those would  
24 be the 3.7 miles we identified on the table

1           that was presented this morning for scenic  
2           byways. And I believe it was .6 or .9 miles  
3           for non-scenic byways.

4    Q.    If exception requests that had been submitted  
5           do not show tree-clearing locations as  
6           requested by DOT, when will these areas be  
7           shown to intervenors and the SEC so we can  
8           access the environmental and aesthetic  
9           impacts?

10   A.    (Johnson) So as we resubmit the exception  
11           requests, they will be made available to the  
12           intervening members.

13   Q.    And these are going to show tree-clearing  
14           areas?

15   A.    (Johnson) That's one of the conditions that  
16           they requested that we supply, yes.

17   Q.    As the exception requests stand now, should  
18           we consider any location where you show the  
19           right-of-way as going over forested areas to  
20           be areas proposed to be cleared and graded?

21   A.    (Johnson) So as I mentioned earlier, the  
22           Project has effectively withdrawn the  
23           exception requests while we update the  
24           documents with the revised survey. So the

1 answer would be, only those that have been  
2 approved by the DOT would be ones that you  
3 could look at.

4 Q. And in the end when you submit areas that  
5 will be cleared, are we to assume those areas  
6 will also be graded?

7 A. (Bowes) I think it will depend. If it's  
8 needed for construction, you know, where the  
9 vehicles will actually be, there'll probably  
10 be some temporary fill and cut to the areas.  
11 But without having a specific, it's hard to  
12 give more details on that.

13 Q. After which you would restore the previous  
14 terrain?

15 A. (Bowes) If that was the requirement by the  
16 DOT, yes.

17 Q. So when will these new exception requests be  
18 supplied?

19 A. (Johnson) I think we discussed that this  
20 morning, that after the survey reports are  
21 complete and the DOT has reviewed them and  
22 accepted them, we would continue the process  
23 of submitting exception requests for  
24 approval. So if it's six to eight weeks, I

1 think we talked this morning, plus a month  
2 for their approval, it would be sometime  
3 after that.

4 Q. So have you put in or are you planning to put  
5 in exception requests for the 30 feet of  
6 permanently cleared area required over the  
7 trench?

8 A. (Johnson) I believe you're mischaracterizing  
9 the 30 feet. I think we discussed this  
10 morning that if we're not in the roadway,  
11 that we would need approximately 10 feet off  
12 the edge of shoulder to put the duct bank out  
13 into the drainage areas or just beyond the  
14 drainage area.

15 Q. I mean the area that needs to be kept clear  
16 of growth so that the roots don't go in and  
17 destroy your duct bank and cables.

18 A. (Johnson) Again, I don't know where the  
19 30 feet came from. I believe it's 10 feet or  
20 less.

21 Q. In the EIS it says 30 feet. And your  
22 right-of-way up in Coos is for 25 feet. And  
23 it showed cleared in the visual simulation  
24 over that cable.

1 A. (Johnson) Correct. That's on land that we  
2 own and is what we've chosen to put in that  
3 particular area. That doesn't mean it is  
4 consistent across the entire project.

5 Q. So are you stating that over the duct bank  
6 anything will be allowed to grow?

7 A. (Johnson) No. I said that the clearing that  
8 we'd like to maintain will be somewhere  
9 between 5 and 10 feet.

10 Q. Centered over the duct bank --

11 A. (Johnson) Correct.

12 Q. -- or on either side?

13 A. (Johnson) No, 10 feet total. So, 5 feet  
14 either side would be the maximum.

15 (Court Reporter interrupts.)

16 Q. So, several of the exception requests state  
17 in green wording, quote, "Area beyond  
18 exception request to be routed outside of  
19 pavement in final design," end quote. How  
20 far outside of the pavement?

21 A. (Johnson) Again, as we just discussed, if  
22 there's room and there's no other  
23 obstructions, we can move it farther away.  
24 If there are obstructions, it would be within

1           this 10-foot area that we discussed this  
2           morning. It is all entirely situational as  
3           to how wide the right-of-way is and what  
4           particular land or land use is being used  
5           right at that particular area.

6    Q.    So it would be fair to say that the trenching  
7           locations shown on the permit packages and  
8           exception requests are not accurate.

9    A.    (Johnson) So, the permit package was exactly  
10           that; it was a preliminary design. The  
11           exception requests are accurate, the  
12           particular green areas, because those  
13           exception requests are for in the road by  
14           design.

15   Q.    The exception requests show trenching at the  
16           edge of the pavement. So are we to assume  
17           that's not an accurate location?

18   A.    (Johnson) The exception requests themselves,  
19           by definition, are for work that's done in  
20           the pavement or at the edge of pavement.

21   Q.    So when they say "area beyond exception  
22           requests to be routed outside of pavement in  
23           final design," we don't know where that  
24           routing is going to be.

1 A. (Johnson) So, currently we're in the draft  
2 stages of putting that, shall we say, non-  
3 exception request alignment together, which  
4 is how we came up with our chart this morning  
5 that discusses the number of miles and where  
6 they are and where they aren't. And that  
7 will ultimately become available as we work  
8 with the DOT to refine the design and publish  
9 the design documents. And I think we  
10 discussed earlier that that would be  
11 available and issued for the construction  
12 phase sometime around February of next year.

13 Q. So as it stands now, we don't know where the  
14 cables and trench will be located.

15 A. (Johnson) With a hundred percent certainty, I  
16 agree with you. But as we discussed this  
17 morning, the most probable places are going  
18 to be exactly as we noted on that drawing  
19 that I sketched out, that there will be some  
20 that will be in the roadway due to exception  
21 requests and some where there's an  
22 appropriate amount of room on the side of the  
23 road where we can be off the road surface and  
24 the shoulder.



[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

25

1 Q. So, a landowner abutting the road will not  
2 know within 5 or 10 feet where the trenching  
3 might be.

4 A. (Johnson) That's a fair assessment.

5 Q. So, between Exception Request No. 122 and 124  
6 is close to a half a mile not shown on either  
7 request, where the cables were proposed to do  
8 east to the west side of the road. Would you  
9 agree this is a plan change?

10 A. (Johnson) What do you mean by "plan change"?  
11 A change to the alignment?

12 Q. You moved the cable to the other side of the  
13 road. Would you call that a change in plan?

14 A. (Johnson) Change in design, yes.

15 Q. So in how many other areas are design changes  
16 such as this not reflected in the exception  
17 requests?

18 A. (Johnson) So, again, by definition, an  
19 exception request, when we cross a road, you  
20 have to have an exception request to do that  
21 because we're in the pavement. So in all the  
22 exception requests, what is shown is what the  
23 current plan is from a design perspective.

24 Q. So this is one more half-mile segment where

1 we won't know what side of the road the cable  
2 is on until final design in February, March.

3 A. (Bowes) Which is the same as the entire  
4 process has been all along.

5 Q. That's my point.

6 A. (Bowes) Until the DOT approves the final  
7 design, we have an alignment within the  
8 roadway, and now some alignment directly off  
9 the roadway.

10 Q. So when you started planning this project,  
11 what was the width of the right-of-way that  
12 you were told you had to work within?

13 A. (Bowes) I think we assumed to be in the  
14 roadway. So it was, I won't say it was  
15 irrelevant, but it was not part of the design  
16 process because we were within the travel  
17 portion of the road.

18 Q. There was no Plan B?

19 A. (Bowes) Well, directly adjacent to the road  
20 would be the Plan B, which, again, would be,  
21 in the normal course of business would be  
22 where the DOT has maintained those facilities  
23 over the years.

24 Q. Given that the UAM stated clearly that it was

1 to be at the edge of the roadway.

2 A. (Bowes) I believe we answered that question  
3 this morning. And again, our initial filing  
4 with the SEC also had that exception request  
5 in Appendix No. 9.

6 Q. Wouldn't it make sense that your Plan B would  
7 be burying at the edge of the right-of-way?

8 A. (Bowes) No, because that would have more  
9 environmental and abutting landowner impacts.

10 Q. Then what's the point of the Utility  
11 Accommodation Manual?

12 A. (Bowes) It's a way to control the uses of the  
13 road right-of-way, as well as maintain public  
14 safety for the utilities that go into that  
15 roadway.

16 Q. So where did the four-rod, general  
17 right-of-way that we see on the SHEB and  
18 other permit packages, where did that come  
19 from?

20 A. (Johnson) That came from the research that  
21 was done by our surveyors.

22 Q. So, in terms of the permit packages and  
23 exception requests previously submitted, you  
24 would agree that the surveys on which they

1           were based have been rejected by DOT.

2       A.     (Johnson) They have been asked to be  
3           enhanced, yes. So, by the letter they  
4           rejected them and asked us to resubmit.

5       Q.     Given that your surveys were rejected by DOT,  
6           at this point, as we sit here today, the  
7           information that we have is incomplete.

8       A.     (Johnson) Again, as I've stated earlier,  
9           we've withdrawn the rest of the exception  
10          requests until we can update the survey.

11      Q.     So this shows Northern Pass's estimates of  
12          expenses if DOT does not grant their  
13          Exception Request No. 10 for Plymouth.

14                    What are your totals for increased costs  
15          if your exception requests are not granted?

16      A.     (Bowes) For this one exception or --

17      Q.     No, for everything.

18      A.     (Bowes) I don't know.

19      Q.     Can you find that figure out?

20      A.     (Johnson) Considering we've withdrawn a bunch  
21          of the requests and we don't have a complete  
22          number, again, the answer is yes, but it  
23          would be in the six- to eight-week time  
24          period, plus the generation of the new

1           exception requests.

2    A.    (Bowes) The existing ones are a matter of  
3           public record, so the total could be done by  
4           anyone.

5    Q.    So I'm now showing you what has been marked  
6           as No. 10, Joint Muni 295, which is a portion  
7           of Exception Request 101 in Bethlehem. I  
8           believe this is shown at four rods.

9                    If the 1871 two-rod layout covers this  
10            area, how would the work be done here?

11                   (Witness reviews document.)

12   A.    (Johnson) So, again, the ascertainment [sic]  
13           that this roadway is a two-rod layout, I'd  
14           have to bring it back to my surveyors and  
15           determine whether that was true. It looks  
16           like they believe it's a four-rod layout in  
17           this particular area.

18   Q.    Hypothetical.

19   A.    (Johnson) So if it was half the distance?  
20           Centered on the roadway? I mean, you'd have  
21           to look at the occupancy of the road and find  
22           a way to fit the equipment in.

23   Q.    So could you do an HDD within a two-rod  
24           layout?

[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

30

1 A. (Johnson) Yes.

2 Q. If your work area is 30 feet and your passing  
3 lane is 11 feet?

4 A. (Johnson) So, clearly you'd have to rearrange  
5 the equipment so the 30 feet was lessened.  
6 But I believe that there's plenty of  
7 experience doing that. We'd just have to be  
8 more in line as opposed to having the  
9 equipment spread out.

10 Q. And no road closures?

11 A. (Johnson) At this point, no. Again, it's a  
12 hypothetical, so we'd have to address that as  
13 the situation may arise.

14 Q. So are your surveyors currently assessing  
15 this area in regards to the 1871 two- and  
16 three-rod layout?

17 A. (Johnson) I can't speak specifically to the  
18 two- or three-rod layout as you've noted, but  
19 certainly they are reviewing historical  
20 documentation and will provide an update to  
21 this area.

22 Q. So I'm showing you a photograph marked as No.  
23 11, Joint Muni 295. Are you aware that your  
24 proposed HDD exit work zone in Franconia

[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

31

1           boxed the Lafayette School entrance,  
2           Franconia Auto and a local clinic?

3   A.    (Johnson) I'm not familiar with this area,  
4           no.

5   Q.    Are you aware that having only one lane of  
6           traffic open here will create traffic delays  
7           for Franconia Main Street?

8   A.    (Bowes) I think Lynn has talked about the  
9           duration of traffic delays. But there will  
10          be some delay yes.

11   Q.    Are you aware that your proposed HDD entry  
12          work zone for these bores is between Garnet  
13          Hill and its parking lot?

14   A.    (Bowes) I am not aware of that. I don't  
15          dispute that, though.

16   Q.    Are you aware that you have proposed HDD exit  
17          and entry work zones in front of the Wildwood  
18          Campground on the Lost River Road in Easton?

19   A.    (Johnson) Without seeing the drawings or -- I  
20          can't say yes or no. But I'm not familiar  
21          with the area.

22   Q.    And are you aware that you have proposed HDD  
23          entry and exit work zones opposite the Maple  
24          Haven Campground in Woodstock?

1 A. (Bowes) That's not part of this exhibit;  
2 correct?

3 Q. No, it was just two more with the same  
4 problem.

5 A. (Bowes) If you have documentation, we'd be  
6 glad to review it and answer the question.

7 Q. So you don't know that, off the top of your  
8 head.

9 A. (Bowes) I do not.

10 Q. So this is just a map added to your map  
11 showing the location of your HDD work zone in  
12 relation to the school and the road to Sugar  
13 Hill. This is Franconia Main Street and the  
14 clinic in the gas station.

15 A. (Johnson) So the highlight there that you've  
16 shown is the laydown area for the conduit  
17 assembly. And effectively, that would be one  
18 of the last steps that's done and have a very  
19 short duration of impacts to landowners. I  
20 think we discussed earlier in our past  
21 testimony that there are ways to mitigate the  
22 way the conduit is laid out. We can either  
23 bury it underground to maintain grade so that  
24 people can enter and exit these businesses on



1 a regular basis.

2 Q. So this is part of an article by Martin  
3 Murray, Eversource/Northern Pass  
4 spokesperson, that was published in the  
5 Littleton Currier this past Wednesday.

6 Did the outreach he mentioned include  
7 letting business owners know of the exception  
8 requests, resulting in potential splice  
9 vaults, trenching or HDD work zones in front  
10 of their properties?

11 A. (Bowes) I'm not familiar with the article.  
12 Do you have an entire article so I can review  
13 it?

14 Q. I don't have the entire article. But it says  
15 right up there, "outreach to local  
16 businesses...".

17 A. (Bowes) I'm sorry. Which column are we in?

18 Q. The middle.

19 (Witness reviews document.)

20 A. (Bowes) Yes, we have sent letters to all of  
21 the businesses along the route.

22 Q. Have they --

23 A. (Bowes) There was 248 that we've identified.  
24 Letters went out in March of this year. And

1 mid-year we hired a public relations, public  
2 consulting firm called Louis Karno. They  
3 have developed a plan for us, including  
4 interviewing 30 of the businesses along the  
5 route. And we are executing that plan as of  
6 October 1st this year. So there will be  
7 additional outreach taking place that will  
8 occur this coming week.

9 We are also starting to meet with towns  
10 to discuss various impacts, including  
11 emergency services. And that is taking  
12 place, again, launched effectively for the  
13 October 1st time line. So, yes, we will be  
14 reaching out to these landowners and  
15 businesses.

16 Q. So are you aware that many people, when they  
17 get a letter from Northern Pass, especially a  
18 thin one, it ends up in the trash?

19 A. (Bowes) I can't speak to what and how it ends  
20 up. I know that there's specific towns that  
21 have taken a position where they will not  
22 cooperate with us, and I believe the town you  
23 represent is one of those.

24 Q. So you did not go to these people or phone

1           them or go to them personally with the  
2           exception request sheets in hand to show them  
3           what was specifically planned for their  
4           property.

5    A.    (Bowes) We have not because, again, the final  
6           approval from the DOT has not been received.

7    Q.    Wouldn't it make sense to do some early  
8           outreach to explain things as they may be?

9    A.    (Bowes) So we have outreached to all of the  
10           business customers, and we've had multiple  
11           sessions to talk about this and invite anyone  
12           that needs to see or participate in the  
13           process access to our latest information.  
14           And we have had some people take advantage of  
15           that. Many of have not, especially if their  
16           town leaders have instructed them not to  
17           cooperate with us.

18   Q.    Has Northern Pass contacted Lafayette School,  
19           Garnet Hill, Ammonoosuc Community Health or  
20           Franconia Auto Service directly to discuss  
21           these plans?

22   A.    (Bowes) We have made the offer to all of  
23           them, yes.

24   Q.    Offer in what form?

1 A. (Bowes) I believe in a letter.

2 Q. You consider that adequate outreach?

3 A. (Bowes) So it's the start of it. We also, as  
4 you have heard before when we testified  
5 around our data base, we maintain every  
6 contact with every entity along the route or  
7 even outside the route. I can research those  
8 specific ones and, you know, read into the  
9 record when the contacts were made. We  
10 typically don't talk about individual  
11 customer contacts for confidentiality  
12 reasons. But in this case, I think we could  
13 make that available.

14 Q. And when did this outreach start?

15 A. (Bowes) It's been progressive. But clearly  
16 in the March time frame we started with  
17 outreach along the underground route.

18 Q. But that did not include actually going to  
19 people's houses, contacting them in any way  
20 other than a form letter?

21 A. (Bowes) And an offer for web site updates, an  
22 offer for Hotline. And some people have  
23 taken advantage of that. Like I said, we do  
24 maintain all of those records.

1 Q. And if someone calls you on the Hotline, you  
2 bring over the permit package and show them  
3 the plan?

4 A. (Bowes) If they request it, yes. We've made  
5 several of those trips.

6 Q. If they don't know to request it, do you show  
7 them that information?

8 A. (Bowes) Well, during the discussion it  
9 usually revolves around, "How is it going to  
10 impact my property directly?" So, yes, we  
11 would share that.

12 Q. Thank you.

13 CHAIRMAN HONIGBERG: Next on  
14 my list is the Abutting Property Owners. And  
15 there's apparently four people -- four  
16 different people who want to ask questions.  
17 I'm not sure -- I mean, I have a very brief  
18 description of what people said they want to  
19 do, not all of which I understand. But Dr.  
20 McLaren, you're listed first.

21 UNKNOWN SPEAKER: Yes, Mr.  
22 Chair, and we'd like to go in that order that  
23 they're listed.

24 CHAIRMAN HONIGBERG: According

1 to the list, Dr. McLaren wants to talk about  
2 the topic of ER 125 and 129.

3 CROSS-EXAMINATION

4 BY DR. MCLAREN:

5 Q. My name's Campbell McLaren. I'm from the  
6 central abutters. And I'm going to address  
7 this afternoon two questions for exceptions  
8 and also address splice vaults, pits.

9 And we'll start off with Exception 125.  
10 And I'm just going to lay the SHEB document  
11 on the ELMO. So is that clear for  
12 everybody --

13 A. (Johnson) Yes.

14 Q. -- on the panel?

15 So this request references an HDD pit in  
16 the pavement, an HDD alignment passing under  
17 the pavement. And really, my focus here has  
18 been if you could look at the... let's see.  
19 The start of the exception request is on  
20 this -- sorry. The end of the exception  
21 request is visualized. I think you can see  
22 we have a black line pointing to the end of  
23 two dashed lines.

24 A. (Bowes) I'm sorry. Do you have a copy of the

1           exception request?

2   Q.    That's seen clearly, is it?

3   A.    (Bowes) Do you have a copy of the exception  
4           request?

5                           MR. IACOPINO:   The text.

6   Q.    Oh, the text?  I don't have a copy, no.  Is  
7           it not available?  Can you not pull that up  
8           on the computer?

9   A.    (Bowes) We don't have access to it, no.

10  Q.    Well, if I could --

11                           CHAIRMAN HONIGBERG:  Let's go  
12           off the record for a moment.

13                           (Discussion off the record)

14                           CHAIRMAN HONIGBERG:  Dr.

15           McLaren.

16  BY DR. McLAREN:

17  Q.    Does that help you tie into my question, that  
18           it is three- to five-week duration, that it's  
19           a HDD pit in the pavement, HDD alignment  
20           passing under the pavement?

21  A.    (Bowes) Yes, that is correct.

22  Q.    Right.  And so I just want to perhaps go back  
23           to the prior SHEB description of that.  Can  
24           you go back to that?  And if you look at the

1 end of the exception request, it's shown,  
2 indicated by a black line pointing down to  
3 the end of two dashed red lines. Do you see  
4 that?

5 MR. IACOPINO: And the exhibit  
6 that you're looking at now will be APOBP 53.

7 BY DR. McLAREN:

8 Q. The difficulty that you are having is of  
9 course what we have as well.

10 A. (Johnson) Unfortunately, the way you placed  
11 it on ELMO, the writing that says "end of  
12 request" is just off the screen there.

13 Q. Okay. Hold on a minute.

14 A. (Johnson) I think we found it, but...  
15 perfect.

16 Q. So this request was for a pit, or two pits in  
17 the pavement. Does that not look like it's  
18 out with the pavement? I've colored in  
19 orange the edge of the pavement. Would you  
20 agree?

21 A. (Johnson) Yes, the orange looks like it's the  
22 edge of the pavement.

23 Q. I'm sorry. Could you repeat that?

24 A. (Johnson) The orange does look like the edge



1 of pavement, yes.

2 Q. And do you agree that these pits are out with  
3 the pavement?

4 A. (Johnson) The splice vault looks like it's  
5 located outside of the edge of pavement, yes.

6 Q. We're talking about pits, HDD pit. What is  
7 that reading for your splice vault?

8 A. (Johnson) So if it's a single large vault,  
9 that's a splice vault. The pits would be a  
10 little further to the left.

11 Q. Remember the requests were for HDD pits in  
12 the pavement. And we see the HDD line ending  
13 out with the pavement. I do have another  
14 part of the SHEB which also indicates that.  
15 I'll just place it...

16 I represent this is from 125. And if  
17 again you look at the pits, you see them out  
18 with the pavement, don't you?

19 A. (Bowes) That is correct.

20 Q. And that's all. The point I'm trying to make  
21 here is that your request is to put them in  
22 the pavement.

23 A. (Bowes) It's the other end we're talking  
24 about.

1 Q. The entry?

2 A. (Bowes) Yes.

3 A. (Johnson) No, I think it's a whole separate  
4 HDD that's on the -- if you go to the other  
5 map that you have on that particular  
6 document, there's another HDD that starts.  
7 And I believe that one is the request to be  
8 in the roadway.

9 Q. So I am corrected there.

10 If we move on to requirements for those  
11 pits, though, accepting what you say,  
12 following the exception request document  
13 going on to Page 2, that document already  
14 looked at.

15 A. (Bowes) This is the text part of the  
16 document, correct, Page 2?

17 Q. Yes.

18 A. (Bowes) Yes, we have it.

19 Q. I'd just like to ask some questions about the  
20 following elements that are required. The  
21 need for a level work area for drill  
22 equipment, is that something that's  
23 necessary?

24 A. (Johnson) Yes. Typically you want your

1 machinery to be level and braced so that  
2 any -- as you go through you have a  
3 consistent, uniform platform.

4 Q. And level means level.

5 A. (Johnson) Correct.

6 Q. Just going to place on the ELMO... correcting  
7 myself. You're talking about this entry pit,  
8 aren't you?

9 A. (Johnson) That's correct, yes.

10 Q. I have kind of a blurry image here, but I  
11 think the line indicates the pit out with the  
12 roadway.

13 But I would concentrate on the need for  
14 a level work area and point out that that  
15 area is not level. It dips and recedes very  
16 rapidly within 5 feet. You go on to say that  
17 consequently you would need approximately  
18 30 feet of level -- we've talked about that.  
19 Stable. It's not stable; it's crumbling.  
20 Heavy rains wash it down. Non-vegetated.  
21 Clearly it's vegetated.

22 How will you perform your -- what you  
23 have to in a situation like this, land not  
24 level and friable and vegetated?

1 A. (Johnson) So the exception request is to put  
2 the entry pits in the roadway and extend  
3 slightly into the shoulder and the vegetated  
4 area that you have there. Clearly we would  
5 be having to bring in some temporary fill in  
6 to stabilize and provide an area flat enough.  
7 The drill rig in question for this particular  
8 one I believe fits in the lane, a single lane  
9 of traffic. So the requirement to have  
10 30 feet, again, is a conservative  
11 requirement. And we could align our drill  
12 rig in a perpendicular manner all basically  
13 contained within the lane and the shoulder  
14 area of this to perform the construction.

15 Q. So you don't require 30 feet; it's just an  
16 ideal figure?

17 A. (Johnson) That's correct.

18 Q. Okay. I'd like to move on to Exception  
19 Request No. 129. And if you could research  
20 your DOT source for 129. Perhaps you can let  
21 me know when you find it.

22 A. (Bowes) We have it.

23 Q. Okay. I've removed my source of questioning.

24 A. (Bowes) We have the pictures, so you can take

1           that if you need to.

2    Q.    My question here is essentially the work  
3           zone.  Where will the work zone be placed?  
4           How long will it be, and what width will it  
5           be?  Noting that there is a barn about three  
6           quarters of the way along on the east side,  
7           the road right-of-way is three rods.  We have  
8           evidence of this.  Where will you place and  
9           how will you place the work zone?  What width  
10          and length?

11   A.    (Johnson) So this is just trenching.  This is  
12          not a -- there's no HDDs in this area or any  
13          splice vaults.  So this would be a train of  
14          activities, if you will, that has the  
15          excavation.  You'd follow that by the conduit  
16          being installed.  You'd follow that by the  
17          FTB and other backfill and then the final  
18          paving component once the road has been  
19          restored.

20   Q.    So you won't need a work zone back to the  
21          exit pit which is just around the corner.

22   A.    (Johnson) No.  This particular area you're  
23          showing is only trenching.  There's no HDDs  
24          or anything involved.

1 Q. The HDD --

2 A. (Johnson) Is further down the road.

3 Q. Back to that splice vault that we saw before  
4 on 125.

5 A. (Johnson) Correct. We will not need --

6 Q. You won't need a work zone for that splice  
7 pit?

8 A. (Johnson) The splice pit, yes.

9 A. (Bowes) This exception is to be in the  
10 roadway because of such a narrow portion  
11 here, as well as the elevation change, the  
12 banking right there.

13 Q. So you know what I'm talking about?

14 A. (Bowes) I do.

15 Q. The pit is just around the corner.

16 A. (Bowes) Yeah. So this particular, we would  
17 still have one lane available. But we would  
18 take the lane, and we would be offset here  
19 towards, you know, the white line or right  
20 into the ditch. It's probably -- I think the  
21 request was for four days, or the anticipated  
22 time frame to do this work would be about  
23 four days in duration.

24 Q. And you will be leaving the barn intact?

1 A. (Bowes) Oh, yes. Yes. If we get out there  
2 and find that we cannot do the construction,  
3 we will move further into the roadway. And  
4 this is a location where we'd probably do  
5 some additional geotech, just to make sure we  
6 understand that there would be no need to use  
7 either mechanical means -- I'm talking about  
8 a rock hammer -- or certainly no other issues  
9 around how we would construct this.

10 Q. Fine. So just going to take you back to 125.  
11 And I think it was Mr. Bowes who pointed out  
12 the splice pit there.

13 A. (Bowes) Yes.

14 Q. From the plan it looks like it's moved  
15 further north, doesn't it?

16 A. (Bowes) Yes, it does.

17 Q. From black to green.

18 A. (Bowes) Yes.

19 Q. It's gone off the roadway, out to the  
20 roadway. It's now into the side. And to  
21 further develop this... this exhibit is APOBP  
22 47. So this shows a power pole, some lines,  
23 the bridge over the Gale to the northwest.  
24 And then can you see from edge of the roadway

1 two stakes with green ribbons?

2 A. (Bowes) Yes we can.

3 Q. We have strong evidence to support a  
4 three-rod right-of-way here. That first pole  
5 just below the fire engine sign is at three  
6 rods, and the second one further out is four  
7 rods. Do you see those?

8 A. (Bowes) Yes, I do.

9 Q. Exhibit APOB48. Look at this exhibit. Can  
10 you see horizontal red tape?

11 A. (Bowes) Looks like a rectangle or square.

12 Q. That's right. And you see the fire engine  
13 sign? This is intended to represent a splice  
14 vault or splice pit. I've heard several  
15 dimensions. This was -- the dimensions in  
16 this example are 8 feet wide and 14-foot  
17 long. Would that be agreeable for the splice  
18 vault itself, 8 feet wide -- sorry -- 34 feet  
19 long --

20 A. (Johnson) Yes.

21 Q. -- 14-foot wide?

22 A. (Johnson) The width is not 14 feet. I think  
23 the width is 8 feet and the height is about  
24 7-1/2 to 8 feet, and the length is, as you



1 say, 30 or 34 feet.

2 Q. Okay. What about room around for the shoring  
3 and for worker movement? What would you add  
4 to that?

5 A. (Johnson) Probably another 2 feet to 3 feet.

6 Q. Excuse me?

7 A. (Johnson) Assume two to three feet on each  
8 side.

9 Q. So, another 4, 6 feet?

10 A. (Johnson) Approximately, yes.

11 Q. So this as represented is smaller than  
12 perhaps one would expect for the customary  
13 splice vault. Would you agree? We could  
14 have made it larger.

15 A. (Bowes) So it looks like between the two  
16 green pins was supposed to be one rod, so  
17 that would be 16-1/2 feet.

18 Q. It goes from three rods to four rods. That's  
19 right.

20 A. (Bowes) Right. So is that dimension furthest  
21 away from us, towards the sign of the fire  
22 track?

23 Q. Yes.

24 A. (Bowes) Is that longer or wider than one rod?

[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

50

1 Looks like it is in this picture. I can't  
2 tell where the rod markers are and where the  
3 stakes are for your outline. I'll accept  
4 your -- well, what dimensions are the red  
5 markers?

6 Q. The markers, the first marker is at three  
7 rods; the second marker is at four rods, and  
8 the width measured from -- measured 5 feet in  
9 from the edge of the roadway is 14 feet wide.

10 A. (Bowes) The struggle I'm having is if these  
11 two green markers show one rod, your red  
12 outline is wider than one rod, which means  
13 it's more than 16-1/2 feet.

14 Q. Let's accept that.

15 A. (Bowes) Fine.

16 Q. Okay?

17 A. (Bowes) Yeah.

18 Q. If we accept that, I would still contend that  
19 the splice pit is beyond the first green  
20 marker upright. Would you agree?

21 A. (Bowes) I will accept that, yes.

22 Q. Okay. The evidence that we have indicating  
23 that this is a three-rod road would then push  
24 the splice box into Mrs. Borchardt's[?]

1           territory. It would be over the  
2           right-of-way.

3    A.    (Bowes) Yes. So that would require an  
4           exception request to bring it back towards  
5           the roadway.

6    Q.    And would you intend to ask for that?

7    A.    (Bowes) Yes, we would.

8    Q.    And if you --

9    A.    (Johnson) If the right-of-way is three rods.  
10           The way that this design is laid out is  
11           assuming that it's a four-rod right-of-way.

12   Q.    Are you asking me a question?

13   A.    (Johnson) No.

14   Q.    Okay. If you push this back -- then if you  
15           were to push that splice vault backwards or  
16           westward or into the road, it would cross  
17           over that first lane, wouldn't it? It would  
18           cross certainly into the first one of the  
19           lanes.

20   A.    (Bowes) I would say yes, it would be in part  
21           of the travel lane of the road.

22   Q.    In part. Okay.

23           I want to talk about cranes. It would  
24           seem surprising to me that -- first of all,

1           you were asked the weight of a splice vault,  
2           and no one knew. But surely there's somebody  
3           on your panel that has the technical  
4           expertise and knowledge to oversee and write  
5           the contract for the contractors and know  
6           these figures. So could you perhaps have  
7           another shot at the weight, please, of the  
8           splice vault, this concrete structure?

9    A.    (Scott) I believe our response is we didn't  
10       know, off the top of our head. We certainly  
11       could look it up. But we don't know it, off  
12       the top of our head.

13   Q.    So you've not put any contracts, bids out; is  
14       that correct?

15   A.    (Johnson) It's fully bid, yes. And the way  
16       that you --

17   Q.    Mr. Scott, I'm not really hearing you very  
18       clearly.

19   A.    (Scott) I wasn't speaking.

20   Q.    Oh, I'm sorry.

21   A.    (Johnson) The Project is fully bid. And the  
22       requirements aren't necessarily by pounds.  
23       It's a dimension and the thickness of a wall.

24   Q.    The dimension and the thickness of the wall.

1 A. (Bowes) I mean, it's probably in the 20- to  
2 30,000-pound range per piece, subject to  
3 check. I mean, that would be probably a  
4 ballpark estimate.

5 Q. So could you please repeat that? How many?

6 A. (Bowes) Again, I just was taking an estimate.  
7 Maybe 20- to 30,000 pounds.

8 Q. Twenty to 30,000 pounds?

9 A. (Bowes) Per segment. And there would be two  
10 segments.

11 Q. Okay. All right. I have other evidence from  
12 precast specialists that 8 feet by 6 feet by  
13 8 inches thick by 33 feet long would be  
14 54,000 pounds.

15 MR. NEEDLEMAN: Objection.  
16 This is testimony, Mr. Chair.

17 CHAIRMAN HONIGBERG: Yeah.  
18 Dr. McLaren, stick to asking questions,  
19 please.

20 DR. McLAREN: Thank you.

21 BY DR. McLAREN:

22 Q. What would you say to the information that  
23 this could weigh 54,000 pounds?

24 A. (Bowes) I think it's right in line with the

1 estimate I just gave you, 20- to 30,000  
2 pounds per piece, two pieces --

3 Q. Sixty thousand for two?

4 A. (Bowes) Yeah, could be.

5 Q. And that would be approximately what,  
6 30 tons?

7 A. (Bowes) In one piece? Yes. So the total  
8 weight is --

9 (Court Reporter interrupts.)

10 A. (Bowes) So the total weight installed could  
11 be that, yes.

12 Q. Is a solid 50; is that right?

13 CHAIRMAN HONIGBERG: Dr.  
14 McLaren, you've got your numbers. It's  
15 somewhere in the 50- to 60,000. You can  
16 divide by the correct number to get the  
17 number of tons. Ask your next question.

18 DR. McLAREN: Okay.

19 BY DR. McLAREN:

20 Q. For this poundage, what size of crane would  
21 you need?

22 A. (Bowes) You'd need a 30-ton to 40-ton crane.

23 Q. What kind of footprint profile pad does that  
24 require? What size?

1 A. (Kayser) It would be an over-the-road crane  
2 that would be able to lift them.

3 A. (Bowes) So it would fit in one travel lane.

4 A. (Kayser) Yeah, one travel lane.

5 A. (Bowes) There would be some outriggers  
6 probably. Some stabilization would be  
7 required. It would hopefully take a lane  
8 plus the shoulder probably.

9 Q. How long would the boom be, approximately?

10 A. (Kayser) Yeah, probably in the 30-foot range  
11 I would guess.

12 Q. So in this situation here, with the sluice  
13 [sic] box pushed out, the crane has to be  
14 20 feet away, does it not, from the center of  
15 the splice vault? Mechanically to be able to  
16 lift up this massive weight, it can't be too  
17 close to the splice vault. Wouldn't that be  
18 right?

19 A. (Bowes) I'll accept that.

20 Q. Twenty feet is about the --

21 A. (Bowes) Yes, I'll accept that.

22 Q. So that the crane, though we now don't have  
23 exact numbers, maybe we never did hear, but  
24 would be pushed further out away from the

1 splice vault in order to deliver the vault  
2 into the ground.

3 A. (Kayser) Well, the crane could be in line  
4 with that and just --

5 Q. I think this is important --

6 (Court Reporter interrupts.)

7 A. (Kayser) The crane would be in line with  
8 that, so it wouldn't necessarily be beside  
9 the truck. You could park the vault in front  
10 of it, have the crane, and then the crane  
11 would set it over in --

12 Q. So the crane would be --

13 (Court Reporter interrupts.)

14 A. (Kayser) So the crane would be in line with  
15 the truck that would deliver the splice  
16 vault, and then it would set it into the  
17 excavation.

18 A. (Bowes) And I think we discussed that there  
19 could be a temporary closure while we swing  
20 the piece of concrete over the roadway and  
21 then place it into the excavation pit.

22 Q. I think you saw previous exhibits. The power  
23 pole has two distribution lines running from  
24 it. What would you do with that?



1 A. (Bowes) So I see three communication  
2 attachments and one power line in this  
3 picture.

4 Q. Yes.

5 A. (Bowes) The two conductors are at the top of  
6 the pole. So in this case, it looks like  
7 it's all on one side of the street, although  
8 it may cross over at this point. But the  
9 pick or movement of concrete would have to  
10 take place towards me in this picture. It  
11 couldn't be done lower or down the road, down  
12 the perspective of this road. It would have  
13 to be done behind me.

14 Q. Do you mean from the south?

15 A. (Bowes) From... again, I don't know the --

16 Q. We're looking northward.

17 A. (Bowes) It would be done from the south I  
18 believe, yes.

19 Q. And that's the southerly direction. The  
20 sun's coming in that way. Does that look  
21 like the kind of territory that you're going  
22 to be able -- it's not level. And in fact,  
23 just to the left of this gritty stuff is a  
24 stream. The road disintegrates rapidly

1           there. It was partially washed out during  
2           recent heavy rains. Do you think you're  
3           going to be able to put a crane there?

4    A.   (Kayser) If that's the location of the splice  
5           vault, the crane would not have to sit there;  
6           the crane could remain on the paved area.

7    Q.   Could you say that last bit again, please?

8    A.   (Kayser) I said the crane could remain on the  
9           paved area to place the splice vault into the  
10          excavation.

11   Q.   Would you agree that with our narrow, twisty,  
12          crumbling roads, roads that crumble easily at  
13          the edge, get washed out, that these massive  
14          cranes could provide a significant problem,  
15          probably bringing out -- causing road  
16          closures just through the need for more  
17          space, flatter surfaces, more stability?

18   A.   (Bowes) So as I said, and I think we  
19          testified previously --

20                                   CHAIRMAN HONIGBERG: Mr.  
21          Bowes, that was a "Yes" or "No" question.  
22          Would you agree?

23   A.   (Bowes) No.

24   BY DR. McLAREN:

1 Q. Could I hear your reasons?

2 A. (Bowes) So I think as we've testified  
3 previously, there would be potentially a road  
4 closure while we swing the concrete piece  
5 over the roadway and place it into the  
6 excavation pit. But the work itself would be  
7 done from one travel lane or on the shoulder  
8 itself.

9 Q. What kind of time? You got to bring this  
10 vault up on the flatbed trailer. You've got  
11 to unload it, and you've got to assemble the  
12 crane -- what's the duration of the  
13 unloading?

14 A. (Bowes) Probably less than two hours with  
15 maybe a road closure for about five minutes.

16 CHAIRMAN HONIGBERG: Dr.  
17 McLaren, was this -- am I correct that this  
18 layout -- and maybe this is for the  
19 witnesses -- this particular location in the  
20 layout that's the subject of the exception  
21 request is the proposed layout; is it not?

22 WITNESS JOHNSON: That is  
23 correct.

24 CHAIRMAN HONIGBERG: Dr.

1 McLaren, why did you not ask these questions  
2 the first time this panel was here?

3 DR. McLAREN: I hadn't seen  
4 the SHEB and the new placement of the --

5 CHAIRMAN HONIGBERG: There's  
6 apparently no new placement. This is the  
7 original layout is what the testimony is.

8 DR. McLAREN: No, no, it's  
9 not. They've already admitted that they  
10 moved it northward.

11 CHAIRMAN HONIGBERG: Mr.  
12 Johnson.

13 WITNESS JOHNSON: This is  
14 subject to an exception request, yes.

15 CHAIRMAN HONIGBERG: So this  
16 is new. This is not the original design.

17 WITNESS JOHNSON: Yes. I was  
18 incorrect.

19 CHAIRMAN HONIGBERG: All  
20 right. You may continue.

21 DR. McLAREN: Thank you.

22 BY DR. McLAREN:

23 Q. So, understanding that we have difficulties  
24 here, I would mention that this spot at this

1 point is what appears to be an old  
2 foundation. Five feet down from the previous  
3 depicted edge of the splice vault is a stream  
4 year-round. Shows some horizontal rock  
5 formations. And I did have a picture of some  
6 beaten up lilies. I think here they are. So  
7 these lilies are kind of squashed. I think a  
8 lot of you will recognize them as lilies.  
9 And they're the traditional lilies planted at  
10 the site of the buildings, the one that we  
11 see. They're orange. These ones flower  
12 every year. So there was a building there.  
13 You're coming down on a prior building.

14 My question would be: The historical  
15 department would be concerned about this,  
16 wouldn't they?

17 A. (Bowes) Potentially, yes.

18 Q. Have you investigated or have you noted these  
19 facts and contacted and asked them?

20 A. (Bowes) You're talking about the town now?

21 Q. No, no, the historical society.

22 A. (Bowes) DHR you mean?

23 Q. Yes.

24 A. (Bowes) I don't know if we have or not. I

1 know we had witnesses yesterday, I believe.  
2 Would have been a great question to ask them.

3 Q. Okay.

4 A. (Bowes) We can certainly confirm the origins  
5 of the building through the DHR process and  
6 our experts. And if we need to relocate this  
7 closer to the roadway, which I think that's  
8 what you're implying, that this would be  
9 close to the edge of the four-rod alignment,  
10 we can look --

11 Q. And three-rod alignment.

12 A. (Bowes) Obviously the four-rod alignment. So  
13 we could bring it back in closer to the  
14 three-rod alignment or find a different  
15 location. If this is truly right in line  
16 with the splice pit, it probably warrants a  
17 relocation.

18 Q. And how -- if you had to relocate north or  
19 south, do you see that as possible?

20 A. (Bowes) So, clearly the original design would  
21 be ideal in this location, but that would  
22 place it into the roadway. So, again, it  
23 could be a valid exception request for the  
24 Department of Transportation.

1 Q. Could you extend the power line around this  
2 corner?

3 A. (Bowes) Yes.

4 Q. When does a curve become too great for the  
5 line? At what point does the line get  
6 stressed curving, arcing?

7 A. (Scott) Are you talking about during a bore  
8 or just --

9 Q. Yes, a --

10 A. (Scott) -- or an open cut installation?

11 (Court Reporter interrupts.)

12 A. (Scott) And your answer was during a bore?

13 Q. Yes.

14 A. (Scott) We use 1200-foot radius bends as a  
15 design criteria for those designs.

16 Q. So this would not be a problem?

17 A. (Scott) I believe that it's shown as is  
18 because that's what fits up with the geometry  
19 of the bore, as I understand it.

20 Q. Okay. Well, thank you very much.

21 DR. McLAREN: Thank you.

22 CHAIRMAN HONIGBERG: Mr.  
23 Ahern. And Mr. Ahern wants to talk about  
24 Route 3 south of Plymouth.

1 CROSS-EXAMINATION

2 BY MR. AHERN:

3 Q. Good afternoon, gentlemen. I'm Bruce Ahern,  
4 one of the intervenors from the Plymouth  
5 to -- excuse me -- Bethlehem to Plymouth  
6 Group. I'm the only intervenor down in the  
7 Plymouth area. And I wanted to talk about  
8 Route 3 south of Plymouth, since that's what  
9 I'm most familiar with.

10 My first question has arisen from some  
11 of the talk that's gone on this morning. You  
12 said during earlier testimony that there  
13 would be six to eight weeks before you  
14 completed this survey. What I was wondering  
15 is, has the initial research on all the deeds  
16 and all the layouts that you've talked about,  
17 has that been completed?

18 A. (Johnson) Yes, it has.

19 Q. Okay. Have any of you talked to the  
20 surveyors before this meeting --

21 A. (Johnson) I talk to them every day.

22 Q. Okay. Have you found anything in their  
23 research that will change any of the  
24 exception requests that we were shown today



1 or that you still have as active, the ones  
2 that have been approved by DOT?

3 A. (Johnson) The ones that have been approved by  
4 DOT, I don't believe so. I would have to  
5 check to see if there were anything  
6 significant. Off the top of my head, I would  
7 say no, there's been no new documentation  
8 that would change drastically the layouts  
9 that we had previously.

10 Q. Okay. And when was your last meeting with  
11 DOT?

12 A. (Johnson) The 19th of the month.

13 Q. Of this month? Okay.

14 Next thing I'd like to do is discuss --  
15 you talked earlier about the prescriptive  
16 process that you're planning on using for  
17 areas where you cannot determine the actual  
18 width of the right-of-way. I was wondering,  
19 did you intentionally omit, or do you not  
20 expect to include the landowner in that  
21 process?

22 A. (Johnson) I believe that the landowner wasn't  
23 consulted because the survey of prescription  
24 basically is the occupied use. So it would

1 be features of the roadway, the shoulder and  
2 the drainage ditches, and nothing beyond.

3 Q. Per the state of New Hampshire, the landowner  
4 owns the land that the road right-of-way sits  
5 on. So do you not think that the landowner  
6 should be included in that process?

7 A. (Johnson) I guess I've never thought about  
8 it. And the surveyors certainly have not  
9 brought it to my attention prior to this. If  
10 we're defining a travel way that's got a  
11 road, a shoulder and a ditch line, to me  
12 that's the obvious occupancy of a road.

13 Q. Okay. I'd like to next go to Exception  
14 Request No. 1, Revision 2.

15 (Pause)

16 Q. This is page -- okay. On this Page 4, you  
17 say that you're going to add rebar to the  
18 duct bank to form a 30-foot bridge over the  
19 culvert that will allow for excavation under  
20 the duct bank for purposes of future  
21 maintenance. Is this going to add time at  
22 all to the process that is being done?

23 A. (Johnson) Potentially, yes. Marginally.

24 A. (Scott) It would add a couple of hours.

1 Q. Okay. You don't need to tie it together like  
2 they do in a concrete foundation?

3 A. (Scott) You do, but it would only add a  
4 couple of hours.

5 Q. Okay. Also on Page 4, it says that, in  
6 connection with the future maintenance  
7 activities especially related to the culvert,  
8 Northern Pass will provide any and all  
9 required support, including, but not limited  
10 to, providing crews to assist while work is  
11 being conducted in the vicinity of a culvert.  
12 Will this be at no charge?

13 A. (Bowes) It will be at no cost to the state.  
14 That is correct.

15 Q. Are you offering this at all locations where  
16 you go over or under utilities and drainage  
17 structures?

18 A. (Bowes) I'm just trying to remember what the  
19 requirements were in the DOT commission --  
20 conditions. I can't say that with  
21 specificity right now. I can review it and  
22 certainly provide an explanation.

23 Q. Okay.

24 A. (Bowes) Generally, that's a condition of a

1 permit with a DOT is that we will be required  
2 to support ongoing activities for the state.

3 Q. So you wouldn't object to the Committee  
4 making this a stipulation of the operation of  
5 this transmission line?

6 A. (Bowes) Again, I think we would certainly  
7 accept a condition if it's not already in the  
8 DOT list of requirements. And I don't quite  
9 recall what your scope of requirements was.  
10 It sounded like it was under, over, near. I  
11 wasn't clear --

12 Q. I said go over or under utilities and  
13 drainage structures.

14 A. (Bowes) Yeah, there's probably some  
15 horizontal requirement as well I would add in  
16 there.

17 Q. That you would provide crews at no cost to  
18 help with repair and maintenance?

19 A. (Bowes) Correct.

20 Q. Okay. I have two water lines that go across  
21 the road that you're going to be going by.  
22 Would this apply to my water lines also?

23 A. (Bowes) The requirement to repair/replace?

24 Q. The requirement that if sometime in the

1 future I have to do maintenance on those  
2 lines, will you be providing crews to help to  
3 assist with -- crews to assist while work is  
4 being conducted in the vicinity of the  
5 culvert -- or excuse me -- in the vicinity of  
6 the utility?

7 A. (Bowes) Yes.

8 Q. Okay. So I'll be able to call you up and  
9 have you send somebody out, and I'll be able  
10 to repair that water line without it costing  
11 me large sums of money to get someone to do  
12 an engineering study and get that water line  
13 repaired or replaced.

14 A. (Bowes) So you could trigger that one of two  
15 ways. The normal Dig Safe process that you  
16 would go through, which clearly identifies,  
17 okay, something's going to happen. If it's  
18 going to be a new installation, and that  
19 would be more the emergency, where you have  
20 to get in there right away and have it  
21 repaired, so we would respond as a registered  
22 entity in the state of New Hampshire for Dig  
23 Safe, and we would provide assistance to both  
24 locate our facilities and to make sure that

1 safe work practices were done around them.  
2 If it were a planned activity, we'd like to  
3 be involved in that up front. So, rather  
4 than wait until the last minute, we'd like to  
5 be involved in the design process that you're  
6 going through, even though it may be limited.  
7 That would give us a little more notice in  
8 order to respond and maybe even help with the  
9 design next to our facilities, making sure  
10 that the clearances are proper. And then  
11 we'd also provide field assistance.

12 Q. Okay. I'm pretty sure that I'm not the only  
13 one with this situation, so I would hope that  
14 you -- well, let me ask it this way: If you  
15 would have no objection to the Committee  
16 making this a part of the stipulations of  
17 their approval of this project, that you  
18 would provide this to anybody that needed it,  
19 that had a utility underneath or that was  
20 going either under or over your project.

21 A. (Bowes) I think that's a reasonable request.

22 Q. Okay. Thank you.

23 Now, this exception is for installing a  
24 line under the pavement in the area between

1 Station 2698+00 and 2701. Can you see that?

2 (Witness reviews document.)

3 A. (Bowes) Yes, I see it.

4 Q. And it's above the culvert at Station 2699.

5 A. (Bowes) Yes, I see that.

6 Q. Okay. The culvert at Station 2700, are you  
7 still planning on going underneath that one?

8 A. (Bowes) Yeah, it's very difficult to see.

9 But it's on the -- it's right along the line  
10 here. It's not outlined in red. It's right  
11 over the culvert. And yes, we are going over  
12 that as well. I'm sorry. We're going under  
13 that one.

14 Q. You're going under that one. Okay.

15 Now, at Station 2700, just above the big  
16 arrow that points to the north, I have a  
17 driveway at that location that I use to  
18 access the top floor of my barn. Why was it  
19 not indicated on this diagram?

20 (Witness reviews document.)

21 A. (Bowes) Right about where it says NHECO --

22 Q. You can see where the --

23 (Court Reporter interrupts.)

24 A. (Bowes) NHECO 31-27.1.

1 Q. My driveway is in the area of the red  
2 writing, just above the "N" on that arrow.  
3 And I think it says -- where it says end of  
4 exception request, that's where my driveway  
5 is.

6 A. (Bowes) We will make the correction.

7 Q. Okay. There are times when I may need to  
8 access that driveway sometimes five to ten  
9 times a day with trucks, tractors, and  
10 sometimes towing equipment and trailers. Are  
11 there going to be any restrictions on me? Am  
12 I going to be delayed significantly getting  
13 in and out of that driveway?

14 A. (Bowes) So there will be some travel lane  
15 closure here for, looks like it's on the  
16 opposite side of the road from the driveway  
17 as planned right now. So you would be  
18 subject to that, you know, traffic control  
19 pattern. Doesn't look like there would be  
20 any need for plating over your driveway. It  
21 appears to be, as I said, on the other side  
22 of the road. So there would be some  
23 inconvenience while we're doing the  
24 construction adjacent to your property.



1 Q. Okay. If I'm doing haying and I need to get  
2 the hay in before it rains late in the  
3 afternoon, am I going to end up losing hay  
4 because I can't get into my barn?

5 A. (Bowes) I don't believe you would. But that  
6 would certainly be a legitimate claim, and we  
7 would certainly be willing to buy the hay  
8 bales from you, if needed, or replace the hay  
9 bales if they were damaged. We will be using  
10 a lot of hay bales for, you know, sediment  
11 and erosion control on this project, and  
12 there's a possibility that we could even come  
13 to some accommodation to use some of that  
14 hay.

15 Q. Last time I checked, DOT requires straw, not  
16 hay.

17 A. (Bowes) I stand corrected then.

18 Q. I've tried to sell the hay before to the DOT,  
19 and it doesn't work.

20 A. (Bowes) Our intention would be to make you  
21 whole. First of all, not to cause you any  
22 disruption that causes you loss of product.  
23 But if there is, and I'm not going to even  
24 suggest there is, but if there were, we would

1           certainly take that as a legitimate claim.

2   Q.    Okay.  You can see the line just beyond the  
3           end of where that exception request stops.  
4           And I will show you a picture next that is  
5           just down from that.  Am I correct that that  
6           line shows that you are going to be in the  
7           pavement at that point?

8   A.    (Johnson) It appears that way, yes.

9   Q.    Do you have an exception request in for that?

10  A.    (Johnson) I'm having difficulty sort of  
11           figuring out where we are in relation to the  
12           exception request.

13  Q.    The two culverts that we just talked about  
14           are just off the bottom of the page.  The  
15           driveway that I was talking about, you can  
16           see it right there at the bottom of the page  
17           on the right-hand side.

18  A.    (Johnson) So if the alignment is in the road,  
19           by definition, it must have an exception  
20           request.

21  Q.    Has one been submitted?

22  A.    (Johnson) I'll go do the research and find  
23           out.  I don't know the answer.

24  Q.    Okay.  Since you don't know, my next question

1           was if the splice vault at Station 2703+50,  
2           which is shown there just past my house, if  
3           that was going to be in the road or off the  
4           side of the road.

5    A.    (Johnson) Same answer.

6    Q.    Okay. Am I correct that this is showing a  
7           right-of-way of 66 feet wide since it is more  
8           than twice the width of the paved surface?

9    A.    (Johnson) It appears that way, yes, four  
10          rods.

11   Q.    Okay. I'd like to go now to my prefiled  
12          testimony.

13   A.    (Johnson) Sorry. I just went to the very top  
14          of this exception request.

15   Q.    Yes.

16   A.    (Johnson) And the exception request is for  
17          alignment and pavement, as well as crossing  
18          over existing drainage structures. So this  
19          request does encompass both the drainage  
20          structure going over the top of it, as well  
21          as the alignment in the pavement.

22   Q.    The exception request goes from Station  
23          2698+00 to 2701+00. It does not extend  
24          beyond my driveway that we talked about that

1 goes up to the top of my barn.

2 A. (Johnson) Understood.

3 Q. So you have not submitted an exception  
4 request or anything for that stretch of the  
5 road.

6 A. (Johnson) I will check No. 2 to see where No.  
7 2 is, if this is No. 1. But I --

8 Q. No. 2 is actually further north from this.  
9 It is to go around an area that has a big  
10 gully to the east side of the road. I looked  
11 through all the exception requests and could  
12 not find one for this area.

13 A. (Johnson) If there isn't one, then one needs  
14 to be created.

15 Q. Okay. I'll go back to the right-of-way  
16 showing 66 feet wide. This is from my  
17 prefiled testimony, which is APOBP 3. And I  
18 don't remember exactly which page it is, but  
19 it is in it. And I'm going to go back and  
20 forth here.

21 What this describes is the roadway in  
22 front of my house when they changed the road  
23 in 1931. And I would wonder if, Mr. Johnson,  
24 you'd tell me what it says down at the bottom

1 of that page, as far as the width of the  
2 right-of-way.

3 A. (Johnson) It says three rods wide.

4 Q. Okay. Since that was in my prefiled  
5 testimony, why did the surveyor not use that  
6 information?

7 A. (Johnson) I don't know. I'll have to go ask  
8 them. There could have been other  
9 documentation that superseded this or other  
10 historic layouts that put this into a  
11 inconsistent position.

12 Q. This is the only layout for that road because  
13 it was a new road. I will go back to the  
14 other picture and show you why.

15 If you look at that picture, the road  
16 used to go in front of my barn over to River  
17 Road where that driveway is on the right side  
18 of the road and then down the little road  
19 that you can see to the right of the main  
20 road and then out to what is now Route 3.  
21 The road in front of my house was a brand new  
22 layout in 1929 to '31. There is no other  
23 information on that area other than this.

24 A. (Johnson) I'll take your word for it.

1 Q. Okay. This is your Exception Request No. 3,  
2 Revision No. 3, okay. In this one, does the  
3 depicted work area go right to the edge of  
4 the right-of-way? Can you see that?

5 A. (Johnson) It appears to, yes.

6 Q. Okay. Is there equipment that sits at the  
7 exit hole during this process at any time,  
8 like a big piece of equipment that sits  
9 there?

10 A. (Scott) Most likely.

11 Q. I'm sorry?

12 A. (Scott) Most likely.

13 Q. Okay. And how wide and how far past the exit  
14 hole sideways does it extend, that piece of  
15 equipment?

16 A. (Scott) I don't have a specific answer for  
17 that. But I can say it would be within the  
18 work zone. Probably the length up and down  
19 the drawing as you're currently showing it  
20 would probably be within a hundred feet.

21 Q. But you say that the piece of equipment will  
22 actually sit at the edge of that work area?

23 A. (Scott) It would be right near there, yes.

24 So, essentially, this is the receiving end of

1 an HDD. So you wouldn't see much of anything  
2 during the boring process until it broke  
3 through grade. And then you would see  
4 equipment there, or right before they were  
5 getting ready to break through grade to  
6 back-ream the hole and then start pulling  
7 casings and conduits through.

8 Q. Okay. But the --

9 A. (Scott) The larger, longer work zone is for  
10 when they assemble the conduit and pull that  
11 through.

12 Q. But it will sit -- can that piece of  
13 equipment sit offset from the hole? I mean,  
14 can it sit in the roadway in this case, or  
15 does it have to sit in that work area to the  
16 edge of the right-of-way?

17 A. (Scott) I mean, I believe the work area is  
18 extending into the road as I look at that.

19 Q. Okay. How long in this -- like in this  
20 situation, how long does the conduit sit in  
21 the exit work area that would be blocking the  
22 driveways of those apartment buildings at the  
23 bottom of the page and that house's driveway  
24 at the top of the page?

1 A. (Scott) I believe Mr. Johnson addressed this  
2 previously in previous testimony. But if we  
3 ran across a scenario where there's no  
4 access, we can do things like provide a  
5 shallow trench and put that conduit on a  
6 roller through that trench to allow -- and  
7 put a plate over the trench to allow access  
8 during this process. So the assembly of the  
9 conduit bundle would take a day or two total,  
10 and then you could put it into that trench  
11 during that process. And when they were  
12 ready to pull it, it wouldn't really matter.  
13 It wouldn't impact access.

14 Q. I'm sorry. You said a day or two to assemble  
15 the conduit? Like the gentleman that is at  
16 top of the page there, is he going to be able  
17 to access his driveway for one or two days,  
18 or are you going to have that closed for one  
19 or two days?

20 A. (Scott) He would probably have a couple of  
21 hours of impact, most likely.

22 Q. Now, this is a picture of the entry work area  
23 or entry-area work space. Is it normal to  
24 have that go through the middle of somebody's



1 house?

2 A. (Scott) I mean, they wouldn't be in that  
3 person's house unless that person sold them  
4 the house. They would be working around the  
5 house.

6 This is depicting going to the edge of  
7 the right-of-way's work space. And that  
8 drawing should probably be amended to show a  
9 few feet off of the edge of houses, not work  
10 space.

11 Q. You can see why I was concerned.

12 A. (Scott) Sure.

13 Q. Okay. On your entry pit out of the pavement,  
14 how far beyond the end of the entry pit does  
15 the equipment extend when it's working? Like  
16 you've got the entry pit. It's a  
17 four-by-four entry pit. How far beyond the  
18 edge of that entry pit does the equipment  
19 sit?

20 A. (Scott) How far from the edge of where?

21 Q. The entry pit that's off the pavement.

22 A. (Scott) I mean, the entry pit, you will have  
23 equipment right where that entry pit is.

24 Q. But what I'm saying is, how wide is the piece

1 of equipment? And I assume the entry pit is  
2 probably in the center of it. So how wide --

3 A. (Scott) I mean, it's essentially an 8- to  
4 10-foot-wide piece of machinery. So the  
5 center of that offset would be 4 to 5 feet.

6 Q. Okay. So with a 4-foot hole, and 4 or 5 feet  
7 beyond that you're out about 10 feet?

8 A. (Scott) From the center line you'd be 4 to  
9 5 feet off the side.

10 Q. Is it -- or let me -- the next question is,  
11 on this diagram, what kind of line is that  
12 that shows the right-of-way, as per the  
13 surveyors, Meridian Land Surveying, their  
14 definition of that type of line?

15 A. (Johnson) So the drawings themselves don't  
16 distinguish the type of right-of-way line.  
17 It is a long dash with two short dashes  
18 followed by another long dash by two short  
19 dashes. But in the design drawings in this  
20 particular case, they're all the same, no  
21 matter what type of survey quality they are.

22 Q. Okay. Just a minute. Let me see if I can  
23 pull up that... okay. I don't have it on  
24 this computer. But your original plans and

1           also the survey showed it as a dashed line.  
2           I couldn't tell whether it was -- let me see  
3           the definition here -- whether it was a bold  
4           dashed line or a dashed line. But on both of  
5           those, either a bold dashed line or a dashed  
6           line, what is the definition of those lines  
7           per your surveyor?

8    A.    (Johnson) So those were historical layouts or  
9           areas where there was no information.

10   Q.    But what's the first word that they use in  
11          their definition? I think it was the first  
12          word. Let me see.

13                           (Pause)

14   Q.    Okay. Bold solid for determined, bold dashed  
15          for approximately, and dashed for  
16          approximately.

17                    I would like to ask, is it normal for  
18          your company to plan things right to the edge  
19          of a boundary line that is approximate?

20   A.    (Bowes) I would say no.

21   Q.    But you have in this case. Is that what  
22          you're telling me?

23   A.    (Bowes) This is a temporary work area you're  
24          talking about?

1 Q. Yes.

2 A. (Bowes) So, temporary work areas, I would say  
3 it's probably more common. But even so, I  
4 would think there would be a buffer.

5 Q. But Mr. Scott just told me that on the exit  
6 work area, the piece of equipment is going to  
7 be right to the edge of that work area.

8 A. (Bowes) I'm not sure I follow.

9 Q. Mr. Scott just -- I asked Mr. Scott if the  
10 piece of equipment that will be sitting in  
11 the exit work-area space will be right to the  
12 edge of the work space and the right-of-way  
13 as shown on your diagrams, and he told me  
14 yes.

15 A. (Bowes) I thought he said it was going to be  
16 4 to 5 feet from the center of the pit.

17 Q. That was the piece of equipment at the  
18 entry-area work space.

19 A. (Johnson) I believe he was talking about both  
20 ends, both the entry and exit. The entry  
21 would have the drill rig --

22 Q. I think Mr. Scott knows what I'm talking  
23 about.

24 A. (Scott) Not really.

1 A. (Bowes) I think he was saying the length of  
2 the conduit would be to the end of that work  
3 zone.

4 Q. No, I asked him specifically that. At the  
5 entry -- or excuse me -- the exit work area,  
6 would there be equipment sitting in the work  
7 space, and where that equipment would be,  
8 would it -- and he said it would go up to the  
9 edge of the work area.

10 A. (Scott) The designated work area is for work,  
11 yes. That's what we're planning on.

12 Q. But the piece of equipment that --

13 A. (Scott) Could be up to the --

14 Q. Edge of the --

15 A. (Scott) -- within that work area, yes.

16 Q. Okay. And that's my question. Is it normal  
17 for your company to plan to work in an area  
18 where the boundary is approximate?

19 A. (Bowes) So I was taking -- my response would  
20 be towards the road side. So it wouldn't be  
21 to the property boundary. That's where I  
22 thought he was indicating. It would be into  
23 the roadway. That was the discussion we were  
24 having. And we'd work right up to that area

1 and then put our traffic control measures in  
2 place. Doesn't mean a piece of equipment  
3 would be there, but there would be work  
4 around that. People could walk past that  
5 equipment.

6 Q. I'm getting at the actual what you have a  
7 right to be using part of it. Is it normal  
8 for you to plan on using an area where you  
9 don't know exactly where the boundary is,  
10 right up to the edge of what you think the  
11 boundary is?

12 A. (Bowes) For temporary work space, I would say  
13 yes. For permanent installations, I would  
14 say no.

15 Q. So you think it's all right for your company  
16 to go onto somebody else's property without  
17 their permission.

18 A. (Bowes) I didn't say that.

19 Q. But you don't know exactly where the boundary  
20 is.

21 A. (Bowes) We will know where the boundary is,  
22 yes.

23 Q. Okay. You've told me that -- I'm sorry. I'm  
24 forgetting if I asked this question.

1           Have there been any major changes that  
2           have been found in the research done by the  
3           surveyors that's going to change anything on  
4           any of the exception requests on Route 3  
5           south in Plymouth?

6    A.    (Johnson) As I said earlier, I don't know,  
7           but I can find out.  But there's been no  
8           revelations, if you will, of a new document  
9           being found that would change.

10                           MR. AHERN:  Okay.  I don't  
11           know how to switch from this to the ELMO.

12                           (Pause)

13    Q.    Okay.  If you look at Page 2, under No. 2,  
14           filled dot No. 2 and circle No. 3, can one of  
15           you tell me what that says?

16    A.    (Johnson) Research suggests there may be a  
17           section which is variable within a portion of  
18           Plymouth.

19    Q.    Have you or your surveyors read the Town of  
20           Plymouth town meeting minutes dated May 5th,  
21           1931?

22    A.    (Johnson) I don't know.

23    Q.    Okay.  If I was to tell you that in the town  
24           meeting, the Town of the Plymouth

1           discontinued any part of the highway that was  
2           more than one and a half rods either side of  
3           the highway from a point opposite the  
4           northern boundary of the Beardsley property,  
5           which --

6                           MR. AHERN:   If you would  
7           switch back to my computer again?

8   BY MR. AHERN:

9   Q.   -- the Beardsley property is the property  
10       that is just above and slightly to the right  
11       of my barn -- to a point approximately  
12       350 feet north of the Crystal Springs, which  
13       is approximately your Station 2611, what  
14       effect would this have on your first five  
15       exception requests?   And the reason I'm  
16       asking this is, when I said that you need to  
17       discuss with the landowners when you're going  
18       through your process of determining what the  
19       right-of-ways are, that you need to include  
20       the landowners because they have information  
21       like this that the new people at DOT don't  
22       have, you don't have, and may not be in the  
23       deeds section of the county.

24                           What effect is this going to have on



1           your first five exception requests if this is  
2           true?

3       A.     (Johnson) So if the ascertainment that it's not  
4           four rods wide or that it is three rods wide  
5           or some other rods?

6       Q.     Yes.

7       A.     (Johnson) Then clearly, if it was true, it  
8           would have to be taken into account in the  
9           design process.

10      Q.     But you say that none of your surveyors have  
11           come up with this piece of information.

12      A.     (Johnson) I said I did not know and I would  
13           go find out.

14                               MR. AHERN: Thank you. That's  
15           all I have.

16                               CHAIRMAN HONIGBERG: All  
17           right. We're going to take a ten-minute  
18           break.

19                               (Brief recess was taken at 3:37 p.m.,  
20           and the hearing resumed at 3:52 p.m.)

21                               CHAIRMAN HONIGBERG: Mr.  
22           Palmer, you may proceed.

23                               MR. PALMER: Thank you.

24

1 CROSS-EXAMINATION

2 BY MR. PALMER:

3 Q. My name is Walt Palmer. I'm one of the  
4 abutting property owners in Franconia along  
5 the underground portion of the route. I just  
6 have two very quick questions for you today.

7 First of all, I thought I heard someone  
8 say today that the width of the easement on  
9 Route 116 in Franconia varies between four  
10 rods and three rods wide. Did I hear that  
11 correctly?

12 A. (Johnson) You could have, yes. It depends  
13 what part you're talking about, but...

14 Q. All right. Because that road runs -- like  
15 Mr. Ahern, I own property on both sides of  
16 the road. My farm is on both sides of the  
17 road. The road runs right through the middle  
18 of my farm. The width of the right-of-way is  
19 of extreme importance to me --

20 A. (Johnson) Understand.

21 Q. -- and I need to have assurance from you that  
22 you're not going to be encroaching on my  
23 farm.

24 Are you familiar with this document from

[ NORTHERN PASS CONSTRUCTION WITNESS PANEL]

91

1 the 1838 Town of Franconia records?

2 A. (Johnson) Sorry. We don't see it. It's not  
3 on the screen.

4 Q. Sorry?

5 MR. IACOPINO: Takes a minute  
6 for both screens.

7 (Pause in proceedings.)

8 A. (Bowes) If you'd like, we do have a copy of  
9 it.

10 CHAIRMAN HONIGBERG: Mr. Bowes  
11 apparently does have a copy. Do you want to  
12 ask him questions about it, even though we  
13 can't see it right now?

14 MR. PALMER: What I was trying  
15 to put on the screen is a copy of Franconia  
16 town records from 1928 -- 1838, which shows  
17 that on March 13, 1838, the town voted to  
18 make the road between the town hall and the  
19 Landaff town line three rods wide, which now  
20 is the Easton town line. So, basically the  
21 entire Route 116 from the center of Franconia  
22 to the Easton town line was laid out as a  
23 three-rod-wide road. I've sent this to the  
24 DOT, and I have had response from them

1           confirming their agreement that that road is  
2           a three-rod-wide road.

3 BY MR. PALMER:

4 Q.    So my point is -- my question is: Do you  
5        have any documentation showing anything  
6        otherwise? If you're still saying as late as  
7        today that some portions of that road may be  
8        four rods wide, it makes me concerned that  
9        you do not really have a very good idea of  
10       the width of that road.

11 A.    (Johnson) So I can say with certainty that I  
12       know we have looked -- we have this document;  
13       otherwise, we wouldn't have it here. What I  
14       can tell you with certainty is how it's been  
15       incorporated into the survey design. I will  
16       certainly reach out to our surveyors and ask  
17       them that question. Ultimately, the evidence  
18       that we have will be presented to the DOT as  
19       part of the survey report, and they will  
20       again review that and will come up with a  
21       determination whether they believe it's  
22       correct or not.

23 Q.    So when can I expect to see that evidence?

24 A.    (Johnson) Again, we've talked about it. It's

1 four to six weeks of field work, followed by  
2 another couple weeks to assemble the entire  
3 survey report.

4 Q. So we're talking about sometime in November,  
5 I guess?

6 CHAIRMAN HONIGBERG: There was  
7 extensive testimony about this, this morning,  
8 Mr. Palmer.

9 BY MR. PALMER:

10 Q. All right. My second question was about  
11 Exception Request No. 145, which I have a  
12 picture of up on my screen, but  
13 unfortunately, again, the computer doesn't  
14 seem to be working.

15 A. (Johnson) If you give me a second, I'll find  
16 it.

17 Q. I'm sorry?

18 A. (Johnson) If you give me a second, I'll find  
19 it.

20 Q. Okay.

21 MR. IACOPINO: You said 145?

22 MR. PALMER: 145.

23 (Pause)

24 A. (Johnson) Okay. We're good.

1 Q. Okay. You have that now?

2 A. (Johnson) I do.

3 A. (Bowes) Yes, we do.

4 Q. In the Technical Discussion of Justification  
5 of Exception, in the second paragraph, NPT --  
6 makes a point that NPT must plan to install  
7 any facilities and conduct any work within  
8 20 feet of the edge of the pavement,  
9 consistent with the study area for the draft  
10 Environmental Impact Statement. And at the  
11 end of that paragraph it states again,  
12 "Therefore, NPT must plan to install any  
13 facilities and conduct any work within the  
14 EIS study area" -- the point being that in  
15 this justification for the exception request,  
16 you're stating that you must comply with what  
17 was studied in the EIS study; is that right?

18 A. (Johnson) Yes.

19 Q. So, then, for this Project, Northern Pass is  
20 constrained by what was studied in the EIS;  
21 is that right?

22 A. (Johnson) Not a hundred percent. But yes,  
23 for almost the vast majority of the Project  
24 we are constrained within what the EIS has

1 studied as well as part of the Presidential  
2 Permit.

3 Q. So, not a hundred percent.

4 A. (Johnson) There are one or two exceptions to  
5 that where we are going to be seeking an  
6 exception, where we are going slightly  
7 outside of this 20-foot buffer, but on land  
8 owned by DOT, and it's already been  
9 previously disturbed areas.

10 Q. So as this exception request process,  
11 iterative process goes forward, at what point  
12 do changes become so great that now we're  
13 talking about a different project, and now we  
14 have to do another Environmental Impact  
15 Assessment?

16 A. (Johnson) Well, there will never be another  
17 Environmental Impact Statement exactly  
18 because of this. We're being within the area  
19 that's been studied, both on the state level  
20 and the federal level.

21 Q. Okay. My question then is: Can you show me  
22 anywhere in the Environmental Impact  
23 Assessment where it states that coal fly ash  
24 will be used as a backfill material in the

1           trenches? And can you show me anywhere in  
2           the Environmental Impact Assessment where  
3           potential impacts of that were discussed or  
4           studied?

5    A.    (Johnson) Off the top of my head, I don't  
6           know the answer to that. The Department of  
7           Energy prepared that document.

8    Q.    I'll help you with that. It's not in there.  
9           If you run a search for "coal fly ash"  
10           throughout the entire document, throughout  
11           the entire appendices, you will not find that  
12           term.

13   A.    (Johnson) I'll accept that.

14   Q.    Wouldn't you agree that that is a fairly  
15           major change in the proposed project to  
16           suddenly start using toxic material as  
17           backfill?

18                                   MR. NEEDLEMAN: Objection.

19                                   CHAIRMAN HONIGBERG: Mr.  
20           Palmer.

21                                   MR. PALMER: I'm sorry?

22                                   CHAIRMAN HONIGBERG: He's  
23           objected.

24                                   What's the grounds, Mr.



1 Needleman?

2 MR. NEEDLEMAN: We've been  
3 through this repeatedly. Coal fly ash is not  
4 considered a toxic material.

5 CHAIRMAN HONIGBERG: Mr.  
6 Palmer.

7 MR. PALMER: I don't know who  
8 doesn't consider it a toxic material, but I  
9 can assure you that it contains heavy  
10 materials which leach out into the  
11 environment, and that has been shown by  
12 numerous technical documents.

13 CHAIRMAN HONIGBERG: Why don't  
14 you just not characterize it as "toxic  
15 material" and ask your questions about your  
16 coal fly ash of them, and they'll tell you  
17 what they know.

18 MR. PALMER: Okay. That was  
19 my question.

20 BY MR. PALMER:

21 Q. Wouldn't you consider that to be a major  
22 change to the Project proposal, to suddenly  
23 be proposing -- I mean, this is something  
24 that you introduced only a couple months ago.

1 CHAIRMAN HONIGBERG: The  
2 objection is sustained.

3 MR. PALMER: What objection  
4 now?

5 CHAIRMAN HONIGBERG: You were  
6 repeating your question. His objection  
7 stands and it is sustained. Ask your next  
8 question.

9 MR. PALMER: So I don't get an  
10 answer to that one?

11 CHAIRMAN HONIGBERG: That's  
12 correct.

13 MR. PALMER: That was my last  
14 question.

15 CHAIRMAN HONIGBERG: Then you  
16 may return to your seat.

17 MR. PALMER: Thank you.

18 CHAIRMAN HONIGBERG: Mr.  
19 Thibeault.

20 CROSS-EXAMINATION

21 BY MR. THIBAULT:

22 Q. Good afternoon. My name's Bob Thibault. I'm  
23 from Easton. I'm an abutting property owner.  
24 Almost all of my questions have already been

1 answered. I wanted to confirm an  
2 understanding I got this morning about the  
3 initial application.

4 Did I understand correctly, and I think  
5 this came from Mr. Johnson, that the original  
6 application was planned to go under the  
7 pavement and that there was a blanket  
8 exemption requested from the UAM? Is that  
9 correct or any way near?

10 A. (Bowes) I'm not sure I'd characterize it as a  
11 "blanket" exemption.

12 Q. Exemption from the UAM to run the alignment  
13 under the pavement.

14 A. (Bowes) That is clearly what we discussed  
15 with the DOT prior to filing the Application.  
16 And we did provide that in writing to the  
17 DOT, a request, and that's part of Appendix 9  
18 of our SEC Application.

19 Q. Can you tell us approximately what date that  
20 was? I imagine 2015 sometime?

21 A. (Bowes) The letter that went to the DOT is  
22 dated October 16, 2015.

23 Q. And is it correct to assume that they denied  
24 that application, that they denied that

1 request?

2 A. (Bowes) So in April of this year they  
3 approved our project subject to many  
4 conditions.

5 Q. And was one of those conditions that you  
6 follow the UAM?

7 A. (Bowes) In essence, I would say yes, and they  
8 introduced an "exception" process to that.

9 Q. So is it correct to say that until April you  
10 were hoping and planning that maybe you could  
11 have the exemption you were requesting  
12 originally?

13 A. (Bowes) That was the planned process we  
14 underwent, and it is supported by what other  
15 states do today.

16 Q. And this would have been around the time, the  
17 original plan, that you were holding the  
18 public information sessions; correct?

19 A. (Bowes) Yes, I would think 2015, 2016 time  
20 frame.

21 Q. So during those public information sessions,  
22 might -- you're thinking at that time running  
23 the alignment under the ground. Might that  
24 have explained why so many people today still

1 think their line is going under the pavement?

2 A. (Bowes) I don't know how many people think  
3 that.

4 Q. Okay. But wouldn't you agree that some  
5 people may because of the original plan?

6 A. (Bowes) Yes, I can accept that.

7 Q. Just wiped out half my questions. I have two  
8 left.

9 The Exhibit 222 that was shown this  
10 morning, I'm pretty sure I added the numbers  
11 correctly. The first two columns were 7-1/2  
12 and 7-1/2. The whole sheet then said  
13 15 miles of the line would be under the  
14 pavement. Is that correct?

15 A. (Johnson) Yes, that's correct.

16 Q. Okay. Do you think that might be a surprise  
17 to a lot of people who attended the meetings,  
18 the initial meetings? I'm speaking of those  
19 people who walked out with the impression  
20 that this line was going under the pavement.

21 A. (Bowes) I don't know if they'd be surprised  
22 or not.

23 Q. Okay. Last point. The RSA governing this  
24 proceeding gives the Committee the authority

1 to hold additional informational meetings  
2 based upon certain conditions. If the  
3 Committee did that, what do you think the  
4 public's reaction might be upon hearing the  
5 difference from the original information  
6 sessions and what we now know today with all  
7 the exception requests? Do you have a  
8 feeling, any of you, of what the public might  
9 think?

10 A. (Bowes) I think that they might think that  
11 the Project had changed.

12 Q. I would agree with you. I think they may be  
13 shocked.

14 Just one last question. Back around  
15 September of 2015, we were all talking this  
16 plan was 30 percent complete in its design;  
17 correct?

18 A. (Johnson) That's correct.

19 Q. Today, what percent would you assign?

20 A. (Johnson) Approximately 60.

21 Q. Fifty?

22 A. (Johnson) Sixty.

23 Q. Sixty.

24 MR. THIBAUT: Okay. That

1 concludes my questions. Thank you.

2 CHAIRMAN HONIGBERG: Ms.  
3 Schibanoff.

4 MS. SCHIBANOFF: Thank you.  
5 Attorney Whitley is going to aid me at the  
6 ELMO, if he's ready. One of these days I got  
7 to get me a computer.

8 CHAIRMAN HONIGBERG: You don't  
9 need one when you have Mr. Whitley.

10 MS. SCHIBANOFF: Right.

11 CROSS-EXAMINATION

12 BY MS. SCHIBANOFF:

13 Q. While I've talked with you before, but again  
14 I'm Susan Schibanoff. I'm a member of the  
15 Non-Abutting Property Owners, Bethlehem to  
16 Plymouth, which is mainly entirely the  
17 underground route.

18 And I can start here because I don't  
19 need an exhibit for a few minutes. So let me  
20 tell you what I've read so far to get ready  
21 for this. The UAM manual; the 100, and I  
22 thought it was 20, but apparently it's 118  
23 exception requests on the DOT site; the DOT  
24 responses so far on that site; the

1 December 2016 Permit Package Application. Do  
2 I have most of it, or did I miss something?

3 A. (Bowes) I don't know what you've missed.

4 Q. Would that be enough to now feel like I have  
5 a grip on what you're doing?

6 A. (Bowes) I do not know.

7 Q. How many people do you think have read that  
8 much material of just average landowners  
9 along the route?

10 A. (Bowes) I don't know.

11 Q. Okay. There are also on the DOT site 100  
12 other exception requests, but I don't know  
13 how they relate to all this material, and I  
14 haven't had time to read them all. Can you  
15 tell me?

16 A. (Bowes) Can I tell you what?

17 Q. What the 100 other exception requests on the  
18 DOT site are.

19 A. (Johnson) So those are either earlier  
20 revisions, other exception requests, or  
21 exception requests that have been withdrawn  
22 within the process.

23 Q. And do those numbers, I think they're listed  
24 1 to 100, do they relate to the same number



1 on the page when you look at the Northern  
2 Pass page? How do they relate, in other  
3 words?

4 A. (Johnson) The numbering system of the  
5 exception request is not tied in any way to a  
6 direct drawing. It is a sequential order  
7 from bottom to top.

8 Q. So I guess I have some more reading, right,  
9 as do other people?

10 I'd like to just pick up on a few points  
11 that I heard this morning, make sure I've got  
12 them right.

13 Did I hear you say that tree-clearing  
14 areas will be shown soon on the plans? And I  
15 guess this would be the permit package plans.

16 A. (Johnson) So the exception request, by  
17 definition, will not have tree clearing  
18 because that's moving stuff into the roadway.  
19 When we do create the next set of alignment  
20 drawings, then, yes, those will show the  
21 tree-clearing areas.

22 Q. Okay. And will another aesthetics evaluation  
23 be done at that point in time when we know  
24 what trees are going to be removed?

1 A. (Johnson) I can't answer that question.

2 Q. Is there anyone on the panel who can answer  
3 that question?

4 A. (Bowes) I can say that our plan is to have  
5 very little mature tree clearing along the  
6 entire route. In fact, in other projects,  
7 underground projects, the clearing of trees  
8 is never even discussed because it's never  
9 required.

10 Q. But where it will be done, will there be a  
11 re-evaluation of aesthetics?

12 A. (Bowes) I can't tell you that we're going to  
13 have to clear any trees at this point.

14 Q. Well, I thought I heard somebody mention this  
15 morning that it was going to be on the new  
16 plans.

17 A. (Bowes) If it is indeed required, then we  
18 would show it. But I'm --

19 Q. All right. Let me make that a hypothetical  
20 question then. If there is additional or new  
21 tree clearing, will a new aesthetics  
22 evaluation be done?

23 A. (Bowes) I do not know.

24 Q. Does anyone on the panel know?

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1 A. (Scott) No.

2 Q. Okay. Thank you. And then the other thing I  
3 wanted to clear up from this morning is that  
4 I had thought 10 feet, 3 meters, was the  
5 standard distance used to kind of ballpark at  
6 least the trench excavation area from the  
7 edge of the pavement. And that's a figure  
8 I've been using all along. But I think I  
9 heard you say this morning that actually the  
10 10 feet is off the edge of the shoulder.

11 A. (Johnson) So I think you're right in both  
12 cases. But where there are areas where  
13 they're more constrained, it would be 10 feet  
14 off the edge of the pavement, but where there  
15 is room, it would be 10 feet off of the edge  
16 of shoulder.

17 Q. How wide can a shoulder be, typically?

18 A. (Johnson) It can be as little as zero to as  
19 wide as three or four feet.

20 Q. Okay. So from the edge of the pavement then,  
21 the work area could go in as much as 14 feet.

22 A. (Johnson) Potentially, yes, in areas where  
23 there is no constraints.

24 Q. Thank you.

1 MS. SCHIBANOFF: Steven, could  
2 you put up Exhibit 36 first? And I'm going  
3 to be shuffling through paper here. And  
4 we're going to compare that with 37 in just a  
5 second.

6 BY MS. SCHIBANOFF:

7 Q. So, 36 is a section along Route 3 in Campton.  
8 And I'm showing you first the plan for this  
9 underground installation from the DOT Permit  
10 Package, December 7th, 2016. For those  
11 really into the numbers, it's Station 2202+00  
12 to Station 2208+00.

13 Tell me if I'm reading this plan  
14 correctly, please, anyone on the panel. The  
15 right-hand side of this illustration is  
16 south, left hand is north, top is east,  
17 bottom is west. So when we're looking at the  
18 northern part of this plan, I've got a red  
19 arrow up there in the margin, and it's  
20 pointing to where the trench would go. And  
21 it looks to me as if in the northern part of  
22 the plan, the trench comes out under the  
23 pavement and then kind of curves back and  
24 goes along the edge of the pavement or the

1           shoulder. Is that reading that part of the  
2           plan correctly?

3       A.     (Johnson) Yes, it is.

4       Q.     So you were under the pavement, so to speak,  
5           way back in December of 2016. You just  
6           planned it that way; correct?

7       A.     (Johnson) Correct.

8                               MS. SCHIBANOFF: Okay. Could  
9           we look at, Steven, please, Exhibit 37, which  
10          is from Exception Request No. 36.

11       BY MS. SCHIBANOFF:

12       Q.     And I have tried to, with the two gold  
13           arrows, indicate just in larger figuration  
14           where your Exception Request 36 starts and  
15           ends. And essentially, if I'm reading this  
16           correctly, and tell me this, it's the same  
17           plan. The December plan and the one you  
18           filed on May 18th are the same, except now  
19           you've got to ask for an exception for what  
20           you planned in the beginning. Does that make  
21           sense?

22       A.     (Johnson) That's correct, yes.

23       Q.     Okay. So I'm confused about this entire  
24           process as you went from the permit package

1 in December to the exception requests later.  
2 Did you not understand that the Utility  
3 Accommodation Manual says don't put it under  
4 the pavement? Because you did that in  
5 December, and then it appears that you've  
6 come back in May and asked for an exception  
7 to do that. So can you explain to me how  
8 that sequence worked there? What happened?

9 A. (Bowes) So we did cover this at least a  
10 couple times this morning already, but we'll  
11 go through it again.

12 Q. Thank you.

13 A. (Bowes) We proposed an alignment in our  
14 initial SEC filing. With that we had some  
15 conditions that we thought were reasonable.  
16 In April of this year, the DOT gave us  
17 approval with a set of conditions that we now  
18 have to meet, one of those being that we have  
19 to apply for an exception in any location  
20 where we're within or under the pavement. In  
21 this case, we applied for Exception 36.  
22 Although I don't have it in front of me, I  
23 believe the exception, what we asked for was  
24 because of the change in elevation adjacent

1 to the roadway, we could not be off of the  
2 pavement at this location. And based on what  
3 you've written here, it looks like that was  
4 approved with conditions.

5 Q. Yes, it was approved with conditions. You're  
6 correct. And in fact, there is a guardrail  
7 right there.

8 But I'm still very puzzled about why in  
9 December you thought, based on the Utility  
10 Accommodation Manual, that it was going to be  
11 okay to propose that. But as you say, we've  
12 covered that, so I'm going to leave that and  
13 move on. A number of my questions have been  
14 asked already, so I'll try to flip over them  
15 here and ask something different about them.

16 Many of -- in fact, all of I think your  
17 exception requests make a statement about  
18 cost, and it's usually to say that if you  
19 don't get this exception request, it's going  
20 to cost you more to do something or other.  
21 And you say that's a requirement of an  
22 exception request, that you estimate the  
23 cost?

24 A. (Johnson) Yes, the Utility Accommodation

1 Manual has, and I think we looked at it this  
2 morning, has a component where cost is a  
3 valid -- or needs to be provided.

4 Q. And do you have any idea how DOT weighs cost  
5 in its decision -- your cost, that is -- in  
6 its decision about whether to grant a request  
7 or not?

8 A. (Johnson) I do not.

9 Q. Do you think they weigh it against their cost  
10 of letting you do this, whatever the  
11 exception request is?

12 A. (Johnson) I'm sure it's a factor just like  
13 every other piece of information that we  
14 provide.

15 Q. And what would their cost, DOT's cost, be for  
16 you to do an under-pavement alignment?

17 A. (Johnson) So there isn't any cost to the DOT,  
18 nor will there be any future costs to the  
19 DOT, because if they to have to rebuild a  
20 road or widen a road that would have some  
21 influence on our infrastructure, it's the  
22 Project's responsibility to either move that  
23 infrastructure or pay for the inconvenience  
24 to the DOT.



1 Q. If there's no cost to the DOT, then why don't  
2 they want the line under the pavement in the  
3 first place?

4 A. (Bowes) So I'll answer in general terms of  
5 what I believe, but it's really a question  
6 for the DOT to respond to.

7 Q. Sure. I understand. It's your understanding  
8 of what the DOT thinks.

9 A. (Bowes) Right. So their main charge is  
10 public safety and maintaining roads in a safe  
11 and reliable manner. And other uses of the  
12 roads are secondary to the primary use, which  
13 is for public transportation.

14 Q. So they think it's less safe to have the  
15 alignment under the pavement?

16 A. (Bowes) I'm not sure I said that, and I'm not  
17 sure I would characterize it that way either.

18 Q. Well, then, I guess I didn't understand your  
19 answer.

20 A. (Bowes) So I think they would view our use of  
21 the highway system as secondary to its  
22 primary function, which would be for safe and  
23 reliable transportation. So we are secondary  
24 or subordinate to the primary use.

1 MS. SCHIBANOFF: Steven, could  
2 we look, please, at Exhibit 43, Page 2.

3 BY MS. SCHIBANOFF:

4 Q. This is Exception Request 52, Revision 1.

5 And I could have chosen any number of  
6 examples. It just happens to be this one.

7 On Page 2, and I see this very  
8 frequently in your exception requests, you  
9 write a fairly standard paragraph, that if  
10 you were not given an exception request, you  
11 would have -- if I understand this correctly,  
12 you would have to, I guess, remove and then  
13 replace a guardrail. And you don't want to  
14 do that because why?

15 A. (Bowes) Again, not being a lawyer, I read it  
16 at its face value. The first sentence says  
17 that.

18 Q. That you have liability concerns?

19 A. (Bowes) That's what it says, yes.

20 Q. So you say later on it's not a cost issue,  
21 but you don't want the responsibility of  
22 owning that guardrail, and so for that reason  
23 you want to go under the pavement; is that  
24 correct?

1 A. (Bowes) Yes.

2 Q. And I believe it was either Mr. Palmer or Mr.  
3 Thibeault just raised the EIS study limit  
4 issue. I think I have a slightly different  
5 question to ask about it.

6 MS. SCHIBANOFF: If we could  
7 look, Steven, please, at Exhibit 44, which  
8 happens to be Exception Request No. 155.

9 BY MS. SCHIBANOFF:

10 Q. Again, this paragraph occurs in many of your  
11 statements. We're looking at Exhibit 44,  
12 Page 2, please. And I'll read the  
13 highlighted section that I'd like to ask you  
14 about. "The draft EIS analyzed an area of  
15 impact within 20 feet from edge of pavement  
16 on each side of the road, quote, 'the EIS  
17 Study Area.' This study area limits the  
18 design area available to NPT. The federal  
19 agencies may only issue authorizations..."  
20 and so forth.

21 Am I understanding correctly here that  
22 the DOT is limited or at least has to conform  
23 to an EIS study limit?

24 A. (Bowes) I don't believe the DOT does. I

1 believe Northern Pass does.

2 Q. I see. That's a little bit different then.

3 So, because you have a special condition  
4 by virtue of having applied for a  
5 Presidential Permit, therefore you are asking  
6 the DOT to accommodate your needs to go under  
7 the pavement. Is that a fair --

8 A. (Bowes) I think that is one of the reasons  
9 for this exception request.

10 Q. I'm only interested in the EIS study limit  
11 part. Your special need because of the EIS  
12 involvement of the Project is what you're  
13 basing, or at least partly basing your  
14 request to DOT to do something that is  
15 against the UAM. That's a question. Is that  
16 a fair --

17 A. (Bowes) So it is one of the many reasons  
18 we're asking for this exception, and it would  
19 be an exception to the Utility Accommodation  
20 Manual.

21 MS. SCHIBANOFF: Steven, could  
22 we now look at Exhibit 45, yet another  
23 exception request.

24 BY MS. SCHIBANOFF:

1 Q. That's just a generic example. It happens to  
2 be No. 1, Revision 2. And on Page 3, if you  
3 could just flip to that, please, I have  
4 highlighted a section that I'll read. "Road  
5 closures are not needed for the proposed  
6 installation, which thereby minimizes traffic  
7 impacts and attendant safety issues." What  
8 are the safety issues attendant upon road  
9 closures, please?

10 A. (Bowes) I'm not sure I understand the exact  
11 wording of what this says, so I will try to  
12 provide an answer.

13 I think the issue is anytime there are  
14 traffic control measures in place and a  
15 traffic work zone created, that workers  
16 within that zone are exposed to a higher  
17 safety risk because of that, working next to  
18 a travel lane.

19 Q. I'm confused. I thought road closures meant  
20 both lanes are closed, not a lane closure.

21 A. (Bowes) Correct. But if you come upon a  
22 complete closure, there's potential safety  
23 issues of someone driving through a work  
24 zone.

1 Q. Ah, I see. Hadn't thought about that.

2 How many road closures are proposed for  
3 this project? Is guess this is Ms. Frazier's  
4 question.

5 A. (Johnson) So there are rolling road closures  
6 proposed in Clarksville and Pittsburg -- I'm  
7 sorry -- Stewartstown, as well as one just  
8 north of the traffic circle in Plymouth for a  
9 short duration.

10 Q. So we have the safety issue there of somebody  
11 driving through the barrier?

12 A. (Johnson) The safety issue is always  
13 inherent, as Mr. Bowes has noted, with  
14 construction zones.

15 Q. But it's more so with road closure than lane  
16 closure? Is that --

17 A. (Johnson) The potential for somebody to come  
18 upon a full road closure driving at a high  
19 rate of speed and not being able to stop in  
20 time is usually more catastrophic than when  
21 properly signed, where a single lane is  
22 closed.

23 Q. What does the Utility Accommodation Manual  
24 have to say about road closures?

1 A. (Bowes) I believe, in essence, that road  
2 closures are discouraged.

3 Q. Thank you.

4 Trees. We've talked a lot about trees  
5 today, so let me clear aside some of the  
6 branches here and try not to climb the same  
7 trunk.

8 A. (Johnson) That's pretty good for 4:30 on a  
9 Friday.

10 Q. Used to be my business.

11 MS. SCHIBANOFF: Could we look  
12 at Exhibit 31, please. I'll just leave that  
13 there for a moment and we'll get to it.

14 BY MS. SCHIBANOFF:

15 Q. I think I heard you say in your exception  
16 requests you are trying to avoid tree  
17 removal -- in other words, with exception  
18 requests?

19 A. (Johnson) So the exception requests that have  
20 been filed to date deal directly with other  
21 obstacles other than trees that have forced  
22 the Project to be in the roadways. I think  
23 we discussed this this morning, that as we  
24 now generate the alignment, these type of

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1 issues where mature trees could be impacted  
2 would generate another set of exception  
3 requests which we would petition the DOT to  
4 again go in the roadway to avoid impacts to  
5 trees such as these.

6 Q. This particular property, 891 Easton Valley  
7 Road, which I think is at Station 609 on your  
8 permit package, has a tree, a maple tree as  
9 you can see. And I measured 10 feet from the  
10 edge of the pavement. That's what the red  
11 arrow represents. I probably should have  
12 measured a little bit further, now that I  
13 know about the shoulder allowance. I believe  
14 this area is slated for a trench. Would you  
15 file an exception request for this property,  
16 please?

17 A. (Bowes) Yes, we would.

18 Q. Have you?

19 A. (Bowes) We have not filed any yet for trees.

20 Q. And how will you go about identifying all the  
21 trees? Are you actually going to drive up  
22 and down the road or do one of these computer  
23 searches?

24 A. (Bowes) So we've already done the computer



1 search with a LIDAR-based system, which is a  
2 laser measurement. We have overlaid that  
3 with a mapping system, and we have done field  
4 reviews. So we will plan to identify every  
5 location such as this along the route and  
6 file exception requests for that.

7 Q. Do you expect the DOT will honor an exception  
8 request for a tree, or does it have to have  
9 another reason for the request?

10 A. (Johnson) So as I discussed this morning,  
11 there is a section regarding scenic byways,  
12 of which this is a scenic byway. And the  
13 state itself has already granted exception  
14 requests to themselves for this exact type of  
15 scenario. So we expect the state to review  
16 this on a case-by-case basis and come up with  
17 an appropriate decision.

18 Q. I believe I heard Mr. Varney say that the  
19 Easton Valley Road is in the process of being  
20 de-designated as a scenic byway. I don't  
21 know whether it has been or not but --

22 A. (Bowes) So whether it's a scenic byway today,  
23 we intend to follow the same process for the  
24 entire route, whether it's designated today

1 or it's on a route that is not designated  
2 today.

3 Q. And when would the owner of 891 Easton Valley  
4 Road possibly know whether or not that tree  
5 is on the chopping block?

6 A. (Johnson) So, the exception request process  
7 will begin again when the survey report is  
8 complete. So as we talked about, in the  
9 November time frame.

10 Q. Thank you.

11 MS. SCHIBANOFF: Could we look  
12 at exception -- excuse me -- Exhibit 46.

13 BY MS. SCHIBANOFF:

14 Q. This is a letter dated March 22nd, 2017, sent  
15 from your project director, Jerry Fortier, to  
16 some businesses, not all. And there are lots  
17 things to say about this letter, but let's  
18 look at the last bullet point on the first  
19 page.

20 Mr. Fortier tells business owners about  
21 the Project's commitment to restoring impact  
22 areas. "Areas affected by construction will  
23 be restored to the same or better condition."

24 Let's say DOT does not grant the

1           exception request for that maple tree you  
2           just saw in Exhibit 31. How do you restore a  
3           mature tree?

4    A.    (Bowes) I'm not sure there is a way to  
5           restore a mature tree.

6    Q.    Thank you.

7                               MS. SCHIBANOFF: And if we  
8           could look, please, Steven, at Exhibit 47.

9    BY MS. SCHIBANOFF:

10   Q.    And this is Exception Request 70, Revision 1.  
11           It's down in Woodstock, in front of the Jack  
12           O'Lantern Resort that I'll be talking about  
13           in just a second. And you make an unusual  
14           statement here, by my reading. You say at  
15           the end of the first paragraph, "NPT has not  
16           identified a viable alternative if the  
17           requested exception for alignment in pavement  
18           is not granted."

19                            Let's take a worst-case scenario and say  
20           it's not granted. What happens then?

21   A.    (Johnson) Not knowing the basis behind this,  
22           but on the question itself, this would be an  
23           opportunity to have an iterative process with  
24           the DOT and try and understand what they're

1 thinking as to why they may or may not  
2 approve such a request. And we'd have to  
3 figure out another way to do it. I think  
4 what this statement is saying is that, based  
5 on the information that we have today, the  
6 Project has not been able to identify a  
7 solution to this at this time.

8 Q. So does that then make it DOT's  
9 responsibility to find a solution?

10 A. (Johnson) Not at all. It means that it will  
11 become a collaborative effort to come up with  
12 a solution that best fits both, the DOT's  
13 requirements as well as the Project being  
14 able to construct through this area.

15 Q. Okay. I have just one more general question,  
16 and then I have two specific areas that I'd  
17 like to look at.

18 I have been curious ever since I started  
19 looking at this stuff about how you came up  
20 with the nomenclature for the sections that  
21 you see on the exception requests. You've  
22 got a number of acronyms: Rock, ROT3. Can  
23 you explain to me what WBR3 means?

24 A. (Johnson) Sure. It's Woodstock to

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1           Bridgewater along Route 3.

2    Q.    Rock?

3    A.    (Johnson) Rock is the alignment along 302  
4           next to the Rocks Estate.

5    Q.    WMNF is self-explanatory. ROT3?

6    A.    (Johnson) Is Route 3 crossing between  
7           Pittsburg into Clarksville, or vice versa.

8    Q.    And SHEB?

9    A.    (Johnson) Sugar Hill, Easton.

10   Q.    It's S-H-E-B, though. What does the B stand  
11          for?

12   A.    (Johnson) Oh, Sugar Hill, Easton Bypass.

13   Q.    What is it bypassing?

14   A.    (Johnson) The original overhead route.

15   Q.    And all of the other sections talk about  
16          where the route is. This one talks about  
17          where the route isn't, and that's odd.

18   A.    (Johnson) It just stuck.

19   Q.    Just stuck.

20   A.    (Johnson) There's no rhyme or reason how we  
21          came up with this.

22   Q.    I'd like to look at two specific areas, and  
23          I'll try to be quick about this because I'm  
24          running close to my predicted time.

1           If we could look at Exhibit 34. Back  
2           when I started, we looked at a couple of  
3           plans, and this happens to be the property at  
4           that plan. It's the Schoolhouse Restaurant  
5           on Route 3. And actually, the restaurant is  
6           in the lower part of the -- in the lower  
7           picture, you'll see the restaurant. In the  
8           back, it's an interesting treehouse with  
9           screening around it, and then there's sort of  
10          a craft shop in the front. And for anyone  
11          following this more technically, it's Station  
12          2202+00 to Station 2208+00.

13                 So if we could go back, please, to  
14          Exhibit 37, which is your exception request  
15          in this area.

16                         MS. SCHIBANOFF: Steven,  
17          please, Exhibit 37.

18          Q. We discussed this quickly --

19                         MS. SCHIBANOFF: That's good.  
20          Thanks. Do I dare ask if people can see this  
21          or... okay.

22          BY MS. SCHIBANOFF:

23          Q. I just showed you the photograph of the  
24          Schoolhouse Restaurant, which you'll see is

1 written in blue in the middle of the picture  
2 on the east side of Route 3. Your exception  
3 request is over on the left there. And you  
4 want to come in under the pavement because,  
5 actually, there's a guardrail there and a  
6 drop-off. So that makes sense. But then  
7 let's talk about how that trench goes on down  
8 the road to the south.

9 MS. SCHIBANOFF: Steven, if  
10 you could throw up now Exhibit 38.

11 BY MS. SCHIBANOFF:

12 Q. That's looking south on Route 3 along this  
13 exception request area. You see two kind of  
14 antique guardrails there, but there they are.  
15 And that's what you want to come under the  
16 pavement for. And you'll notice just beyond  
17 that is the Schoolhouse Restaurant parking  
18 lot. And this is a pretty popular place. It  
19 fills up in the summer.

20 So in your exception request, once you  
21 swing out around those guardrails, you want  
22 to go back into the parking lot and go on  
23 down. At least that's what your plan shows  
24 as of now. And it's going to cause an issue

1           for this business owner. You're going to be  
2           putting a trench through there and basically  
3           blocking the lot. Steel plates or whatever,  
4           it's going to be difficult to get in there.  
5           And there is no other place to park along the  
6           road in this narrow section. Since you're  
7           already asking for an exception request, if  
8           this landowner, this business owner came to  
9           you and said, "Look, I'd really like you to  
10          do something that would help me. How about  
11          just pushing the trench out under the road  
12          further down, which will help access to my  
13          business?" would you include that in an  
14          exception request?

15        A.     (Bowes) We certainly would consider it.  
16            There may be some other options here that  
17            would be agreeable to the business owner as  
18            well. The way you're showing it is probably  
19            the extent of the disturbed area plus the  
20            work space that we would need to the left, in  
21            this case, where the arrows are. The trench  
22            would probably actually be closer to the edge  
23            of payment here. So there would still be  
24            impact to the access to the parking area.



1           And potentially you could do half of that at  
2           a time so that you could maintain one  
3           entrance.  If that were not a viable option  
4           and we had to close the entire entrance to  
5           this customer for period of time, then we  
6           would, preconstruction, decide when the best  
7           time of year to do that would be.

8    Q.    This business is open until October 15th.  
9           You've got a couple weeks you could slip in  
10          there and do it before the end of your  
11          construction season.  But isn't this owner  
12          going to be impacted by everything that's  
13          happening up and down Route 3, which is very  
14          narrow, all summer?

15   A.    (Bowes) So I can finish now.  So in this  
16          case, we could work with this customer to  
17          find the best time of year for the direct  
18          impacts to the business and try to schedule  
19          that.

20                 You are correct that there's going to be  
21          indirect impacts for traffic along this  
22          roadway.  So, understanding what the business  
23          loss would be, whether it's direct, where we  
24          would have the business close, or whether it

1 was indirect because of the season, that the  
2 business owner experienced a loss, this is  
3 exactly what our claims process is designed  
4 to address, is to make this customer whole  
5 for the lost opportunity, as well as the  
6 direct loss of business.

7 MS. SCHIBANOFF: Could we put  
8 up Exhibit 35 now, please, Danielle? Did I  
9 wear out Steven? Sorry.

10 BY MS. SCHIBANOFF:

11 Q. If owners of the Schoolhouse Restaurant are  
12 looking for information on their property and  
13 they go to the most likely place, which is  
14 the Northern Pass web site, and they pull up  
15 the page on their town, the Campton town  
16 page, which happens to be Sheet 114, what  
17 information will that map give them?

18 A. (Boves) Really just an alignment, that there  
19 will be an underground trench in front of  
20 their business and along Route 3.

21 Q. Could I ask everyone to actually focus on  
22 Route 3? You see the dashed golden line? Is  
23 that visible to everyone? Does that line not  
24 look like it is smack --

1 MS. SCHIBANOFF: That's it.

2 Stop, stop. Right there. Thank you.

3 BY MS. SCHIBANOFF:

4 Q. Does that line not look like it's right under  
5 the middle of the pavement?

6 A. (Bowes) I can't really tell either.

7 Q. Well, I think that part's pretty clear.

8 A. (Bowes) I think it's somewhat in the middle  
9 of the road right-of-way. I'm not sure I can  
10 even make out the road based on my eyes. But  
11 it clearly does not give a full  
12 representation to the business owner. That's  
13 why we have started our outreach. I spoke a  
14 little about that this morning, that the next  
15 wave of the outreach will begin October 1st.  
16 And if we don't hear back from this customer,  
17 whether they have -- they're opposed to the  
18 Project, or for whatever they don't get in  
19 contact, we will go door to door and  
20 ultimately meet with this customer and  
21 understand the business impacts and come up  
22 with a plan, an individualized plan for this  
23 business.

24 Q. Could you read the date, please, of this map?

1 MS. SCHIBANOFF: Going to have  
2 to scroll down again. It's on the lower  
3 right. Oh, that's it. Okay.

4 BY MS. SCHIBANOFF:

5 Q. Can you see that?

6 A. (Bowes) It says October 2nd, 2015.

7 Q. This is on the Northern Pass web site today.  
8 If a property owner goes to the most obvious  
9 place to look for information about his or  
10 her property, this is what they find. If  
11 they do not read the list that I started this  
12 little session with, the permit package, the  
13 exception request, et cetera, et cetera, they  
14 won't know.

15 A. (Bowes) So, to date, we have -- I just  
16 asked Sam for the latest update. To date,  
17 we've had outreach to 4500 customers in New  
18 Hampshire around the Northern Pass Project.  
19 I would recommend that on that same web page  
20 they find the contact e-mail or they find the  
21 contact telephone number and reach out to us.  
22 And as I said, we will show them our latest  
23 plans. We'll explain the process that we're  
24 in right now of ultimately getting a final

1 approval for our issued-for-construction  
2 drawings. And we'll start to talk about  
3 business impacts, as well as the schedule for  
4 construction that would impact them.

5 Q. Do you think this places an undue burden upon  
6 an unsuspecting landowner?

7 A. (Bowes) I'm not sure I can answer that  
8 question.

9 MS. SCHIBANOFF: That's all I  
10 have. Thank you.

11 CHAIRMAN HONIGBERG: I think  
12 that will be the last word for today. So  
13 we'll adjourn and resume Monday morning at  
14 9:00. Is there anything else we need to do?

15 [No verbal response]

16 CHAIRMAN HONIGBERG: Then we  
17 are adjourned.

18 (Whereupon Day 42 Morning  
19 Session was adjourned at 4:53  
20 p.m., with Day 43 hearing to resume  
21 on Monday, October 2, 2017  
22 commencing at 9:00 a.m.)  
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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
Shorthand Court Reporter and Notary Public  
of the State of New Hampshire, do hereby  
certify that the foregoing is a true and  
accurate transcript of my stenographic  
notes of these proceedings taken at the  
place and on the date hereinbefore set  
forth, to the best of my skill and ability  
under the conditions present at the time.

I further certify that I am neither  
attorney or counsel for, nor related to or  
employed by any of the parties to the  
action; and further, that I am not a  
relative or employee of any attorney or  
counsel employed in this case, nor am I  
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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

[	<b>actually (10)</b> 20:9;36:18;76:8; 78:22;107:9;120:21; 126:5;127:5;128:22; 130:21	<b>25:9;27:24;40:20;</b> <b>41:2;49:13;50:20;</b> <b>58:11,22;96:14;</b> <b>101:4;102:12</b>	<b>answered (3)</b> 12:19;27:2;99:1	<b>43:14,15;44:4,6,14;</b> <b>45:12,22;58:6,9;</b> <b>64:7;70:24;72:1;</b> <b>76:9,12;77:23;78:3,</b> <b>22;79:15,17,21;</b> <b>80:22;83:23;84:6,7;</b> <b>85:5,9,10,15,17,24;</b> <b>86:8;94:9,14;95:18;</b> <b>107:6,21;115:14,17,</b> <b>18;120:14;124:14;</b> <b>126:15;127:13;</b> <b>128:19,24</b>
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