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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
MAINE LAND USE PLANNING COMMISSION

IN THE MATTER OF
CENTRAL MAINE POWER COMPANY'S
NEW ENGLAND CLEAN ENERGY CONNECT PROJECT

NATURAL RESOURCES PROTECTION ACT
SITE LOCATION OF DEVELOPMENT ACT
SITE LAW CERTIFICATION

HEARING - DAY 2
TUESDAY, APRIL 2, 2019

PRESIDING OFFICER: SUSANNE MILLER

Reported by Robin J. Dostie, a Notary Public and
court reporter in and for the State of Maine, on
April 2, 2019, at the University of Maine at
Farmington Campus, 111 South Street, Farmington,
Maine, commencing at 8:00 a.m.

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1 TRANSCRIPT OF PROCEEDINGS

2 MS. MILLER: Good morning. I now call this
3 second daytime portion of the public hearing of the
4 Maine Department of Environmental Protection and Land
5 Use Planning Commission on the New England Clean
6 Energy Connect Project. As a reminder, this hearing
7 is to hear evidence and evaluate the application
8 submitted by Central Maine Power pursuant to the
9 Department's requirement for the Natural Resources
10 Protection Act and Site Location of Development Act
11 as well as the Commission's Site Law certification
12 process.

13 Today's schedule will begin with a
14 continuation of cross-examination of the Applicant's
15 Witness Panel 2. At 10:30 the Commission will then
16 take the lead and conduct its portion of the joint
17 hearing. Starting at 6 p.m. this evening testimony
18 will be heard from the public on both the Department
19 and Commission's hearing topics. In order to
20 transition smoothly for the public portion of the
21 hearing today, we will be ending promptly at 5 p.m.
22 from this room. We have extra copies of today's
23 agenda and the criteria for the Department's portion
24 of the hearing on the back table. And just a
25 reminder to everyone to turn your mics off including

1 this table between the time you're not speaking so
2 that the side conversations aren't cast.

3 As a reminder, I expect all participants to
4 conduct themselves professionally both in their
5 dealings with me and with each other throughout these
6 proceedings. If anyone is unable to do this, I
7 reserve the right to take any appropriate action
8 including excluding the individuals from further
9 participation. I also ask you to silence or turn off
10 your electronic devices including cell phones so that
11 there are no interruptions.

12 So at this time, I'd like to swear in this
13 morning's Department witnesses, so Witness Panel 2.
14 Do you swear or affirm that the testimony you are
15 about to give is the whole truth and nothing but the
16 truth?

17 (Witnesses affirm.)

18 MS. MILLER: Thank you. Let's go ahead and
19 get started. The first Intervenor group that we had
20 for cross-examination examination today was Group 3
21 and you have about 6 1/2 minutes.

22 MR. BOROWSKI: Good morning. Benji Borowski
23 representing Group 3. And I have a few questions for
24 Ms. Segal based on Page 92 of the presentation she
25 gave yesterday specifically regarding the Old Canada

1 Road Scenic Byway, OCR. Ms. Segal, doesn't the OCR
2 extend 78 miles from Madison to Jackman?

3 AMY SEGAL: Ah, yup. Yup.

4 MR. BOROWSKI: And if we start at the north,
5 the northern end of the OCR, is it true that the
6 distance between that northern terminus and the first
7 point Attean View Rest Area is about 20 miles?

8 AMY SEGAL: Yes.

9 MR. BOROWSKI: Then if you look -- if you go
10 down to the Johnson Mountain Township crossing, is it
11 true that the distance between that point and the
12 Moscow crossing is about 30 miles?

13 AMY SEGAL: Yes.

14 MR. BOROWSKI: And when you get to the
15 Moscow crossing, isn't it true that there are
16 existing visual impacts that include the Wyman Dam
17 and also two existing transmission lines?

18 AMY SEGAL: Yes. From the crossing you can
19 see the top of the dam, the two -- it is co-located
20 with the existing transmission line in that corridor
21 and then just off of there there are two transmission
22 lines that cross Route 201 in Moscow.

23 MR. BOROWSKI: And finally, from the last
24 point where there is a possible view of the project,
25 Bingham, the distance between Bingham and then

1 Madison is about 12 miles; is that correct?

2 AMY SEGAL: Um, yes, sounds about right.

3 MR. BOROWSKI: So would it be fair to say
4 that there are two fairly small segments of the
5 entire OCR, which is 78 miles where the potential
6 views of the project and there are three relatively
7 large segments where there are no possible views of
8 the project?

9 AMY SEGAL: Yes. That's a fair
10 characterization.

11 MR. BOROWSKI: In your opinion given that
12 characterization, do you think that there is a
13 cumulative adverse visual impact based on the
14 project?

15 AMY SEGAL: No.

16 MR. BOROWSKI: Thank you. That's all I
17 have.

18 MS. MILLER: Thank you. Next, we have
19 Groups 2 and 10 and you have about 40 minutes.

20 MS. BOEPPLE: For the record, my name is
21 Elizabeth Boepple and I'm representing Group 2 and
22 all of the Intervenors in Group 2 and one of the
23 Intervenors in Group 10 in this proceeding.

24 Good morning. Nice to see you again,
25 Mr. DeWan.

1 TERRY DEWAN: We'll do it all over again.

2 MS. BOEPPLE: Yes, a little more like the
3 past. I'll try and be succinct today. Do I
4 understand correctly that you and your company have
5 done work before for CMP, Mr. DeWan?

6 TERRY DEWAN: That is correct.

7 MS. BOEPPLE: And what project was that for?

8 TERRY DEWAN: I would probably be able to
9 give you a list of at least 15 projects we've done
10 starting with 25-30 years ago.

11 MS. BOEPPLE: So it's fair to say that
12 you've done significant work for CMP?

13 TERRY DEWAN: There has been a lot of work
14 we've done for them, yes.

15 MS. BOEPPLE: Okay. And the same is true
16 you represented -- I shouldn't say you represented --
17 you were a consultant; is that correct, for -- is
18 that the right terminology?

19 TERRY DEWAN: That's the term we prefer to
20 use, yes.

21 MS. BOEPPLE: Okay. -- for Eversource
22 Energy in the Northern Pass Project?

23 TERRY DEWAN: That is correct.

24 MS. BOEPPLE: And is it also true that
25 Mr. Palmer has done a critique of your work before?

1 TERRY DEWAN: Dr. Palmer has critiqued our
2 work on many occasions.

3 MS. BOEPPLE: And including in the Northern
4 Pass Project; is that correct?

5 TERRY DEWAN: That is my recollection, yes.

6 MS. BOEPPLE: And he's done the same here,
7 correct?

8 TERRY DEWAN: That is correct.

9 MS. BOEPPLE: And is it also fair to say
10 that he has found some flaws with some of your work?

11 TERRY DEWAN: He is -- he is hired as a peer
12 reviewer as we are also designated peer reviewers to
13 review our work. His specific assignment is to make
14 sure that we did a professional job and addressed the
15 issues. He as is typical of any peer review goes
16 through with a lot of detail and using his own
17 evaluation determines whether or not we've met the
18 criteria and invariably I know he'll come up with
19 some things that he thinks that I would be improved
20 upon and as a result of that process, it's a very
21 rigorous process and one that leads, I think, to a
22 very good understanding of the project impact will
23 make necessary revisions and we have -- that's been
24 done and presented to Mr. Beyer in this case.

25 MS. BOEPPLE: Okay. And so in that process

1 and in your assessment ultimately you always come to
2 the conclusion that the project can go forward, we'll
3 get to why in a minute, but is that correct?

4 TERRY DEWAN: That's not our conclusion. We
5 don't say the project can go forward. You know, we
6 talk about our observations about whether or not it's
7 an unreasonable adverse visual impact.

8 MS. BOEPPLE: Okay. And you've reached that
9 conclusion that it is not a unreasonable adverse
10 impact?

11 TERRY DEWAN: That is our conclusion.

12 MS. BOEPPLE: Okay. And that has been the
13 case with all of the projects you've worked on for
14 CMP?

15 TERRY DEWAN: Yes, it has.

16 MS. BOEPPLE: Okay. So I'd like to draw
17 your attention to, if we could pull this up please,
18 Group 2 Exhibit -- there should be a -- I'm hoping
19 it's in the set of records -- RM -- sorry, just a
20 minute, I'll find a number for you. This should be
21 RM-9, Group 2 RM-9.

22 MR. BEYER: Is it your pre-file or rebuttal?

23 MS. BOEPPLE: Also, this is in our rebuttal.
24 Rebuttal Group 2 R-9.

25 MR. BEYER: Which one?

1 MS. BOEPPLE: Group 2 rebuttal.

2 MR. BEYER: Yup.

3 MS. BOEPPLE: Group 2 rebuttal RM-9.

4 MR. BEYER: RM-9. Do you know what page
5 it's on?

6 MS. BOEPPLE: So if we could go to -- on
7 page -- scroll down, please. I believe it's Page --
8 I'm sorry, let me get my paper copy.

9 MS. MILLER: Try Page 8.

10 MR. BEYER: Page 8.

11 MS. BOEPPLE: So, yes, thank you. That's
12 what I'm looking for. Thank you. So in this -- in
13 this exhibit, Mr. Merchant has identified four high
14 value scenic sites that were not included in your
15 assessment and I'd to walk through those with you.

16 So this first one is Tumbledown Mountain
17 West showing power line and corridor track in yellow
18 and can you explain why you did not consider this
19 site in your assessment?

20 AMY SEGAL: Tumbledown Mountain is privately
21 owned and it's not a high trail to -- some of that is
22 not highly documented in our research.

23 MS. BOEPPLE: It's not highly documented --

24 AMY SEGAL: It's on private property.

25 MS. BOEPPLE: It's all on private property?

1 The public can't see this same view, is that what
2 you're saying?

3 AMY SEGAL: I'm saying that Tumbledown
4 Mountain is on private property. It's not a scenic
5 resource.

6 MS. BOEPPLE: Okay. So could we talk a
7 little bit about where you're viewing the scenic
8 resources, are you standing on property that's
9 acceptable by the public only or is the scenic
10 resource you're looking at the public property or the
11 private property? I'm trying to understand the
12 distinction you're making when you say that's private
13 property. What part of this is the private property
14 versus what is considered a scenic resource for
15 public access and public interest?

16 AMY SEGAL: Scenic resources are defined as
17 those that are publicly owned.

18 MS. BOEPPLE: Okay. So if someone is
19 driving along a scenic byway and it's considered a
20 scenic byway because you can see a vista even, if
21 some of that vista is privately owned you don't
22 consider that a scenic resource?

23 AMY SEGAL: The byway itself is a public
24 road such as Route 201 is a scenic resource.

25 MS. BOEPPLE: And isn't that because you're

1 seeing a view from that resource?

2 AMY SEGAL: Well, from the byway you're
3 seeing a lot of private property.

4 MS. BOEPPLE: And that is a scenic resource,
5 correct?

6 AMY SEGAL: The byway is a resource in and
7 of itself. I don't know if someone wants to add to
8 that.

9 MS. BOEPPLE: Okay. Let's go on to next
10 one. Could you scroll down? Greenlaw Cliffs from
11 the notch and why was this not included?

12 AMY SEGAL: This view as I mentioned is from
13 the Spencer Road looking back up towards it. The
14 Greenlaw Cliffs themselves are within those preserves
15 that's owned by The Nature Conservancy, so they're --
16 Spencer Road itself is not a scenic resource. It's a
17 privately owned commercial harvesting road.

18 MS. BOEPPLE: So, again, you're making a
19 distinction between what someone from the public can
20 actually see and access from a public way?

21 AMY SEGAL: It's not a public way, it's a
22 private road.

23 SM. BOEPPLE: Okay. Even if the public has
24 access to it?

25 AMY SEGAL: The public has access to Spencer

1 Road at the discretion of the owner.

2 MS. BOEPPLE: Okay. Could we scroll down to
3 the next one, please? Coburn Mountain West, again,
4 with the power line corridor tract in yellow.

5 AMY SEGAL: This view from the summit of
6 Coburn Mountain looking towards the west, that's
7 Grace Pond there, it's the white on there. The
8 yellow dots sort of, I guess, insinuates that the
9 corridor would actually be visible. Behind Grace
10 Pond there it's over 5 miles away, 6 miles, 7 miles,
11 as you're moving back through there and it would not
12 be visible. And also to note that in this particular
13 viewpoint, you know, you're looking towards it and in
14 project is perpendicular to you view so you're not
15 going to pick up that corridor because it's too far
16 away.

17 TERRY DEWAN: We have an enlargement of that
18 photosimulation if it would be interesting to the
19 panel to look at. It's on the easel over there.

20 MS. MILLER: Let's proceed.

21 MS. BOEPPLE: Thank you. So let's go on.
22 So -- so I don't believe that Mr. Merchant was trying
23 to indicate that you would see yellow dots or you
24 would see it as clearly, but he has roughed in where
25 the route would be and so your -- your opinion is

1 that because of the distance nobody is going to be
2 able to see that there is a corridor -- there is a
3 transmission corridor there; is that correct?

4 AMY SEGAL: At this distance it would be
5 very hard to pick up that corridor.

6 MS. BOEPPLE: Let's go on to the next one.
7 Again, Sally Mountain South viewshed.

8 AMY SEGAL: This is a -- so this is looking
9 across Attean Pond towards the project. This is well
10 outside of -- it's probably 7, 8 miles away, 9 miles,
11 I'm not seen sure. So you would not -- there is no
12 way -- and, again, this is another example where it's
13 perpendicular to your view. You're never going to
14 pick up that line and the -- you would never see the
15 self-weathering structures -- self-weathering steel
16 structures because they're brown and they would blend
17 into the background.

18 MS. BOEPPLE: During a leaf-off condition
19 your position is you would never see it? There is no
20 way you would see --

21 AMY SEGAL: From this viewpoint even with
22 leaf-off conditions you wouldn't be able to pick up
23 that corridor. I mean, there might be, you know, if
24 you had binoculars and you were looking you might
25 pick up intermittent lines, but you wouldn't be able

1 to distinguish that from any of the other lines in
2 the landscape, for instance, the Moose River in the
3 area.

4 TERRY DEWAN: If I may recall, some of the
5 testimony that Dr. Palmer made during the hearings we
6 referred to in Gorham, New Hampshire indicated that
7 this is at 5 miles and lines like this are not going
8 to be seen as much more than a smudge on the
9 landscape.

10 MS. BOEPPLE: Okay. Possibly. But this is
11 your opinion, correct?

12 TERRY DEWAN: That's also our opinion.

13 MS. BOEPPLE: Could we pull up please --
14 well, I'd like to pull up the Rock Pond
15 photosimulation, please. It's part of their
16 presentation yesterday. Do you know what page that
17 would have been?

18 AMY SEGAL: It starts on Page 40. 40 -- 39,
19 40.

20 MS. BENSINGER: That would be Page 39 of
21 what, your direct -- pre-filed direct testimony?

22 AMY SEGAL: Yeah. This is the pole one?

23 MS. MILLER: It will be Page 54 and 55.

24 AMY SEGAL: Of this one?

25 MS. MILLER: Yes, in the pre-filed direct

1 testimony.

2 MR. BEYER: Rebuttal exhibits?

3 MS. MILLER: No, it's under direct and it's
4 under Segal and it's under -- I'm sorry, it's under
5 CMP 5-B. It should be 5-B, not 2, so scroll down a
6 little further. 5-B and then Page 54. 5-B. I think
7 you're in C.

8 MR. BEYER: Oh, okay. So that's Beattie.

9 MS. BOEPPLE: Okay. So scroll down to the
10 next one, the photosimulation. Right there. Okay.
11 So --

12 AMY SEGAL: Could you enlarge that to full
13 screen preview, please?

14 MS. BOEPPLE: Thank you. Okay. So I'm
15 sorry I took so long to get here because this is a
16 very simple question. Will you agree that Rock Pond
17 is a significant pond in Maine?

18 AMY SEGAL: Rock Pond is rated a significant
19 scenic resource of the Maine Wildlife and Lake
20 Assessment.

21 MS. BOEPPLE: And if we can scroll back up
22 to -- there we go. Without -- when you view this,
23 when you see this view that you've chosen to pick
24 from which to do the simulation, do we see any
25 manmade structures?

1 AMY SEGAL: No.

2 MS. BOEPPLE: Is there any sign that there
3 has been a manmade activity in this?

4 AMY SEGAL: No, but if you turn around you
5 can see the cabin behind you.

6 MS. BOEPPLE: Okay. But we're looking at
7 the direction of the where -- where the transmission
8 line would eventually be, correct?

9 AMY SEGAL: Right. I mean, there are some
10 signs of harvesting, but they're not as readily
11 available in this image.

12 MS. BOEPPLE: Right. So if we go then to
13 the simulation -- the next slide, please. Now,
14 you've given the distance and given the size, but we
15 now do see a manmade structure on this, correct?

16 AMY SEGAL: Correct.

17 MS. BOEPPLE: Okay.

18 AMY SEGAL: We often see the tapered
19 vegetation management there that's being proposed in
20 the notch.

21 MS. BOEPPLE: And I was going to ask you
22 about that. Now, tapered vegetation is supposed to
23 diminish and minimize the impact of the towers; is
24 that correct?

25 AMY SEGAL: No, of the corridor there.

1 MS. BOEPPLE: But as a consequence, that's
2 also going to diminish the look of the towers on the
3 landscape; is that not correct?

4 AMY SEGAL: Um, it's mainly meant to
5 mitigate the view of the clear corridor especially at
6 distances such as this.

7 MS. BOEPPLE: Okay. So you're not seeing a
8 cut swath through the landscape?

9 AMY SEGAL: Correct.

10 MS. BOEPPLE: Okay. And so it's appropriate
11 in certain locations and not in others and why is
12 that?

13 AMY SEGAL: Well, where you can see the
14 corridor it would be an effective mitigation measure
15 especially in here where it's going over the shoulder
16 of Tumbledown, you know, the previous slide showed
17 how you'd have the notching effect along the skyline.
18 Obviously this was an effective location to view such
19 a proposed tapered vegetation management.

20 MS. BOEPPLE: What about the full height? I
21 think yesterday you were talking in your presentation
22 and during some of the cross you talked about
23 recommending lowering the pole height.

24 AMY SEGAL: Right. So it's a different
25 situation here because as you heard yesterday where

1 the team was consulting with Inland Fisheries and
2 Wildlife and looking at habitat value around Cold --
3 Gold Brook and as a result they decided to preserve
4 full height vegetation in and around that whole
5 waterbody, so as a result the structures get taller
6 because they need to allow the room for those trees
7 below them to grow the full height and still maintain
8 your safety zone for your conductors, so as a result
9 of those structures getting taller, you know,
10 that's -- that's one of the reasons which led to the
11 tapering vegetation management. So we were
12 mitigating the corridor -- visibility of the corridor
13 beyond the area that would already be preserved
14 vegetation, so, you know, that's the whole area where
15 it's the tall poles will be -- all the vegetation
16 will be preserved in that zone looking towards the
17 notch.

18 MS. BOEPPLE: Okay. So when you look at
19 trying to do -- well, let me back up. When you're
20 doing an assessment of a project such as this, which
21 is quite extensive, let's look -- isn't the first
22 step to try and avoid having an impact or a negative
23 impact; is that correct?

24 AMY SEGAL: Well, I think that's -- as you
25 heard yesterday the, you know, the main intent of,

1 you know, the initial planning which took several
2 years was, you know, you look at the siting of the
3 line and how it has all of the, you know, twists and
4 turns and the idea was to minimize -- to avoid and to
5 minimize to the extent we could from the beginning,
6 from initial planning stages.

7 MS. BOEPPLE: To avoid and minimize, but I
8 thought I also heard yesterday that there was sort of
9 a three-step analysis, avoidance is number one. You
10 try to first avoid, correct?

11 AMY SEGAL: Correct.

12 MS. BOEPPLE: Okay. So in trying to avoid,
13 aren't there other ways that you could avoid an
14 impact and one of them might be to bury the line; is
15 that possible?

16 AMY SEGAL: Yup. Yes.

17 MS. BOEPPLE: Thank you. I have more
18 questions, I'm going to reserve them for the
19 proceeding before the LUPC because there is a lot of
20 this material that we're going to talk about as well,
21 but I'd like to turn a couple of questions onto
22 Mr. Berube.

23 BRIAN BERUBE: Mmm Hmm.

24 MS. BOEPPLE: I believe your testimony
25 yesterday was quite emphatically and unequivocally

1 that there were no alternatives, none exist, period;
2 is that correct?

3 BRIAN BERUBE: None exist in regards to the
4 tree roots that we analyzed, correct.

5 MS. BOEPPLE: Okay. I just wanted that
6 clarification. Just with respect to the tree roots,
7 okay. Thank you. Just one more general question for
8 Mr. DeWan and your team. As you were conducting your
9 VIA, were you ever looking at a resource from the
10 perspective of someone who was using the resource
11 itself, so a boater on the -- on the water?

12 AMY SEGAL: Yes, as you can see from the
13 collection of photosimulations we were -- we took
14 photographs on the water, ponds, rivers, hiking,
15 flying, floating, rafting.

16 MS. BOEPPLE: So and -- and did you -- when
17 you were doing that, were you look -- were you
18 specifically reviewing it from what your experience
19 has been in the context of what they were coming to
20 look at? In other words, I know you didn't do any
21 intercept surveys, but were you considering that a
22 given visitor or rafter to one river might be looking
23 for something different in their experience than what
24 another one might be? So, for example, if someone is
25 putting in at a dam, there is an understanding that

1 there is a structure on the river, there is a manmade
2 structure, but if they're putting in somewhere else
3 that's a little more remote that they have a
4 different expectation of the experience in terms of
5 what they're viewing, did you take that into
6 consideration?

7 TERRY DEWAN: Well, the intent of this is to
8 address a very specific question, you know, will the
9 presence of the overhead conductors with the marker
10 balls have an unreasonable adverse effect on both the
11 visual environment as someone on the river as well as
12 their enjoyment of the river and their desire to come
13 back to that experience. And it has nothing to do
14 with relative -- that experience relative to other --
15 other rivers they may want to raft on.

16 MS. BOEPPLE: Well, what I'm getting at is
17 isn't there a viewer expectation component?

18 TERRY DEWAN: There certainly is a viewer
19 expectation generated by public relations efforts on
20 the part of the rafting companies, by word of mouth,
21 by what they've experienced in the past, so people
22 who come for rafting have a certain level of
23 expectation.

24 MS. BOEPPLE: Right. And my question was as
25 you were doing your assessment were you taking that

1 into account?

2 TERRY DEWAN: Well, when you say our
3 assessment, are you talking about the visitor
4 interceptor survey?

5 MS. BOEPPLE: No, what I'm talking about is
6 as you picked and chose which site to do the Visual
7 Impact Assessment on and some of them you said you
8 went on a river, you were looking at it from that
9 perspective, were you also considering what the
10 viewer expectation was?

11 TERRY DEWAN: Yes, we do for -- just as an
12 example from the Appalachian Trail the people who
13 hike on the trail generally use guide books and they
14 have maps and I know as part of the official guide
15 there is a description of what to expect as you hike
16 along that particular section where you're within the
17 viewshed of the line and one of the things that the
18 guide book talks about is the fact that you will be
19 crossing two transmission corridors and you will also
20 be on a road as you go from Pleasant Pond Mountain
21 over to Bald Mountain on the other side.

22 MS. BOEPPLE: Okay. Thank you. And that
23 goes to one more question that I have, which is
24 yesterday we heard an awful lot about the length of
25 time that someone might actually see the crossing

1 where the -- excuse me, let me back up. The length
2 of time that a viewer might see the transmission
3 corridor where it's crossing a public road, for
4 example, and I think you talked about in terms of
5 maybe 80 seconds or some length of time. And it is
6 your position that if it's a short duration then it's
7 a minimal impact and that the length of time if it's
8 a longer period of time than maybe it's a greater
9 impact.

10 TERRY DEWAN: One of the things that we
11 always look at is the amount of time that somebody is
12 exposed to a particular view, you know, if someone is
13 going to the top of a mountain and expects to be
14 there for a half an hour or so, you know, that's one
15 thing. If you're driving along the Old Canada Road
16 Scenic Byway, we know that you're going to be able to
17 see the conductors crossing the road for upwards of
18 80 to 90 seconds along with the same with the
19 distribution lines along the side of the road. Once
20 you get within the corridor itself you're within the
21 corridor for 1.8 seconds driving 55 miles an hour, so
22 we need to put things in perspective and you're going
23 to be able to see the conductors as well as the
24 structures for a split second, you know, less than 2
25 seconds, okay. And it's much different than being on

1 top of a mountain and being able to see a panorama
2 that may include a landscape that has conductors and
3 the transmission corridor in it.

4 MS. BOEPPLE: Isn't it also possible though
5 that coming upon something that's so jarring that
6 even if it's for that 30 seconds that that's
7 necessarily a jarring experience. It doesn't -- it
8 doesn't look like the landscape.

9 AMY SEGAL: As an example of, you know,
10 Johnson Mountain Township crossing of Route 201, in
11 that context, as Terry said, you have to consider
12 that there is a distribution line that runs the
13 entire length of Route 201 and, you know, you're --
14 anything that you're going to see momentarily for a
15 couple seconds is going to make contact already with
16 that infrastructure, so you take all perspectives.

17 MS. BOEPPLE: Yes, you do. And wouldn't you
18 agree then too that a distribution line in terms of
19 size and scale and scope on the landscape is a very,
20 very different thing than a transmission corridor?

21 AMY SEGAL: Well, except for the fact that
22 you're seeing it the entire length of the byway, so
23 the entire 70 miles you're seeing a distribution line
24 the entire time. As far as it crosses at a 90 degree
25 angle, which is, you know, best practices and you're

1 seeing it, you know, for a very short period of time.
2 We've proposed buffer plantations trying to keep
3 those beauty strips intact along the road because
4 it's commercial harvesting on either side, so.

5 TERRY DEWAN: And I guess it depends upon
6 the context, you know, if you were some place out in
7 the wilderness and all of a sudden you came across a
8 cell tower, you know, that would be jarring, but
9 that's not the case right here. As you saw from the
10 illustrations yesterday driving along the Old Canada
11 Road Scenic Byway you have a sense that you're in a
12 managed forest land and you saw the photographs when
13 you're traveling northbound you're going to be able
14 to see patch cuts on the hillside, so you know that
15 you're not in an area that has been undisturbed.

16 MS. BOEPPLE: Right. But as you also talked
17 about it yesterday, isn't there a difference -- with
18 the first panel and I think you heard some of that
19 discussion, isn't there a difference between logging
20 roads and what the landscape looks like where there
21 has been cutting as part of the commercial forest
22 operation and something that looks a lot more
23 permanent on the landscape like a corridor that's
24 been cut, the swath that's cut through with towers,
25 even weathering steel, isn't there a difference in

1 the way that looks on the landscape than from a
2 Visual Impact Assessment. It looks different on the
3 landscape, no?

4 TERRY DEWAN: So there are a lot of things
5 that look different from what people's impressions of
6 a landscape should be when they're traveling a road
7 that's designated as a scenic byway. And I think one
8 of the -- the beauty of the scenic byway system is it
9 allows people to get a sense of the way people in
10 Maine make a living, you see the history of the state
11 when you drive along the scenic byways and seeing
12 the -- the work on the hillside is an indication that
13 we're in the middle of a working forest.

14 MS. BOEPPLE: A working forest, you would
15 agree, wouldn't you, is not -- is not the same thing
16 as an industrial structure that's planted in the
17 landscape?

18 TERRY DEWAN: Well, keep in mind that they
19 will, you know, a few minutes before that will have
20 driven by the dam and associated with that then is
21 the power infrastructure, again, it's all part of the
22 system that we're generating power in this area and
23 you should expect to see some -- some indications
24 that the power has to go some place and so you're
25 passing by transmission structures and distribution

1 structures during a good portion of the travel.

2 MS. BOEPPLE: So if we follow that to a
3 logical conclusion then we should simply allow any
4 kind of transmission corridor to go in any place
5 it's -- it seems to be appropriate deemed by utility
6 company and there is -- really wouldn't be much
7 purpose in having the DEP review this or the LUPC
8 review this because, hey, it's part of what we need
9 to make sure that we've got electricity going here or
10 there and the other place. I mean, that's the
11 logical conclusion. Anyway.

12 MR. MANAHAN: I would object. This is an
13 argumentative line of questioning. You're just
14 stating argumentative viewpoints as opposed to asking
15 a question.

16 MS. BOEPPLE: I'm -- I'm asking whether or
17 not that's a logical conclusion based on the
18 testimony we just heard from Mr. DeWan.

19 TERRY DEWAN: I certainly don't see how that
20 conclusion could be drawn. I think that one has to
21 look at the pride that we as a state take in our
22 visual environment and as a result, you know, we have
23 laws that are on the books that says if you're going
24 to be siting something like an infrastructure project
25 you have to consider things such as viewsheds. You

1 know, we're one of the few states around the United
2 States that has laws on its books that controlled
3 where we site it and evaluate projects such as this.

4 MS. BOEPPLE: Okay. Thank you. No more
5 questions at this time.

6 MS. MILLER: Thank you. So we are ahead of
7 schedule and I wanted to -- I know there was at least
8 one group that ran out of time in the first -- with
9 the first witness panel, so I wanted to offer up if
10 they or any of the others have some additional
11 questions for this witness panel within -- within
12 reason. Do any of the Intervenor groups wish to ask
13 any additional questions -- direct --
14 cross-examination questions of this witness panel?
15 Is that Group 7?

16 MR. SMITH: Yes, I have just a couple
17 questions.

18 MS. MILLER: Yes. Go ahead. Come on up.

19 MR. SMITH: Good morning. Ben Smith for
20 Group 7. I just want to follow-up with questions
21 from Ms. Boepple.

22 MS. MILLER: Can you speak a little closer
23 to the mic?

24 MR. SMITH: Sure. Can you guys hear me?
25 Ms. Boepple asked a couple questions about the

1 impact -- the visual impact of burying a line. I
2 want to ask you a question. Would burying a line
3 avoid any visual impact?

4 AMY SEGAL: Well, as you heard yesterday,
5 there would still be a 75 foot wide cleared corridor,
6 so there still would be locations where you'd have --
7 you'd still see that, for instance, here in Rock Pond
8 you'd see that 75 foot notch going over.

9 TERRY DEWAN: That's really -- it's a
10 depends sort of a question. It depends where the
11 line would be buried.

12 MR. SMITH: Yeah, that's a great point. I
13 was actually thinking about this particular -- this
14 line is actually what I was referring to, so I think
15 I had -- I think she's answered that.

16 TERRY DEWAN: Yeah, we really can't answer
17 that question until you know where on the landscape
18 it would be.

19 MR. SMITH: Right. But with regard to this
20 one I think the answer would be it would still be
21 visible.

22 TERRY DEWAN: Chances are there would be
23 some indication that there had been something
24 constructed there even though you may not see it.

25 MR. SMITH: Right. Thank you. No further

1 questions.

2 MS. MILLER: Group 1.

3 MR. HAYNES: Thank you for this unexpected
4 opportunity. Bob Haynes, Old Canada Road. Just a
5 question and I hadn't realized that this was
6 possible. The non-reflected wire which was to be
7 used in certain places, is there a price point on
8 that that would make it useful to do the entire
9 corridor with in this woodland area?

10 TERRY DEWAN: That's an engineering question
11 and we're not prepared to address that.

12 MR. HAYNES: Was it a consideration you had
13 to diminish the look of the wire throughout the 53
14 miles of new corridor?

15 TERRY DEWAN: It doesn't reduce the look of
16 the wire. What it does is through either a chemical
17 or a chemical process is dull the surface of the wire
18 to make them less reflective.

19 MR. HAYNES: So they're less visible?

20 AMY SEGAL: Right. And one of the
21 considerations is where the viewer is located and
22 where the conductors are located --

23 MR. HAYNES: Perfect.

24 AMY SEGAL: -- such as at Rock Pond where we
25 are showing that you are south of the conductors

1 looking at it so the sun is coming over your head and
2 it will be hitting it during the day so it would be a
3 location where the non-specular conductors would be
4 effective.

5 TERRY DEWAN: It's my under- -- if I may go
6 on beyond that. It's my understanding that one of
7 the reasons that you do that is to accelerate the
8 natural weathering process that normally conductors
9 of cable that transmit electricity will weather with
10 time they'll assume, you know, less reflectivity.

11 MR. HAYNES: So in your assessment were
12 there other places that that would be useful? Let's
13 say the view from Spencer Road looking to the north
14 where the line parallels the Spencer Road.

15 AMY SEGAL: Along Spencer Road is a little
16 bit of a different situation because you have varying
17 degrees of, you know, forest cover type, you know,
18 heights, so there is locations in there where you
19 wouldn't -- you wouldn't see the conductors and then
20 there is places where you would, so, you know,
21 that's -- and you saw the alignment kind of twists,
22 you know, kind of turns a bit through there, but,
23 again, you know, Spencer Road is a private road. We
24 didn't evaluate it as a scenic resource, so we didn't
25 really look at non-specular conductors in that area.

1 MR. HAYNES: In your opinion, given time,
2 would the normal wire achieve the same look as the
3 non-reflective wire?

4 TERRY DEWAN: It would be purely an opinion
5 on my part, as far as I know, I could be wrong, the
6 type of treatment has never been used in the State of
7 Maine. It's been used at other locations, but I
8 personally have not seen it. I've seen a few
9 photographs that compares the difference.

10 MR. HAYNES: So you're taking that from
11 research and not visual inspection of your own?

12 AMY SEGAL: And in consultation with
13 engineers that we've worked with who have, that's
14 about it.

15 MR. HAYNES: Okay. Thank you. Moore Pond
16 is public property, was there any consideration of
17 the line view from there?

18 AMY SEGAL: Yes, we did go to Moore Pond.
19 There is a boat launch there and, you know, the pond
20 is rather small and the -- even though the project is
21 fairly close there the vegetation on the north side
22 of the pond would block views of the project.

23 MR. HAYNES: As long as the vegetation stays
24 there?

25 AMY SEGAL: Correct. And there is, you

1 know, a mandatory requirement to keep the vegetation
2 around the pond so it wouldn't be harvested.

3 MR. HAYNES: All right. Yesterday we
4 learned there was a buffer plan for the crossing of
5 the wire in Johnson Mountain, can you describe what
6 that buffer would look like?

7 AMY SEGAL: There is buffer planting plans
8 proposed for both crossings in Johnson Mountain
9 Township and in Moscow and in each location it would
10 be a non-capable vegetation that we proposed for the
11 length of the corridor, the full length of the
12 corridor.

13 MR. HAYNES: I'm way out of the power line
14 definition --

15 AMY SEGAL: Oh, ah --

16 MR. HAYNES: -- non-capable is something
17 that won't achieve a height greater than 30 feet?

18 AMY SEGAL: It generally is somewhere
19 between 10 and 15 feet, you know, so it doesn't grow
20 into the conductor safety zone.

21 MR. HAYNES: But it's a native species?

22 AMY SEGAL: Yes.

23 MR. HAYNES: Okay. Okay. And the other
24 question I had was we've always talked about the
25 safety zone, what is the distance from the wire

1 that's considered a safety zone?

2 AMY SEGAL: That might be a question for
3 Brian. Would you...

4 BRIAN BERUBE: It would be an engineering
5 question.

6 AMY SEGAL: It's an engineering question to
7 be specific.

8 MR. HAYNES: Okay.

9 AMY SEGAL: We're given the distances, so.

10 MR. HAYNES: You're given the distances?

11 AMY SEGAL: We don't -- we don't -- they
12 provide us that information, so in this location I
13 wouldn't know exactly what that height would be
14 depending on the size of the conductor and...

15 MR. HAYNES: But the height should be the
16 same throughout the corridor?

17 AMY SEGAL: Well --

18 TERRY DEWAN: No.

19 AMY SEGAL: -- because --

20 MR. HAYNES: No. I'm learning things.

21 Thank you.

22 AMY SEGAL: It's between the two monopole
23 structures and then you have the conductors that go
24 between them so at the middle point there would be
25 the lowest point of, you know, it would be the lowest

1 point of the sag so that conductor safety zone would
2 be slightly lower in that area than it would if you
3 were closer to the structure, right.

4 MR. HAYNES: But the distance between the
5 vegetation and the wire should remain the same and
6 that may dip to follow the sag, that's what I'm
7 asking.

8 AMY SEGAL: Yes. Yes. That's logical, yes.

9 MR. HAYNES: But we don't know that number?

10 AMY SEGAL: Not in the specific location
11 that you're referencing. So I would need to know,
12 you know, even to look at the structure I just don't
13 have that available.

14 MR. HAYNES: Thank you. Whipple Pond
15 doesn't have a public boat landing -- boat launch so
16 that was not considered as a viewpoint?

17 AMY SEGAL: Whipple Pond is -- was
18 considered as a scenic resource.

19 MR. HAYNES: Okay.

20 AMY SEGAL: We did go to Whipple Pond and
21 I -- I think I was showing yesterday that viewshed
22 mapping indicated that there would be project
23 visibility. It's also included as a significant
24 waterbody, so we went out to the -- we went out on
25 the waterbody and took photographs from a variety of

1 different locations and because of the vegetation,
2 again, on the southern portion of the pond there
3 would be no project visibility from the pond itself.
4 I mean, obviously when you're driving on Spencer Rips
5 Road your -- the project crosses Spencer Rips Road,
6 so you would -- so you would see the project there,
7 but for the Whipple Pond itself you wouldn't see the
8 project.

9 MR. HAYNES: And was there any mitigation
10 planting proposed for that crossing where folks go to
11 the Moose River to put in for the boat trip?

12 AMY SEGAL: No, we didn't propose -- again,
13 it's a private road so we didn't consider --

14 MR. HAYNES: All right.

15 AMY SEGAL: -- buffer plantings there.

16 MR. HAYNES: All right. Thank you for your
17 time and your answers. No more questions.

18 MS. MILLER: Thank you very much. Did I see
19 Group 8?

20 MS. TOURANGEAU: Can I have a minute?

21 MS. MILLER: Yes, please.

22 MS. TOURANGEAU: Joanna Tourangeau for
23 NextEra Group 8. I just had a quick follow-up
24 question for Mr. DeWan or Ms. Segal on your response
25 to the western mountain question on undergrounding

1 the line. Did your analysis consider the visual
2 impacts of undergrounding this line or any part of
3 this line other than the crossing of the Upper
4 Kennebec?

5 AMY SEGAL: No.

6 MS. TOURANGEAU: Okay. Thank you.

7 MS. MILLER: Thank you. Any other
8 Intervenor groups that I didn't see? Okay. This is
9 great. We're a little bit ahead of schedule right
10 now. The next part of our agenda is Department
11 questions and then we'll do redirect and if we're
12 still ahead of schedule we'll break a little early to
13 give us extra time get set up for the Commission. So
14 we'll turn now to Department questions.

15 MR. BEYER: Ms. Segal, I have a question on
16 your photosimulation from Parlin Pond and the
17 tapering on the -- around Coburn Mountain. Does the
18 tapering extend far enough around so that it would
19 impact the view from Parlin Pond or is it all on the
20 east side of -- or south side of the...

21 AMY SEGAL: I'm not sure if a map would be
22 helpful here, but when you're looking at -- when
23 you're at the summit of Coburn Mountain looking
24 towards Johnson Mountain, the portion of the project
25 that 2.2 miles that has the tapered vegetation

1 management --

2 MR. BEYER: Yes.

3 AMY SEGAL: -- that is not -- it's not on
4 the same --

5 MR. BEYER: You won't --

6 AMY SEGAL: You don't see that from Parlin
7 Pond.

8 MR. BEYER: Okay.

9 AMY SEGAL: So from Parlin Pond to
10 understand the views there is a very minimal amount
11 of clearing -- of the cleared corridor that will
12 actually be visible as we saw in the forest
13 management.

14 MR. BEYER: Right.

15 AMY SEGAL: It's really the change in
16 vegetation and the four structures and conductors
17 that would be minimal.

18 TERRY DEWAN: Tapering, I think, works best
19 when you're up above looking down from a viewer
20 superior position. Parlin Pond, you're looking up.

21 MR. BEYER: Right. I was just curious as to
22 whether or not the vegetation extended around into
23 that view.

24 AMY SEGAL: No.

25 MR. BEYER: Okay. Mr. DeWan, especially

1 after reviewing the results of the survey of rafters,
2 is it your opinion that all infrastructure projects
3 are created equal in terms of scenic impact and, if
4 so, which ones are worse than others?

5 TERRY DEWAN: Infrastructure covers a wide
6 variety of structures and types of intent, so
7 obviously, you know, a distribution line on a city
8 street in the form of an infrastructure project is
9 much different from what we're talking about here,
10 so, yes, every infrastructure project has to be
11 treated as a unique entity relative to the type of
12 facilities that are being used as well as the
13 environment that it goes through.

14 MR. BEYER: Correct. But aren't -- couldn't
15 one interpret the results of that study as finding
16 that transmission lines were rated particularly high
17 in terms of their scenic impact?

18 TERRY DEWAN: That was one of the
19 conclusions that Mr. Palmer drew of his review of
20 that particular study.

21 MR. BEYER: Do you agree with that?

22 TERRY DEWAN: I don't think I disagree with
23 it. I -- I guess I would have some questions about
24 whether or not the visibility of just the conductors
25 would have as great of an impact as seeing the

1 structures and the clearing associated with it. It
2 seems like there was somewhat of a leap to draw the
3 conclusion that he did.

4 MR. BEYER: Okay. Thank you. Mr. Berube.

5 BRIAN BERUBE: Yes.

6 MR. BEYER: In your testimony yesterday, I
7 heard you say the cost of acquisition of an acre of
8 land is similar to the cost of acquiring a
9 conservation easement. Did I hear that correctly and
10 can you explain it to me?

11 BRIAN BERUBE: So the cost that was defined
12 was the land cost, I believe, after clarification and
13 in general they're similar and so that's...

14 MR. BEYER: So the cost to buy an acre of
15 land is the same as the cost of getting a
16 conservation easement?

17 BRIAN BERUBE: Yeah, I wouldn't -- I don't
18 think -- and I can't recall, but I don't think an
19 acre was defined yesterday as being the area, but
20 regardless, I think generally speaking the costs are
21 similar, yeah.

22 MR. BEYER: Okay. Can you explain that
23 because intrinsically that doesn't make sense to me.
24 If I'm the landowner and I'm selling some development
25 rights, but I still get to use the land, how is

1 that -- how do I not benefit from that as opposed to
2 selling it? I mean, there's -- I still -- I still
3 have use of the land to manage it as I please, but
4 I'm selling the development rights and I -- I -- I'm
5 not grasping the concept of why the cost of obtaining
6 conservation easement is the same as the cost of
7 purchasing the land.

8 BRIAN BERUBE: I'll defer to Peggy.

9 PEGGY DWYER: I'll just say the -- the
10 biggest piece of the pie, the value pie is the
11 development rights. So you -- you are retaining
12 whatever rights haven't been conveyed in that
13 easement but you're giving up the rights of
14 development to -- and depending on the specific
15 easement, you know, maybe cutting or protecting a
16 viewshed or everything else and -- and it -- in
17 practice it winds up being pretty similar to the
18 rights that the -- the full fee cost of acquisition.

19 MR. BEYER: Okay. It looks like Mr. DeWan
20 wants to respond to that.

21 TERRY DEWAN: As you may know, we're working
22 on a large project in northern Maine right now
23 involving a conservation easement and the money that
24 is being paid for the conservation easement goes into
25 an account then that generates income that used -- is

1 used for the management of that -- of the valuation
2 by the easement holder to see how the land is being
3 maintained and whether or not there is any
4 encroachment upon the easement.

5 MR. BEYER: Okay. Thank you. Question for
6 Ms. Segal. On the Moxie Stream photosimulation it
7 appears that the field wires and the conductors are
8 lower than the vegetation height, is that just a
9 phenomenon of the photosimulation or the position of
10 the landscape where you took that because the -- the
11 pole that -- the structures are significantly higher
12 than the vegetation.

13 AMY SEGAL: Right. Right. And in the case
14 of Moxie Stream crossing, the poles are, you know,
15 spanning the -- it's a thousand feet, so they're
16 several hundred feet back from the crossing so you
17 don't see the structures themselves in that
18 perspective of that photosimulation and because of
19 the horizontal alignment of the stream in that
20 location there is vegetation that would -- that's
21 remaining between the viewer and the clearing, so
22 that's why it sort of appears that the conductors are
23 somewhat lower or are screened by the foreground
24 vegetation.

25 MR. BEYER: Okay.

1 AMY SEGAL: So as you're approaching -- as
2 you're moving downstream on Moxie that's what you
3 will see until you get to the corridor itself.

4 MR. BEYER: Thank you.

5 MR. REID: I have a question for Mr. Berube
6 and Mr. DeWan about vegetative buffering and it
7 follows-up on some questions Cathy Johnson asked
8 yesterday and Mr. Haynes just asked a few minutes
9 ago. The photosimulation that relates to the
10 Troutdale Road/Appalachian Trail point of view showed
11 some plantings that Cathy Johnson's questions, I
12 think, were designed to call into question as to
13 whether they were really effective in screening and
14 I'm wondering what went into the choice of those
15 plantings. They look like deciduous shrubby
16 plantings, so I take it from your responses so far
17 that some of the limiting factors that you've taken
18 into account are that you want native species and you
19 want them to be capable, so-called.

20 AMY SEGAL: Non-capable.

21 TERRY DEWAN: Non-capable.

22 MR. REID: Non-capable. Thank you. But it
23 seems like there would be more effective screening
24 options than the ones that are depicted in the
25 photosimulation, for instance, coniferous cedar or

1 something like that?

2 AMY SEGAL: Well, you're correct in saying
3 that we look at native species always, non-capable
4 species looking at the height. In certain locations,
5 yes, we would look at evergreen species, coniferous
6 species, cedars themselves are capable so they
7 wouldn't -- we wouldn't be able to put them in these
8 locations. We also have to look at soil type,
9 hydrology, all those different things and considering
10 what the plant materials would be. So in this
11 location at Troutdale those are -- those plant
12 materials specified are deciduous. Also considering
13 that the majority of users, you know, the majority of
14 hikers per se would be going there in the leaf-on
15 months, you know, and we also sort of acknowledge
16 that those plantings are there to sort of reduce
17 the -- or to minimize the view of the corridor itself
18 not the structures.

19 TERRY DEWAN: And it's also very -- a fairly
20 narrow area we have to deal with right there. We
21 don't have unlimited area between the edge of the
22 Troutdale Road and the edge of the water.

23 AMY SEGAL: Joe's Hole, correct.

24 TERRY DEWAN: Joe's Hole.

25 MR. REID: So in your judgement though it's

1 one of the best available options for that location?

2 AMY SEGAL: Yes. I mean -- yes.

3 MR. REID: Okay. Mr. Berube, I just wanted
4 to give you a chance to clarify the record and
5 follow-up to some questions that Ms. Tourangeau asked
6 you yesterday --

7 BRIAN BERUBE: Sure.

8 MR. REID: -- about whether in your
9 alternatives analysis you considered burying the
10 line. It seemed to me, it could have been me, but I
11 wasn't clear on where we left things. At first it
12 sounded like you said that you had considered burying
13 the line in your analysis and then you -- I think you
14 said you had not or maybe that somebody on the team
15 had but nobody on the panel and so I'm wondering if
16 you could follow-up on that --

17 BRIAN BERUBE: Sure.

18 MR. REID: -- and clarify the record?

19 BRIAN BERUBE: Sure. Yeah, so my direct
20 testimony applies to the route alternative analysis.
21 In relation to undergrounding, you know, the route
22 analysis was done at kind of the macro level, you
23 know, as far as determining a preferred route and
24 then justifying that preferred route based on the
25 analysis that we performed. As far as

1 undergrounding, that -- that is not a determination
2 of real estate. It's a technical determination done
3 by engineering teams as well as consideration from
4 the environmental permitting group as well, so my
5 direct testimony didn't address the undergrounding
6 component of the line. It was generally in relation
7 to the route as it -- as it pertained to the real
8 estate acquisition activities.

9 MR. REID: Okay. Thank you.

10 MS. BENSINGER: I have a few questions and
11 anyone on the panel can answer most of them, whoever
12 thinks they would be the best person. What are the
13 disadvantages aside from having to have more poles of
14 lower pole height? I believe yesterday you mentioned
15 some poles were going to be 74 feet tall. What are
16 the disadvantages of lower pole heights?

17 AMY SEGAL: As we mentioned yesterday,
18 obviously when you have more poles there's, you know,
19 it's a balance between reducing pole heights,
20 reducing spans and then the other impacts that that
21 creates, you know, with wetland, vernal pools, et
22 cetera, so it's balancing those two.

23 TERRY DEWAN: I think the technical term
24 that engineers like to use is the picket fence
25 approach. If you're this far apart you start to put

1 in -- make them shorter, they become closer together
2 and they seem more like this as opposed to a grouping
3 of poles that are spread out.

4 MS. BENSINGER: Is the -- and this may not
5 be in your area of expertise, but is there any
6 difference between -- in the line's ability to
7 withstand weather or storm events as -- as it
8 pertains to the height of the poles?

9 TERRY DEWAN: That would be an engineering
10 consideration.

11 MS. BENSINGER: Okay. And in your view,
12 what are the disadvantages of the tapered vegetation
13 plan where in some instances you tapered it, what are
14 the disadvantages of that?

15 TERRY DEWAN: I suppose the major
16 disadvantage would be that it requires a lot more
17 maintenance. You know, it's a lot easier just to
18 come in and say this is the area we're dealing with,
19 you want, you know, capable vegetation taken out of
20 this area. As you've heard it requires a lot more
21 labor to -- to make sure that the specific species
22 are removed and others captured.

23 MS. BENSINGER: In a way it just seemed to
24 me that it would require less maintenance because
25 wouldn't there be fewer trees that would have to be

1 removed?

2 TERRY DEWAN: There is a much more selective
3 process when you're -- when you're doing what I'll
4 call traditional management you simply take out
5 everything up to a certain height within an area. I
6 think as you've heard somebody say yesterday you have
7 to identify the species, you have to anticipate their
8 rate of growth, you have to see where they are in
9 their growth cycle and then make a determination on
10 a -- on a -- literally a stem-by-stem basis whether
11 or not that particular species is going to be this
12 tall or this tall in another four years.

13 BRIAN BERUBE: Just to add to Mr. DeWan's
14 comments, as far as the taper and vegetation
15 management typically similar, I guess, to an uneven
16 age span management from a forestry perspective, so
17 depending on what the existing vegetation is as of
18 today it could require more -- require more
19 maintenance to go from an even aged stand to an
20 uneven aged, so.

21 MS. BENSINGER: Okay. With regard to the
22 Appalachian Trail impacts, in your summary you seem
23 focused on the northbound hiker and what would be
24 visible to the northbound hiker. Did you also do an
25 analysis of the visual impacts to the southbound

1 hiker?

2 AMY SEGAL: Well, yes, from every location
3 we took photographs looking in all directions. The
4 northbound hiker would have more exposure to the
5 project than the southbound hiker, so we narrate that
6 as the worst case, I suppose.

7 MS. BENSINGER: Did you interview any
8 Appalachian Trail hikers about impacts?

9 AMY SEGAL: Not in a formal user intercept
10 survey, no.

11 MS. BENSINGER: Taking the impacts on the
12 northbound hiker, you talked about the amount of time
13 that would be exposed to views of the transmission
14 line. Can you tell me the amount of distance hiking
15 on the Appalachian Trail they would be exposed to
16 views?

17 AMY SEGAL: Okay. So from Pleasant Pond
18 Mountain, as you saw, minimal views, but depending on
19 how long you would stay on the mountain, you know, I
20 guess that would be your exposure time. And then it
21 takes about three hours or so to hike from the top of
22 Pleasant Pond Mountain down to -- towards Troutdale
23 Road and so in that -- that hike down you're not
24 seeing the project. Once you get down to the three
25 existing crossings that's probably, I don't know,

1 half -- 20 minutes, half an hour between the first
2 time you cross it when you're descending down to
3 Troutdale Road -- to Troutdale Road and then crossing
4 Baker Stream and heading up towards Bald Mountain to
5 that third crossing probably half an hour. I mean,
6 there's -- you're not really staying -- I mean,
7 stopping in these locations per se.

8 MS. BENSINGER: But I'm talking about the
9 distance you're walking on the trail or hiking --

10 AMY SEGAL: Oh, oh.

11 MS. BENSINGER: -- on the trail, the
12 distance.

13 AMY SEGAL: Oh, oh. It's about five trail
14 miles from --

15 MS. BENSINGER: Total.

16 AMY SEGAL: -- Pleasant Pond Mountain down
17 to Troutdale Road and another five-ish trail miles
18 back up to Bald Mountain. Does that make sense?

19 MS. BENSINGER: No, I mean, the distance
20 hiking --

21 AMY SEGAL: Oh, oh.

22 MS. BENSINGER: -- and actually seeing the
23 impacts.

24 AMY SEGAL: Oh, just on Troutdale?

25 MS. BENSINGER: Total.

1 AMY SEGAL: Well, you're seeing the -- the
2 trail kind of crosses at a -- somewhat perpendicular,
3 so that 150 feet at the first crossing, about 900
4 feet along Troutdale Road and then another 150 feet
5 to this other crossing. Is that making sense?

6 MS. BENSINGER: So that is the distance
7 hiking that you would actually be able to see the
8 transmission line at all?

9 AMY SEGAL: Right. It would be, yeah.

10 MS. BENSINGER: Okay.

11 AMY SEGAL: About 1,200 feet.

12 MS. BENSINGER: You talked about in, you
13 know, the alternatives analysis you talked about one
14 of the factors being ownership patterns. How big of
15 a factor was ownership patterns and what exactly do
16 you mean by that? Do you -- are you meaning that if
17 it's one big parcel of land with one owner that
18 section of the route was more appealing because you
19 didn't have to negotiate with multiple owners of
20 land?

21 BRIAN BERUBE: Could -- could you repeat,
22 just one more time?

23 MS. BENSINGER: You mentioned ownership
24 patterns as being a factor in choosing what was the
25 most desirable alternative route. By that do you

1 mean one big -- more big parcels owned by a single or
2 a few landowners made the route more desirable
3 because you didn't have to negotiate with multiple
4 small parcel owners?

5 BRIAN BERUBE: Yeah, I think generally, you
6 know, that's one of the inputs or parameters in, you
7 know, in an alternatives analysis is looking at the
8 landowner count which was included in my direct
9 testimony and I think, you know, generally we look to
10 minimize that number whenever possible.

11 AMY SEGAL: As you heard Mr. Mirabile speak
12 of this yesterday, the ability -- to work with a
13 large landowner allowed them to, you know, move the
14 corridor to be -- to minimize impacts, so that was --
15 when you're working with one landowner and you have
16 the ability to move it, that's a great advantage just
17 to avoid and minimize.

18 MS. BENSINGER: With regard to the Old
19 Canada Scenic Byway, you talked about motorists
20 driving 49 or 55 miles an hour and the amount of time
21 that they would have -- be exposed to views. I've
22 only been on that road a few times. Are there other
23 users of that road, sections of that road, is there
24 snowmobiling on parallel -- or hiking or mountain
25 biking parallel to that road that -- where the users

1 would be different than driving a car?

2 AMY SEGAL: There are sections of Route 201
3 where there are snowmobile trails adjacent to the
4 road. I would assume that there would be road bikes.
5 I mean, you know, it's not a designated road biking
6 trail. I mean, it's a pretty high speed highway
7 through the section near Johnson Mountain Township.

8 MS. BENSINGER: So it's possible that bikers
9 --

10 AMY SEGAL: Yes.

11 MS. BENSINGER: -- either on the road or
12 mountain bikers on the -- would be exposed for a
13 greater period of time?

14 AMY SEGAL: Yes, that's true. That's true.
15 They're -- just -- I'm sorry. Just the snowmobile
16 trails aren't adjacent to the roadway right there in
17 Johnson Mountain Township, but they're -- in other
18 locations along Route 201 there are.

19 MS. BENSINGER: Okay.

20 AMY SEGAL: Yeah.

21 MS. BENSINGER: But there might not be
22 visibility there?

23 AMY SEGAL: Correct.

24 MS. BENSINGER: Okay. Thank you. In
25 response to Mr. Wood's question about tapering, he

1 asked whether you considered tapering elsewhere, the
2 answer you gave in most places the transmission line
3 can't be seen. By that do you mean it can't be seen
4 from a location which fits the definition of a scenic
5 resource under Chapter 315?

6 AMY SEGAL: No, it's clarified under cleared
7 corridor itself wouldn't be visible, so tapered
8 vegetation in the corridor wouldn't -- wouldn't be
9 noticeable.

10 MS. BENSINGER: But were you saying
11 noticeable from --

12 AMY SEGAL: A scenic resource.

13 MS. BENSINGER: -- a scenic resource?

14 AMY SEGAL: Yes.

15 MS. BENSINGER: So you were only looking at
16 views from a scenic resource as defined in Chapter
17 315?

18 AMY SEGAL: Correct.

19 MS. BENSINGER: When you testified about the
20 Kennebec River rafter's survey you said that it
21 showed that the project would not impact most users
22 in some scenery because most users said they would
23 come back. Did you -- and I don't have the survey in
24 front of me, but did you also consider that while
25 they may come back their visual experience might be

1 altered?

2 TERRY DEWAN: I don't believe that was a
3 question that was addressed in the survey. I think
4 the question that was asked was would it affect your
5 desire to come back and I think the answer was a
6 resounding yes.

7 AMY SEGAL: That they would come back.

8 TERRY DEWAN: That they would come back,
9 yeah.

10 MS. BENSINGER: But it certainly didn't go
11 into whether they felt it would actually impact their
12 visual experience?

13 TERRY DEWAN: We did not ask that question.

14 MS. BENSINGER: Okay. In this -- I'm glad
15 this slide is still up. Ms. Segal, in that
16 photosimulation that is depicting the taller poles;
17 am I correct?

18 AMY SEGAL: Correct. That's depicting the
19 taller poles of the full height vegetation.

20 MS. BENSINGER: And those poles are taller
21 because of the impacts on the brook or?

22 AMY SEGAL: Right. In working with IF&W to
23 allow for the full height of vegetation those
24 structures needed to be taller to accommodate the
25 brook.

1 MS. BENSINGER: Where is the brook in
2 that -- in that photo roughly?

3 AMY SEGAL: It's in here in this area. So
4 that shoulder right there is Tumbledown and part of
5 it is Three Slide Mountain so the brook comes
6 basically around -- it comes around Gold Brook, so in
7 through here. So you can see this structure here,
8 the taller structure, the transitional taller
9 structure here and then there is taller structures
10 along and on the side slope there. So the brook
11 is -- the taller -- the full height vegetation is in
12 this area with the taller structures.

13 MS. BENSINGER: And do you only propose
14 tapered vegetation where there are taller poles in
15 general?

16 AMY SEGAL: No. No, the taller poles are
17 where the full height of vegetation will be allowed
18 to grow. The tapered vegetation is beyond that.
19 It's beyond Gold Brook.

20 MS. BENSINGER: Okay.

21 AMY SEGAL: And it was the area on the
22 shoulder there on Tumbledown Mountain where that
23 notch was in effect, so it was in working with --
24 with the team, you know, saying that there could be
25 taller structures here, you know what, let's try and

1 reduce the impact of that corridor. So it wasn't --
2 it's not required by IF&W to do the tapered
3 vegetation. That was purely done for -- to mitigate
4 visual impacts.

5 MS. BENSINGER: So with the taller poles
6 you'd -- CMP would just let the vegetation completely
7 grow?

8 AMY SEGAL: That's my understanding, but you
9 would need to talk to Gerry or Mark about, I'm sorry,
10 Mr. Mirabile and Mr. Goodwin about that.

11 MS. BENSINGER: And you mentioned in
12 response to a question from Mr. Haynes, I believe, he
13 was asking about the safety zone and the distance
14 required between the top of the vegetation and the
15 conductor line. Ms. Segal, you said you were given a
16 number, what was the number you were given?

17 AMY SEGAL: I said it depends on the
18 location and where the -- the buffer planting would
19 be in relationship to the sag in the wire, so the
20 distance from the structures, if that makes sense.
21 So I think it was, you know, somewhere between 25 and
22 30 feet in some locations just below, so we, you
23 know, so the conductor with the sag and we offset
24 that to know, but there is, you know, there's federal
25 regulations on it for maintaining safety zones for

1 conductors. And that's a question to ask the
2 engineers.

3 MS. BENSINGER: And CMP's Exhibit 5-B Pages
4 58 and 59, let me just get there. On Page 58 that's
5 the Rock Pond photosimulation that we had up earlier.
6 It's entitled full height vegetation, so it doesn't
7 look like that's full height vegetation.

8 AMY SEGAL: Well, it -- what you're not
9 seeing in this question is the -- the previous -- the
10 initial simulation from September 2017, which would
11 have shown this clearing here, that corridor clearing
12 extending towards you in this area. So this -- this
13 is a result of the IF&W, you know, full -- you know,
14 requiring a lot of vegetation around Gold Brook, so
15 you're seeing -- you're missing a step here, I guess.
16 If you look at the original photosimulation and --
17 and see that the vegetation here as being preserved
18 at full height that's what's visible -- with the
19 remaining portion that's visible again west of Gold
20 Brook is the area of the tapered vegetation.

21 MS. BENSINGER: Okay. So that's the full
22 height vegetation is down in the lower section there.

23 AMY SEGAL: In here --

24 MS. BENSINGER: Okay.

25 AMY SEGAL: -- on the shoulder of --

1 MS. BENSINGER: All right. And the next
2 slide is the tapered vegetation in the cut --

3 AMY SEGAL: Correct.

4 MS. BENSINGER: -- over the --

5 AMY SEGAL: Correct.

6 MS. BENSINGER: -- over the notch.

7 AMY SEGAL: Correct. So we're just showing
8 the difference in the tapered vegetation.

9 MS. BENSINGER: Okay. I don't have any
10 further questions. Thanks.

11 MS. MILLER: Does anyone else have any
12 questions? I have a few questions for Mr. Berube. I
13 just want to understand your charge in evaluating the
14 alternatives. It sounds like, and please correct me
15 if I'm wrong, it sounds like you kind of had a
16 different -- a few different routes to evaluate and
17 one of the major determinations was the real estate
18 feasibility of going on those routes; is that
19 correct?

20 BRIAN BERUBE: I mean, there are multiple
21 parameters considered in routing, environmental
22 considerations, you know, wetland, vernal pools, any
23 publicly available data and then any data that we
24 had, but, yes, one of those would be the real estate
25 inputs.

1 MS. MILLER: Okay. And if CMP were to
2 decide that it wants to bury the line -- the entire
3 line underground, would that change the alternatives
4 analysis that you performed? Meaning would you have
5 to find a whole different route all together or would
6 CMP have to find a whole different route all together
7 or would the analysis you did already basically be
8 the same?

9 BRIAN BERUBE: Yeah, so the preferred route
10 in my direct testimony is the route that was selected
11 based on the alternatives analysis that I performed
12 and so in general that route is the project route. I
13 think it's also important that we distinguish between
14 the corridor and the project. Yeah, the project are
15 the assets. The corridor, the land, you know, the
16 right, title, interest that we own, so at this time
17 nothing would change.

18 MS. MILLER: Thank you. I think now we move
19 on to the redirect. Mr. Manahan.

20 MR. MANAHAN: Good morning. Just a couple
21 questions, I think, for Ms. Segal and Mr. DeWan
22 primarily. We heard yesterday Ms. Johnson asked you
23 a few questions about user intercept surveys and I
24 think you told us why you hadn't done user intercept
25 surveys beyond what was done to the Upper Kennebec

1 River and you responded to those questions, but I
2 have just a couple follow-up questions, which is does
3 Chapter 315 of the DEP's rules or any other DEP or
4 LUPC rules and requirements require user intercept
5 surveys in a situation like this?

6 TERRY DEWAN: I do not believe there is
7 anything in Chapter 315 or other rules that we deal
8 with that require us to use intercept surveys.

9 MR. MANAHAN: And -- and to your knowledge,
10 have user intercept surveys or let me put it this
11 way, how many user intercept surveys have been done
12 on transmission line project proposals in Maine?

13 TERRY DEWAN: To my knowledge one and it was
14 the one that was just done on the Kennebec River.

15 MR. MANAHAN: The one that you guys did for
16 the Upper Kennebec -- the one that CMP did?

17 TERRY DEWAN: Yes.

18 MR. MANAHAN: And how many user intercept
19 surveys to your knowledge have been done on
20 transmission line projects in the entire United
21 States?

22 TERRY DEWAN: That's a good question and
23 we -- we did a lot of research. We asked Dr. Palmer
24 that question and we had not been able to find any
25 evidence and I know that Dr. Palmer has also said in

1 his knowledge and he's done work throughout the
2 country, he said there has never been a study -- an
3 intercept study done on transmission lines.

4 MR. MANAHAN: So getting to Dr. Palmer, you
5 testified yesterday that you had worked through the
6 issues -- Dr. Palmer and you had a back and forth to
7 address some of his issues. Did -- did he indicate
8 to you -- let me put it this way, has he asked you to
9 collaborate with him on any related issues going
10 forward as a result of this project?

11 TERRY DEWAN: As professionals in Visual
12 Impact Assessment, we're always looking for ways to
13 improve the work that we do. The work that we did on
14 the intercept survey here was the first time that we
15 had ever done what we call an experiential intercept
16 survey. Rather than just ask people what do they
17 think of a particular view, we asked people who are
18 actively engaged in an activity to think of the
19 activity as a series of sequences getting to the
20 location where they would put in, being on the river,
21 going through the rapids, going to the place where
22 they would see the transmission corridor, getting out
23 the other end, we showed people a series of slides as
24 you may know looking at the -- the study we then
25 asked people to evaluate the experience both with and

1 without the overhead transmission corridor. That's
2 much different from the work that we normally do on
3 intercept surveys, for example, for wind power
4 projects and we ask a particular -- we go to a
5 particular location and ask the -- the interviewee
6 whether or not the effect of the -- of the wind power
7 project would have an effect on their view from that
8 particular location. This represents we think an
9 improvement to the way you should do intercept
10 surveys, at least for certain types of activities,
11 thinking that the activity and the experience is
12 really important. Mr. Palmer was quite impressed by
13 that and as a result of that he's asked us to prepare
14 a panel to discuss this particular survey at an
15 upcoming conference sponsored by a number of people
16 including the Argon National Lab in Chicago coming in
17 October. And we have submitted an application, I
18 believe, it will be accepted, Dr. Palmer will be on
19 that panel talking about intercept surveys in
20 general. We're also going to bring along the person
21 from Market Decisions that did the intercept survey.

22 MR. MANAHAN: So Dr. Palmer is using your
23 work in this case as an example to highlight to
24 others as an example of the kind of work that he
25 thinks is worthwhile to emulate.

1 TERRY DEWAN: I think it's a good example
2 of --

3 MS. BOEPPLE: I'm going to object to this
4 line of questioning. It appears that we're trying to
5 get in some kind of an opinion from Dr. Palmer who is
6 not present here to testify himself.

7 MR. MANAHAN: There was cross-examination
8 yesterday -- cross-examination yesterday of Mr. DeWan
9 and Ms. Segal having to do with Mr. Palmer's peer
10 review trying to elicit comments that suggest
11 Mr. Palmer is critical and I am asking Mr. DeWan to
12 respond to that with respect to what Mr. Palmer, in
13 fact, has said subsequently with respect to
14 Mr. Dewan's work.

15 MS. BOEPPLE: If I could just respond to
16 that briefly. This goes beyond what is in the
17 pre-filed testimony.

18 MR. MANAHAN: This --

19 MS. BOEPPLE: What is in the pre-filed
20 testimony and the questions were based on the
21 pre-filed testimony as well as Dr. Palmer's
22 memorandum and his assessment that is in the record.
23 What Mr. Manahan is asking about and where the
24 testimony is going is beyond the scope of what is in
25 the record and what the questions were based on

1 yesterday, so it doesn't fall in the category of
2 redirect. It actually falls in the category of new
3 testimony and trying to present testimony from a
4 witness who is not present subject to
5 cross-examination.

6 MS. BENSINGER: I would recommend that the
7 objection be partially upheld the same with the
8 testimony about what might happen in the future and
9 the future panel seems to not be relevant to the
10 statutory criteria, but certainly a comment on
11 Mr. Palmer's reaction to your survey as is requested
12 in his comments that are in the record is fine, I
13 would recommend.

14 MS. MILLER: So I will not allow the
15 testimony that has to do with the panel. I think
16 that goes a little bit farther and -- but we will
17 allow Mr. Palmer's reaction to the survey.

18 MR. MANAHAN: Thank you. I have no further
19 questions.

20 MS. MILLER: Any recross? Group 8.

21 MS. TOURANGEAU: My name is Joanna
22 Tourangeau representing Group 8. Two quick follow-up
23 questions to Attorney Manahan's questions. The
24 intercept survey I think it's called that you
25 conducted was of recreational users of the Upper

1 Kennebec?

2 TERRY DEWAN: First of all, we did not
3 conduct it, it was done by a professional market
4 research firm.

5 MS. TOURANGEAU: That you're presenting the
6 results of.

7 TERRY DEWAN: That's the one being
8 discussed, yes.

9 MS. TOURANGEAU: And it was of recreational
10 users of the Upper Kennebec?

11 TERRY DEWAN: Rafters on the Upper Kennebec,
12 yes.

13 MS. TOURANGEAU: Mmm Hmm. And following
14 that completion of that survey, are you aware that
15 there was an amendment to the application filed to
16 underground that portion of the project?

17 TERRY DEWAN: Yes.

18 MS. TOURANGEAU: Thank you.

19 MS. MILLER: Any other recross? Group 1. I
20 mean, not Group 1, Group 4. Sorry.

21 MS. JOHNSON: Mr. DeWan, are you familiar
22 with the difference between a merchant line and a
23 reliability line or a distribution line?

24 TERRY DEWAN: That's not a term that we use
25 in our every day discussion.

1 MS. JOHNSON: Okay. Well, if I might, and
2 I'm not an energy expert either, but as I understand
3 it a merchant line is a line that is not providing
4 power to an individual home.

5 MR. MANAHAN: I would object to Ms. Johnson
6 testifying about what is a merchant line and I -- I
7 also would object to this not being the subject of my
8 redirect. She seems to be going beyond redirect in
9 some other line of questioning.

10 MS. MILLER: I would agree. If you could
11 rephrase the question and tie it back into
12 Mr. Manahan's questions.

13 MS. JOHNSON: Mr. Manahan asked you about
14 transmission lines across the country; is that
15 correct?

16 TERRY DEWAN: No, I believe he asked me a
17 question about intercept surveys on transmission
18 lines.

19 MS. JOHNSON: And you, I believe, testified
20 that you were not aware of any intercept surveys on
21 any transmission lines in the country; is that
22 correct?

23 TERRY DEWAN: That is correct.

24 MS. JOHNSON: And so I'm trying to make the
25 distinction between the kinds of transmission lines

1 that deliver power to yours and my house as compared
2 to a line that's a completely voluntary line that's
3 just a money making line as opposed to a line that is
4 providing power to our houses?

5 TERRY DEWAN: Transmission lines don't
6 deliver power to your house.

7 MS. JOHNSON: Distribution line --

8 TERRY DEWAN: Distribution lines might, yes.

9 MS. JOHNSON: Distribution. Okay. So this
10 line that we're talking about here is not a
11 distribution line, correct?

12 TERRY DEWAN: It's a transmission line as I
13 understand it.

14 MS. JOHNSON: Okay. So you were here
15 yesterday for the testimony; were you not?

16 TERRY DEWAN: I was.

17 MS. JOHNSON: And you heard references to
18 the fact that this area is a globally significant
19 forest?

20 TERRY DEWAN: I did hear people testify to
21 that effect.

22 MS. JOHNSON: If there were a transmission
23 line anywhere in the U.S. that would require
24 intercept surveys, would you not agree that it would
25 most likely be one that is bisecting a globally

1 significant forest?

2 TERRY DEWAN: Then you're getting into an
3 area of habitat that we're certainly not qualified to
4 address.

5 MS. JOHNSON: Thank you.

6 MS. MILLER: Thank you. Any other recross?
7 Okay. Thank you all for your participation this
8 morning. We're ahead of schedule. I'd like to
9 break, but before we do, the Land Use Planning
10 Commission will be here to start promptly at 10:30.
11 We're going to use this extra time up front to get
12 set up for them, but I'd like to ask everyone to be
13 back by about 10:15 just so we can start promptly at
14 10:30 to maximize their time. Thank you.

15 * * * * *

16 LAND USE PLANNING COMMISSION HEARING

17 MR. WORCESTER: Good morning. I now call to
18 order this joint session of the public hearing for
19 the Land Use Planning Commission and the Department
20 of Environmental Protection on the Central Maine
21 Power proposal New England Clean Energy Connect
22 Project. This hearing is governed by the Maine
23 Administrative Procedures Act 5 MRS Section 9051
24 through 9064. I'm sure you're all familiar with
25 that. The DEP's Rules concerning the proceeding of

1 applications and our Administrative Matters Chapter
2 2, the DEP's Rules concerning the conduct of
3 licensing hearings Chapter 3 and the Commission's
4 Rules for the conducts of public hearing Chapter 5.

5 And now, I'd like to have the DEP folks
6 introduce themselves. Let's start with Mark.

7 MR. STEBBINS: Mark Stebbins, Director of
8 Land Resources, Maine DEP.

9 MR. BEYER: Jim Beyer, Project Manager for
10 the NECEC project.

11 MR. REID: Jerry Reid, Commissioner of the
12 DEP.

13 MS. BENSINGER: Peggy Bensinger from the
14 Attorney General's Office, counsel for the DEP.

15 MS. MILLER: And Susanne Miller, Presiding
16 Officer for the Maine DEP on this project.

17 MR. HINKEL: Bill Hinkel, Land Use Planning
18 Commission staff.

19 MS. PARKER: Lauren Parker, Attorney
20 General's Office, counsel for the Land Use Planning
21 Commission.

22 MR. WORCESTER: Everett Worcester, I'm the
23 current Chairman of LUPC and I'm also the Hearing
24 Officer today.

25 MR. LIVESAY: I'm Nick Livesay, I'm the

1 Director of the Land Use Planning Commission.

2 MR. GILMORE: I'm Bill Gilmore, LUPC member
3 from Franklin County.

4 MR. HUMPHREY: Durward Humphrey, Aroostook
5 County.

6 MS. FITZGERALD: Betsy Fitzgerald,
7 Washington County.

8 MR. EVERETT: Rob Everett, Oxford County,
9 LUPC.

10 MR. BILLINGS: Millard Billings, Hancock
11 County, LUPC.

12 MR. LIVESAY: And we have a new commissioner
13 who just joined us this week, that's Gwen Hilton, and
14 she has recused herself from this matter. She and
15 her husband are abutters to the corridor, so she's
16 not going to be participating in this proceeding.

17 MR. WORCESTER: At this time, I would ask
18 all persons planning to testify today to please stand
19 and raise your right hand. Do you affirm that the
20 testimony that you are about to give is the whole
21 truth and nothing but the truth? The answer is I do.

22 (Witnesses affirm.)

23 MR. WORCESTER: I should have gotten paid to
24 give you the answer.

25 (Laughter.)

1 MR. WORCESTER: This hearing is being held
2 to receive testimony on CMP's proposed NECEC project.
3 This hearing will be transcribed. All witnesses at
4 this hearing should be sworn and any exhibits
5 presented during the testimony must be entered into
6 the record. This hearing will follow the hearing
7 schedule as provided to parties by staff on March 30,
8 2019. At this time, the Commission staff will
9 provide a brief introduction. Bill.

10 MR. HINKEL: Great. Thank you, Doris.

11 MS. PEASLEE: You're welcome.

12 MR. HINKEL: The Maine Central Power's
13 proposed NECEC project, this is an overview to orient
14 the Commission's role in this proceeding. The
15 proposed -- next slide, please. The proposed NECEC
16 project would cross or traverse townships and
17 plantations within the Commission's service area as
18 well as towns and cities served by the Maine
19 Department of Environmental Protection.

20 The separate roles of the Commission and the
21 DEP, the proposed NECEC project requires a Natural
22 Resources Protection Act and Site Location of
23 Development Location Act permit from the DEP. For
24 the DEP to issue a Site Law permit, the Commission
25 must certify to the -- the proposed NECEC project to

1 the DEP.

2 Interesting, I'm missing a slide here. The
3 overall -- okay. You can go forward. The Commission
4 must determine in its certification review, one,
5 whether the proposed NECEC project is an allowed use
6 within the subdistricts in which it is proposed; and
7 two, whether the proposed NECEC project meets any
8 land use standards established by the Commission that
9 are not duplicative of those by the DEP in its review
10 of the proposed project under the Site Law.

11 I don't have a slide for this, but I would
12 like to just provide a quick overview of what the
13 P-RR subdistrict is. The resource protection
14 subdistrict purpose is to provide protection from
15 development and intensive recreational uses to those
16 areas that currently support or have opportunities
17 for unusual significant primitive recreation
18 activities. By doing so, the natural environment
19 that is essential to the primitive recreational
20 experience will be conserved. This includes in this
21 particular case trails such as the Appalachian Trail,
22 management Class 6 lakes such Beattie Pond and river
23 segments such as the Kennebec River.

24 On December 7, 2017, the Commission voted to
25 hold a public hearing focused on its allowed use

1 determination and specifically on the topic of
2 whether the proposed project is an allowed use within
3 the P-RR subdistrict. The testimony at the hearing
4 is intended to focus on the portion of the proposed
5 project within the P-RR subdistrict and to aid the
6 Commission in its evaluation of whether the
7 applicable criteria have been met.

8 Well, here is the slide I said was missing.
9 Forward, please.

10 (Laughter.)

11 MR. HINKEL: The location of the P-RR
12 subdistricts for this project, there are three
13 locations where the project will cross or traverse;
14 one is the underground segment crossing the Kennebec
15 River; two is an overhead segment within a proposed
16 new corridor near Beattie Pond; and the third is an
17 overhead segment within an existing corridor near the
18 Appalachian Trail.

19 The Commission to -- for the Commission to
20 find that a use is allowed by special exception the
21 Commission must find that the Applicant shown by
22 substantial evidence the following three criteria are
23 met; A, there is no alternative site which is both
24 suitable to the proposed use and reasonably available
25 to the Applicant; B, the use can be buffered from

1 those other uses and resources within the subject
2 district with which it is incompatible; and C, such
3 other conditions are met -- are met that the
4 Commission may reasonably impose in accordance with
5 the policies of the club.

6 The hearing topics we've all discussed for
7 this proceeding for the Commission are limited to the
8 two following topics; scenic character and existing
9 and alternatives analysis.

10 Comments on this project for the Land Use
11 Planning Commission can be sent to my attention. I
12 have business cards on a table in the rear of the
13 room. Email or paper is fine. I just want to point
14 out that Jay Clement from the Army Corps of Engineers
15 is in the room today. He's standing with his hand
16 up. He has a role in this and the permitting of this
17 project. He asked that I just let him know -- let
18 you folks know that he is here. Thanks.

19 MR. WORCESTER: We're going to be following
20 the hearing schedule that I think you all have and to
21 start off the Applicant will present their
22 presentation. There is four of you or just one of
23 you? Four.

24 MR. MANAHAN: Well, so, Mr. Worcester, this
25 is Matt Manahan over here for CMP. I am the lawyer

1 representing CMP. Good morning, everyone. Thorn
2 Dickinson from CMP is going to give our project
3 overview and summary and so I'm going to waive my
4 time to him.

5 MR. WORCESTER: Very good. Thank you.

6 THORN DICKINSON: Good morning. My name is
7 Thorn Dickinson, I'm the Vice President of Business
8 Development of Avangrid Networks. I'm happy to be
9 here today to talk more about the project and give
10 you this brief overview before the other witnesses
11 come forward and talk about their -- their testimony.
12 The next slide, please.

13 The project involves, as I'm sure many of
14 you are aware, transmission line and related
15 facilities to deliver 1,200 megawatts of renewal
16 electricity generated in Quebec into the ISO New
17 England grid deposited here in Lewiston, Maine. The
18 proposal of the project was one of the responses out
19 of 46 that was responsive to the Massachusetts
20 long-term contracts for clean energy project to bring
21 in new clean energy into the region. Next slide,
22 please.

23 The -- in general, the project is 193 miles
24 of transmission corridor and that includes two
25 components of -- two major components of

1 transmission. One is a direct current line that
2 comes from the Quebec border all the way to Lewiston
3 in Maine. We talked a little bit about this
4 yesterday. The reason a direct current line is
5 needed is the generation -- the power systems in
6 Canada are not synchronized with the U.S. so any time
7 you move power between those regions you need to
8 convert it from AC to DC and then back to DC back to
9 AC, so that DC component of the line comes down to
10 Lewiston, Maine. And then there is some additional
11 resources, different transmission needed on the AC
12 system from Windsor to Wiscasset that's also needed
13 in order to make sure there is a reliable delivery of
14 that power. 139.5 of that 193 miles is within
15 existing corridors. It is fully owned or controlled
16 by Central Maine Power. There are substation
17 upgrades in Cumberland, Lewiston, Pownal, Windsor and
18 Wiscasset. In total, the project is \$950 million and
19 we expect it to be fully operational by the end of
20 2022.

21 The next three slides are an overview on the
22 project and in three segments. The first one shows
23 the -- the new corridor 54 miles from the Quebec
24 border down to The Forks, that's shown in yellow.
25 Then where the black line continues on, again, this

1 is all of the direct current line that we -- that I
2 mentioned goes from The Forks down through Bingham
3 and then as you can see on the next slide continues
4 down through Moscow to Jay and then in the third
5 slide terminates in Lewiston, as I mentioned. And
6 then to the east you can see the alternating current
7 part of the line, that 345 line that would go from
8 Windsor down to Wiscasset.

9 The following slide is a -- what I think is
10 a nice depiction of how this project was thought
11 about from the beginning how it was laid out in order
12 to minimize the impact on the environment. 72
13 percent, as I mentioned, of the project of the DC
14 line is using an existing corridor and you can see
15 that there in the blue line coming up from Lewiston
16 up towards The Forks. The remaining 28 percent is
17 through the new corridor privately owned working
18 forest. That was our negotiation with those private
19 landowners to acquire the land, which we now own and
20 control. And the depiction here shows the way in
21 which we thought about avoiding sensitive and
22 conserved areas in order to find a path that we
23 believe was the best alternative for getting to the
24 Quebec border.

25 And then the last slide is just permits and

1 time line and they just show the various state
2 approvals that are required both here in Maine, the
3 regional approvals required from ISO New England, the
4 federal approvals required and then various municipal
5 approvals, again, with the idea of a in-service date
6 by December 31, 2022. So that's the brief overview
7 associated with the project.

8 MR. WORCESTER: Thank you. It obviously
9 wasn't needed here, but we have a red flag if you're
10 getting close to the end of your time, so we will
11 alert you if that happens.

12 MS. KIRKLAND: I think you've all seen
13 these.

14 MR. WORCESTER: Next, we have two groups
15 that are in support of this project and I take it
16 you're going to come up separately. Group 3.

17 MR. BOROWSKI: Would you like me to come up?

18 MR. WORCESTER: Yes, I would. And Group 3
19 includes Industrial Energy Consumer Group, City of
20 Lewiston, International Brotherhood of Electrical
21 Workers, Maine Chamber of Commerce, Lewiston/Auburn
22 Chamber of Commerce. And you have three minutes.

23 MR. BOROWSKI: Good morning and thank you,
24 Commissioners. My name is Benji Borowski, co-counsel
25 to Industrial Energy Consumer Group, also represented

1 by Mr. Buxton behind me and we are representatives to
2 Group 3, Industrial Energy Consumer Group, the City
3 of Lewiston, the Lewiston/Auburn Metro Chamber of
4 Commerce, the International Brotherhood of Electrical
5 Workers Local 104 and the Maine State Chamber of
6 Commerce. Each intervened in the Commission's
7 proceeding to use their respective energy and
8 economic expertise to demonstrate significant
9 societal benefits for the project, benefits that must
10 be balanced against environmental impacts.
11 Unfortunately, we don't have testimony today due to
12 the way the scope of the hearing has been reduced,
13 but nonetheless we are here today to help the
14 Commission in any way that we can.

15 The project is not the New Jersey Turnpike.
16 It is a thoughtfully sited DC transmission line that
17 would bring hydropower to a region desperately in
18 need and therefore we believe the Commission should
19 make every effort to permit the project in an
20 efficient and environmentally responsible manner so
21 that the significant societal benefits the project
22 promises to bring will materialize before it's too
23 late. Thank you.

24 MR. WORCESTER: Thank you. Next is Group 7.
25 Group 7 consists of the Western Mountains and Rivers

1 Corporation.

2 MR. SMITH: Good morning. My name is Ben
3 Smith. I'm here on behalf of Western Mountains and
4 Rivers Corporation. Western Mountains and Rivers
5 Corporation was formed in August 2017. Its mission
6 is to expand conservation along the western Maine
7 rivers including the Kennebec, the Dead, Sandy,
8 Moose, Sebastocook, Carrabassett and also other
9 natural resources in the area while furthering
10 development projects and educational programs and
11 increasing economic development in the area. Current
12 board members of WMRC consists of many individuals,
13 people who are members of a local rafting community,
14 other guides, outfitters, former public servants,
15 current public servants, current commissioner of
16 Somerset County, a former legislator and people who
17 are involved in economic planning on a local and
18 regional level.

19 Just by way of background so you understand
20 by WMRC is here, sometime back in 2017 when CMP began
21 participating in the clean energy process, WMRC
22 became involved and began negotiating with CMP to try
23 to see if there was a way to protect the Kennebec
24 Gorge and the reason is that the Kennebec Gorge has
25 been a long-standing site of a potential transmission

1 line crossing by CMP. And when WMRC approached CMP
2 the first option that they wanted to explore was
3 whether or not it would be feasible to explore a
4 co-location of the facilities at Harris Station.
5 Unfortunately, due to a variety of factors it
6 wasn't -- it wasn't feasible. So next they tried to
7 explore potential underground solutions and due to, I
8 think, several factors including costs and other
9 complexities of that option, it was not CMP's
10 proposed alternative, but CMP and WMRC negotiated
11 terms of a compensation package that in order that
12 under any alternative there would be reduction of --
13 in the visual impact of the crossing of the Kennebec
14 Gorge.

15 We have two members here who are going to
16 testify, Joe Christopher and Larry Warren. They are
17 members of WMRC and I'll let you hear from them
18 directly and you can understand and appreciate their
19 experience in recreational projects, recreational
20 uses, scenic uses and the like. I don't think that
21 you could find any more qualified people. Under the
22 Commission's Rules the utility facilities may be an
23 allowed use under a special exception provided, A,
24 there is no alternative site which is both suitable
25 to the proposed use and reasonably available to the

1 Applicant and the use can be buffered from those that
2 other uses within the subdistrict with which it is
3 incompatible. Through the testimony of
4 Mr. Christopher and Mr. Warren and other information
5 that you will hear, I believe that the Commission can
6 grant a special exception for the facilities. This
7 is because there is no alternative site which is both
8 suitable to the proposed use of the project or
9 reasonably available to the Applicant; and B, any
10 portions of the project that are incompatible with
11 any of the current uses and resources within the P-RR
12 districts have been adequately buffered. Thank you.

13 MR. WORCESTER: Thank you. Next, Group 2.
14 Town of Caratunk, Kennebec River Anglers, Maine Guide
15 Service, Hawk's Nest Lodge and Mike Pilsbury.

16 MS. CARUSO: Good morning. Thank you. My
17 name is Elizabeth Caruso, First Selectman of the Town
18 of Caratunk. Caratunk is a remote rural town nestled
19 along the Kennebec River on the Appalachian Trail and
20 is home to Pleasant Pond, many years the state's
21 cleanest body of water.

22 Once a historic logging town, now Caratunk's
23 rugged natural landscapes and non-industrialized
24 natural resources lure tourists and vacation
25 homeowners from all over the country to live and

1 recreate here. The region's snowmobile trails,
2 rivers, native brook trout fisheries, hunting
3 grounds, remote beautiful ponds and nearby mountains
4 with spectacular non-industrialized views are the
5 treasures that these urban people seek.

6 Like The Forks area, Caratunk's year-round
7 residents either make their livelihoods within --
8 sorry, within the recreation and natural
9 resource-based tourism industry or in the
10 construction and service industry catering to the
11 needs of seasonal and year-round landowners. Along
12 with the West Forks Plantation we represent two of
13 the towns and plantations along the 53 miles of new
14 corridor, all of whom have opposed this project.

15 Additionally, Group 2 consists of the
16 Kennebec Anglers, a unique fishing guide service that
17 focuses on guiding their clients who come from all
18 over the country to catching wild brook trout in
19 remote and niche rivers, ponds and lakes of the new
20 corridor. The Maine Guide Service similarly guides
21 hunters, anglers, snowmobiles and hikers visiting
22 from all over the country and is also the Kennebec
23 River Ferry Service for the Appalachian Trail in
24 Caratunk. Hawk's Nest restaurant and lodge in the
25 West Forks is another business based on natural

1 resource tourism in the area.

2 This large scale industrial project does not
3 belong in Maine and certainly not in the last
4 unfragmented forest we are so blessed to have in our
5 region. The negative impact on the scenic character
6 and existing uses along the first 53 miles will
7 diminish the quality of life and economic
8 possibilities around the growing outdoor industry and
9 the area towns. CMP has failed to demonstrate that
10 their proposal would not cause unreasonable impacts
11 to the socioeconomic conditions to the people who
12 live, work and visit this section.

13 Group 2's testimony and the testimony of
14 other opposition. Intervenors will show that with
15 regards to the scenic character and existing uses CMP
16 has failed to demonstrate that this new, large
17 industrial development use can be buffered from those
18 uses and resources within the subdistricts with which
19 it is incompatible. We assert that CMP has failed to
20 sufficiently buffer for visual impacts and
21 recreational and navigational uses within the P-RR
22 subdistrict. The Applicant has failed to show by
23 substantial evidence that there is no alternative
24 which is both suitable to the proposed use and
25 reasonably available to the Applicant for the

1 portions of the project within the P-RR. CMP has
2 admitted under oath that at the time of their
3 application they never completed any studies on the
4 area usages, availability of construction period
5 housing, fire and emergency facilities and not only
6 do they not analyze it but they never considered
7 burying the line in the 53 miles of forest land.

8 For all of these reasons Group 2 expects the
9 Commission will find that CMP has failed to show by
10 substantial evidence that there is no alternative
11 location or that this industrial use can be buffered
12 from this area's rural and recreational uses and
13 resources. We urge the Commission to reject CMP's
14 project and deny its application. Thank you.

15 MR. WORCESTER: Thank you. Next is Group 4,
16 Natural Resource Council of Maine, Appalachian
17 Mountain Club and Trout Unlimited.

18 MS. ELY: Good morning. My name is Sue Ely
19 and I am here on behalf of Group 4, which is the AMC,
20 Natural Resources Council of Maine and Trout
21 Unlimited. Today, we urge you to not allow a special
22 exception for this project. This project will cross
23 three recreation protection subdistricts, Beattie
24 Pond, the Kennebec River Gorge and the Appalachian
25 Trail, which it crosses at three different locations.

1 We are most concerned today with the three
2 crossings of the Appalachian Trail. As we know, the
3 purpose of the P-RR subdistrict is to provide
4 protections from development to those areas that are
5 currently -- that currently support or have
6 opportunities for unusually significant primitive
7 recreation activities. The purpose is to conserve
8 these natural environments that are essential to
9 primitive recreation. We believe that this project
10 should not be allowed a special exception to the AT
11 because the Applicant has not shown that there is no
12 alternative site which is suitable to the proposed
13 use and unreasonable to the Applicant and because the
14 use has not been adequately buffered.

15 Currently, the Appalachian Trail passes
16 through an existing transmission line corridor
17 containing 115 kilovolt transmission line three times
18 at the southern end of Moxie Pond. The existing
19 towers are about 45 feet high, less than the height
20 of the surrounding forested vegetation. The proposed
21 project would widen this corridor by 50 percent and
22 install a second transmission line with towers that
23 are 100 feet tall, more than twice the height of the
24 existing towers and significantly taller than the
25 surrounding forest. The proposed project would be

1 the first crossing of the AT by a transmission line
2 of this size in Maine and thus would constitute a
3 unique and novel negative impact to the AT in the
4 state and would increase the exposures of users of
5 this section of the trail to incompatible
6 development.

7 The Applicant contends that the effects of
8 the project on AT users would be negligible. No
9 evidence is presented to support this conclusion. No
10 surveys of AT users have been conducted to determine
11 their reaction to the proposed project. The
12 Applicant's conclusions actually contradict the
13 Applicant's own Visual Impact Assessment, which rated
14 the visual impact of the project on the AT as
15 moderate to strong and by the Applicant's recognition
16 of the need to mitigate the impact through the
17 planting of vegetation to buffer the trail from this
18 impact. Based on the Applicant's photosimulation,
19 it's clear that the proposed vegetative buffer would
20 provide virtually no buffering from the negative
21 impacts from the line. In addition, the vegetative
22 screening is proposed at only one of the three
23 crossings. For these reasons, we urge the Commission
24 to not grant a special exception for the -- at the
25 AT. Thank you very much.

1 MR. WORCESTER: Thank you. The next group
2 is Group 8, NextEra.

3 MS. TOURANGEAU: Good morning. Commissioner
4 Worcester, members of the Land Use Planning
5 Commission. I'm Joanna Tourangeau. I'm representing
6 Group 8, which is comprised solely of NextEra Energy,
7 which is an entity which owns and operates renewable
8 Maine energy projects. We are here to talk about the
9 undergrounding alternative that was not considered by
10 Central Maine Power in this application.

11 The project that is proposed is not a use
12 that is allowed by right in the P-RR subdistrict. It
13 is use that requires in that subdistrict a special
14 exception. In order to obtain that special exception
15 from this Commission, CMP needs to bear its burden of
16 proving that there is no alternative that is
17 reasonably available that would allow them to avoid
18 having impacts to the purpose of the P-RR
19 subdistrict, which in short is essentially to protect
20 primitive recreational uses in those areas.

21 CMP has not borne that burden of proof, we
22 believe, and as its application supplement that was
23 filed in November documents pretty thoroughly and as
24 both CMP and the Group 7 mentioned earlier, the
25 availability of undergrounding to alleviate the

1 impacts of their project on the Upper Kennebec was
2 significant and that alternative, the undergrounding,
3 was not considered for other similarly forested and
4 protected resources, namely the crossing of the
5 Appalachian Trail, Beattie Pond and other similar
6 portions of the project that are in the P-RR
7 subdistrict; thus, it is our position that there is
8 not substantial evidence supporting the conclusion
9 that there are no reasonably available alternatives
10 that would allow the Applicant to comply with the
11 requirements of the P-RR subdistrict and therefore a
12 special exception is not warranted. Thank you.

13 MR. WORCESTER: Thank you. Next group,
14 Group 10, Edwin Buzzell and local residents and
15 recreational users.

16 MR. BUZZELL: Hello. I'm Ed Buzzell and I'm
17 an Intervenor for Group 10 against CMP's NECEC
18 project. We're a group of local residents and
19 recreational users.

20 The Applicant CMP's proposed project would
21 perversely and permanently scar the western mountains
22 of Maine with towers and transmission lines cutting
23 through unique forest ecosystems rising well above
24 the tree canopy. This will make an industrial
25 infrastructure starkly visible within too much of

1 Maine's wild landscape. It will slice 53 miles of
2 new corridor from Canada through the last and largest
3 undeveloped contiguous forest east of the
4 Mississippi. It will further cross the iconic
5 Kennebec Gorge. Most of the benefits will not be for
6 Maine but will be for Canada and Massachusetts.

7 The Land Use Planning Commission should deny
8 these permits based on the following: Alternatives
9 exist for transmitting electricity from Quebec to
10 Massachusetts, alternatives that would not damage the
11 State of Maine; an alternate underground project
12 already permitted in the State of Vermont exists to
13 transmit electricity for Massachusetts with no damage
14 to Maine; the Applicant itself chose not to pursue
15 practical alternatives that would have avoided or
16 greatly lessened the damage that would be caused by
17 its own proposal; the Applicant failed to study or
18 even consider burying the transmission line from
19 Canada to the forks; two alternate projects, one in
20 Vermont and a similar project in New Hampshire both
21 offered to go underground; the Applicant until
22 recently strongly proposed to run transmission lines
23 across the Kennebec Gorge; the Applicant stated in
24 many hearings that it did not know if it was even
25 possible to drill under the gorge, because of Maine

1 popular opposition, the Applicant then decided to
2 drill under the gorge; no visual assessment has been
3 done or study what damage directional drilling will
4 do to the surrounding area of the Kennebec Gorge or
5 the cold stream fisheries located just below the
6 proposed crossing. Once this damage is done it can
7 never be undone.

8 MR. WORCESTER: Are you about done, Ed?

9 MR. BUZZELL: Just more paragraph if it's
10 okay.

11 MR. WORCESTER: Okay.

12 MR. BUZZELL: Since 2015, almost 150,000
13 commercial whitewater rafting guests and 30,000
14 private boaters came to enjoy not just the Kennebec
15 Gorge but to also enjoy a remote wilderness area that
16 no longer exists in the urban areas they live. The
17 additional upswing in private boaters proves that
18 this is still a developing resource. Not all of the
19 guests and private boaters come to just boat the
20 river, many come to enjoy the natural wonders such as
21 Moxie Falls, Coburn Mountain, Number 5 Mountain and
22 thousands of other outdoorsmen and women who come to
23 the area to fish, camp, hunt, canoe, hike and many
24 outdoor activities. They do not come to see views of
25 development. These are existing uses that may be

1 irrevocably destroyed. With this in mind, how can
2 the Land Use Planning Commission permit this
3 destructive project? Thank you for your time and
4 consideration.

5 MR. WORCESTER: Thank you. We now have two
6 groups that are neither against or for. And Group 5.
7 Group 5 is Wagner Forest.

8 MR. NOVELLO: Good morning. Thank you for
9 the opportunity to speak before you this morning. My
10 name is Mike Novello and I am an employee of Wagner
11 Forest Management and I am here representing Group 5.
12 We are taking no position for or against this
13 project. Our client owns property near the Clean
14 Energy Connect line in the vicinity Beattie Pond and
15 border the proposed transmission line for much of its
16 travel through The Forks Plantation. We filed for
17 Intervenor status to ensure that our clients'
18 interests were adequately represented and protected
19 in these proceedings.

20 After careful review of the application
21 materials our concern is limited to one topic that
22 the several photos in the derived photosimulations
23 were taken from our clients' land without their
24 permission. As this land is privately owned, we do
25 not believe it is appropriate for views from this

1 private land to be considered in evaluating the
2 scenic impacts or other topics before your parties.
3 Thank you.

4 MR. WORCESTER: Thank you. The last group
5 is Group 9, Office of the Public Advocate. Is there
6 anyone here from the Public Advocate's Office?
7 Apparently not. So we're now going to take the
8 Applicant's testimony. You have 45 minutes and you
9 can divide it up any way you choose.

10 MR. MANAHAN: Mr. Worcester, we'll just have
11 all -- all of our witnesses come up at the same
12 time. There is eight seats here and if they could
13 all just -- all eight come up and give their summary
14 presentations.

15 MR. WORCESTER: Yup, that would be fine.

16 MR. MANAHAN: Okay. If everybody could come
17 up for CMP that would be great.

18 MR. WORCESTER: If you wouldn't mind before
19 you start, would you just please introduce
20 yourselves?

21 PEGGY DWYER: My name is Peggy Dwyer.

22 MARK GOODWIN: Mark Goodwin with Burns and
23 McDonnell Engineering.

24 LAUREN JOHNSTON: Lauren Johnston with Burns
25 and McDonnell Engineering.

1 GERRY MIRABILE: Gerry Mirabile, CMP NECEC
2 Project Manager.

3 BRIAN BERUBE: Brian Berube, Avangrid on
4 behalf of CMP Real Estate Manager.

5 THORN DICKINSON: Thorn Dickinson, Vice
6 President of Business Development of Avangrid
7 Networks.

8 TERRY DEWAN: Terry DeWan, Landscape
9 Architect from Yarmouth.

10 AMY SEGAL: Amy Segal, Landscape Architect
11 from Terry DeWan and Associates.

12 MR. WORCESTER: Thank you. And now you can
13 decide how to begin.

14 MR. MANAHAN: I think Terry and Amy are
15 going to go first and followed by the others.

16 AMY SEGAL: Could you please queue up our
17 presentation for LUPC?

18 MS. PEASLEE: Is that the one?

19 AMY SEGAL: No, it would be the Segal/DeWan
20 LUPC testimony. Thank you.

21 MR. MANAHAN: It was in the thumb drive that
22 was -- Jim Beyer provided.

23 MS. PEASLEE: It's the CMP one.

24 MR. MANAHAN: That's it.

25 AMY SEGAL: All right. Good. Thank you

1 very much. Perfect. Full screen. Good. All right.
2 My name -- oh, sorry, are we all set?

3 MR. WORCESTER: Can you just hang on a
4 second? We're going to try to get two of our
5 Commissioners to sit in here so they can see.

6 MR. STEBBINS: I'll switch places with you.

7 MR. WORCESTER: You're all set? All right.
8 Continue.

9 MR. STEBBINS: You're all set?

10 Mr. WORCESTER: They can't see, but they're
11 just --

12 MR. STEBBINS: They didn't want to come over
13 here?

14 MR. WORCESTER: -- too embarrassed to say
15 so.

16 (Laughter.)

17 MR. STEBBINS: Millard, would you like to
18 come over here so you can see the board?

19 MR. BILLINGS: No, I can see.

20 MR. STEBBINS: Okay. Thank you.

21 AMY SEGAL: All right. Thank you. Again,
22 my name is Amy Segal. I'm a Maine licensed Landscape
23 Architect with Terrence J. DeWan Associates located
24 in Yarmouth, Maine. I've worked with the firm for
25 over 26 years with the majority of my work preparing

1 Visual Impact Assessments, or VIAs as we call them,
2 mostly in Maine. Our firm works with conservation
3 organizations, energy developers, utility companies
4 as well as state and federal agencies to evaluate
5 potential visual impacts of proposed projects. Our
6 firm is one of three firms and the only one in Maine
7 that is prequalified to perform peer reviews of
8 visual assessments for Maine DEP. Over the past four
9 decades our firm has worked on over 100 VIAs,
10 projects throughout the northeast, on-shore/off-shore
11 wind, transmission lines, aquaculture facilities,
12 bridges, power plants, landfills and so on. Our
13 evaluations include field work, preparing
14 photosimulations, viewshed mapping, visual impact
15 analysis, recommending mitigation measures and
16 offering testimony before agencies such as yourself.

17 Over the years we've done a considerable
18 amount of work. We've done some work for CMP, most
19 recently work for the Maine Power Reliability Program
20 that was reviewed and approved by DEP on 2010. I was
21 our firm's Project Manager for the New England Clean
22 Energy Connect Project primarily responsible for
23 research, field work and overseeing the production of
24 mapping and photosimulations and the author of the
25 assessment. Our presentation today will summarize

1 the criteria for the P-RR district by showing a
2 couple of photosimulations specifically from Beattie
3 Pond and the Appalachian Trail. Mr. DeWan will now
4 introduce himself and review the applicable
5 standards.

6 TERRY DEWAN: Thank you, Amy. My name is
7 Terry DeWan. It's good to be back before the
8 Commission. I'm a Maine licensed Landscape Architect
9 with a firm in Yarmouth. I've been involved with
10 land planning and Visual Impact Assessment work for
11 the past 40 years and I've appeared numerous times
12 before the Commission in a variety of different
13 topics. We've prepared the VIA for the project using
14 Visual Impact Assessment methodologies described in
15 the NRPA Chapter 315 regulations. Under NRPA, the
16 DEP is to consider whether or not an activity will
17 not unreasonably interfere with the existing scenic
18 aesthetic recreational or navigational uses.

19 So the question is what is unreasonable
20 adverse visual impact? Every time we change the
21 landscape there is an impact. If it can be seen
22 there is a visual impact. If the change is perceived
23 to have an objectionable level of contrast in color,
24 form, line and so forth it may be considered to be
25 adverse, but where is the line that makes it

1 unreasonable and that's the charge that we have.
2 Chapter 315 provides an answer, defines unreasonable
3 adverse individual impact as those that are expected
4 to unreasonably interfere with the general public's
5 visual enjoyment and appreciation of a scenic
6 resource, and I'll discuss that in a moment what a
7 scenic resource is, or impacts that otherwise
8 unreasonably impair the character or quality of such
9 a place. Chapter 315 also requires that an applicant
10 demonstrates that the proposed design does not
11 unreasonably interfere with the existing scenic or
12 aesthetic uses and thereby diminish the public
13 enjoyment and appreciation of the quality of the
14 scenic resource and that any potential impacts have
15 been minimized.

16 More broadly, under the Site Law Chapter 375
17 the applicant must demonstrate that the project will
18 not have an unreasonable adverse effect on the scenic
19 character of the surrounding area. Our outfit has
20 also considered the criteria applicable to crossing
21 the five outstanding river segments that are crossed
22 by the project including the Kennebec, which we'll
23 discuss in a moment. Today's panel will concentrate
24 on the Commission's requirements for project siting
25 and buffering within the LUPC's recreational

1 protection subdistrict of P-RR. Chapter 10 states
2 that utility facilities may be allowed within the
3 P-RR subdistrict as a special exception upon issuing
4 of a permit from the Commission provided that the
5 applicant shows by substantial evidence, and this is
6 what Bill Hinkel talked for a moment previously, we
7 have to show evidence that, A, there is no
8 alternative site, which is it both suitable for the
9 proposed use and reasonably available to the
10 applicant, and B, the views can be buffered from
11 those other users and resources within the
12 subdistrict.

13 Now, to back up a bit. The VIA methodology
14 that we employed follows the Chapter 315 and we have
15 used -- and the methodology has many key features and
16 steps along the way. First of all, we started out by
17 many discussions with the DEP to determine what's the
18 extent of the study area that we should be looking at
19 along the entire corridor specifically with the 53
20 miles. We identified approximately 360 scenic
21 resources as defined by the Chapter 315. We provided
22 computerized viewshed analyses and Amy will show you
23 an example of one. Our field staff spent 90 days in
24 the field looking at it throughout the year doing
25 extensive hiking, kayaking, and so forth and doing an

1 awful lot of photography. Back in the office, we did
2 extensive assessment of project visibility and as you
3 can see from the back of the room we've prepared a
4 lot of photosimulations to show the project -- how
5 the project would appear both before and after with
6 the -- the introduction of the line and it also shows
7 the results of the mitigation measures that we -- we
8 did. We did over 50 of these photosimulations to
9 illustrate the effect of the project. We wrote the
10 VIA and perhaps more importantly we worked throughout
11 the process with Central Maine Power Company and
12 their engineering consultants to evaluate the project
13 to recommend mitigation to measures to minimize
14 visual impacts.

15 As you know, the study was divided up into
16 five segments as seen in the diagram here, two of
17 which are -- have the P-RR subdistrict. Segment 1 is
18 the 53 miles of new corridor starting at the Canadian
19 border going to The Forks. This corridor was 150
20 feet and wide -- 50 feet in width. Transmission
21 lines will be self-weathering steel monopoles. Those
22 are single poles, not the lattice work structures
23 that sometimes you see in the media. They're
24 self-weathering steel, which means they're a brown
25 color. Segment 22 is the 22 mile segment from the --

1 sorry, Segment 2 is the 22 mile segment from The
2 Forks to Wyman's Hydro in Moscow and this is the
3 start of the co-location section that will increase
4 the existing corridor width by 75 feet. Segments 3,
5 4 and 5 is the remaining of the project that's
6 already been talked about outside of the UT.

7 So the next issue is what is the study area?
8 How we determine where to look? From our
9 perspective, the study area is generally 3 miles at
10 either side of the corridor as you can see in this
11 diagram right here, 6 miles in total width, but
12 because of the topography and the surrounding
13 mountains we actually looked at 5 miles on either
14 side of the line. Another important concept to keep
15 in mind as we did our work is the whole concept of
16 distance zones and it's an important consideration in
17 determining visibility and potential visual effect
18 within the project scope. The foreground as you can
19 see in this illustration right here is from the
20 viewer out to about half a mile. And within this
21 area called the foreground the details of the project
22 are fairly obvious. You can see -- you can count the
23 number of lines that are in the -- in the sky. You
24 can see the details of the project. Mid-ground
25 extends from the edge of the foreground out to about

1 3 miles as we can see in this illustration here from
2 the Old Canada Road Scenic Byway looking at Coburn
3 Mountain seen here at a distance of about 2 miles.
4 The mid-ground extends out to about 3 miles. In this
5 area patterns and lines in the landscape are the most
6 noticeable. The background as you can see in this
7 view from -- from the top of Bald Mountain on the
8 Appalachian Trail is everything beyond 3 miles and at
9 this point project visibility is very limited unless
10 there is significant changes in contrast or the width
11 of the line and so forth.

12 Finally, I've used the term scenic resources
13 and these are defined by Chapter 315 as public --
14 natural resources and public lands usually visited by
15 the general public in part by the general purpose of
16 enjoying their visual quality. As I mentioned, we've
17 identified over 360 of these places that are
18 considered scenic resources. These include national
19 natural landmarks, state and national wildlife
20 refuges, state and federally designated trails such
21 as the Appalachian Trail, properties on or eligible
22 for inclusion on the National Register of Historic
23 Places, national and state parks, municipal parks and
24 open spaces, publicly owned land visited in part for
25 the use, observation, enjoyment and appreciation of

1 natural and manmade visual qualities such as state
2 lands on top of Coburn Mountain or the Route 201
3 scenic byway and lastly public resources and places
4 like Beattie Pond or the Kennebec river.

5 So that's a brief overview of the
6 methodology that we've employed in putting together
7 the VIA in our analysis and how we've been guided by
8 the visual assessment procedures outlined in Chapter
9 315. I'll have to turn it back over to Amy who will
10 discuss how we applied this methodology and she'll
11 walk you through and show you a series of images both
12 at Beattie Pond and the Appalachian Trail crossing in
13 response to the special exception criteria for
14 utility facilities within the P-RR subdistrict.

15 AMY SEGAL: Okay. So the next couple of
16 slides just show how we applied the methodology and
17 I'll go through these fairly quickly hopefully. This
18 is an example of our viewshed analysis. We have the
19 line here shown in green, that's the Route 201 byway
20 right there. The sort of the 3 mile and 5 miles are
21 the black dashes extending out from those. These
22 areas of purple are areas of theoretical project
23 visibility, so this kind of guides us as we're
24 looking at areas that we may need to go to.

25 As -- after we've done our extensive

1 research in the office and then as well as the
2 viewshed analysis, we develop our field plan and then
3 document existing conditions from those locations
4 according to professional standards. As Terry
5 mentioned, we completed over 90 personal days of
6 field work for this project. We spent a considerable
7 amount of time with DEP. So we then take those
8 photographs from the field work and merge that with a
9 computer model that was provided to us by the project
10 engineers. We overlay those -- merge those and
11 determine the extent of project visibility. This is
12 an example where the green line represents the
13 foreground -- well, you've got foreground trees here.
14 The red line is the project that's located behind
15 those trees. So this was a location where we could
16 certify that the project would not be visible from
17 this viewpoint.

18 As Terry mentioned, we completed over 50
19 photosimulations for the project. The summary shows
20 the diversity of viewing distances, the viewpoint
21 type, the ponds, the mountains, road crossings and
22 the surrounding land use. With those
23 photosimulations we completed a visual impact rating
24 based on Appendix A from Chapter 315. We did this
25 with leaf-on conditions and for the ten

1 photosimulations we did with leaf-off. Again, as
2 Terry mentioned, we employed and recommended a series
3 of mitigation -- visual mitigation measures for the
4 project. There is a list of these. Again, we can
5 talk about these as we look at the photosimulations.

6 So now I've just taken that map and sort of
7 blown it up into Segments 1 and 2 that incorporate
8 the majority of the UT here. We're going to look at
9 a photosimulation of Beattie Pond over here close to
10 the Canadian border and then the simulations from the
11 Appalachian Trail in this location here. The two
12 P-RR districts. And before I do that, I just want to
13 mention that obviously we did initially do
14 photosimulations from the Upper Kennebec River, which
15 is also P-RR, but with the undergrounding the project
16 is no longer visible from those P-RR zones. We have
17 done additional visual evaluations of the termination
18 stations on both sides and found that they will not
19 be visible from the P-RR either.

20 All right. Moving on to Beattie Pond.
21 Okay. As mentioned before, Beattie Pond is a
22 management Class 6 remote pond and straddles the line
23 between Beattie Township and Lowelltown Township and
24 it's approximately 27 acres located right here. This
25 pond is not rated for scenic resources in the Maine

1 Wildlands Lake Assessment. That's a document that
2 assesses all of the great ponds in Maine and assigns
3 whether or not they're, you know, significant or
4 outstanding for scenic resources. There are remote
5 ponds that do have that rating, but Beattie Pond is
6 not one of those.

7 Okay. Here is an aerial image. Oh,
8 actually, I want to talk about the Maine Wildland
9 Lake Assessment. So it classifies the pond as
10 inaccessible, but there is a gated road right here
11 that goes within 400 feet of the pond and it also --
12 the assessment also indicates that the pond is
13 developed. There is one camp down here on the
14 southern edge of the pond that's oriented -- the view
15 from that camp is oriented towards the northwest and
16 not towards the project and you'll see a photograph
17 of the camp in the photosimulation. Oh, and there
18 is -- there is no formal boat ramp or launches with
19 respect to Beattie Pond.

20 Okay. The photosimulation that we completed
21 was from the northeastern shore of the pond, again,
22 so it's a fairly small waterbody. We had to look
23 at -- we took photographs from a variety of different
24 locations on the pond to find an area that would have
25 the most amount of potential visibility. So here is

1 the viewpoint. The project is down here. The
2 closest structure is right there. It's about a
3 quarter of a mile away from the edge of the pond. So
4 from here to there it's about a quarter of a mile.
5 This is a panoramic view looking from that viewpoint
6 towards the project area. I'm sorry, I'll back up
7 one more time. So we're going to focus in on this
8 area here where the project would be potentially
9 visible. You can see the existing camp is located
10 right there.

11 All right. This is existing conditions.
12 The photosimulation was completed in September of
13 2017 when we originally submitted the application.
14 There would be one -- at that time there would have
15 been one double-poled or two-poled structure, angled
16 structure located right there that would be visible
17 in a small portion of the conductors above the tree
18 line and silhouetted against the sky. In working
19 with the engineers more recently we were able to get
20 them to reduce the structure height by about 39 feet
21 so that it's approximately 70 feet tall in that area.
22 The vegetation in here averages somewhere between 65
23 and 70 feet, so the very tip of the structure would
24 be visible through there. I'll just go back and
25 forth a couple times here so you can see. So the

1 conductors would be visible. And because this is a
2 self-weathering steel structures that are brown color
3 it will be less visible and less distinguishable
4 between the trees along there and it will no longer
5 be silhouetted up against the sky.

6 All right. So the project, you know, based
7 on this evaluation feel the project would be buffered
8 from Beattie Pond, you know, because of the
9 topography and the existing vegetation here and that
10 the self-weathering steel structures will be
11 minimally visible. Okay.

12 MR. WORCESTER: How many structures would be
13 minimally visible?

14 AMY SEGAL: Looking in this direction there
15 is one here and there would be one -- maybe one
16 additional one to the right here, but just barely
17 above the trees. It goes down into kind of in this
18 area here. And just also to mention this -- again,
19 this is sort of the most visible location. As you go
20 closer to that shoreline the trees will block the
21 view as you, you know, get closer so from a majority
22 of the pond you won't see the tips of these
23 structures at all.

24 Okay. We'll move on to the Appalachian
25 Trail. There are approximately 14 miles of the trail

1 in the project area, so this is 5 miles from the
2 corridor. The corridor is shown as the blue line
3 here. This is Moxie Pond. The red line is the
4 Appalachian Trail here going through here. So we're
5 going to look at photosimulations from three general
6 viewpoints, from the summit of Pleasant Pond
7 Mountain, from the area along near Troutdale Road
8 where the Appalachian Trail crosses within CMP's own
9 corridor and Bald Mountain. Some of Bald Mountain.
10 I think it's obvious, but I'll just point out sort of
11 on this section of the trail as well as the section,
12 you know, east and west of the mountain there is no
13 project visibility.

14 Okay. This aerial diagram shows the AT as a
15 white line coming down from Pleasant Pond Mountain
16 and going down towards Troutdale Road just located
17 here from Joe's Hole. So the P-RR district is, you
18 know, on either side of the Appalachian Trail coming
19 down and it goes through Caratunk, which is kind
20 of -- kind of this chunk through in here. I guess
21 that's not in the AT. The portion of the AT is, you
22 know, the P-RRs -- it's co-located with the trail
23 along this section and in through here through
24 Caratunk there is no P-RR and then you get closer
25 down towards here where you're going back into Bald

1 Mountain Township is when the P-RR -- and you'll see
2 those diagrams later. I just wanted to kind of show
3 you in this graphic for ease of reference. The
4 project is shown as a blue line here. You can see
5 the existing corridor is 150 feet wide. The proposed
6 corridor will be 75 feet widened on the western side.
7 We're going to show you a photosimulation from up
8 here on the summit of Pleasant Pond Mountain as well
9 as down here at the crossing of Troutdale Road.

10 MR. MANAHAN: Amy --

11 AMY SEGAL: Yup.

12 MR. MANAHAN: -- just for purposes -- this
13 is Matt. Just for purposes of timing, given the
14 amount of time for the panel you may want to skip the
15 elevated views, which are not actually in the P-RR
16 and just focus on the P-RR just for -- so we don't
17 run out of time.

18 AMY SEGAL: Okay. Okay. All right. Views
19 from Pleasant Pond Mountain. Okay. So we're looking
20 at -- this is the first crossing as you're coming
21 down from Pleasant Pond Mountain where the
22 Appalachian Trail goes through the existing corridor,
23 CMP's own corridor. This is a view looking down
24 towards Joe's Hole. This portion that we're standing
25 in is in the P-RR. And we get down to Troutdale

1 Road, the existing conditions view. This is the
2 proposed view, the photosimulation. This is a winter
3 view that we also took. And we're showing this
4 buffer planting. This buffer planting plan will be
5 placed between Troutdale Road and the waterbody.
6 It's a fairly narrow area. The buffer planting
7 extends for the entire corridor not just the expanded
8 corridor, so the whole 225 feet. The buffer planting
9 is native species that will look to minimize the view
10 of the corridor clearing and not so much the
11 structures obviously. This is just -- this is
12 another view after you've crossed Troutdale Road
13 going along Troutdale Road, pass by the trail head
14 and here is a -- the crossing of Baker Stream and
15 then the white line continues up to Bald Mountain.
16 Again, the blue line is the corridor. The view from
17 the Appalachian Trail from within that corridor
18 looking in both directions. And this is the summit
19 of Bald Mountain and a view from the summit. As
20 Terry showed you before, this is sort of a middle
21 distance view from like 3 1/2 to 5 miles. Mosquito
22 Mountain is in the foreground or the center. And
23 this is in the winter with a slightly expanded
24 corridor. And that's it.

25 MR. WORCESTER: Can you give me some idea

1 how much time is left?

2 MS. KIRKLAND: 21 minutes 33 seconds.

3 MR. WORCESTER: Thank you.

4 MR. MANAHAN: We have Mark and Lauren, I
5 think you're supposed to go next.

6 MARK GOODWIN: I guess it's morning still,
7 so good morning. My name is Mark Goodwin. My
8 colleague Lauren Johnston and I are employed as
9 Senior Environmental Scientists for Burns and
10 McDonnell Engineering in Portland, Maine. Burns and
11 McDonnell has been providing CMP with state, federal
12 and local permitting support on the New England Clean
13 Energy Connect since April of 2017. Today, I'll
14 summarize our testimony which demonstrates that the
15 project can be adequately buffered from other uses or
16 resources in the P-RR subdistricts that it crosses.

17 The special exception criteria for utilities
18 facilities in the P-RR subdistrict require the
19 Applicant to show that the use can be buffered from
20 other uses and resources in the subdistrict with
21 which it is incompatible. I'll try not be
22 duplicative of what Ms. Segal has provided earlier,
23 but there is some overlap, so excuse me for that.

24 The HVDC transmission line corridor crosses
25 the P-RR subdistrict in two locations and that's a

1 correction from my pre-filed direct testimony, which
2 stated three. We've since learned that there is only
3 two P-RR -- oh, excuse me. Let me back up a little
4 bit. For the Appalachian Trail crossing there are
5 only two P-RR subdistricts that are crossed and
6 that's a correction from my pre-filed direct
7 testimony. In total, the project crosses P-RR
8 subdistricts in three locations, that's Beattie Pond
9 Township -- Beattie Pond and Beattie Pond Township,
10 the Upper Kennebec River between Moxie Gore and West
11 Forks Plantation and Appalachian Trail and Bald
12 Mountain Township.

13 As Ms. Segal pointed out earlier, Beattie
14 Pond is a remote pond. The P-RR subdistrict extends
15 out a half a mile from the pond and the proposed
16 development is within a quarter mile of that. CMP
17 exhausted potential alternatives to avoid the P-RR at
18 Beattie Pond as will be described in the testimony of
19 CMP witness Mr. Brian Berube we as well as in my
20 testimony. Views from the pond include portions of
21 one structure. CMP submitted an application
22 modification to the LUPC on January 25, 2019 at the
23 request of LUPC staff that reduced the height of this
24 structure to further buffer the project from other
25 uses and resources within the subdistrict.

1 I will now address my testimony as it
2 pertains to the P-RR subdistrict at the Upper
3 Kennebec River. There are no transmission line
4 structures in the P-RR subdistrict in this location.
5 The original design included an overhead crossing of
6 the river, however, CMP amended its proposal on
7 October 19, 2018 to incorporate underground crossing
8 of the Kennebec River and its associated P-RR
9 subdistricts. This resulted in the expansion of
10 forested buffers on both sides of the river in
11 distances of 1,450 feet and 1,160 feet respectively.
12 There are no views of the transmission line station
13 from this -- excuse me. There are no views from --
14 of the transmission line structures, overhead
15 conductors or either termination stations from the
16 P-RR subdistrict. In this manner, the proposed
17 development is buffered from existing uses and
18 resources in this subdistrict.

19 I will now address my testimony as it
20 pertains to the P-RR subdistrict at the Appalachian
21 Trail crossing. I'd like to make another correction
22 to my pre-filed direct testimony. I incorrectly
23 stated that only one structure had a footprint within
24 the P-RR subdistrict. There is actually two. The
25 project crosses the P-RR subdistrict, as I said

1 before, in two locations on the Appalachian Trail
2 adjacent to Moxie Pond and Troutdale Road and Bald
3 Mountain Township. And as you know, these crossings
4 occur in an existing corridor. Co-location therefore
5 minimizes impacts to users in the P-RR subdistrict at
6 these locations. In addition, CMP lowered structure
7 heights along Moxie Pond, which further minimized
8 visual from viewpoints on the AT. As of March 2014,
9 there were 56 electric transmission line crossings of
10 the AT of 230 kilovolts or more. This equates to one
11 230 kilovolt crossing every 30 miles of trail length.
12 The portion of the AT alone is crossed by five
13 transmission lines. Because hikers are aware of and
14 expect to see utility corridors and the project has
15 been co-located in existing corridors there will be a
16 negligible change in the visual impact of
17 transmission line poles and overhead conductors to
18 hikers using the trail.

19 Additionally, the Visual Impact Assessment
20 indicated that mitigation to stream views down the
21 right of way was necessary at Troutdale Road. As Amy
22 showed you earlier, CMP developed and submitted a
23 planting plan to buffer those views. The applicable
24 standard is that the use can be buffered from those
25 other uses and resources within the subdistrict with

1 which it is it incompatible. The NECEC which will be
2 adjacent to an existing transmission line in a
3 corridor already stated by the Applicant is not
4 incompatible with the Appalachian Trail in those
5 locations.

6 In summary, the proposed transmission line
7 has been adequately buffered from the existing uses
8 and resources in the P-RR subdistricts crossed by the
9 project. Thank you very much.

10 MR. MANAHAN: Peggy is next.

11 PEGGY DWYER: Good morning. My name is
12 Peggy Dwyer and I work for a company called Dirigo
13 Partners LTD, which provides contract real estate
14 services to Central Maine Power Company. In my role
15 as lead agent on special projects, I work on route
16 development, analysis and mapping. My testimony
17 today concerns whether the project will adversely
18 affect or unreasonably interfere with existing
19 recreational and navigational uses. I am also going
20 to testify -- excuse me, I'm going to testify that it
21 will not. I am also going to testify that the
22 project is adequately buffered from recreational and
23 navigational uses within the Land Use Planning
24 Commission's P-RR subdistrict.

25 I know this region. I've worked, played and

1 got married on the Kennebec River and I have a strong
2 and emotional claim to the area as many of the people
3 you will hear from this week. Unlike some of them, I
4 make no additional claims to my view or our woods.
5 The only impacts that this project presents to any
6 recreational users is visual and as you just heard
7 from the testimony of DeWan and Segal that impact is
8 not unreasonable. The project is adequately buffered
9 from recreational uses within the Land Use Planning
10 Commission's P-RR subdistrict. Because the project
11 will go underground at the Upper Kennebec River
12 crossing it will have no impact to the Gorge
13 whatsoever. Access to Beattie Pond will remain
14 unchanged. There are no existing trails for off-road
15 vehicles nor will any be constructed as a result of
16 this project.

17 At the AT, CMP's corridor predates -- excuse
18 me, predates the Land Use Planning Commission's P-RR
19 zones and National Park Service ownership of the
20 Appalachian Trail. The National Park Service
21 accepting the conditions that CMP would eventually
22 develop another corridor chose to locate a portion of
23 its Appalachian Trail on the existing corridor.
24 Again, access and opportunity are unchanged.

25 My conclusion is that the project will not

1 adversely affect nor unreasonably interfere with
2 existing recreational uses. The project is
3 adequately buffered from recreational uses within the
4 Land Use Planning Commission's P-RR subdistrict.
5 Thank you.

6 BRIAN BERUBE: Good morning. My name is
7 Brian Berube and I am the Manager of Real Estate
8 Services for Avangrid testifying today on behalf of
9 Central Maine Power Company for the New England Clean
10 Energy Connect project.

11 CMP analyzed three alternative routes when
12 designing the project and also evaluated alternatives
13 where impacts to the LUPC subdistrict requiring
14 special exception could not be avoided. The three
15 routes CMP evaluated are the preferred route,
16 Alternative 1 and Alternative 2. Regarding
17 Alternative 1, it requires a new AT crossing, it
18 requires acquisition of conservation lands and it
19 requires 93 miles of new corridor whereas the
20 preferred route only requires about 54. It also
21 requires more landowner acquisitions. Regarding
22 Alternative 2 it also requires a new AT crossing. It
23 requires the acquisitions of land in the Bigelow
24 Preserve and from the Penobscot Nation. It contains
25 more wetland and stream crossings and it also

1 requires more landowner acquisitions. For these
2 reasons Alternatives 1 and 2 would have a greater
3 environmental impact and are not practicable
4 alternatives to the preferred route.

5 Specific to the LUCP P-RR subdistrict, CMP
6 evaluated alternatives where the project corridor
7 crosses Beattie Pond, the Upper Kennebec River and
8 the Appalachian Trail. In regards to Beattie Pond,
9 CMP attempted to negotiate an alternative alignment
10 south of the pond through Merrill Strip Township.
11 Because the landowner demanded approximately 50 times
12 fair market value for his property this alternative
13 was not reasonably available to CMP. Regarding the
14 Upper Kennebec River, the project at this location is
15 entirely underground as it passes below and therefore
16 not within the P-RR subdistrict with termination
17 stations on either side of the river are located
18 outside of the P-RR zone and will not be visible from
19 the river. The previously proposed overhead crossing
20 of the Upper Kennebec River is no longer suitable as
21 it would have a greater environmental -- a greater
22 impact than the HVDC crossing. Regarding the
23 Appalachian Trail, CMP has existing easements that
24 reserves the right to build and maintain additional
25 transmission lines and clear within the corridor.

1 Alternative alignments to meet the purpose and need
2 of the project would result in one or more locations
3 that would cross the AT where there is no existing
4 transmission line assets.

5 Based on the results of the alternatives
6 analysis, it is my opinion that there are no
7 alternatives to the preferred project route that is
8 both suitable to the proposed use and reasonably
9 available to CMP. Thank you for your consideration.

10 MR. WORCESTER: I have a question for you.
11 Who established the Alternatives 1 and 2?

12 BRIAN BERUBE: Could you repeat? Sorry.

13 MR. WORCESTER: Who established Alternatives
14 1 and 2?

15 BRIAN BERUBE: Could you define established?
16 You mean selected as part of the analysis?

17 MR. WORCESTER: Yes.

18 BRIAN BERUBE: CMP did. We did.

19 THORN DICKINSON: Yeah, I'm just going to --
20 Thorn Dickinson again. I'm just going to briefly
21 summarize my rebuttal testimony which addressed some
22 Intervenors' testimony related to why additional
23 undergrounding beyond the undergrounding under the
24 Kennebec River was not considered.

25 In that rebuttal testimony, I discuss why

1 it's not a requirement given the guidelines
2 associated with the LUPC. I also discuss why in
3 determining the amount of undergrounding and whether
4 it be considered our belief was that if the project
5 had included additional undergrounding those -- a
6 project would not have been competitive with the
7 Massachusetts RFP. The testimony then also addresses
8 that in hindsight we know how the evaluation worked
9 out if undergrounding like even the 54 miles from The
10 Forks to the Quebec border had been included the
11 project would have dropped from first down to ninth.
12 And then additionally, the project given that it is a
13 fixed bid requirement into cost containment
14 requirements in the RFP, any additional cost -- the
15 substantial cost of adding additional underground
16 would result in the project not moving forward.

17 GERRY MIRABILE: Again, Gerry Mirabile,
18 Central Maine Power Company Permitting Manager. I
19 will discuss two topics. One is regarding the
20 compatibility of the project within the P-RR
21 subdistrict and I apologize for the redundancy.

22 Beattie Pond in Beattie Township is within
23 the P-RR zone, as you know. CMP reduced the height
24 of one structure that was formerly prominent, as
25 described by Ms. Segal, and this combined with

1 natural vegetation and topography effectively blocks
2 and buffers the visibility of this structure from
3 the -- the viewpoints. Given the location and
4 constraints of land rights in this area there is no
5 alternative site which is both suitable to the
6 proposed developments and reasonably available to CMP
7 and the line has been buffered from other uses and
8 resources within the subdistrict within which it is
9 incompatible.

10 As noted earlier on October 19, 2018, CMP
11 proposed to cross beneath the Kennebec River -- the
12 Upper Kennebec River also within P-RR subdistrict by
13 way of horizontal directional drilling. This
14 eliminated any visual impact to the Kennebec River,
15 which is an outstanding river segment including any
16 visibility of termination stations in West Forks
17 Township and Moxie Gore. In this location, given CMP
18 land rights in this area and the need to cross the
19 Kennebec River there is no alternative site which is
20 both suitable to the proposed development and
21 reasonably available to CMP and the line has been
22 buffered from other uses and resources within the
23 subdistrict within which it is incompatible.

24 A segment of the line within the P-RR zone
25 is crossed by the AT three times. CMP has co-located

1 this line segment within an existing right of way and
2 has proposed visual buffer plantings along Troutdale
3 Road where the AT is co-located with the road to
4 reduce transmission line visibility. Again, in this
5 location given CMP's limited land rights there is not
6 an alternative site which is both suitable for the
7 proposed development and reasonably available to CMP
8 and the line has been buffered from other uses and
9 resources within which it is incompatible.

10 I'll next discuss the alternatives analysis
11 specific to the P-RR subdistrict. The transmission
12 line in the vicinity of Beattie Pond will be located
13 farther from the pond than an existing road, 1,300
14 feet away versus the road distance of 400 feet as
15 noted earlier. The transmission line corridor at a
16 greater distance than the existing developed road
17 access will not include permanent improvements or
18 promote more intensive use or development of the
19 pond. Landowners south of the Beattie P-RR
20 subdistrict asked CMP to pay nearly 50 times fair
21 market value as noted earlier. Rerouting north of
22 the pond would require an additional 2 miles of
23 transmission line, which may be more visible due to
24 the elevation of the Caswell Mountain to the north
25 and may increase resource impacts due to the greater

1 length of the line. None of these options is
2 suitable to the proposed use and neither is
3 reasonably available to Central Maine Power.

4 The Appalachian Trail within and next to the
5 135 foot section of transmission line corridor means
6 that impacts to the AT could not be avoided entirely.
7 Any alternate route would require crossing the AT in
8 a location where there is currently no transmission
9 line crossing. This would increase rather than
10 decrease AT impacts. Co-location of the new
11 transmission line within the existing transmission
12 line corridor in this area is therefore the least
13 environmentally damaging practicable alternative.
14 CMP has proposed buffer plantings along both the east
15 and west sides of Troutdale Road, also known as Moxie
16 Pond Road, where the AT is co-located within this
17 road and serves as a buffer to the new transmission
18 line corridor adequately from the uses in this area.
19 Drilling beneath the Upper Kennebec River will avoid
20 adverse visual impacts and will protect the
21 outstanding natural and recreational values of this
22 outstanding wild river segments. Two other Kennebec
23 River crossings locations were evaluated, however,
24 each entails significant environmental land
25 acquisitions or regulatory concerns or limitations.

1 Thank you.

2 MR. WORCESTER: Okay. Does anyone have
3 questions for the panel? Are you -- have you got --

4 MR. MANAHAN: We're done.

5 MR. WORCESTER: Go ahead, Nick.

6 MR. LIVESAY: I was busy taking notes and I
7 think I missed part of what Mr. Dickinson was saying.
8 I think it might have been important, so. I think
9 you were talking about undergrounding and CMP's not
10 including that in their bid package because doing so
11 would have resulted in a cost that you thought would
12 have been not competitive, but then subsequent to
13 that obviously a little bit of the transmission line
14 is now going under the Gorge and -- and are you
15 suggesting now that you've been selected or were
16 number two and now you're number one that the --
17 there is room to go back and re-evaluate that? What
18 are you trying -- what are you conveying?

19 THORN DICKINSON: Yeah, so just to be clear,
20 we did include in our bid a contingency associated
21 with the Kennebec River crossing, so we recognized
22 the -- that that would be an area of focus within the
23 regulatory proceedings. We still, you know, we
24 believe that the overhead crossing was the best way
25 to go across the Kennebec River at that time and

1 obviously we've modified that approach to go under
2 the Kennebec River now, but the -- as a contingency
3 in our bid, we did have the cost associated with
4 that.

5 MR. LIVESAY: The application didn't -- your
6 initial application I think the conclusion was that
7 that wasn't a feasible alternative going under the
8 river, but it was built into your bid?

9 THORN DICKINSON: We include it as a
10 contingency, so we included \$30 million as a
11 contingency within our bid at that time and so that
12 the -- in parallel to doing the regulatory
13 proceedings and making the filings, we were also
14 determining whether a feasible crossing of the
15 Kennebec River could occur, so we had a full
16 engineering team doing analysis that resulted in kind
17 of a first study and then we reached out to, you
18 know, the vendors, the contractors that actually can
19 do this kind of work to make sure ultimately that the
20 river could be done cost-effectively and safely and
21 efficiently. And so the -- the -- and then the
22 dialogue obviously we were having with the regulators
23 also arrived to the position that this is the right
24 time to go underground, we know it can be done
25 safely, we know that we can do it cost-effectively

1 and that's -- that's how that specific decision was
2 made.

3 Now, the bid itself, as I mentioned, the
4 competitive process of these RFPs which are all about
5 enabling new renewable energy, bringing new clean
6 energy into -- into New England and there has been
7 two major RFPs, one that would involve Massachusetts,
8 Connecticut and Rhode Island and another one that is
9 just Massachusetts, the one we're talking about here.
10 Both of those bids have strong language around cost
11 containment and protecting costs -- customers in
12 Massachusetts who are paying for the full cost of the
13 project for any cost overruns. So our project has a
14 contingency in it for the Kennebec River crossing.
15 It has other contingencies in it, but it does not
16 include the substantial cost associated with doing
17 additional undergrounding.

18 And so what I was describing was in our --
19 we were doing market intelligence, we were doing
20 engineering, we were doing planning work at the time
21 of the bid we determined that any additional
22 undergrounding beyond what we include in our
23 contingency would result in the project being not
24 competitive. And my rebuttal testimony now includes
25 that analysis because we have the results, we can go

1 back in and say if we included undergrounding of, as
2 an example, the 54 miles what happens to the project.
3 And then the last point in my testimony is because it
4 is a fixed bid there is no cost recovery for that
5 from -- from Massachusetts customers, so if -- if
6 there are, you know, if we were to imagine that was
7 going to be included as a project requirement the
8 project wouldn't move forward.

9 MR. LIVESAY: And are -- what are the other
10 contingencies? Do we know what they are or?

11 THORN DICKINSON: No, I mean, they are --
12 they would be -- the actual amount of the
13 contingencies has never been disclosed as a specific
14 item other than to -- in a confidential setting with
15 a number of parties, but they wouldn't -- I think
16 they wouldn't be a surprise to most people. We -- we
17 have a number of regulatory proceedings we need to go
18 through. One of them is getting approval from ISO
19 New England and the ISO determines exactly what
20 infrastructure you need to build in order to enable
21 this amount of power, so that's an uncertainty that
22 would be in the project. The -- then there is just
23 the construction uncertainty, so what is the cost of
24 labor going to be, what's the cost of materials and
25 equipment. And then going forward in the project

1 there is uncertainties around operations and
2 maintenance costs and, you know, those kind of
3 expense-related items.

4 MR. LIVESAY: Thank you.

5 MR. WORCESTER: Did you ever explore the
6 contingency of putting the line underground at the
7 Appalachian Trail crossings?

8 THORN DICKINSON: No, we did not.

9 MR. WORCESTER: Okay. Anyone else here have
10 questions? Bill.

11 MR. HINKEL: I believe this question is for
12 Mr. Berube. With regard to the ultimate routing at
13 the Beattie Pond location, how much land would be
14 needed to have that alternative route to avoid the
15 P-RR there? I know that you talked about the price
16 being maybe outside of what's reasonable, but how
17 much land?

18 BRIAN BERUBE: I guess how much area or land
19 would depend on the route and also, you know,
20 depending on what we could acquire, you know, I mean,
21 depending on the -- and I say depending because every
22 negotiation or acquisition requires a willing buyer
23 and seller and there is obviously considerations in
24 locating, you know, any assets on those willing or
25 those possible sellers, so I -- I wouldn't be able to

1 give a definitive answer on the area, if you will,
2 but.

3 MR. LIVESAY: I know we can find this out,
4 but if you know off the top of your head it will save
5 us from hunting, when did CMP acquire the rights in
6 the Beattie Pond area and who are those rights
7 acquired from? Was it somebody different? It was
8 Bayroot, right, who you negotiated or talked to about
9 alternative routing?

10 BRIAN BERUBE: Yeah, I mean, as far as --

11 MR. LIVESAY: Did you acquire from -- I
12 guess I'm wondering if the corridor was acquired from
13 Bayroot or somebody else in the first instance and
14 when that was, that's all.

15 BRIAN BERUBE: I don't have -- I'd have to
16 go back to look at -- oh.

17 THORN DICKINSON: Yeah, so it's the
18 Weyerhaeuser/Bayroot coming in all the way up to
19 where it turns north and then further west it's A.C.
20 Carrier, Carrier, and then the one corner right there
21 is actually the Passamaquoddy tribe.

22 MR. LIVESAY: On that lower part of the
23 town?

24 THORN DICKINSON: Yeah, right in the --
25 right in the very corner there is a 300 foot by 300

1 parcel that is a long-term lease with the
2 Passamaquoddy tribe.

3 MR. LIVESAY: And so is that jog that you
4 would take there to the -- looking north, I'm not
5 sure how this is oriented, but the jog there to the
6 east sort of in the Beattie Pond area, is that a
7 township boundary where you're trying to run around
8 along the township boundary to the property
9 ownership?

10 THORN DICKINSON: Yeah, that's correct.

11 MR. LIVESAY: Okay.

12 MR. WORCESTER: Yes.

13 MR. HINKEL: I'm not sure who best to direct
14 this at. I'll let you guys decide how to answer.
15 With regard to the expanded corridor at the
16 Appalachian Trail, is there any -- has any
17 consideration been given to whether the tapering
18 vegetation there is similar to how it's being done in
19 other locations would reduce the scenic impact on
20 that segment?

21 AMY SEGAL: Can you forward to the
22 photosimulation on Troutdale Road?

23 MS. PEASLEE: Which page are we on?

24 THORN DICKINSON: It's probably another four
25 or five forward.

1 AMY SEGAL: Page 48ish. All right. So
2 we -- we didn't evaluate the potential to do tapered
3 vegetation on this segment here, but we know the
4 riparian vegetation will be preserved within 100 feet
5 of there and with the buffer plantings and these are
6 sort of native vegetation planted on either side of
7 Troutdale Road of this view looking towards across
8 Joe's Hole. So these, again, are, you know, the
9 height of these would be, you know, for hikers
10 walking along this section of Troutdale Road in this
11 section where the AT is on Troutdale Road and that
12 buffer would be -- it would basically screen their
13 eye, you know, a little bit higher at eye level, they
14 get to be 10-12 feet high.

15 PEGGY DWYER: May I add? Hi. I would also
16 add that the -- the project is located on Troutdale
17 Road is actually in a DRS zone there. The existing
18 corridor is in your P-RR, but the -- the new clearing
19 that's related to this project is actually zoned in
20 your DRS. There is a pre- -- there is a little
21 corner there that's pre-existing and if you look
22 closely at your maps you'll see that the project
23 itself is not in the DR- -- the P-RR right there. A
24 little piece of it. We have an exhibit somewhere.

25 MR. MANAHAN: Ms. Dwyer is asking, which --

1 she brought an exhibit to show where the P-RR and DRR
2 subdistricts overlap and if you want we can offer
3 that exhibit into the record. You can stay seated,
4 Peggy, I'll...

5 MR. WORCESTER: We would like that.

6 TERRY DEWAN: To further clarify
7 Mr. Hinkel's question. As you've seen from the
8 exhibits the first place we used the tapered
9 vegetation was from the view of Coburn Mountain and
10 in that situation you're in an elevated viewpoint
11 looking down onto the corridor. The other place we
12 looked at was from Rock Pond looking up towards the
13 notch in the horizon. In both these situations you
14 have vegetation on either side of the corridor and
15 the effect is to try and smooth the taper or soften
16 the edges of those -- of the corridor. We don't have
17 that situation here because we have an existing
18 corridor on one side. It may help to taper
19 vegetation in that particular location, but as Amy
20 said, we have not looked at it.

21 MR. WORCESTER: Any other questions from the
22 Commission or anyone at the table? I think we've
23 moved up to lunch time. We're going to take the
24 lunch break of 45 minutes.

25 MR. MANAHAN: Mr. Worcester, this is Matt

1 Manahan again over here --

2 MR. WORCESTER: Yes.

3 MR. MANAHAN: -- behind the witnesses. We
4 probably ought to -- so Ms. Dwyer may want to offer
5 this as an exhibit and we may want to mark it into
6 the record and I'm not sure what number it is, but
7 I -- maybe it might help just to take a minute for
8 Ms. Dwyer to explain what this is so that she can --

9 MR. WORCESTER: This is another --

10 MR. MANAHAN: No, this is what I just passed
11 around.

12 MR. WORCESTER: Okay. We've already offered
13 it into evidence.

14 MR. MANAHAN: Oh, it has a number already?

15 MS. MILLER: And, yeah, I'm sorry, I don't
16 mean to interrupt, Mr. Worcester.

17 MR. WORCESTER: No, go ahead.

18 MS. MILLER: We're going to call it
19 Applicant Cross-1.

20 MR. WORCESTER: See, we're easy.

21 MR. MANAHAN: That was easy.

22 MR. WORCESTER: Now, can we go to lunch? Be
23 back in 45 minutes, quarter of 1.

24 (Luncheon break.)

25 MR. WORCESTER: We're ready to start the

1 afternoon session. By my calculations we have about
2 four hours of testimony and if something goes a
3 little bit slippery we're going to exceed 5 o'clock,
4 which we don't want to do. So halfway through the
5 afternoon I might start going like this. We're now
6 into cross-examination and Group 3 has 5 minutes.
7 And whoever is speaking for Group 3, thank you.

8 MR. BUXTON: Thank you, Mr. Chairman. Is
9 this on? Okay. Good. I'm Tony Buxton representing
10 the Industrial Energy Consumer Group asking questions
11 for Group 3 of the Applicant. I want to clarify, if
12 I may, some answers that Mr. Dickinson gave to the
13 panel. Mr. Dickinson, in your rebuttal testimony and
14 in your commentary about it today, is it correct that
15 in your rebuttal testimony you indicated that
16 undergrounding Section 1 would add approximately
17 \$644.6 million to the cost of the project?

18 THORN DICKINSON: Yes, that's correct, prior
19 to AFUDC.

20 MR. BUXTON: And what -- is it correct that
21 your testimony indicates that AFUDC would increase
22 that amount to \$767.9 million?

23 THORN DICKINSON: That's correct.

24 MR. BUXTON: What -- could you tell -- tell
25 the agency what that would do to the carrying cost,

1 the annual carrying cost of your project.

2 THORN DICKINSON: Sure. So on an annual
3 basis the cost associated with any incremental
4 capital are going to -- are generally going to be
5 linear related to the amount of capital. The
6 clearest thing would be property taxes, depreciation,
7 cost of debt, return on investment, but also the
8 operations and maintenance cost, administrative
9 internal cost all move in parallel. So when we think
10 about the capital cost when you look at that on an
11 annual basis you can think of this as a percent -- a
12 shortcut as a percent of that capital cost and one
13 back of the envelope way is what's called a fixed
14 charge rate and it says on an annual basis that a
15 certain percentage of your capital cost will -- will
16 be reflected in the cost. And, you know, so you can
17 argue over whether it's 13 percent or 17 percent, but
18 15 percent is a number that's often used so that when
19 you -- when you look at this 700 -- more than 700
20 million and you think about a 15 percent carrying
21 charge you can get up north of \$100 million annually
22 of impact associated with additional costs.

23 MR. BUXTON: Let's just specify how much
24 farther north 10 percent would be. Isn't it correct
25 that 15 percent of 767 is about \$115 million?

1 THORN DICKINSON: Yes, that's correct.

2 MR. BUXTON: So to be conservative we used
3 100 million. Is it your -- is it correct that that
4 would -- that increased cost would add an annual
5 increase in cost of approximately \$100 million to the
6 project?

7 THORN DICKINSON: That's correct. It's 100
8 million a year.

9 MR. BUXTON: Now, I'm not going to ask you
10 what your expected profitability is, but is it not
11 correct that some investment banks including Bank of
12 America have estimated that Avangrid or CMP would
13 earn on its billion dollars of invest approximately
14 \$50 million a year on average?

15 THORN DICKINSON: Yeah, an average over
16 the -- over the period of time. I think a
17 recent bank --

18 MS. BOEPPLE: I'm going to object to this
19 line of questioning. This is Elizabeth Boepple
20 representing Groups 2 and 10. This line of
21 questioning seems to be going to topics that are not
22 under consideration by the LUPC or the DEP.

23 MR. BUXTON: If I may, Mr. Dickinson has
24 already testified that the project would be
25 financially infeasible and this is providing

1 clarification of what actual numbers would show it
2 could be financially infeasible.

3 MR. WORCESTER: Continue.

4 MR. BUXTON: Thank you. Do you need the
5 question repeated?

6 THORN DICKINSON: No. So I -- I think
7 the average -- the Bank of America report showed
8 earnings in their early years in the mid-'30s but
9 over the 20 year period I think 50 is about the
10 average.

11 MR. BUXTON: And if you added the cost of
12 undergrounding to the present capital cost, would
13 that mean you'd make more money for Massachusetts
14 utilities?

15 THORN DICKINSON: No, as I mentioned in our
16 discussion that's a fixed price, so there's no
17 ability to pass any additional costs on to
18 Massachusetts customers or really any -- any other
19 ratepayers.

20 MR. BUXTON: So help me with this math
21 inclusion, if you would. If your costs go up by \$100
22 million a year and you're making \$50 million a year
23 before that happens, is it not correct that you would
24 be losing approximately \$50 million a year?

25 THORN DICKINSON: That's correct. And

1 the -- and why I included in my rebuttal testimony
2 that the project would not move forward.

3 MR. BUXTON: Thank you. And is that the
4 reason why you discussed your conclusion that the
5 undergrounding therefore is not practical, suitable
6 or reasonably available to CMP?

7 THORN DICKINSON: That's correct.

8 MR. BUXTON: Thank you. I have no further
9 questions.

10 MR. WORCESTER: Thank you. Next group is
11 Group 7.

12 MR. SMITH: Good afternoon. Ben Smith for
13 Group 7. I have just a couple of clarifying
14 questions with regard to the CMP the Applicant
15 Exhibit 1 that was provided a while ago and I think,
16 Ms. Dwyer, I think these questions are for you.

17 PEGGY DWYER: Oh.

18 MR. SMITH: Do you have that document?

19 PEGGY DWYER: I do. I think that's
20 Application Cross-1 that we just passed out before we
21 broke.

22 MR. SMITH: Thank you. Exactly. Thank you.
23 So looking at this document, can you explain and
24 orient the Commissions as to where the P-RR district
25 begins on Troutdale Road?

1 PEGGY DWYER: The P-RR district is -- I
2 apologize the lines are faint, but the red lines to
3 the north side on the existing corridor is where the
4 P-RR zone is on Troutdale Road.

5 MR. SMITH: So --

6 PEGGY DWYER: It's kind of a little
7 horseshoe shape and it's because it follows the
8 Appalachian Trail.

9 MR. SMITH: Right. So it's like a boomerang
10 shape and you're saying the -- or horseshoe shape,
11 the southern part of that is the portion that's
12 within the P-RR zone?

13 PEGGY DWYER: The southern --

14 MR. SMITH: Not the southern portion of the
15 corridor, the southern portion of the red designated
16 line is essentially the DRR zone in the --

17 PEGGY DWYER: Yes, in the existing corridor.

18 MR. SMITH: Okay.

19 PEGGY DWYER: Yes.

20 MR. SMITH: So the northeasterly southern
21 corridor is the only part that's in the DRR zone?

22 PEGGY DWYER: Yes.

23 MR. SMITH: Okay.

24 PEGGY DWYER: On -- on the west side of the
25 water, if you go to the crossing, you know, as the

1 view that we had where we were seeing the proposed
2 vegetation, what you would be looking at there is a
3 shoreland zone -- you don't see the DRR -- the P-RR
4 zone from Troutdale Road either because you would be
5 looking across and the -- you would be looking across
6 at the first part, which is shoreland and it doesn't
7 come to -- the P-RR does not return again until
8 you're up the hill and away from Troutdale Road. So
9 when you're looking directly across what you're
10 looking at is the P-RR -- excuse me, the shoreland
11 zone.

12 MR. SMITH: Okay. Thank you.

13 PEGGY DWYER: -- from Troutdale.

14 MR. SMITH: Thank you. No further
15 questions.

16 MR. WORCESTER: Thank you. The next cross
17 is Group 2 and you have 10 minutes.

18 MS. BOEPPLE: Good afternoon. Elizabeth
19 Boepple representing Group 2. Good afternoon, folks.
20 Ms. Segal, I believe yesterday and this morning and
21 in the pre-filed testimony you have stated Terrence
22 J. DeWan and Associates is one of three firms and the
23 only one in Maine that are pre-qualified to perform
24 peer reviews of visual impact assessments for the
25 Department of Environmental Protection; is that

1 correct?

2 AMY SEGAL: Yes.

3 MS. BOEPPLE: So you stated that also, you
4 put it in your pre-filed testimony, but the fact is
5 you are not here in this joint proceeding doing peer
6 review on behalf of DEP; is that correct?

7 AMY SEGAL: That's correct.

8 MS. BOEPPLE: And, in fact, you are here
9 representing CMP and doing work for CMP to get their
10 permits approved; isn't that correct?

11 AMY SEGAL: We are subconsultant firms with
12 Burns and McDonnell for CMP.

13 MS. BOEPPLE: And your purpose here is to
14 assist them in getting the permits, correct?

15 AMY SEGAL: Our purpose was to prepare a
16 Visual Impact Assessment according to Chapter 315 and
17 375.

18 MS. BOEPPLE: And CMP is trying to get
19 permits and therefore your work is to assist them in
20 that process, isn't that a fair characterization?

21 AMY SEGAL: We performed the Visual Impact
22 Assessment, which is part of the permit
23 application.

24 MS. BOEPPLE: And in that process you make
25 recommendations to them that might change the route,

1 correct?

2 AMY SEGAL: We recommended several
3 mitigation measures, correct.

4 MS. BOEPPLE: And the purpose of that is so
5 that they can meet the necessary qualifications to
6 try and get the permits, correct?

7 AMY SEGAL: Yes, to meet the standard.

8 MS. BOEPPLE: Okay. So one of those
9 minimization methods that you've recommended and you
10 showed us both this morning and yesterday was the
11 Beattie Pond simulation and -- correct?

12 AMY SEGAL: Correct.

13 MS BOEPPLE: Okay. And in that you showed
14 that there was structures you had recommended that
15 they shorten the height of those; is that correct?

16 AMY SEGAL: Correct. We worked with the
17 engineers to reduce the height.

18 MS. BOEPPLE: Okay. And between Beattie
19 Pond and where the corridor is proposed to be
20 located, do you -- does CMP have control over the
21 land, the intervening land between those two
22 locations?

23 AMY SEGAL: No, CMP owns the 300 foot wide
24 corridor.

25 MS. BOEPPLE: But it doesn't own the land

1 between the pond and the corridor, correct?

2 AMY SEGAL: Correct.

3 MS. BOEPPLE: So it does not have control
4 over what the landowners would do to the trees and
5 the forest between the pond and the corridor,
6 correct?

7 AMY SEGAL: Correct, but with shoreland
8 zoning you'd -- they could be required to keep the
9 trees -- the vegetation around the pond.

10 MS. BOEPPLE: Do you know who owns that
11 land?

12 AMY SEGAL: I'm not sure who that would
13 be.

14 THORN DICKINSON: It's -- it would probably
15 be easier to pull up a map, but I think it's
16 partially the Passamaquoddy tribe and partially --
17 partially Carrier.

18 MS. BOEPPLE: And Carrier is a company that
19 does logging, correct?

20 THORN DICKINSON: That's my -- that's my
21 understanding, yes.

22 MS. BOEPPLE: Okay. So it's possible that
23 some of those trees that you're relying on could go
24 away, it's possible, correct?

25 AMY SEGAL: Well, the trees along the

1 shoreline would be preserved.

2 MS. BOEPPLE: There is a lot more trees
3 between -- in your simulation there is a lot more
4 trees between the pond and the corridor than just
5 along the shoreline; isn't that correct?

6 AMY SEGAL: Right. The closest structure to
7 the water is about 1,300 feet.

8 MS. BOEPPLE: Okay. Now, after CMP decided
9 to go under the Kennebec, did you do further visual
10 assessments with respect to when the transition would
11 occur on one side of the river and then come back up?

12 AMY SEGAL: We did complete a visual
13 assessment for the termination station for both West
14 Forks and Moxie Gore.

15 MS. BOEPPLE: And in that, did you take into
16 consideration the viewer expectation as well in your
17 assessment from the river?

18 AMY SEGAL: The termination stations won't
19 be visible from the river.

20 MS. BOEPPLE: At all? You're quite certain
21 of that?

22 AMY SEGAL: With the preserved vegetation on
23 either side, the forested buffers, the termination
24 station won't be visible.

25 MS. BOEPPLE: And with respect to forested

1 buffers, CMP has made representation that there will
2 be these buffers, who is going to enforce that and
3 make sure that those are maintained throughout the
4 life of this transition line -- transmission line?

5 GERRY MIRABILE: We don't anticipate the
6 need to remove or cut any trees within those buffers
7 given that the line will be beneath the ground in
8 that area.

9 MS. BOEPPLE: And with respect to any of the
10 areas where CMP and engineers have agreed to lower
11 the height of the poles so that there is screening to
12 provide for additional mitigation and minimization of
13 the visual impact, how does CMP intend to ensure that
14 future generations are not going to be exposed to the
15 negative visual impacts of this line?

16 GERRY MIRABILE: Are you asking --

17 MS. BOEPPLE: At any place along the route.

18 GERRY MIRABILE: Are you asking how we would
19 ensure that --

20 MS. BOEPPLE: Yes.

21 GERRY MIRABILE: -- tapering, for example,
22 is maintained?

23 MS. BOEPPLE: Yes. And -- and not only the
24 tapering, but also in the areas where you're using
25 screening on other property that you do not control

1 to provide for a mitigating effect of the height of
2 those poles.

3 GERRY MIRABILE: All right. I'll just
4 respond to the portion on the property that we do
5 control, I'll say that there will be conditions on
6 the permit if there is a permit issued that would
7 reflect the -- both our recommendations and our
8 proposals and any additional conditions imposed by
9 the agencies and there will be third-party inspectors
10 on the -- during the construction that would enforce
11 those conditions. And in terms of future maintenance
12 we would document the existence of any areas where
13 there is vegetation management that differs from the
14 standard vegetation management and pass that on to
15 the Vegetation Management Department for them to
16 convey to contractor crews as to where zones should
17 be cut and where they should not be cut.

18 MS. BOEPPLE: And just so that the LUPC is
19 also aware of some of the testimony yesterday because
20 I think it's relevant to today, Mr. Dickinson you
21 made quite a point of assuring everyone that this is
22 not a permanent line; is that correct?

23 THORN DICKINSON: That's correct.

24 MS. BOEPPLE: And you also made it quite
25 clear that there is no decommission plan, correct?

1 THORN DICKINSON: That's correct.

2 MS. BOEPPLE: And no decommission funding,
3 correct?

4 THORN DICKINSON: That's correct.

5 MS. BOEPPLE: Okay. Thank you.

6 MR. WORCESTER: Thank you. Group 4 is next.
7 They have 10 minutes.

8 MR. PUBLICOVER: All right. David
9 Publicover for Group 4. My first questions are for
10 Mr. Goodwin. We meet again. On Page 10 of your
11 direct testimony and again this morning you stated
12 that there are 56 electric transmission line
13 crossings of 230 kV or more along the length of the
14 AT, correct?

15 MARK GOODWIN: That's correct.

16 MR. PUBLICOVER: How many of those are in
17 Maine.

18 MARK GOODWIN: None of those are in Maine.

19 MR. PUBLICOVER: All right. So a
20 transmission line of this size would be a unique and
21 novel impact to the AT in Maine, correct?

22 MARK GOODWIN: I don't know that I
23 necessarily agree with that. It's, you know, the
24 structure size would be -- would be different than
25 likely the ones that currently cross. There is five

1 in Maine that currently cross the corridor. So the
2 structure types and sizes would look to be different
3 but the impact of the corridor wouldn't -- wouldn't
4 necessarily be that significant in terms of
5 difference.

6 MR. PUBLICOVER: You also state that hikers
7 are aware of and expect to see utility corridors.
8 Are there any utility corridors of this width in
9 Maine currently, 225 feet wide?

10 MARK GOODWIN: I am not sure the exact
11 widths of the crossings that currently exists in
12 Maine.

13 MR. PUBLICOVER: Okay. All right.

14 MARK GOODWIN: I know the one that -- that
15 is the co-located portion of the corridor for this
16 project is 150 feet wide.

17 MR. PUBLICOVER: All right. Now, the source
18 of the figure with the 56 crossings was an Argon
19 National Laboratory study, correct?

20 MARK GOODWIN: I believe so.

21 MR. PUBLICOVER: All right. Table 5-7 in
22 that study notes that of these 56 transmission line
23 crossings of the AT almost 70 percent are located in
24 Virginia, Pennsylvania, New Jersey and New York, do
25 you question that?

1 MARK GOODWIN: I don't. I -- I have no
2 reason to doubt that.

3 MR. PUBLICOVER: All right. Isn't it likely
4 that users of the AT in Maine would have different
5 expectations than users in the more heavily developed
6 mid-Atlantic region crossing?

7 MARK GOODWIN: Sure. In Maine they would
8 expect to cross a transmission line every 56 miles of
9 the trail as opposed to the I believe it was 38 for
10 the remainder of the AT.

11 MR. PUBLICOVER: All right. So hikers along
12 the AT expect to see highways, even interstates and
13 towns, correct?

14 MARK GOODWIN: Sure.

15 MR. PUBLICOVER: And even if they expect to
16 see them, would you agree that it still may diminish
17 their experience when they do see them?

18 MARK GOODWIN: I don't know that I would
19 agree with that. I mean, it's part of hiking the
20 trail.

21 MR. PUBLICOVER: So but would you agree that
22 hikers don't hike the AT to cross an interstate
23 highway?

24 MARK GOODWIN: The trail is there for
25 hiking, it's not for walking on highways necessarily,

1 but that's part of the experience.

2 MR. PUBLICOVER: All right. Can you bring
3 up DeWan and Segal's summary presentation from this
4 morning, the image that was up when we started here?

5 So -- all right. So this is the -- the
6 proposed photosimulation of the proposed condition.
7 The visual impact study, the revised scenic resources
8 chart graded this as a moderate to strong impact and
9 I guess I -- at this point, I may -- I'll ask Mrs.
10 Segal that -- or Ms. Segal. This was rated at a
11 moderate to strong impact at this location, correct?

12 AMY SEGAL: Yes.

13 MR. PUBLICOVER: All right. Back to
14 Mr. Goodwin, I guess. How do you reconcile a rating
15 of visual impact as moderate to strong with your
16 statement in your direct testimony on Page 10 is that
17 there will be a negligible change in the visual
18 impact of the transmission line poles and overhead
19 conductors to hikers using the trail?

20 MARK GOODWIN: I would say that hikers that
21 are using the trail in this location are going to see
22 a transmission line corridor now and they're going to
23 see a transmission corridor line after the project,
24 so in that sense it's negligible. Notably, the view
25 in this location what you're looking at is not in the

1 P-RR according to the Exhibit X-1 that we were
2 looking at earlier.

3 MR. PUBLICOVER: Going back to Ms. Segal, in
4 your rebuttal testimony on Page 8 you state it is
5 unrealistic to assert that an incremental change in
6 transmission line resulting in 16 seconds of
7 additional visibility and a widened corridor will
8 have a significant effect on trail use patterns or
9 the experience of being on the Appalachian Trail. I
10 believe you already stated that no user surveys were
11 conducted to gauge users' reaction to the increased
12 impact, correct?

13 AMY SEGAL: We did not complete a user
14 survey.

15 MR. PUBLICOVER: Okay. So what is your
16 basis judging the reaction of hikers?

17 AMY SEGAL: Well, we did do research and as
18 one example the official map and guide to the
19 Appalachian Trail in Maine does indicate there is
20 that, you know, folks that are hiking are going to
21 look at that map and they're going to see that there
22 is at least two transmission line crossings coming
23 up, there is a road, there is a trail head, there is
24 river crossing, there is camps, so, you know, people
25 will be aware. So the hikers, you know, their

1 experience is -- is, you know, dependent on what
2 they're prepared to be looking at, so they will be
3 reading that and they will anticipate that.

4 MR. PUBLICOVER: But that map and guide does
5 not suggest that they're going to see 100 foot tall
6 towers, correct?

7 AMY SEGAL: The map and guide explains that
8 they're crossing a transmission line twice.

9 MR. PUBLICOVER: But it is not -- but that
10 is an existing line with towers 45 feet tall. The
11 map and guide does not describe that there is going
12 to be a second line with 100 foot tall towers,
13 correct?

14 AMY SEGAL: No, because the guide wouldn't
15 be describing the proposed condition.

16 MR. PUBLICOVER: Yes. So -- okay. Users
17 expect to see a local road in this area, correct,
18 Troutdale Road?

19 AMY SEGAL: Correct.

20 MR. PUBLICOVER: All right. If a two-lane
21 highway were built adjacent to Troutdale Road, which
22 might also only take 16 seconds to cross, would you
23 consider that to be a negligible impact on the hiker
24 experience?

25 AMY SEGAL: Can you repeat the question?

1 MR. PUBLICOVER: If a two-lane highway were
2 constructed adjacent to the Troutdale Road, would you
3 consider that increased impact to be negligible?

4 AMY SEGAL: The increased impact for a hiker
5 walking on a two-lane highway versus Troutdale Road?

6 MR. PUBLICOVER: Yes.

7 AMY SEGAL: Um...

8 TERRY DEWAN: May I address that?

9 MR. PUBLICOVER: Sure.

10 TERRY DEWAN: You're talking about a
11 hypothetical of course. There is probably not enough
12 room to do that. Assuming that it was, the very
13 nature of the location requires an extraordinary
14 level of attention to detail, one of which would be
15 where do you put pedestrians or bicycles that would
16 probably be generated by this additional traffic and
17 I would like to think as part of the design one could
18 accommodate pedestrian use, hikers, throughout the
19 area and doing do it in such a way that actually may
20 be of benefit. There may be a boardwalk, for
21 example, that extends out over the pond. There is
22 any number of things that could happen here. It
23 doesn't necessarily equate to being and negative
24 impact just because we're changing the width of a
25 road.

1 MR. PUBLICOVER: So this impact was rated
2 moderate to strong. Is it fair to assume that the
3 other two impacts -- the other two crossings would
4 have a similar rating given the impacts would be
5 similar that those impacts would also be rated
6 moderate to strong?

7 AMY SEGAL: The -- right now the Appalachian
8 Trail is co-located with Troutdale Road in a section
9 for about 900 feet of it or so and this view because
10 it's a longer stretch of duration of view would be
11 greater than the two existing crossings that I showed
12 you earlier where you're crossing an existing 150
13 foot wide corridor that would be expanded to 225
14 feet. It's not exactly perpendicular across those
15 corridors, but it would be less time in each one of
16 those locations.

17 MR. PUBLICOVER: Can you advance a couple of
18 slides to the screening slide? One more.

19 All right. Even considering this during
20 leaf-on period, do you believe these plantings will
21 prevent AT users from noticing that they're under a
22 100 foot wide -- I mean, 100 foot tall towers?

23 AMY SEGAL: These plantings -- the intent of
24 these plantings is to minimize the view of the
25 corridor clearing. They see the existing structures,

1 they'll see our proposed structures.

2 MR. PUBLICOVER: Why was no buffer planting
3 proposed with the other two crossings?

4 AMY SEGAL: The -- in those locations there
5 is some existing scrub/shrub in those areas and it's
6 certainly, you know, buffer plantings is certainly
7 something we could look at doing.

8 MR. PUBLICOVER: Okay. But there is nothing
9 in the record that indicates that would be done?

10 AMY SEGAL: Not right now, no.

11 MR. PUBLICOVER: All right. And one final
12 question for Mr. Dickinson, under questioning from
13 Mr. Buxton you indicated \$765 million of additional
14 cost for burial. To be clear, that's burying the
15 entire length of the new corridor, not burying under
16 the crossing of the Appalachian Trail?

17 THORN DICKINSON: That's correct. It's the
18 54 miles.

19 MR. PUBLICOVER: Thank you. That's all.

20 MR. WORCESTER: Thank you. Next is Group 8
21 and you have 10 minutes.

22 MS. TOURANGEAU: Good afternoon. Joanna
23 Tourangeau on behalf of Group 8, nextEra. My first
24 questions are going to be directed to Mr. Dickinson.
25 We'll be essentially going through the same thing we

1 did yesterday, so for a new audience. As you
2 testified in Page 3 of your rebuttal testimony
3 projects have to include a mechanism for cost
4 recovery in order to be feasible.

5 THORN DICKINSON: Correct.

6 MS. TOURANGEAU: So CMP bid a fixed-cost
7 project with Hydro-Quebec into the 2017 Massachusetts
8 RFP in part because the -- they encouraged bidders to
9 propose a fixed cost?

10 THORN DICKINSON: Yeah, I would probably use
11 a stronger word than encouraged. I think anybody
12 that didn't have those kind of components was likely
13 going to be eliminated from consideration.

14 MS. TOURANGEAU: So the fixed-cost bid that
15 CMP submitted included transmission containment such
16 as provisions that eliminate or minimize ratepayers'
17 exposure to the transmission cost of risk?

18 THORN DICKINSON: Correct.

19 MS. TOURANGEAU: So what this means, if I'm
20 remembering correctly from yesterday, is that
21 additional project costs like undergrounding will not
22 be borne by ratepayers or anyone other than CMP or a
23 CMP affiliate that ends up owning a line?

24 THORN DICKINSON: That's right. The
25 ratepayers in Massachusetts will pay the amount that

1 we bid for the project, which as I mentioned earlier
2 did include a contingency for undergrounding the
3 Kennebec River, but did not envision any additional
4 undergrounding.

5 MS. TOURANGEAU: That we know of yet. Other
6 contingency amounts were not made public?

7 THORN DICKINSON: Correct. No, what I'm --
8 I'm -- I can tell you that now, it did not include
9 any additional underground.

10 MS. TOURANGEAU: For the Kennebec or there
11 was no -- there is no other contingencies included in
12 your bid?

13 THORN DICKINSON: So there -- no, there is a
14 broad set of contingencies. Some of them were
15 overall related to the construction of the project
16 and some were very specific. One of the specific
17 ones was the crossing of the Kennebec River. There
18 was not another related to additional
19 undergrounding.

20 MS. TOURANGEAU: Was CMP aware of the
21 requirements to consider alternatives in the advance
22 of submitting its bid?

23 THORN DICKINSON: Yes.

24 MS. TOURANGEAU: Thank you. But
25 consideration of the undergrounding wasn't included

1 in your application?

2 THORN DICKINSON: Yeah, as I explained in my
3 rebuttal testimony with the -- the purpose of the
4 project was to deliver 1,200 megawatts of clean
5 renewable energy to Lewiston, Maine and we had
6 concluded that -- determined that at the time of our
7 bid that if we included additional undergrounding
8 beyond the Kennebec River contingency that that will
9 result in the project not moving forward, so the --
10 the -- as a result of the purpose not being met, this
11 was not an alternative that we considered.

12 MS. TOURANGEAU: But you're aware that the
13 Commission doesn't look at the project purpose in
14 determining the availability and the suitability of
15 alternatives. The requirement in front of the
16 Commission is that CMP establishes that there is no
17 alternative site, which is both suitable to the
18 proposed use and reasonably available to the
19 applicant?

20 MR. MANAHAN: I would just object to Ms.
21 Tourangeau -- this is Matt Manahan for CMP -- asking
22 the witness to make a legal conclusion about what
23 LUPC standards are. Mr. Dickinson is a fact witness
24 and he's not here to testify as to what the LUPC
25 standards are.

1 MS. TOURANGEAU: I'm sorry, I was just
2 asking whether he was aware -- my previous question
3 was whether Mr. Dickinson was aware of the
4 requirements in advance of submitting the bid and his
5 answer was yes --

6 MR. MANAHAN: You already right asked
7 that.

8 MS. TOURANGEAU: -- and I was just
9 clarifying which standards he was aware of and his
10 answer to that question was that he was aware of the
11 practicable alternatives analysis under NRPA and so I
12 was clarifying that the applicable standard here is
13 the LUPC no suitable alternative.

14 MR. WORCESTER: Please go on.

15 MS. TOURANGEAU: Thank you. Turning to
16 Mr. Berube.

17 BRIAN BERUBE: Yes.

18 MS. TOURANGEAU: Part of your work for CMP
19 on the project was to assess the environmental impact
20 associated with the project and the relative impacts
21 associated with available alternatives.

22 BRIAN BERUBE: That was part of it, yes.

23 MS. TOURANGEAU: Thank you. Did that work
24 include assessment of the underground alternative?

25 BRIAN BERUBE: My work did not include

1 assessment of the underground alternative.

2 MS. TOURANGEAU: Did you assess the
3 alternative of undergrounding the Joe's Hole
4 Troutdale Road Appalachian Trail crossing?

5 BRIAN BERUBE: No.

6 MS. TOURANGEAU: Did you assess the
7 alternative of undergrounding the portion of the
8 project near Beattie Pond?

9 BRIAN BERUBE: No.

10 MS. TOURANGEAU: Thank you.

11 MR. WORCESTER: Thank you. Next group is
12 Group 10 and you have 10 minutes.

13 MS. BOEPPLE: So Elizabeth Boepple again
14 this time for Group 10. So we've gotten into some of
15 the money here, so, Mr. Dickinson, could you explain
16 what precisely some of the monetary contributions
17 you've made have gone towards?

18 THORN DICKINSON: So the -- maybe starting
19 from the original settlement that was -- the
20 settlement that was a stipulation that was part of
21 the current PUC order?

22 MS. BOEPPLE: No, but I'd like to know about
23 specifically is there is an Intervenor group here
24 that had entered into a settlement agreement with CMP
25 and I understand that you provided them with some

1 funding?

2 THORN DICKINSON: Oh, so your -- so your
3 question is specific to the agreement with Western
4 Mountains and Rivers?

5 MS. BOEPPLE: That's one of my questions.

6 THORN DICKINSON: Okay. Well, just to --
7 just to be clear, there are a number of agreements
8 that we have in the project that are both intended to
9 mitigate issues associated with the project and
10 provide additional benefits for, you know, people
11 throughout Maine. So I, you know, we can talk about
12 whichever specific ones you want.

13 MS. BOEPPLE: So let's talk about WMRC.

14 THORN DICKINSON: Sure.

15 MS. BOEPPLE: So is it true that Mr. Warren
16 approached CMP originally; is that correct?

17 THORN DICKINSON: Yes, that's correct.

18 MS. BOEPPLE: And the timing on that was
19 before this project was -- what was the timing on
20 that?

21 THORN DICKINSON: Yeah, I mean, the exact
22 date I don't have right at the top of my head, but it
23 was -- we had submitted two bids, both for a
24 combination of wind, solar and battery technology, as
25 part of the Massachusetts tri-state RFP a few years

1 ago, so that's when I would say that it was first
2 aware that there is now a corridor that exists in
3 western Maine.

4 MS. BOEPPLE: So let's stop there for one
5 minute.

6 THORN DICKINSON: Okay.

7 MS. BOEPPLE: You just said that there was a
8 corridor in western Maine. Is that the same corridor
9 we're talking about here?

10 Thorn DICKINSON: Yes.

11 MS. BOEPPLE: Okay. So that's the -- this
12 corridor was originally intended for not strictly
13 hydropower; is that correct?

14 THORN DICKINSON: So the -- the -- in
15 business development -- my role in business
16 development is to look for opportunities to grow the
17 business and, you know, when -- six years ago, seven
18 years ago when I took over the business it was clear
19 that the biggest opportunities around growth was
20 around helping renewable energy efficiently connect
21 to the grid. And so looking across New England and
22 New York we identified the locations where we
23 believed the biggest opportunities were to meet
24 public policy goals, to meet key stakeholders' goals
25 to bring new clean energy to market efficiently and

1 this was one of those corridors that we looked at
2 with the idea of possibly wind, solar, battery or
3 hydropower technology could be used for that
4 corridor.

5 MS. BOEPPLE: So the corridor wasn't
6 strictly for delivering Hydro-Quebec power down to
7 Massachusetts?

8 THORN DICKINSON: No. As I said, even in
9 the last RFP, we bid a number of different projects,
10 some partnering with EDF, some with EDF and NextEra
11 that included wind, solar and battery technology.

12 MS. BOEPPLE: So --

13 MR. WORCESTER: Excuse me, can you connect
14 this question in?

15 MS. BOEPPLE: Yes. What I'm trying to get
16 to is the alternatives analysis.

17 MR. WORCESTER: Okay.

18 MS. BOEPPLE: So my understanding then is
19 that this was -- a lot of this land pre-existed, it
20 was part of the land that CMP already had -- when I
21 say pre-existed CMP had control over a lot of this
22 already, correct?

23 THORN DICKINSON: So the 54 mile corridor,
24 no. That was a new corridor that we did on purpose
25 for responding to these RFPs. The 72 percent of the

1 DC line that goes from The Forks all the way down to
2 Lewiston was an existing corridor.

3 MS. BOEPPLE: So when you talk about the
4 alternatives analysis you're really putting that in
5 the context of a route that you already had; is that
6 correct?

7 THORN DICKINSON: No, I mean, we -- we
8 looked at a lot of -- I mean, talking about overall
9 business development, we looked at a lot of ideas.
10 In fact, we had -- we bid a wind project in Aroostook
11 County, so a project that would provide transmission
12 there. Again, our goal is to try to provide
13 solutions for policy -- public policy holders that
14 are comitted to dealing with global warming climate
15 change and to provide them meaningful solutions to
16 help mitigate carbon emissions.

17 MS. BOEPPLE: Is that -- that's what CMP is
18 about?

19 THORN DICKINSON: Yeah, absolutely.

20 MS. BOEPPLE: Oh, okay. So let me just be
21 clear here. Are there shareholders who Avangrid has
22 to answer to?

23 THORN DICKINSON: I mean, we're a -- we're a
24 publicly traded company.

25 MS. BOEPPLE: Okay. So the goals of CMP

1 have a little bit to do with making money too, don't
2 they?

3 THORN DICKINSON: We have a fiduciary
4 responsibility to deliver to our investors for
5 sure --

6 MS. BOEPPLE: Okay. Thank you.

7 THORN DICKINSON: -- but the --

8 MS. BOEPPLE: I just wanted to be clear that
9 there is also a money making proposition here.

10 THORN DICKINSON: No, no, I -- I 100 percent
11 agree with that --

12 MS. BOEPPLE: Okay.

13 THORN DICKINSON: -- that they're -- that
14 that's true. But, again, Iberdrola and Avangrid have
15 specific -- you can see -- go on their website and
16 look at their commitments to climate change to
17 bringing new renewable energy across the world.

18 MS. BOEPPLE: And making money?

19 THORN DICKINSON: Yeah. We, again --

20 MS. BOEPPLE: Okay.

21 THORN DICKINSON: -- we are a public company
22 that has a fiduciary responsibility.

23 MS. BOEPPLE: All right. So getting back to
24 compensation and the money that's been used so far.
25 Did some of the funding to help you get to this stage

1 and buy-in some -- some -- buy-in from some other
2 people, did some of that money go to WMRC to help
3 them get formed? I believe there is pre-filed
4 testimony to that.

5 THORN DICKINSON: So, again, you used the
6 word buy-in, so that is not how I'd characterize that
7 discussion. That was a discussion that happened over
8 a number of years. It involved a group of people
9 having a conversation and I can tell you that I think
10 it's incredibly mischaracterized. These are people
11 that care about the area, that care about the region
12 and we're trying to enter into an agreement that
13 provided significant value for that region while
14 protecting it and that's -- that is what I saw in
15 every discussion I had with those people and I'm --
16 I'm proud of the agreement that ended up coming out
17 of it. And, yes, to answer your question, that does
18 include contributions and depending on how the
19 project ends up working out.

20 MS. BOEPPLE: And so some of CMP's money has
21 helped fund their organization and form it, correct?

22 THORN DICKINSON: That -- that's correct.

23 MS. BOEPPLE: And is it also helping to pay
24 for say legal fees?

25 THORN DICKINSON: Yeah. I mean, obviously

1 it's the board of the non for profit within the rules
2 that both federal and state about how non-profits are
3 run. They -- and within the limits of the -- the
4 funding. There are very specific requirements for
5 how that money can go. It has to go towards
6 nature-based tourism, trail management, a development
7 of new trails strategic development, economic
8 development for that region, so the -- there is only
9 certain limits in which that money can be used.

10 MS. BOEPPLE: I understand that, but CMP did
11 help fund the start-up of WMRC, correct?

12 THORN DICKINSON: Yes, that's correct.

13 MS. BOEPPLE: Okay. Thank you.

14 MR. WORCESTER: Was that -- was that tied to
15 the alternative analysis?

16 MS. BOEPPLE: That was going to -- that was
17 not specifically tied to the alternatives analysis,
18 no, sir.

19 MR. WORCESTER: I don't think that was a
20 relevant conversation.

21 MS. BOEPPLE: It will come up later, sir, in
22 --

23 MR. WORCESTER: Then we'll consider it at
24 that time.

25 MS. BOEPPLE: Okay. Thank you. I have no

1 further questions at this time.

2 MR. WORCESTER: Next is Group 5.

3 MR. NOVELLO: Group 5 has no questions for
4 the witnesses.

5 MR. WORCESTER: Thank you. And Group 9.
6 And Group 9 is not represented; is that correct? The
7 Public -- okay. Do you have redirect?

8 MR. MANAHAN: I just have a couple questions
9 on redirect, yeah.

10 MR. WORCESTER: I'm sitting between two
11 attorneys and I'm dealing with all these attorneys
12 and they've got a world all their own.

13 MR. MANAHAN: It's your lucky day. Good
14 afternoon. Matt Manahan for Central Maine Power. I
15 just have a couple of questions for the CMP
16 witnesses. First off, I think Ms. Segal and
17 Mr. DeWan, Mr. Publicover was talking about the
18 plantings on Troutdale Road and whether or not they
19 would screen the transmission line in that location
20 and my question is this, is the project -- based on
21 the information you have now, is the project in that
22 location in the P-RR subdistrict?

23 AMY SEGAL: It's our understanding that the
24 expanded corridor is not in the P-RR. It's in the
25 DRS -- yeah, the DRS zone or the residential zone.

1 So as Ms. Dwyer mentioned, when you're looking across
2 the road to Troutdale Road that area is in shoreland,
3 that's not in the P-RR either.

4 MR. MANAHAN: Okay. So to follow-up on that
5 question there was a question that I think
6 Mr. Worcester asked a question about tapering in that
7 location and I'm curious, I think I heard you say
8 previously, maybe yesterday, that tapering is mostly
9 effective when you're looking down on the
10 transmission line and you're in a sort of a parallel
11 location, you're looking along the line. In -- in
12 the location in Troutdale Road, will you be looking
13 down at the corridor or up at the corridor? What's
14 your viewpoint and does that affect the utility of
15 tapering in that location?

16 TERRY DEWAN: Well, maybe the answer is both
17 of the options. You may recall there is a slide that
18 Amy showed of the hike coming down from Pleasant Pond
19 Mountain, there is a view looking across the Joe's
20 Hole so you are --

21 MR. MANAHAN: But that's not in the P-RR.

22 TERRY DEWAN: -- slightly elevated. That's
23 right, it's before you get to the P-RR, but it may be
24 affected by any treatment there. Once you get down
25 onto Troutdale Road you're looking pretty much

1 straight across slightly up at it.

2 MR. MANAHAN: Okay.

3 AMY SEGAL: Well, I just wanted to add that,
4 I mean, as Terry mentioned earlier, the -- the
5 portion of the corridor that could be tapered, the
6 portion that's in the DRS, you know, that's the --
7 you know, we can look at tapered vegetation, but
8 there is also, you know, we could look at different
9 sort of supplemental plantings over there at the
10 shoreland zone.

11 MR. MANAHAN: Mr. Dickinson, I think there
12 was a question earlier to you this morning about
13 whether you did ever explore undergrounding at the AT
14 and your response was, no, you didn't ever explore
15 it. But the timing of that, were you referring --
16 has it since then been explored? Basically has it
17 come to be explored the undergrounding of the AT and
18 what was its conclusions?

19 THORN DICKINSON: Yeah, I mean, I think a
20 similar -- in the rebuttal testimony, so my -- my
21 testimony before -- my answer before was related to
22 what we had bid in -- back in 2017. But since then,
23 there has been analysis done related to the
24 challenges associated not only with the cost
25 associated with undergrounding, but even the

1 operational and cost challenges of even smaller
2 sections including potentially at the trail.

3 MR. MANAHAN: Yup. Okay. Thank you. I
4 have no further questions.

5 MR. WORCESTER: Thank you.

6 MR. WORCESTER: Is there any recross on what
7 was just said? Okay, Bill. Bill has a question.

8 MR. HINKEL: I have a question about this
9 exhibit, Exhibit Applicant Cross-1. It says that the
10 LUPC confirmed that this portion of the AT that
11 crosses the uncleared side of the corridor on
12 Troutdale Road in Bald Mountain, blah, blah, blah, is
13 not P-RR. I know -- I do understand, Ms. Dwyer, that
14 you've been working with Ellen at our -- at the
15 Commission on some mapping work and I -- I know I was
16 not involved in this, so I'm -- can you speak to sort
17 of who confirmed that this was accurate?

18 PEGGY DWYER: Sure.

19 MR. HINKEL: Thank you.

20 PEGGY DWYER: Yes. Ellen Jackson and I had
21 a couple of conversations and she provided this .kmz.
22 So she provided these red lines that you see
23 depicting the P-RR laid onto the Google Earth imagery
24 that you're looking at.

25 MR. HINKEL: You know in working with Ellen,

1 did -- were there any adjustments made to that P-RR
2 zone or was it just a depiction of how the -- the
3 line and the P-RR interact?

4 PEGGY DWYER: I think it's just confirmation
5 of the zone as it sits on the face of the earth and
6 we were able to provide, you know, the base mapping
7 of where our corridor is, which she really didn't
8 have correctly on their mapping.

9 MR. HINKEL: Okay. Thank you.

10 PEGGY DWYER: You're welcome.

11 MR. WORCESTER: Everybody got -- ready to
12 proceed? Okay. I think if I have this right, we're
13 going to Group 7. Group 7 is Western Mountains and
14 Rivers Corporation. You have 10 minutes.

15 LARRY WARREN: Members of the Commission, my
16 name is Larry Warren. I have lived in western Maine
17 and worked in recreational development for over 50
18 years including 17 years at Sugarloaf Mountain
19 Corporation as Controller and President. I am the
20 founder of Maine Huts and Trails, the founder of
21 Longfellow Mountains Heritage Trails, one of the
22 founders of the Town of Carrabassett Valley and I
23 have lead multiple recreational and infrastructure
24 developments in Northern Franklin and Somerset
25 County. I am on the Board of Somerset Economic

1 Development Corporation and I have been a member of
2 the Board of Western Mountains and Rivers Corporation
3 since its inception in 2017.

4 The adverse visual impacts of the NECEC
5 touted by opponents of the project are substantially
6 without merit as is evidenced by the Visual Impact
7 Analysis provided by DeWan and Associates. The
8 Commission should find that, A, there are no
9 alternative sites in which -- which are suitable to
10 the proposed use of the project and reasonably
11 available to the applicant; and B, any portion of the
12 project that are incompatible with uses and resources
13 within a P-RR subdistrict have been more than
14 adequately buffered.

15 The real risks to western Maine's
16 nature-based tourism or recreation programs are
17 climate change and the potential loss of public
18 access to privately owned lands. Recent trends in
19 the recreation business and the recreational future
20 of The Forks show that the region's economic
21 viability is in jeopardy. Maine's rafting visits are
22 down from an annual high in 2000 of 90,000 to last
23 year 50,000. This is a 45 percent decrease in
24 visitors to the rafting industry. The numbers for
25 the Dead and Kennebec River decreased from 70,000 to

1 38,500, a comparable decrease. The snowmobile
2 business is projected by climate scientists to become
3 a diminishing, if not a vanishing, industry due to
4 rising temperatures and decreasing snow conditions in
5 the northeast. Average skier and snowmobiler days
6 are projected to decrease 25 to 50 percent pending
7 upon regional elevation and latitude. Recent past
8 winter experiences verify these predictions for this
9 region for the recreational days decreasing
10 approximately 25 percent from the late 1990s. This
11 year's weather is an anomaly with consistently good
12 conditions from mid-December. 2017 was a total
13 washout.

14 Over the long-term Carrabassett -- I mean,
15 Caratunk, The Forks and the West Forks should develop
16 a regional cooperative plan to move from a reliance
17 on rafting and snowmobiling to a broader nature-based
18 year-round economy with less dependence on snow and a
19 focus on more diverse recreational and cultural
20 pursuits. A goal for greater collaboration between
21 these communities and although it will be challenging
22 is the population for each of these three communities
23 is about 50 residents each. We have made significant
24 progress in bringing together on the Board of Western
25 Mountains and Rivers Corporation a diverse group of

1 community and business leaders, many of whom are
2 fierce competitors with an agenda to create and
3 implement a plan for the region's future, a plan
4 predicated on leveraging local and regional resources
5 and capitalizing on the significant environmental,
6 societal and economic resources of the region. This
7 enthusiasm has been created by the opportunities in
8 the promise of the NECEC project in our region.

9 The land area of northern Somerset County,
10 the area north of Solon, is 2,046,000 acres, of which
11 827,000 are classified as a conserved lands by the
12 State of Maine. This indicates that over 40 percent
13 of this land base is currently classified as
14 conserved. The region has unique and substantial
15 environmental and outdoor recreational assets. The
16 980 acres that central Maine Power Company plans to
17 develop on this transmission line property is not
18 significant in the context of these overall
19 conditions in Somerset County. What is significant
20 is that only 37 acres of the 980 is located in land
21 classified as conserved. Central Maine Power Company
22 has done a remarkable job of avoiding the conserved
23 lands of the various organizations that own these
24 lands and has offered 2,800 acres as mitigation along
25 the Dead and Kennebec Rivers to DEP, the LUPC and the

1 IF&W. The project provides additional lands and
2 resources that would allow for trail development
3 connecting the Carrabassett Valley and The Forks to
4 Moosehead. This would provide significant
5 recreation-based opportunities for the region and the
6 state and the only requirements are the acquisition
7 of one additional parcel and the discussions have
8 been initiated with that owner. The option to use
9 the NECEC corridor for responsible snowmobiling and
10 motorized recreational uses mitigates some of the
11 potential risk of losing public access of the private
12 logging roads and lands in the region. As an
13 alternative -- it's an alternative that goes a long
14 way towards addressing the rising concerns of the
15 landowners.

16 As technological advances bring the prospect
17 for autonomous logging vehicles to the woods, the
18 conflicts between forestry and recreational road uses
19 are very likely to increase. The outcry by the NECEC
20 opponents who assert that this transmission project
21 jeopardizes their rights to the lands, trails and
22 roads haven't figured out that the vast majority of
23 these resources are on privately owned land and
24 maintained privately. These comments reflect the
25 serious threat to the privilege of public access and

1 have been cultivated -- which have been cultivated
2 over so many years by so many responsible community
3 leaders. The privilege of access to private property
4 is in danger of rapidly disappearing due to their
5 assertions and disregard of the rights of the
6 landowners who so patiently pay the taxes and
7 insurance, repair the damage and pick up the garbage
8 related to this public invasion.

9 We urge the Commission to seriously consider
10 the significant offerings that have been made by the
11 NECEC to all Maine people, recognize the promise of
12 lower electric rates for all electric resident -- all
13 electric residents in New England, endorse the move
14 towards decarbonization of New England's power grid
15 and --

16 MS. BOEPPLE: Objection.

17 LARRY WARREN: -- help reduce the --

18 MS. BOEPPLE: Objection.

19 LARRY WARREN: -- rate of climate change in
20 the region.

21 MR. WORCESTER: What is your objection?

22 MS. BOEPPLE: The last portion of
23 Mr. Warren's statement has nothing whatsoever to do
24 with what's in front of the LUPC and I'd like that
25 stricken from the record, please.

1 MR. WORCESTER: I guess we'll sort this out
2 at the end, but we'll take note of what you objected
3 to.

4 MS. BOEPPLE: Thank you.

5 JOSEPH CHRISTOPHER: My name is Joseph
6 Christopher. I'm a board member of the Western
7 Mountains and Rivers Corporation with a clear vision
8 to work with the most prominent business leaders,
9 recreational outfitters and community planners in The
10 Forks area.

11 I have been a registered Maine Guide for 27
12 years. I am the owner of several businesses that
13 depend on the public's use and enjoyment of the
14 rivers and other natural resources in the greater
15 Forks area and own other business throughout the
16 state. For 22 years, I've owned Three Rivers
17 Whitewater in The Forks, Inn By The River, the
18 Sugarloaf Inn and other businesses in the state and
19 employ over 250 employees. I am the president of the
20 Signal Point Marina in Boothbay Harbor. I was a
21 long-time president of the Raft Maine Association and
22 am a signatory to the FERC negotiated settlement for
23 the license for Harris Station Dam and have studied
24 this region and its waterways tourism infrastructure
25 for my entire adult life. I am a life-long

1 environmental steward. I always work to preserve the
2 natural beauty of our planet and its natural
3 environment to the greatest extent possible while
4 managing human use of our natural resource. This
5 includes the natural and aesthetic resources of my
6 home, The Forks. I think global and act locally.

7 The NECEC is well-designed to achieve the
8 environmental benefits of this large amount of
9 removal energy. The corridor and transmission lines
10 themselves have been designed in a way that is
11 consistent with the current uses of the industrial
12 forest, hydropower dams and electrical transmission
13 facilities that exists there. Our organization has
14 fought and negotiated with CMP for the start -- from
15 the start to find balance and best practices to
16 locate the line which is now traveled -- now is to
17 travel underground to avoid unreasonable impacts on
18 the scenic aesthetic and other uses of the Kennebec
19 River and the Gorge.

20 My Exhibits 1 through 11 show the
21 hydroelectric and transmission facilities that our
22 guests and tourists are accustomed to. Although
23 these pictures show rafters on the Kennebec and
24 Penobscot put-in at Harris and McKay Station these
25 and other similar infrastructure are commonplace to

1 other users as well. The dam site at Harris Station
2 is one of the most popular fishing locations on the
3 river and also hosts the put-in facilities for the
4 lakes that fishermen utilize.

5 MR. WORCESTER: You need to wrap it up.

6 JOSEPH CHRISTOPHER: Yup. I'm -- just a
7 little bit more. Anglers are accustomed to seeing
8 these, hunters often prefer to hunt on the power line
9 corridors and place deer stands and hunt moose on
10 them regularly. I have hunted all of these areas for
11 many years. Snowmobiling and ATVs utilized the
12 current corridor now particularly in our area between
13 The Forks and Bingham. This combined with the
14 tapering buffers offered by CMP and the parts of
15 corridor protects some of these resources. WMRC
16 agrees completely with the current and former
17 Governor that this is a good project for the State of
18 Maine and my support is from an environmental
19 standpoint. Thank you very much.

20 MR. WORCESTER: Thank you, gentlemen. Group
21 2 is next and you have 15 minutes. Group 2 is the
22 Town of Caratunk, Kennebec River Anglers, Maine Guide
23 Service, Hawk's Nest Lodge and Mike Pilsbury.

24 MR. MANAHAN: Mr. Worcester, could I just
25 ask a question? Matt Manahan over here. The Group 2

1 has four witnesses in their pre-filed, direct and
2 pre-filed rebuttal testimony and I want to raise a
3 point of order they have five witnesses up here, so
4 I'm just -- to the extent they're adding a witness
5 that didn't file pre-filed, direct or rebuttal
6 testimony, I would object to that.

7 MS. PARKER: Ms. Boepple, can you address
8 that, please?

9 MS. BOEPPLE: Yes. Justin Preisendorfer is
10 at the table with the rest of the experts. We were
11 trying to provide his testimony and I thought we had
12 filed it as part of Group 2's. We can pull him back
13 and put him just as Group 10 if that --

14 MR. MANAHAN: Actually, no, just to clarify,
15 that's not a problem because you're right, you did --
16 you did file him as 2 and 10 --

17 MS. BOEPPLE: Thank you.

18 MR. MANAHAN: -- so if he were to go here
19 that would be fine, although now I'm counting six.

20 MS. BOEPPLE: Well -- well, I can clarify
21 that. So I spoke with -- I'm sorry. I spoke with
22 Mr. Hinkel and Ms. Parker before the proceedings
23 began to clarify that we have three consultants, so
24 Groups 2 and 10 jointly retained to provide
25 additional testimony before both the DEP and the LUPC

1 and my question at that time before we began the
2 proceedings was to find out whether you wanted to
3 hear them both with Group 2 and 10 or just one or the
4 other, so that's why all three of our additional
5 consultants are sitting at the table before you now.
6 And those -- they are Mr. Garnett Robinson. Would
7 your raise your hand? Mr. Roger Merchant and
8 Mr. Justin Preisendorfer. Actually, Ed, you're in
9 Group 10, so you've got to move away from the table.

10 MS. PARKER: Did those three individuals you
11 just named, they filed their direct pre-filed
12 testimony on behalf of both Group 2 and on behalf of
13 Group 10?

14 MS. BOEPPLE: That's correct.

15 MS. PARKER: And is labeled as such?

16 MS. BOEPPLE: Yes. And the other two
17 witnesses at the table are Liz Caruso and Greg
18 Caruso, both who are Intervenors in Group 2 and filed
19 pre-filed testimony in both proceedings.

20 MS. PARKER: Thank you.

21 MR. WORCESTER: Mr. Manahan, are you okay
22 with this?

23 MR. MANAHAN: It's confusing, but I -- I
24 think we can live it with it, sure, yes, thank you.

25 MR. WORCESTER: You have 20 minutes among

1 you, okay.

2 GREG CARUSO: Hello. My name is --

3 MR. MANAHAN: I'm sorry, could I just
4 clarify. I'm sorry to interrupt you, Mr. Worcester
5 says 20 minutes, but the calendar -- the schedule
6 does say 15 minutes.

7 MR. WORCESTER: Oh, I'm sorry. My mistake.

8 MR. MANAHAN: Thank you.

9 MR. WORCESTER: So that's three minutes a
10 piece. I used to be a math teacher.

11 GREG CARUSO: I'd better hurry. Hello. My
12 name is Greg Caruso and I'm a citizen of the Town of
13 Caratunk and owner of Maine Guide Service, LLC and I
14 am not a lawyer. For the last 26 years, I have
15 worked as a master Maine Guide, whitewater guide in
16 the outdoor industry. Many of those years as a
17 year-round manager in charge of hiring, training,
18 staffing and scheduling for one of the largest
19 outfitters in New England. I've brought hundreds of
20 guests up to Johnson and Coburn Mountains for hunting
21 and snowmobiling. I've brought thousands of guests
22 through the Kennebec River Gorge for rafting and
23 fishing. I've logged thousands of hours as a
24 snowmobile operator, many of them in the Coburn and
25 Johnson Mountain area. I've also worked as a

1 contractor for the ATC on the Appalachian Trail
2 carrying over 6,000 hikers in the last three years.

3 Our most critical asset in this region for
4 tourism are our mountains and waterways. This is
5 hallowed ground. It's absolutely critical that we
6 keep these places intact, particularly in these
7 remote towns and villages that rely on it for their
8 livelihood. By locating the corridor in critical
9 tourist destinations such as the Kennebec River
10 Gorge, Coburn and Johnson Mountains, Rock Pond or
11 Beattie Pond, et cetera, CMP is creating an
12 unnecessary burden upon the livelihood of its
13 residents, man and beast like. It's impossible for
14 CMP to build large structures in remote alpine
15 settings in which the very heart of our snowmobile
16 trail system exists or along rivers and streams in
17 which deer winter and brook trout and land-locked
18 salmon spawn without severely impacting the nature
19 and character of the area to the point that it no
20 longer gives the intended remote feel and effect.
21 There is no price that we can put on Maine's most
22 critical natural resources, which gives us our
23 livelihood and quality of place.

24 CMP has also failed to provide alternatives
25 that are better suited to the nature of the existing

1 uses critical to the environmental and the local
2 economy by not considering an underground option in
3 areas such as Coburn and Johnson Mountains, they have
4 instead placed the corridor in a fashion that's seen
5 dramatic elevation gain and decent, crisscrossing of
6 snowmobile trails at least eight times in only a few
7 miles between Johnson and Coburn Mountains, traveling
8 closely along the headwaters of the Salmon Stream and
9 literally going through the center of the old
10 Enchanted Mountain parking lot, which is a major
11 intersection for snowmobile traffic and the entrance
12 to very popular hunting and fishing ground.

13 MR. MANAHAN: Mr. Chairman, I'm sorry to
14 interrupt. Could I just object for the record to
15 this witness testifying as to matters that are not
16 within the LUPC P-RR segment of Johnson Mountain and
17 I just want to make that for the record. I -- I
18 don't want to otherwise...

19 MR. WORCESTER: So noted.

20 MR. MANAHAN: Thank you.

21 MR. WORCESTER: Please try to confine your
22 comments to what we're here to hear.

23 GREG CARUSO: I think that has to do to with
24 buffering, I believe.

25 MR. WORCESTER: I know you -- you're also

1 going to short change these other people if you don't
2 watch out.

3 GREG CARUSO: Anyone who guides for a living
4 knows that the quality of their experience hinges on
5 the very return of visit and other referrals of
6 others. By locating this corridor in an area that
7 relies heavily on a high quality remote experience,
8 the very fabric of this setting, is put in jeopardy.

9 I am confident that the LUPC will consider
10 the value of these remote places to our fragile
11 economy and thriving ecosystems when charged with
12 protecting Maine's environment and deny the permit
13 for the NECEC project. Thank you for an opportunity
14 to provide my testimony.

15 JUSTIN PREISENDORFER: Good morning,
16 Commissioners. Excuse me, my name is Justin James
17 Preisendorfer and I serve as a consultant for Groups
18 2 and 10 on wilderness and outdoor recreation
19 planning and management. I've worked in the field
20 for 24 years. My experience is primarily in western
21 Maine and northern New Hampshire though I've worked
22 at both the regional and national level.

23 Maine has our country's largest contiguous
24 block of undeveloped forest land east of the
25 Mississippi and that undeveloped landscape is

1 essential to Maine's brand. Nature-based tourism and
2 outdoor recreation are a significant part of the
3 region's economy based on that undeveloped landscape
4 and they provide much needed economic
5 diversification. Roughly 36.7 million tourists
6 visited Maine in 2017. The tourists weren't alone in
7 their outdoor pursuits however. As the Outdoor
8 Industry Association's Maine State Report showed that
9 70 percent of Maine residents participate in outdoor
10 recreation each year. A 2013 Maine Office of Tourism
11 survey asked tourists why they chose to visit Maine
12 and the top answer, beautiful scenery. They leave
13 development behind to enjoy the undeveloped
14 landscapes Maine has to offer. The post cards they
15 send home do not contain images of utility corridors.

16 From L.L. Bean to Old Town Canoes businesses
17 small and large have been developed around the
18 state's natural resources. Outdoor recreation in
19 Maine generates on average --

20 MR. WORCESTER: Excuse me, this has to focus
21 on the P-RR and what the specific things that we're
22 looking for, okay.

23 JUSTIN PREISENDORFER: I'm getting there.
24 Thank you. So 8.2 billion in consumer spending
25 annually, 76,000 direct jobs, 2.2 billion in wages

1 and salaries and 548 million in state and local tax
2 revenue. In 2017, Maine saw an increase in first
3 time visitors to the state with 5.3 million visitors
4 constituting a five year high. The state also ran
5 its first dedicated winter tourism campaign and
6 off-season visitation increased with a 13 percent
7 increase over winter travel from 2016.

8 Maine's outdoor recreation economy is
9 already strong and if national trends are any
10 indicator it will continue to grow. This
11 nature-based tourism and outdoor recreation in the
12 affected region is built on the scenic integrity
13 including P-RRs. When the Northern Pass Project
14 proposed a similar development of new transmission
15 lines in the nearby White Mountain National Forest,
16 the Forest Service approved the project component on
17 public land that --

18 MR. WORCESTER: I don't think that's
19 relevant to this.

20 JUSTIN PREISENDORFER: Okay. I'm going
21 to -- I'll pass and pick up after.

22 ELIZABETH CARUSO: Okay. My name is
23 Elizabeth Caruso. I'm the First Selectman of the
24 Town of Caratunk.

25 THE REPORTER: She needs her mic.

1 MS. BENSINGER: Use your mic.

2 ELIZABETH CARUSO: I don't need to, but.

3 Okay. So my name is Elizabeth Caruso. I'm the First
4 Selectman for the Town of Caratunk. I am a licensed
5 Maine Guide for the last 26 years for river rafting
6 and snowmobiling outfitter in the West Forks. This
7 corridor is not consistent or compatible with current
8 recreational uses of subdistricts in the way in which
9 citizens currently use these areas.

10 CMP has failed to demonstrate this new
11 industrial development use can be buffered for visual
12 impacts for recreational and navigational users. The
13 Maine River Study identified the Kennebec as a Class
14 A river. The study stated that impacts of
15 development around these river sources should be
16 avoided or minimized. The purpose of this study was
17 two-fold. One of it was to identify a variety of
18 actions that the state can initiate to manage,
19 conserve and enhance the state's river resources in
20 order to protect those qualities, which have been
21 identified as important. This industrial
22 infrastructure now underground is still development
23 around the Kennebec River and Cold Stream. From the
24 AT peaks of Pleasant Pond and Moxie Bald Mountain as
25 well as trail intersections this large scale

1 infrastructure would not be sufficiently buffered
2 from the trail. Approximately 28 (sic) hikers each
3 year hike Caratunk's Appalachian Trail. Suggested
4 buffers are not sufficient to shield this new usage
5 and a DC line is much different visually and audibly
6 than an AC line.

7 Also in the application CMP has admitted
8 that they had not considered or analyzed the
9 alternatives of burying the lines. The other two
10 alternatives the Applicant mentioned were more
11 impactful but still not similarly comparable with the
12 New Hampshire or Vermont underground options offered
13 to carry the same hydropower yet still the corridor
14 would intersect the Coburn snowmobile trail eight
15 times and would reach highly visible elevations of
16 over 2,000 almost 3,000 feet. In my PUC cross on
17 January 9, CMP admitted that they did not even assess
18 the area of the new 53 miles for existing uses. They
19 did not conduct any studies on winter snowmobiling in
20 the area, did not consider the scenic tourism or
21 economic impacts, did not consider construction
22 period housing or the availability of local fire and
23 emergency response resources. And aside from the
24 thousand feet of the line -- of the Kennebec line CMP
25 didn't conduct any kind of analysis on burying the

1 line to see if some of the visual and environmental
2 impacts could be minimized. Burying the line is
3 standard in the industry to buffer and avoid scenic
4 impact and Avangrid proposed burying in New York for,
5 quote, aesthetic purposes. The applicant could have
6 chosen the Route 201 corridor or existing logging
7 road such as the Spencer Road to bury the line. In
8 this global forest and destination area it is
9 unreasonable to not bury the line.

10 James Palmer originally said of the VIA,
11 quote, there does not even appear to be a process to
12 attempt a full accounting, end quote. The John Mere
13 study of 2017 found that 55 percent of the tourists
14 would not return to a wilderness area if it had
15 transmission infrastructure. The largely natural
16 wilderness experience is why people come here. CMP's
17 implication that our working forest is just a
18 wasteland is untrue and disrespectful and doesn't
19 support any finding that the project will cause few
20 impacts. Clearcuts grow back, logging roads are used
21 by many of the public. Whether or not this project
22 is cost-effective for CMP and its shareholders is not
23 concern for the citizens or the agencies of Maine.
24 CMP's choices to study impacts or not, recreational
25 usages or not, technical decisions such as burying or

1 not, these are present business decisions to
2 establish a profit for shareholders. This is not the
3 state's problem. This is not a Maine reliability
4 used to keep the lights on in Maine or benefiting
5 Maine citizens, therefore, there is no reasonable
6 cause to desecrate Maine's contiguous forest to risk
7 potential for forest fires from overhead lines and to
8 threaten Maine's tourism industry and dependent
9 families and landowners.

10 CMP has provided no evidence that the NECEC
11 will not harm our tourism and recreation economy and
12 is not forthcoming with the project's cost or revenue
13 analysis. Without supporting evidence it is
14 difficult to see how CMP can claim there won't be any
15 impacts to overhead transmission lines and that is
16 not a reasonable alternative. It is not the
17 responsibility of the State of Maine to see that CMP
18 makes a handsome profit for their shareholders.
19 Thank you.

20 ROGER MERCHANT: Good afternoon. I'm Roger
21 Merchant, Licensed Professional Forester 727 from
22 Glenburn, Maine. Fragmentation of forests,
23 fragmentation of wildlife habitat, fragmentation of
24 scenic viewsheds and its impact on natural resource
25 and the tourism industry seems to be the talk of

1 these hearings about DEP and the LUPC. I will
2 briefly try to make clear the character of the forest
3 landscape in Segment 1 as an example between Quebec
4 and Maine and if permitted the NEC corridor will add
5 significant permanent fragmentation and associated
6 habitat impacts as well as what we are hearing
7 concerning scenic viewshed impacts.

8 I've observed forest changes in Segment 1
9 over the last 54 years starting in 1965 with forester
10 boots on the ground cruising Township 5 Range 6 BKP
11 WKR and the Upper Moose River. I've crossed the
12 Spencer Pond, Beattie Roads when they were but a bull
13 moose scratch through the woods. My family outdoor
14 legacy includes three generations who have
15 participated with me in this Segment 1 environment,
16 so my engagement with this landscape in question is
17 not casual.

18 Over the summer of 2018, I conducted a field
19 review of existing forest conditions and scenic views
20 along the Quebec Coburn section of Segment 1. Three
21 interpreted aerial photographs in Exhibits 1-6 in my
22 testimony illustrate complex forest conditions,
23 patterns of existing forest fragment, the network of
24 permanent gravel logging roads, cold water streams,
25 all of which will be impacted if NEC is permitted to

1 carve in yet another third larger layer of
2 fragmentation and perpetuity. For example, if I
3 could ask you to put your heads back, on the screen
4 is an example --

5 MR. MANAHAN: Mr. Worcester, could I just
6 for the record and maybe just make this an ongoing
7 continuing objection to testimony that is irrelevant
8 to this proceeding so I don't have to continue to
9 object. Thank you.

10 MR. WORCESTER: I'm having the same
11 difficulty. You're supposed to be focusing on the
12 issues that are before this Commission and you're
13 dragging all this other stuff in.

14 ROGER MERCHANT: As I heard it, the concern
15 that is involved with what you're looking for
16 concerns existing uses and resource protection.

17 MR. LIVESAY: We're in an awkward spot here.
18 You're obviously very passionate about this project
19 and -- and there is an important distinction to be
20 recognized between the roll that this Commission
21 plays and the role that the Department of
22 Environmental Protection plays and so our role and
23 what we're -- what would be helpful for you to help
24 us sort through is whether or not this project meets
25 the special exception criteria that apply in the P-RR

1 subdistrict. And so we talked about earlier in the
2 day that there are three basic locations where the
3 corridor crosses through the PR-R subdistrict. One
4 is in the Beattie Pond area, the other is down at the
5 Appalachian Trail, we had some -- quite a bit of
6 discussion about that earlier and then the third
7 location is the -- now they're going underneath the
8 Kennebec River and the Gorge areas in the P-RR, so if
9 you can focus your testimony on those three -- three
10 places that would be helpful to us.

11 ROGER MERCHANT: As I've been listening to
12 the discussions and the conversations that have been
13 presented what I've been hearing is, for example,
14 with Beattie Pond the viewshed impacts and so is that
15 up and subject for discussion and the area outside of
16 that, is that outside of --

17 MR. WORCESTER: Outside of that area is not
18 up for discussion. We're focusing on the P-RR areas
19 with this hearing.

20 ROGER MERCHANT: With all due respect, this
21 is what -- what I don't understand. When it comes
22 down to evaluating scenic views and viewsheds be it
23 from Beattie or Coburn or otherwise --

24 MR. WORCESTER: I understand you don't
25 understand that.

1 ROGER MERCHANT: No, they -- it has a --
2 does that not have a bearing in --

3 MR. WORCESTER: You need to bring that up to
4 the DEP not to us. Our focus is on those three
5 areas, so most of this testimony you're giving is
6 irrelevant because you're not focusing it in on those
7 three specific P-RR zones.

8 ROGER MERCHANT: I guess the one thing I
9 could have to say with respect to the context of my
10 testimony is that it seems to me like the Beattie
11 piece has been addressed according to what's been
12 presented before, but it does not address in any way
13 whatsoever the enormous scenic value in the larger
14 viewshed that is a part of and not separate from.

15 MR. LIVESAY: And know the Commission here,
16 we're not here to judge the relevance of that or to
17 say that that's not important. That's just what the
18 Department of Environmental protection will be
19 looking at as they review the entirety of this
20 project. We're focused on just whether or not this
21 proposed transmission line is an allowed use within
22 these three zoning districts. That's just the way
23 that this has been bifurcated.

24 MR. WORCESTER: This is one of the hazards
25 of adding people to a group. Your time is up.

1 KATHY BARKLEY: I'll testify for Group 10.

2 MR. WORCESTER: So if you're -- if -- yeah,
3 you can testify in Group 10, I guess. Is that all
4 right, Mr. Manahan?

5 MR. MANAHAN: Yes, thank you, Mr. Chairman.

6 MR. WORCESTER: All right. Thank you.

7 GARNETT ROBINSON: I just want to make sure
8 everybody knows that I consider Everett and I are
9 friends, but it's -- I view him as a mentor. I've
10 worked with him, I did appraisals. Sorry, I just
11 wanted to get that before I even -- so we don't have
12 to do this before we talk. I worked with Everett
13 before and he is a friend. His, I mean, his
14 integrity would never allow him to do anything with
15 our friendship. I mean, he was a math teacher and
16 he's told me when I've had math errors. And
17 Mr. Gilmore and I have -- are friends. We've talked
18 about who shot bigger deer and I also know Millard
19 Billings. I just want to make sure --

20 MR. WORCESTER: I think we're all set.

21 GARNETT ROBINSON: I didn't want anybody
22 saying there was something improper.

23 MR. WORCESTER: I think we're all set. It's
24 not a problem. Group 4. Group 4 has 20 minutes.

25 MS. ELY: I have a question for the

1 Commission. We have two LUPC witnesses, but we --
2 Mr. Publicover is going to do our presentation. Did
3 you want Jeff Reardon to stand -- to sit up or is it
4 fine for him to stay since it's not time for
5 cross-examination?

6 MR. LIVESAY: That's fine.

7 MS. ELY: Thank you.

8 MR. MANAHAN: Well, and I would just object
9 to Mr. Reardon being subject to anything because he
10 didn't file direct testimony having anything to do
11 with LUPC. The only two witnesses that filed LUPC
12 testimony were Mr. Publicover and Mr. Towle.
13 Mr. Reardon filed only DEP testimony.

14 MS. ELY: His was both.

15 MR. LIVESAY: We'll sort through that.
16 We'll sort through Jeff's status while Mr. Publicover
17 goes. He doesn't need to be there now either way.

18 MR. MANAHAN: I would just note that Mr.
19 Reardon testified as to brook trout conditions, so.

20 MR. PUBLICOVER: All right. Thank you. My
21 name is David Publicover. I'm a Senior Staff
22 Scientist with the Appalachian Mountain Club
23 testifying on behalf of Group 4. And you'll be happy
24 to know I'll probably save you about 15 minutes in
25 your schedule because I have only about five minutes.

1 And my testimony addresses the P-RR zone along the
2 Appalachian Trail.

3 Currently, the AT passes through an existing
4 transmission line corridor containing a 115 kV
5 transmission line three times at the southern end of
6 Moxie Pond. The existing towers are about 45 feet
7 high, less than the height of the surrounding forest
8 vegetation. The proposed project would widen the
9 corridor by 50 percent and install a second
10 transmission line with towers that are 100 feet tall,
11 more than twice the height of the existing towers and
12 significantly taller than the surrounding forest.
13 The proposed project would be the first crossing of
14 the AT by a transmission line this size in Maine. It
15 would thus constitute a unique and novel negative
16 impact on the AT in the state and would increase the
17 exposure of users of this section of the trail to
18 incompatible development.

19 Now, the application Chapter 25 of LUPC
20 certification chapter states that there would be a
21 negligible change to visual impact to hikers using
22 the trail. However, this conclusion is contradicted
23 by the revised application Chapter 6 scenic resources
24 chart that rates the impact as moderate to strong at
25 the crossing at Joe's Hole. You've all seen the

1 visual simulations and I'll allow you to judge for
2 yourself whether that is a negligible impact. The
3 Applicant also states in the application Chapter 6,
4 the project should not negatively affect a hiker's
5 experience or their continued use and enjoyment of
6 the Appalachian Trail. The statement that the
7 project will not negatively affect hikers' experience
8 is made without any supporting evidence and is
9 contradicted by the revised impact rating of moderate
10 to strong and the Applicant's recognition of the need
11 to mitigate the impact through vegetative screening.
12 There is a noticeable difference between a single
13 line with power short in the surrounding forest and a
14 corridor that is 50 percent wider, you have two
15 lines, one with towers considerably taller than the
16 forest which are experienced by hikers passing
17 directly under the line. And, again, this change is
18 quite notable in the photosimulations of the area.
19 The photosimulation of the proposed vegetative
20 screening does not inspire confidence that the
21 proposed mitigation will be adequate. Vegetative
22 screening alone cannot mitigate the exposure of
23 hikers with a wider corridor and an additional much
24 larger transmission line. In addition, this proposed
25 planting proposed for only one of the three crossings

1 in this area.

2 We thus conclude that the proposed project
3 fails the second criterion for granting of a special
4 exception in that the existing use has not been
5 buffered from an incompatible use. For this reason
6 the Commission should deny the granting of the
7 special exception and I thank you.

8 MR. WORCESTER: Thank you. Group 8 has 10
9 minutes.

10 CHRISTOPHER RUSSO: Good afternoon. My name
11 is Christopher Russo. I am neither a guide nor a
12 lawyer nor a math teacher. I am an engineer and
13 economist. I work for Charles River Associates in
14 Boston and I'm here to provide testimony on behalf of
15 NextEra Energy.

16 Thank you folks for providing the
17 opportunity to do so today. So I'll keep this brief,
18 what I'd like to do is take approximately -- I have
19 10 minutes, right?

20 MR. WORCESTER: Yes.

21 CHRISTOPHER RUSSO: -- summarize my
22 testimony briefly, some key points as well as provide
23 perhaps an analogy, which I think might be useful in
24 sorting through some of the important consequential
25 issues here.

1 So just a bit of background. I'm an
2 engineer and economist. Throughout my career I've
3 analyzed probably hundreds of power plants and
4 transmission lines as everything from an academic
5 researcher to a power plant engineer, so I'm quite
6 familiar with the issues behind NECEC. I've also
7 provided extensive testimony before the Maine Public
8 Utilities Commission as well as the Massachusetts
9 Department of Public Utilities.

10 So my testimony is fairly straightforward.
11 I cover two principle points. The first, which I
12 think has been covered pretty amply today is that CMP
13 never considered burying 53 miles of greenfield
14 transmission and this was helpfully explained about
15 an hour or two ago that it was because of cost and
16 because the cost wasn't practicable and I'll return
17 to that in a moment. The second issue, which is
18 perhaps less obvious but in my experience is
19 significant is that the construction of NECEC is
20 unusual. I can think of only one other transmission
21 line in the world of this type of technology that's
22 not undergrounded. The vast majority of DC lines
23 are, in fact, underground. There is one, I think, in
24 Malaysia that is an above ground line that is DC
25 technology of a similar length. So this line is, in

1 fact, an outlier in many ways. By returning -- and
2 as I testified in Maine before the Public Utilities
3 Commission the construction of the line as a DC
4 technology does, in fact, preclude the connection of
5 renewables in western Maine to the line.

6 The next point I'd like to cover briefly is
7 the issue of practicable and it was helpful and
8 illuminating to hear CMP's testimony this morning
9 that, in fact, the line could not be buried or would
10 not be buried not because it wasn't technically
11 feasible and, in fact, there is evidence throughout
12 the world that these lines can indeed be buried but
13 rather because it was too expensive to do so. And
14 after the fact, CMP determined that they wouldn't
15 have proceeded and they wouldn't have prevailed in
16 the Massachusetts competitive solicitation. And
17 there was also testimony that spoke to the purpose of
18 the line and I believe Mr. Dickinson testified that
19 the purpose for the line was to provide the least
20 cost electricity to Massachusetts. With respect to
21 Mr. Dickinson, who I enjoy as a colleague, I tend to
22 disagree with him on that. The purpose of the
23 project was to be a competitive bid into a
24 Massachusetts solicitation meeting certain
25 requirements.

1 So what I'd like to do is close briefly with
2 an analogy that I think crystalizes and hopefully can
3 clarify some of the issues before us here today and I
4 recognize that the world of electricity transmission
5 construction can be a bit arcane. Everybody has
6 hobbies. My hobby is building and renovating parts
7 of my house, houses I've lived in over the weekend.
8 So let me take the analogy of a contractor. So you
9 decide you want to build a house. You send it -- you
10 put the project out to bid, contractors come back
11 with bids and they meet your specifications and they
12 should all be knowledgeable of that building code.
13 You select -- you select a winner, the contractor
14 comes to you and says, great, I'm going to submit
15 these plans to the building department. He gets the
16 building -- the plans back from the building
17 department and he says, well, you can't build it this
18 way, maybe you need a steel beam instead of 2 by 10s,
19 maybe you need an LDL or a different insulation
20 value, whatever it is this isn't going to meet the
21 standards for construction. The contractor then
22 comes to you, you've given him copies of all of the
23 other bids and he says to you, well, you know what,
24 if I need to follow these requirements, I wouldn't
25 have won the bid and I can't make anybody building

1 the project. That's essentially the situation we
2 have before us here today, which is that CMP has
3 after the fact determined that burying the line would
4 not have allowed them to win the bid, the competitive
5 auction for the project, and, as such, they've argued
6 that it's, you know, it's not practicable for them to
7 consider the alternatives to mitigate P-RR impacts
8 because they wouldn't have won the procurement in
9 Massachusetts.

10 So, again, I think it's a -- this is a
11 complex topic and this is, you know, the issues
12 involved here can be a nuance, but at its core it is
13 fairly straightforward that the alternative of
14 undergrounding a line which would have been typical
15 for lines of this character throughout the world was
16 never even considered. So I believe that's -- oh,
17 one point I would like to add as well and I'll
18 continue the analogy which is that it's important to
19 remember, and Mr. Dickinson helpfully testified to
20 this earlier today, that the additional cost would be
21 borne by CMP and not by Maine ratepayers and not by
22 Massachusetts ratepayers, so how CMP might choose to
23 mitigate the financial impact is an issue that's
24 probably up to them. So, again, think back to the
25 contractor analogy, building inspector says the house

1 needs to be constructed a bit differently, perhaps it
2 works out a deal with its subs, perhaps it works out,
3 you know, goes to the building inspector, the
4 building inspector says, well, you're going to eat
5 some more of the cost, perhaps I'll charge you a bit
6 less for a licensing fee next year. There are ways
7 to mitigate the financial impact, but the clear point
8 is that the Maine rate -- neither Maine ratepayers
9 nor Massachusetts ratepayers will bear any additional
10 impact. So I think that's all I had for my
11 testimony. There is no doubt that some of these
12 issues will come back up on cross.

13 MR. WORCESTER: Thank you.

14 CHRISTOPHER RUSSO: Thank you for your time.

15 MR. WORCESTER: Group 10.

16 MATT WAGNER: You knew there was a lot of
17 us.

18 MR. WORCESTER: Well, be that as it may,
19 you've got 15 minutes. So I would suggest you
20 briefest person first. Just remember, people, you're
21 going to have to be brief. I don't take any joy in
22 shutting you down.

23 MATT WAGNER: Thank you, everybody. We are
24 going to attempt to be brief. We've really pared
25 this down. We recognize there is a bunch of us. We

1 have gotten to be pretty consolidated as a huge
2 Intervenor group. I'm Matt Wagner. I'm the
3 spokesperson for Intervenor Group 10, recreational
4 local concerns and I'd like to acknowledge this
5 hearing isn't obviously our area of expertise, so we
6 have worked really hard to bring in a few expert
7 witnesses to hopefully answer questions for you in a
8 format that fits, which obviously none of us are
9 professionals at this and we can't be prepared to do
10 it.

11 This project will forever change our area
12 and Group 10 Intervenors are unanimous in their
13 opposition to the Applicant's proposal to
14 industrialize our home landscape and the Applicant's
15 requested exemption to the PR-R subdistrict are
16 incongruent with the current existing uses and those
17 are existing uses that -- that we know. This is our
18 home. So with that, I'm going to pass this on to Ed
19 real quick. Ed Buzzell.

20 ED BUZZELL: Yeah, my name is Ed Buzzell.
21 My opening statement pretty much reflects my
22 testimony. I'd like to pass it on to anybody else.

23 KIM LYMAN: Kim Lyman from Caratunk. I've
24 spent 21 years in the area. I'm a whitewater raft
25 guide for that entire time and my husband is also a

1 master Maine Guide and fishing guide of 27 plus
2 years. We also rent lodging to people who come to
3 recreate in this the area, many who hike along the
4 Appalachian Trail to Moxie Falls and to raft the
5 river. The negative impact to us is based on scenic
6 impacts to those areas as well as impacted fisheries
7 that would be significant to both of our -- our
8 guiding future as well as lodging future, so it's not
9 practical for us to look at it or for the people that
10 we send to these areas to look at it because they
11 specify to us that that's what they come here to get
12 away from exactly that. And I do have proof of that,
13 but I don't know that I'm allowed to submit
14 testimonies from guests who stay at our homes.

15 The negotiation and mitigation process that
16 was done with a group of people who assumed some sort
17 of right to represent the rest of us in our area has
18 had a great impact on us because we are affected by
19 this whole project and so that's why I'm here and
20 that's all I have to say right now.

21 NOAH HALE: Thank you, Commission. My a
22 name is Noah Hale. I'm a lifelong northern Mainer
23 born and raised in Jackman and currently live in the
24 West Forks in recent years. I am a registered Maine
25 Guide, volunteer fire fighter, service industry, deer

1 hunter, lousy fisherman, whitewater kayaker, and
2 don't worry, I'm no expert of anything. I'm merely
3 here as a voice for those who don't have a horse in
4 the race.

5 I'll go with my testimony here. The
6 northern forest in Maine are an American treasure, a
7 crown jewel of the Appalachian Trail that are in need
8 of our protection. With a huge swath, 100 foot
9 towers, blinking lights, access roads, hundreds of
10 waterways, ecosystems, loss of livelihoods, damaged
11 properties, human health hazards at the end of the
12 day for what? So a foreign-owned company can sell an
13 inconsistent product to another state, plain and
14 simple. I'm going to speak frankly as a
15 representative of the common Mainer, we see what this
16 is, we see who is doing it and we're beyond
17 frightened. I could go on and on about how this
18 proposed project will disgrace the north Maine woods
19 and the great citizens that live there. Where is the
20 need? Tax breaks, jobs, quote, unquote, faster
21 internet? Do the right thing. Do not approve the
22 NECEC. Let TDI Vermont bury their approved line in
23 Vermont.

24 And as a closing statement when it comes to
25 Beattie application, the Appalachian Trail,

1 CMP/Avangrid/Iberdrola has a hard time answering yes
2 or no questions. And, you know, they're in the
3 papers every day for fraud and we're supposed to
4 believe that they can handle this highly sensitive
5 area. No line is safe to touch ever. Thank you.

6 KATHY BARKLEY: Kathy Barkley, Caratunk,
7 Maine. I'm going to shorten this considerably. I'm
8 a 30 year resident. I have had over 2,000 runs on
9 Maine rivers. I have lead and enjoyed non-motorized
10 recreational activities in north Maine's working
11 forests including the P-RR zones. The corridor where
12 it passes through the P-RR zones will forever
13 negatively alter the northwestern Maine scenic views
14 tourists and locals both enjoy. No one comes to
15 Maine to enjoy a power line. No plan has been
16 proposed nor do I believe it is possible to
17 acceptably mitigate or buffer damage to the existing
18 P-RR resource and its uses. No alternative was
19 seriously considered because it would impact CMP's
20 competitiveness and profit. Tourism is the
21 long-term, low impact, sustainable economic engine
22 for northwestern Maine as long as the reasons
23 tourists come are not damaged or destroyed. NECEC
24 will irreparably damage and destroy this research
25 that draws people to the iconic Maine woods. I ask

1 the LUPC to decide the NECEC corridor is incompatible
2 with its current land uses and that reasonable
3 alternatives have not been considered. Thank you.

4 JUSTIN PREISENDORFER: Good afternoon,
5 folks. Justin Preisendorfer again. I'd like to
6 address the Appalachian Trail P-RR subdistrict first.

7 As I was speaking about with Group 2, the
8 Northern Pass decision in New Hampshire was approved
9 in the White Mountains, the public land section
10 because 50 miles were proposed to be buried and it
11 says in the Record of Decision burial of the
12 transmission line through the White Mountain National
13 Forest resolved forest plan consistency issues
14 related to visuals and effects on the Appalachian
15 National Scenic Trail. Even though line burial for
16 this project would address most concerns with scenic
17 values and existing uses, CMP made no effort to truly
18 determine if it was practicable for any section to be
19 buried other than the Kennebec River Gorge.

20 In regards to Beattie Pond and scenic
21 character and existing uses, the recreational as well
22 as guided fishing opportunities will be negatively
23 affected. The 2018 special report on fishing that
24 was commissioned by the Recreational Boating and
25 Fishing Foundation and the Outdoor Foundation found

1 that fishing participation grew by 1.9 million, fly
2 fishing was the biggest segment of that and Beattie
3 Pond is a fly fishing only pond. There lies the
4 impacts that are related to the existing uses in that
5 P-RR subdistrict.

6 ERIC SHERMAN: I'm Eric Sherman from
7 Greenville. I was born and raised there and I've
8 been a whitewater raft guide for 35 years. I'm a
9 school teacher in Greenville and I got involved
10 because the proposed project was going to go over the
11 river and I thought that was going to be damaging for
12 people who wanted to go and see the river and
13 experience the wilderness after they leave the dam
14 area. And then I became more concerned about the
15 environment and specifically the various habitats of
16 the species that live in the path of the corridor
17 that are designated P-RR zones in particular. And I
18 find it disturbing and questionable that Hydro-Quebec
19 hasn't been at one meeting to answer any questions
20 from anybody. I have grave concerns with the 150
21 foot wide corridor that the NECEC will take will --
22 the other 150 feet end up in wind turbines. And I
23 believe that economic of tourism -- to tourism of
24 local communities will be adverse and significant.

25 Lastly, I just wanted to say I went and

1 visited your About Us page and on your page you say
2 along with carrying out your plan's zoning
3 responsibilities you will -- your website
4 specifically says, the western mountains and up to
5 the Canadian border, these were areas of importance
6 to the vitality of both the state and local
7 economies, are home to many Mainer's, are enjoyed by
8 Maine residents and visitors in pursuit of outdoor
9 recreation activities including hunting, fishing,
10 boating, hiking and camping.

11 I feel like we were kind of pushed along to
12 not say everything we wanted to say, but I'll end it
13 by saying those P-RR zones need you to protect them
14 and I implore you to reject the NECEC. Thank you for
15 your time.

16 MR. WORCESTER: I'd like just to remind you
17 that you have plenty of opportunity if you choose so
18 to submit written testimony to the LUPC staff and it
19 will be put up on the website. We -- just by the
20 nature of the beast we end up having to limit these
21 kind of events. It's going to be even more striking
22 this evening when people aren't going to be nearly as
23 receptive to that notion, but that's the reality of
24 what we're dealing with.

25 GARNETT ROBINSON: I think most of what I

1 have -- I know my testimony has been entered before
2 the LUPC and the DEP. I think most of the primary
3 concern will probably be with the DEP. I'm happy to
4 introduce myself and in that way if there is
5 anything -- and be available for question, cross on
6 any of that material that might be relevant for you
7 then, so. My name is Garnett Robinson. I own Maine
8 Assessment and Appraisal Services, Inc. I have a --
9 I'm appraiser, a certificate Maine assessor. I've
10 been a registered Maine Guide for years. I'm
11 probably the only person in this room that has a
12 social security number that says it's from The Forks,
13 so. And so if you go through most of my testimony,
14 I'm a certified -- former certified code enforcement
15 officer. I have a degree in land use planning. I
16 teach a property tax school, so there is quite a few
17 things that I am capable of talking about here. I
18 think most of my testimony and, like I said, my
19 testimony has been pre-filed for both of yours and I
20 think -- I think you'll find the majority of it will
21 be probably to the site plan, so.

22 MR. WORCESTER: Thank you. We have one
23 more.

24 JUSTIN PREISENDORFER: Yeah, and I was
25 just -- I was going to add one more piece, if I may,

1 to the last P-RR subdistrict that I did not
2 personally address and that is in the Kennebec River
3 Gorge and yesterday we heard that for areas where
4 there was line burial there would still need to be a
5 75 foot wide strip that was maintained free of
6 vegetation to secure that line and keep it
7 sustainable. So within the Kennebec River Gorge even
8 if the line does not go overhead and it goes into the
9 ground more than 1,000 feet away from the river's
10 edge it still seems to me based on what I heard
11 yesterday that there will be a corridor that goes
12 down within visual range of those enjoying the Gorge.
13 This is going to stand in contrast with the natural
14 environment that the area's economy is built on and
15 undeveloped landscape has long attracted visitors to
16 the region and this would undermine the evolving
17 nature of the economy. It runs counter to the effort
18 the state has made to promote tourism and economic
19 development in the region and CMP has failed to
20 demonstrate that this project will not cause
21 unreasonable harm to the scenic character and
22 existing uses that form the base of the growing
23 outdoor economy that depends on these P-RR
24 subdistricts. This is an important part of the
25 greater Maine economy and I ask that you not allow a

1 special exception for the project as submitted.

2 ERIC SHERMAN: Do we have time still? I
3 have one more thing.

4 MS. KIRKLAND: You have 2:45.

5 ERIC SHERMAN: This is out of concern
6 about -- Eric Sherman again. At the Kennebec, every
7 time they've spoken about not being able to see the
8 termination towers on each end of the river they've
9 said basically they are talking like when you're
10 right at that spot, but when you're coming into the
11 river three-quarters of a mile up there is a fairly
12 long straight stretch and for those of you that know
13 the river it's where Northeastern has their lunch
14 site and you can see off to the left side, which is
15 the east side of the river quite -- quite far and I
16 have a concern that those towers will be visible from
17 there. And then after you leave that spot you go
18 down around the corner you go past Moxie Stream and
19 then there is another straight stretch and when you
20 look back again it's very -- fairly flat and I have
21 concerns that you're going to look back and see the
22 towers there. Thank you.

23 JUSTIN PREISENDORFER: Thanks. The --
24 someone had asked earlier about Beattie Pond and it
25 was mentioned that there was no public access to it,

1 so the viewshed analysis that we saw earlier was done
2 from the pond. However, it is important to note that
3 the Great Ponds Act provides public access on foot to
4 all ponds in the state that are greater than 10 acres
5 in size and so we would find it reasonable that
6 viewshed analysis would be done on those approach
7 routes to the greater ponds.

8 MR. WORCESTER: Thank you, people, you did a
9 good job.

10 MATT WAGNER: Thank you, Commissioner
11 Worcester.

12 MR. WORCESTER: I'm going to call on Group 5
13 for 10 minutes and then we're going to take a 10
14 minute break.

15 MIKE NOVELLO: Mike Novello, Group 5.
16 Sorry, I don't have a full table here with me, you
17 just have to listen to me for -- I'll see if I can
18 stretch this out for 10, but I may not be able to.

19 We had no testimony team on the Beattie Pond
20 area and the remainder of our testimony was not
21 focused on any of the P-RR districts, so I believe I
22 have nothing else to summarize before you today.

23 MR. WORCESTER: I think we made an impact
24 finally. Let's take a 10 minute break, please.

25 (Break.)

1 MR. WORCESTER: If I understand this
2 correctly this is where Intervenors get the
3 opportunity to cross-examine each other, okay. Not
4 the Applicant but each other. Any questions on that?

5 MS. ELY: Do we want to -- did you want to
6 resolve the Jeff Reardon question first?

7 MS. PARKER: Yes, we're going to resolve
8 that first. So it was our understanding that when
9 Group 4, which was granted Intervenor status in both
10 the LUPC and DEP proceedings that Jeff Reardon was
11 one of the witnesses for Group 4 in both proceedings.
12 His pre-filed direct testimony was labeled for DEP
13 and LUPC. I believe that CMP moved to strike that
14 testimony and the Land Use Planning Commission did
15 not grant that motion to strike, so it's the LUPC's
16 position that Jeff Reardon is a Group 4 witness and
17 needs to be here and is here and available for
18 cross-examination should anybody wish to cross you.

19 MS. ELY: Thank you.

20 MR. WORCESTER: So it's Group 3 first.

21 MR. BUXTON: Thank you.

22 MR. WORCESTER: And I think you people can
23 stay in your seats and answer from there because we
24 don't know who he's going to ask what and maybe he
25 doesn't either.

1 MR. BUXTON: I suppose I could ask all of
2 them the same question.

3 MR. WORCESTER: Okay.

4 MR. MANAHAN: Robin has just asking --
5 Robin, the court reporter, is just asking to make
6 sure people identify themselves.

7 THE REPORTER: And use the microphone and
8 identify yourself so I know if we're going to stay
9 seated where you are, please.

10 MR. WORCESTER: Yes, you need to get to a
11 microphone and tell us who you are because all of
12 this is being recorded. And don't use anybody else's
13 name, all right.

14 (Laughter.)

15 MR. BUXTON: Good afternoon. I'm Tony
16 Buxton representing the Industrial Energy Consumer
17 Group asking a few questions on behalf of Group 3.
18 My first question is for Ms. Caruso. I don't want to
19 disturb what you're doing, but.

20 ELIZABETH CARUSO: Go right ahead.

21 MR. BUXTON: Thank you. Is it correct that
22 among the many positions you hold in the Town of
23 Caratunk is assessor?

24 ELIZABETH CARUSO: It is. I am a
25 selectperson and it says assessor, but our assessing

1 is done by Maine -- Garnett's company. Sorry.

2 MR. BUXTON: Well, do you have knowledge of
3 the primary residence of the people who pay property
4 taxes in Caratunk?

5 ELIZABETH CARUSO: Off the top of my head or
6 are you saying do I have a book to look at?

7 MR. BUXTON: Off the top of your head.

8 ELIZABETH CARUSO: All of the property
9 owners, I do not know that off the top of my head.

10 MR. BUXTON: Okay. Thank you. No further
11 questions of you.

12 ELIZABETH CARUSO: Okay.

13 MR. BUXTON: Dr. Publicover, if I may ask
14 you a few questions. Your testimony earlier today
15 was requesting -- in your testimony you requested
16 that the LUPC deny the request of the Applicant; is
17 that correct?

18 DAVID PUBLICOVER: This is Dave Publicover
19 and yes.

20 MR. BUXTON: And at Page 28 of your
21 pre-filed testimony you discuss a willingness on the
22 part of AMC to discuss with the Applicant a
23 relocation of the Appalachian Trail to avoid the
24 impacts that you're concerned about; is that correct?

25 DAVID PUBLICOVER: Not exactly. I was not

1 presenting us as the person doing the negotiations.
2 I know there have been discussions with the AT trail
3 maintenance or AT trail managers in that area. AMC
4 is not a trail manager in that area, so we have no
5 ability to negotiate directly on it.

6 MR. BUXTON: Well, to get to the heart of
7 it, if the trail were relocated in a way acceptable
8 to the trail managers, would that change your view on
9 what this Commission should do?

10 DAVID PUBLICOVER: If the trail were
11 relocated so that the situation in that area was
12 improved rather than degraded it quite possibly would
13 change our opinion.

14 MR. BUXTON: How do we get from quite
15 possibly to yes?

16 DAVID PUBLICOVER: I'd have to see
17 specifically what was -- what the relocation does and
18 we would have to judge whether it actually resulted
19 in an improvement.

20 MR. BUXTON: Okay. And can you give any
21 guidance while you're here before these folks on what
22 an improvement might look like, not physically but
23 what characteristics do you want to emphasize?

24 DAVID PUBLICOVER: One crossing rather than
25 three and other than that one crossing avoiding views

1 of the new line.

2 MR. BUXTON: Thank you. That's very
3 helpful. Page 4 of your testimony I believe at line
4 9 -- 9 and 10, you make a statement, and I'll read
5 it, while the undeveloped forest of the north Maine
6 woods and then in parentheses, and the western Maine
7 mountain region in particular, closed parentheses,
8 may be taken for granted by those who live, work and
9 recreate here and then you go on to explain its
10 national and international significance. Do you mean
11 by that that you have a concern that agencies like
12 this one don't properly value the north woods?

13 DAVID PUBLICOVER: Well, I'd point out that
14 that testimony was not given as part of my LUPC
15 testimony. I think that the feeling that --

16 MR. BUXTON: You're correct about that, yes.

17 DAVID PUBLICOVER: -- for not all -- not
18 necessarily the agencies, I think there is not always
19 a recognition of how highly significant the Maine
20 north woods is in a global sense that it -- how truly
21 special it is as compared to other parts of the
22 country and other parts of the world.

23 MR. BUXTON: So it's not a lack of
24 confidence in this agency?

25 DAVID PUBLICOVER: No.

1 MR. BUXTON: Thank you very much. I have no
2 further questions.

3 MR. WORCESTER: Thank you. Next, Group 7.
4 And you have five minutes to cross-examine the
5 intervenors.

6 MR. SMITH: Thank you. Ben Smith on behalf
7 of Western Mountains and Rivers Corporation, Group 7.
8 The first question I just have a follow-up for is
9 Mr. Russo, I think it's Group 10. Where is Mr.
10 Russo?

11 MS. TOURANGEAU: It's Group 8.

12 MR. SMITH: Oh, Group 8, I'm sorry.

13 MS. TOURANGEAU: You'll have to go all the
14 way up front to the table.

15 MR. SMITH: I guess in the meantime, what
16 I'll do is move to Group 10. Mr. Hale, I think he
17 made a statement about several of the structures or
18 structures having blinking lights. What is your
19 basis for saying that there are going to be blinking
20 lights?

21 NOAH HALE: More towards over Coburn
22 Mountain where it's going to be around 2,700 feet.

23 MR. SMITH: So where -- where in the
24 application and where is it a requirement under FAA
25 rules that there be blinking lights on structures?

1 NOAH HALE: That was something that came up
2 to light to me in a meeting at The Forks town office.

3 MR. SMITH: Who told you this?

4 NOAH HALE: I don't remember. This was in
5 April last year.

6 MR. SMITH: Okay. It's not anyone who is
7 affiliated with the Applicant?

8 NOAH HALE: I don't remember what the
9 discussion was.

10 MR. SMITH: Do you know -- do you know what
11 FAA requirements are with regard to minimum height
12 requirements requiring blinking lights?

13 NOAH HALE: I'm not an authority on that.

14 MR. SMITH: Okay. Thanks. The next
15 question I have with regard -- I guess we'll go back
16 to Mr. Russo. Mr. Russo, I think you had mentioned
17 that there is some HVDC facilities that you had to go
18 to Malaysia to actually find or something to that
19 effect, right?

20 CHRISTOPHER RUSSO: Yes. Specifically what
21 I testified was that HVDC technology -- HVDC lines
22 with voltage source conversion of this length are
23 very -- well, are almost always buried underground.

24 MR. SMITH: Okay.

25 CHRISTOPHER RUSSO: And, in fact, the NECEC

1 is unusual for a lot of its length.

2 MR. SMITH: But you would agree with me that
3 HVDC technology itself being over ground is something
4 that's much closer to us than Malaysia? It's right
5 over the border in Quebec, correct?

6 CHRISTOPHER RUSSO: Well, specifically what
7 you're talking about might be back to back HVDC
8 connections.

9 MR. SMITH: Right.

10 CHRISTOPHER RUSSO: There are indeed some
11 HVDC connections here in the northeast, but they're
12 typically shorter. If the Commission would like, I'd
13 be happy to clarify exactly what HVDC technology is
14 and why it's relevant here. I recognize it's a
15 fairly arcane topic.

16 MR. WORCESTER: You want to take a minute to
17 do that?

18 CHRISTOPHER RUSSO: I'd be happy to.
19 Remember, you asked for this.

20 MR. SMITH: Actually, he already answered
21 the question that I -- that I cared about.

22 CHRISTOPHER RUSSO: We had HVDC technology
23 in Quebec, correct?

24 CHRISTOPHER RUSSO: Well, more specifically
25 there is HVDC technology connecting Quebec and the

1 United States.

2 MR. SMITH: I'll let -- I'll let your
3 counsel actually handle that issue on redirect, if I
4 could. The next question I had was with regard to
5 group -- Mr. Sherman, I think. I think Mr. Sherman
6 mentioned something to the effect that it's
7 understanding that the portion of the underground to
8 go beneath the Kennebec Gorge would have to be
9 maintained for 75 feet of the width; is that correct?
10 Is that your testimony?

11 JUSTIN PREISENDORFER: No, I talked about
12 how -- coming back to the river.

13 MR. SMITH: Mr. Wagner. Okay. It was Mr.
14 Wagner, I think.

15 JUSTIN PREISENDORFER: Mr. Preisendorfer.

16 MR. SMITH: Preisendorfer.

17 JUSTIN PREISENDORFER: Yup.

18 MR. SMITH: So is it your testimony that you
19 think that to go beneath the Gorge that the
20 facilities are going to have to be essentially
21 cleared above where the horizontal directional
22 drilling is going?

23 JUSTIN PREISENDORFER: What we heard in the
24 testimony yesterday was that the transition
25 facilities would be back and out of sight from the

1 Gorge, but then when we discussed the alternative of
2 burial of the line it was stated, I believe, by the
3 Applicant that in terms of scenic impact there would
4 still be a 75 foot wide corridor that needed to be
5 maintained free of vegetation in order for the
6 capacity of the line to not drop or something to the
7 effectiveness of the line.

8 MR. SMITH: So you understand that that 75
9 feet would not apply to areas that are in the
10 proximity of the Gorge, correct?

11 JUSTIN PREISENDORFER: What I heard was that
12 it was a required over line that was buried and my
13 understanding is that the line underneath the Gorge
14 and more than a thousand feet on either side would be
15 buried and therefore based on what I heard yesterday
16 it's my belief that that section would need to be
17 maintained free of vegetation.

18 MR. SMITH: Can you point to where in the
19 Applicant's testimony you can find that wording?

20 JUSTIN PREISENDORFER: We heard that
21 yesterday from the first of the two panels.

22 MR. SMITH: I think the testimony you're
23 talking about is not about the Kennebec Gorge
24 crossing. I think you're talking about a different
25 section.

1 JUSTIN PREISENDORFER: Well, we were talking
2 about line of burial in general and I am applying
3 that operational and maintenance strategy that we
4 talked about yesterday to the line.

5 MR. SMITH: I think I understand your
6 confusion. Thank you.

7 JUSTIN PREISENDORFER: Okay.

8 MR. WORCESTER: Now, would you like to
9 explain to us?

10 CHRISTOPHER RUSSO: I'd be more than happy
11 to.

12 MR. WORCESTER: So I don't take anybody's
13 time but my own.

14 CHRISTOPHER RUSSO: It is entirely up to
15 you. I will keep this as brief as I can. So
16 everybody is familiar with alternating current. It's
17 the type of electricity that comes out the outlet
18 that you plug in and oscillates from positive to
19 negative. Quebec is what's called asynchronous or
20 not synchronized from the rest of the grid in the
21 Northeast meaning that the peaks don't line up. So
22 it's also AC at 60 hertz, it's just the peaks don't
23 always line up. So what's needed to connect the two
24 of them is something called -- or one way to connect
25 them is DC technology or high voltage direct current

1 technology and in particular this type of technology
2 uses what's called voltage source conversion.

3 Now, HVDC lines can be as long as that, you
4 know, a thousand miles. They can be -- or they can
5 be a few inches long effectively, which is called a
6 back-to-back convertor. So you can have an AC line,
7 you can have a DC line that's figuratively about a
8 foot or two long connecting the two --

9 MR. WORCESTER: That's just to get the wave
10 lengths, right? So you convert it to DC and then
11 back to the link you want?

12 CHRISTOPHER RUSSO: That's exactly right.
13 And if the lines were constructed as AC it can be AC
14 for Maine as well.

15 MR. LIVESAY: And just to tie this up here
16 without getting too technical, the Malaysia line was
17 sort of this long transmission line and the one that
18 we heard reference to earlier in Canada was to
19 facilitate this conversion?

20 CHRISTOPHER RUSSO: That's correct. And the
21 point of bringing in a transmission, which I think
22 specifically connects Malaysia and Thailand is that
23 the vast majority of HVDC lines using voltage force
24 conversion technology of about 150 miles or shorter
25 are underground. In fact, there is only one we can

1 look at of this length that was that was over ground.

2 MR. WORCESTER: We appreciate the
3 explanation.

4 CHRISTOPHER RUSSO: Thank you.

5 MR. WORCESTER: Group 7 is next. You have
6 five minutes too.

7 MR. SMITH: I think I already went.

8 MR. WORCESTER: Oops, I'm sorry, that was
9 Group 7?

10 MS. KIRKLAND: Yes.

11 MR. WORCESTER: So we're on Group 2.

12 MS. KIRKLAND: Yes.

13 MR. WORCESTER: Thank you. Group 2, you
14 have five minutes to ask questions to the other
15 intervenors.

16 MS. BOEPPLE: Okay. So my first question is
17 just a follow-up to Mr. Russo. If you could come
18 back up to the microphone, please. And then I'm
19 going to have questions for Mr. Christopher and
20 Mr. Warren, so if you want to prepare yourself and
21 get to a microphone that would be great. Okay.
22 Mr. Russo, just a quick follow-up, could you just put
23 what you just said into laymen's terms? Was the
24 technology that CMP is talking about doing in the
25 buried -- of the overhead, is it outdated technology?

1 CHRISTOPHER RUSSO: No, it's not --

2 MS. BOEPPLE: Okay.

3 CHRISTOPHER RUSSO: -- outdated technology.
4 The -- it's necessary to have some HVDC component to
5 connect the grids between Quebec and New England.
6 The question is, A, how long that DC connection needs
7 to be. It can be 150 miles long or it could be
8 effectively one inch long. And the fact is that for
9 HVDC lines of this length the vast majority of them
10 throughout the world are buried underground. And, in
11 fact, as I set forth in my testimony, CMP's own
12 internal personnel noted that voltage source
13 conversion technology is vulnerable to faults and
14 they're typically only installed underground HVDC
15 lines. So the principle point is that NECEC as
16 constructed with over ground HVDC technology is an
17 outlier.

18 MS. BOEPPLE: Thank you. That's very
19 helpful. And that goes to the alternatives analysis;
20 is that correct?

21 CHRISTOPHER RUSSO: Well, the alternatives
22 analyses are -- well, there are alternatives to
23 construct them as an AC line, in which case
24 alternative Maine-based renewables in western Maine
25 could be interconnected or the other alternative

1 would be undergrounding, which we discussed at length
2 today in which I cover in my testimony.

3 MS. BOEPPLE: Thank you very much. So
4 Mr. Warren?

5 LARRY WARREN: Yes.

6 MS. BOEPPLE: Thank you. You may have heard
7 some of my questions at the CMP panel and so I'm
8 going to direct those questions to you because I'm
9 trying to understand the relationship between your
10 organization and CMP's and the relevancy to that goes
11 to the -- the interest that you have here. So my
12 question to you is would you just confirm that the
13 organization you formed, WMRC, was in part funded by
14 CMP at its inception?

15 LARRY WARREN: No, the establishment of
16 Western Mountains and Rivers Corporation was formed
17 in August 7 or 20, 2017 and I went to the Secretary
18 of State's office in Augusta, paid a \$30 fee to the
19 Secretary of State's office and established the
20 corporation and filed its articles of incorporation
21 and its original bylaws and I paid the -- I paid the
22 \$30.

23 MS. BOEPPLE: Okay. And did CMP then
24 further fund your organization -- did they -- your
25 MOU -- you talk a lot about your MOU in your

1 pre-filed testimony, so I'm just trying to understand
2 they -- they did provide funding for you, is that not
3 correct?

4 LARRY WARREN: We signed an MOU in, I
5 believe it was May 30 of 2018 and that MOU is a
6 public record and it indicates the contributions that
7 we negotiated with Central Maine Power Company at
8 that time.

9 MS. BOEPPLE: Okay. So how much money have
10 you received from CMP since then?

11 LARRY WARREN: \$250,000.

12 MS. BOEPPLE: Okay. Thank you. So,
13 Mr. Christopher --

14 MR. WORCESTER: Your time is getting up, so
15 one more question.

16 MS. BOEPPLE: How much time do I have left?

17 MS. KIRKLAND: You have 50 seconds.

18 MS. BOEPPLE: Okay. I will -- can I reserve
19 that for Group 10?

20 MR. WORCESTER: Sure. Group 10.

21 MS. BOEPPLE: Thank you.

22 MR. WORCESTER: Next is Group 4. You have
23 five minutes.

24 MR. PUBLICOVER: All right. Two quick
25 questions for Group 7. Mr. Christopher, does

1 anything in your testimony address the Appalachian
2 Trail issue?

3 JOSEPH CHRISTOPHER: No.

4 MR. PUBLICOVER: All right.

5 JOSEPH CHRISTOPHER: Not in -- specifically.
6 Somewhat general like other testimony.

7 MR. PUBLICOVER: And, Mr. Warren, I see that
8 your testimony does mention the Appalachian Trail,
9 but would it be accurate to say that you present no
10 new evidence or information but merely support the
11 conclusions of the applicant?

12 LARRY WARREN: That -- that is substantially
13 correct, yes.

14 MR. PUBLICOVER: Okay. Thank you. Question
15 for Mr. Russo.

16 MR. WORCESTER: Mr. Russo, you can just stay
17 in the front of the room.

18 MR. PUBLICOVER: Yeah, you can.

19 CHRISTOPHER RUSSO: Next time I'm just
20 bringing my coffee with me. Yes, sir.

21 MR. PUBLICOVER: Do you believe it would be
22 technologically possible to bury the line under the
23 Beattie Pond and AT P-RR subdistricts?

24 MR. SMITH: This is Ben Smith for Group 7.
25 I would object because there hasn't been any

1 foundation laid that would actually establish his
2 qualifications to answer that.

3 MR. WORCESTER: I would agree with that.

4 MR. PUBLICOVER: All right. Then we will
5 skip that question. And finally, for Ms. Caruso.

6 ELIZABETH CARUSO: Yes.

7 MR. PUBLICOVER: Okay. The P-RR subdistrict
8 on the Appalachian Trail basically is right on the
9 border of your town, correct?

10 ELIZABETH CARUSO: Oh, just that P-RR
11 because --

12 MR. PUBLICOVER: Yeah, just the --

13 ELIZABETH CARUSO: I think so.

14 MR. PUBLICOVER: -- the Joe's Hole area is
15 right in the vicinity of Caratunk?

16 ELIZABETH CARUSO: Yes. Mmm Hmm.

17 MR. PUBLICOVER: Have you had any
18 conversations with AT users coming through or in that
19 area as to their expectations of their trail
20 experience?

21 ELIZABETH CARUSO: Me, personally, I have
22 not. My husband is the ferry man, he talks to almost
23 every single one, but.

24 MR. PUBLICOVER: Is your husband here?

25 ELIZABETH CARUSO: He is.

1 MR. PUBLICOVER: Can I ask that question of
2 him?

3 MR. WORCESTER: Did you file -- did you do
4 pre-filing?

5 MS. BOEPPLE: Yes, he did.

6 MR. WORCESTER: Okay. Then you may proceed.

7 GREG CARUSO: Yes.

8 MR. PUBLICOVER: So I was asking in your
9 conversations with AT trail users in their -- in this
10 area, have you had conversations with them about
11 their experiences or their expectations of what
12 the -- why they have come to the AT?

13 GREG CARUSO: Daily. I have conversations
14 with them every single day.

15 MR. PUBLICOVER: And how do they -- how
16 would you characterize --

17 MR. WORCESTER: Are you on a mic? Do you
18 have a mic handy?

19 GREG CARUSO: I am. Sorry.

20 MR. PUBLICOVER: Can you characterize the
21 nature of these conversations?

22 GREG CARUSO: It usually goes something
23 like, how's it going, how many miles have you hiked,
24 what's your favorite part of the trail and 99 percent
25 of the time it's -- the first thing they say is

1 Maine. And then I ask them why and they say because
2 it's virtually undeveloped. It's all woods. Little,
3 tiny, small towns and -- and that's their favorite
4 thing.

5 MR. PUBLICOVER: Okay. Have any of them
6 said they're really looking forward to seeing the
7 transmission lines at Joe's Hole?

8 GREG CARUSO: Not once.

9 MR. PUBLICOVER: Okay. Thank you. That's
10 all.

11 MR. WORCESTER: Group 8.

12 MS. TOURANGEAU: We have no questions of
13 other Intervenors.

14 MR. WORCESTER: Group 10. Oh, yeah, you've
15 got five minutes and 15 seconds.

16 MS. BOEPPLE: 50 seconds.

17 MR. WORCESTER: Whatever. Take your time.

18 MS. BOEPPLE: Thank you. Mr. Christopher.

19 JOSEPH CHRISTOPHER: Yes.

20 MS. BOEPPLE: Do I understand from your
21 testimony that -- your direct testimony that you
22 believe that undergrounding of the line beneath the
23 Kennebec Gorge mitigates your concerns about the
24 transmission line crossing the Kennebec?

25 JOSEPH CHRISTOPHER: From the original

1 discussions with the Central Maine Power with the
2 WMRC, we found underground or overhead to not be
3 unreasonable but both would need to be mitigated and
4 that there was a separate discussion and -- but one
5 would warrant a higher level of mitigation than
6 another.

7 MS. BOEPPLE: And so which one was going to
8 warrant a higher level of mitigation than the other?

9 JOSEPH CHRISTOPHER: The MOU is in the
10 record, I believe, and the overhead had mitigation
11 that we thought was reasonable at 22 million and an
12 underground that we thought was reasonable at 5.5
13 million plus some other possible instrument.

14 MS. BOEPPLE: So -- so help me understand
15 that. So you were going to get money --

16 JOSEPH CHRISTOPHER: I wasn't going to
17 receive anything.

18 MS. BOEPPLE: Well, where is the money
19 going?

20 JOSEPH CHRISTOPHER: To the Western
21 Mountains and Rivers Corporation to be decided on by
22 the public and its board for the uses inside of its
23 charitable mission.

24 MS. BOEPPLE: Depending on whether -- so --
25 so whether -- so help me understand this, so CMP was

1 going to pay how much if it went above ground?

2 JOSEPH CHRISTOPHER: Overhead was 22 million
3 and underground would have been 5.5 plus some other
4 possible instrument.

5 MS. BOEPPLE: So your public statements at
6 The Forks in October -- on October 13 of 2018 where
7 you stated, quote, personally, I and many others are
8 opposed to an underground process due to the damage
9 created by directional drilling, if the power line
10 were to be put underground it would have permanent
11 transition stations to go from underground to
12 overhead and cooling systems that run underground to
13 cool the lines. Does that sound familiar?

14 JOSEPH CHRISTOPHER: It sounds like my
15 personal testimony in a public town meeting not me
16 representing the Western Mountains and Rivers
17 Corporation, which its position is very clear. There
18 are many perspectives on the Western Mountains and
19 Rivers and they're often discussed, you know, as a --
20 as a board of community leaders to decide what is
21 best in any particular situation.

22 MS. BOEPPLE: So that was your personal
23 opinion?

24 JOSEPH CHRISTOPHER: That was my personal
25 discussion at a town meeting with the public, yup.

1 MS. BOEPPLE: And have you personally or in
2 your capacity with WMRC seen any evidence that CMP
3 would address those specific concerns that you
4 expressed in that public meeting. About the
5 directional drilling and the undergrounding?

6 JOSEPH CHRISTOPHER: I don't recall having a
7 specific conversation with them about that
8 personally. It was generally a meeting, you know, a
9 meeting setting with the WMRC.

10 MS. BOEPPLE: Okay. And but my question was
11 whether or not you have seen anything from CMP that
12 has addressed those specific concerns that you talked
13 about with respect to --

14 JOSEPH CHRISTOPHER: No, but I think Larry
15 may have some.

16 MS. BOEPPLE: But you haven't, so there is
17 nothing that's convinced you that that's the right
18 route to take necessarily?

19 JOSEPH CHRISTOPHER: No, that's a personal
20 opinion on that matter. Sure, I have that same
21 opinion about other undergrounding.

22 MS. BOEPPLE: Okay. Thank you.

23 LARRY WARREN: I -- I would like to clarify
24 the transfer funding that has been negotiating with
25 Central Maine Power Company. And the -- the

1 arrangement that's spelled out in the MOU indicates
2 that if the project was to go overhead it would be
3 \$22 million that would be directed to a trust.

4 MS. BOEPPLE: So I wasn't really asking
5 about that, but thank you. I think that's in the
6 record. I really was just trying to get --

7 LARRY WARREN: You did ask. You did ask
8 about it.

9 MS. BOEPPLE: I -- my question specifically
10 was to what the money was associated with an
11 underground versus an above ground and I got the
12 answer, so thank you.

13 MR. WORCESTER: I think that's been
14 answered, yes.

15 MS. BOEPPLE: Thank you. Okay. I have no
16 further questions.

17 MR. WORCESTER: Thank you. Group 5.

18 MR. NOVELLO: We have no questions for
19 anybody.

20 MR. WORCESTER: Then you don't have five
21 minutes. Group 9. Group 9 is not here. Cross by
22 the Applicants.

23 MR. MANAHAN: Mr. Chairman, I am going to
24 ask a few questions -- just a few questions for
25 Groups 2 and 10 witnesses and Group 4 witness and

1 then I'm going to turn it over to Ms. Gilbreath to
2 ask a few questions of some of the other groups'
3 witnesses. So I'll just start with Mr. Merchant from
4 Group 2, I believe. If he could -- is he here,
5 Mr. Merchant?

6 MATT WAGNER: He's not present in the room
7 at this time.

8 MR. MANAHAN: Okay. I would...

9 MS. PARKER: Do you know if he's coming
10 back? I mean, he needs to be here for
11 cross-examination, so can you contact him to have him
12 return?

13 MATT WAGNER: I can -- I can do my best to
14 reach him right now.

15 MS. PARKER: Okay. Please do that.

16 MATT WAGNER: Thank you. Apologies.

17 MR. MANAHAN: Okay. Then awaiting
18 Mr. Merchant, I would go to Dr. Publicover, Group 4,
19 in the meantime. Mr. Publicover -- Dr. Publicover,
20 have you reviewed the National Park Service's
21 easement over Central Maine Power's land that allows
22 the National Park Service to cross -- to cross over
23 CMP's land with the Appalachian Trail?

24 DAVID PUBLICOVER: I saw that the easement
25 was included in some of the new witness testimony,

1 but I haven't reviewed it.

2 MR. MANAHAN: Okay. So would it surprise
3 you to know that that easement takes away from CMP
4 the right to install an underground transmission line
5 in that location?

6 DAVID PUBLICOVER: I was not aware of that.

7 MR. MANAHAN: Okay. With respect to an
8 above ground line at that location, which is
9 specifically allowed, are you aware that the LUPC
10 special exception buffering standard applies to uses
11 with which the project is incompatible?

12 DAVID PUBLICOVER: Yes.

13 MR. MANAHAN: We heard you this morning ask
14 a few questions about the number of times that the
15 Appalachian Trail over its length from Georgia to
16 Maine crosses over transmission line corridors, could
17 you tell me how many times that is?

18 DAVID PUBLICOVER: Excuse me, could you
19 repeat that?

20 MR. MANAHAN: How many times does the
21 Appalachian Trail from Georgia to Maine cross over
22 existing transmission line corridors?

23 DAVID PUBLICOVER: I believe Mr. Goodwin's
24 testimony and the Argon National Laboratory report
25 said it was 56 crossings of 230 kV or greater.

1 MR. MANAHAN: Okay. And do you know how
2 many times it crosses that 230 kV or greater in
3 Maine?

4 DAVID PUBLICOVER: I believe it was zero.
5 Mr. Goodwin said it was Maine and that's what the
6 Argon National Laboratory report says.

7 MR. MANAHAN: Would it surprise you to hear
8 that Mr. Goodwin's testimony with respect to 115 kV
9 transmission lines in Maine alone is five crossings?

10 DAVID PUBLICOVER: Yes, and three of them
11 are right in this location and there were two others,
12 so I look at that as there are three locations in
13 Maine which one of them crosses three times in a very
14 short distance. So I think saying there are five
15 crossings exaggerates the situation.

16 MR. MANAHAN: In Maine?

17 DAVID PUBLICOVER: Yes.

18 MR. MANAHAN: Are you aware of how many 115
19 kV transmission lines the AT crosses from Georgia to
20 Maine?

21 DAVID PUBLICOVER: No.

22 MR. MANAHAN: No, you don't know how many?

23 DAVID PUBLICOVER: No.

24 MR. MANAHAN: Are you aware that the AT
25 passes by several camps and camp roads in the

1 location of the P-RR subdistrict?

2 DAVID PUBLICOVER: I believe I saw that in
3 the new testimony filed by Mr. Freye. There was a
4 map of the relocations that have been discussed.

5 MR. MANAHAN: Okay. And given that the
6 Appalachian Trail is already located where there is
7 an existing transmission line that the National Park
8 Service as expressly agreed that any additional
9 transmission line is allowed in the same location
10 where the AT is currently located and that the AT
11 crosses the transmission line three times in that
12 location currently, how do you think anyone can say
13 with a straight face that a transmission line is
14 incompatible with the Appalachian Trail in that
15 location?

16 DAVID PUBLICOVER: Well, I will try to keep
17 a straight face while I'm answering. That current
18 line is 115 kV line. It is significantly smaller
19 than the line than is being proposed, so this is an
20 increased use. The fact that the easement allows for
21 that use is not a determination that LUPC should
22 allow the special exception, they have -- they have
23 different criteria than what the easement allows.
24 The easement may allow an interstate highway to be
25 constructed in that area, that doesn't mean that LUPC

1 has to allow it.

2 MR. MANAHAN: So it sounds like what you're
3 saying is that even though there is an existing
4 transmission line there in your opinion a larger
5 transmission line makes the use incompatible?

6 MR. PUBLICOVER: I think the significance of
7 the increased impact is incompatible and it goes
8 beyond what is now currently there.

9 MR. MANAHAN: I see. So you're taking a --
10 it's not so much a question of whether a use is
11 incompatible, it's the severity of the use and you're
12 saying this is more of a use and therefore a more
13 significant use and therefore that makes the use
14 incompatible?

15 MR. PUBLICOVER: Yes, I think just the fact
16 that a transmission line -- a smaller transmission
17 line is there now is an unfortunate situation. I
18 believe that is an incompatible use, but that use
19 pre-dates the trail and I think expanding and making
20 that use more severe is incompatible with the use of
21 the trail in that area because it degrades --

22 MR. MANAHAN: Did you -- I just want to make
23 sure I heard you correctly. You did say that the
24 transmission line use pre-dates the trail in that
25 location; is that correct?

1 MR. PUBLICOVER: I don't know if it
2 pre-dates the trail, I believe it pre-dates the Park
3 Service -- the official recognition of the trail.
4 You know, I recognize that CMP had that -- had that
5 right.

6 MR. MANAHAN: Yup.

7 MR. PUBLICOVER: So I -- but I think, again,
8 I believe that use is incompatible with the trail,
9 but it is there. I think making that use worse is
10 incompatible with the experience of the trail.

11 MR. MANAHAN: I see. Okay. Thank you. Is
12 Mr. Preisendorfer available?

13 JUSTIN PREISENDORFER: Yup. Go ahead.

14 MR. MANAHAN: I just wanted to follow-up on
15 a question that Mr. Smith asked you actually, which
16 has to do with the HDD crossing at the Upper Kennebec
17 and your testimony is that it's your understanding
18 from a town meeting, I guess, that there would need
19 to be, if my understanding is correct maybe from this
20 morning, that there would need to be a cleared area
21 above the underground crossing at the Upper Kennebec
22 River location?

23 JUSTIN PREISENDORFER: That's -- that's not
24 quite correct. It was not from a public meeting. It
25 was during yesterday's DEP proceedings that your

1 clients made that statement that there would need to
2 be a 75 foot wide strip maintained vegetation-free
3 above buried lines.

4 MR. MANAHAN: So are you aware of the --
5 whether this -- the crossing at the Upper Kennebec is
6 done by horizontal directional drill or some other
7 technology, undergrounding technology, do you know
8 the differences?

9 JUSTIN PREISENDORFER: It -- from what I
10 have heard in testimony, I believe that it was going
11 to be done by HDD.

12 MR. MANAHAN: HDD, okay.

13 JUSTIN PREISENDORFER: Yup.

14 MR. MANAHAN: So are you -- do you have the
15 sufficient expertise to know whether an HDD crossing
16 versus an underground crossing which is going to
17 happen at the Upper Kennebec versus some other type
18 of technology which would happen in the rest of the
19 corridor whether that would make -- constitute a
20 difference in terms of whether or not a clearing is
21 required above that underground crossing.

22 JUSTIN PREISENDORFER: No, I do not.

23 MR. MANAHAN: You don't.

24 JUSTIN PREISENDORFER: I -- I made my
25 statement based on what I heard yesterday and I

1 believe it to be true.

2 MR. MANAHAN: So have you seen Ms. Segal's
3 and Mr. DeWan's Visual Impact Assessment in which
4 they said that the transmission line and the project
5 in general have no visible impact on the Kennebec
6 River in that location?

7 JUSTIN PREISENDORFER: I did see it, but if
8 I recall correctly it talked about users of the river
9 not being able to see the transmission line or the
10 facilities where they transition to go underground.
11 I did not see mention of the corridor.

12 MR. MANAHAN: I see. Okay. I have no
13 further questions. Ms. Gilbreath.

14 MS. GILBREATH: Do you want Mr. Merchant?

15 MR. MANAHAN: Oh, yes, thank you. Is Mr.
16 Merchant available? Okay. I would --

17 MR. WORCESTER: If Mr. Merchant shows up
18 before we end, I'll let you cross-examine him.

19 MR. MANAHAN: Well, I would -- if he doesn't
20 show up, I would move to strike his testimony in its
21 entirety.

22 MR. WORCESTER: I'm leaning in that same
23 direction.

24 MR. MANAHAN: Okay. Thank you.

25 MR. WORCESTER: We'll probably make that

1 decision afterwards, okay.

2 MR. MANAHAN: Fair enough. And Ms.
3 Gilbreath has a few questions for some of the other
4 witnesses.

5 MS. GILBREATH: Thank you. My name is Lisa
6 Gilbreath. I am an attorney for Pierce Atwood. I
7 represent CMP. I have a few additional questions.
8 Mr. Russo, if you could please come back to the front
9 of the room. The most popular guy today.

10 CHRISTOPHER RUSSO: Lucky me. Good
11 afternoon.

12 MS. GILBREATH: Mr. Russo, this is the first
13 time I've met you, so I just want to understand,
14 you're a consultant hired by NextEra, correct?

15 CHRISTOPHER RUSSO: More specifically, my
16 firm is, but yes.

17 MS. GILBREATH: And NextEra is a producer of
18 wind and solar energy; is that correct?

19 CHRISTOPHER RUSSO: Among other things, yes.

20 MS. GILBREATH: Most of the NextEra's
21 projects are above ground; is that correct?

22 CHRISTOPHER RUSSO: You would have to be
23 more specific. Are you talking about transmission
24 projects?

25 MS. GILBREATH: Yes.

1 CHRISTOPHER RUSSO: You know, I actually
2 haven't counted. I can think of many that are above
3 ground. I can't think of too many below, but without
4 actually going through accounting I am not sure I
5 want to commit to saying most.

6 MS. GILBREATH: Okay. NextEra bid into the
7 same Massachusetts RFP as CMP; is that correct?

8 CHRISTOPHER RUSSO: That is correct.

9 MS. GILBREATH: In fact, they bid in
10 conjunction with CMP for a project?

11 CHRISTOPHER RUSSO: That's correct.

12 MS. GILBREATH: And did that project that as
13 I understand it would utilize wind, solar and battery
14 storage power intend to utilize the same new corridor
15 that we're discussing today?

16 CHRISTOPHER RUSSO: I believe that's
17 correct.

18 MS. GILBREATH: And did NextEra propose to
19 underground any portion of that new corridor?

20 CHRISTOPHER RUSSO: Not to my knowledge.
21 Whether they evaluated it, it's something I don't
22 know. I had no involvement in the preparation of
23 that proposal.

24 MS. GILBREATH: Right. But it was not
25 proposed to be underground?

1 CHRISTOPHER RUSSO: Not to the best of my
2 knowledge.

3 MS. GILBREATH: Yet in your direct testimony
4 and today you criticize what you call CMP's failure
5 to consider undergrounding the transmission line on
6 the NECEC; is that correct?

7 CHRISTOPHER GILBREATH: I think it's a
8 simple statement of fact, which is, in fact,
9 confirmed by CMP's testimony that it was simply never
10 considered.

11 MS. GILBREATH: And you would like for it to
12 be considered for part of the alternative --

13 MS. TOURANGEAU: I'm going to object as to
14 relevance to the P-RR subdistricts that are the
15 topics of these hearings.

16 MS. GILBREATH: If I were finishing that
17 question, I was in the middle of asking him if that
18 is part of his consideration underneath this Board's
19 alternative analysis.

20 MR. WORCESTER: Continue.

21 CHRISTOPHER RUSSO: I'm sorry, would you
22 mind restating the question, please?

23 MS. GILBREATH: Your criticisms of CMP's
24 failure to underground its NECEC project is part of
25 this Commission -- your -- is part of this

1 Commission's alternatives analysis, is that your
2 contention?

3 CHRISTOPHER RUSSO: As I set forth in my
4 testimony, my understanding is that failure to
5 evaluate an undergrounded NECEC, CMP has failed to
6 establish as no alternative site. That was further
7 confirmed by CMP's testimony that it was never
8 considered.

9 MS. GILBREATH: So you thought of an
10 interesting word there, site. Are you saying that
11 undergrounding is a different site?

12 CHRISTOPHER RUSSO: I'm simply reading the
13 words of the statute, but it's my understanding in
14 the context of this proceeding is that the
15 alternative would be undergrounding.

16 MS. GILBREATH: Okay. But not perhaps on a
17 different site?

18 CHRISTOPHER RUSSO: I think the statutory
19 meaning of the word site is probably something best
20 considered by the LUPC, but I think certainly
21 undergrounding would be a reasonable definition of an
22 alternative.

23 MS. GILBREATH: Okay. Would you agree with
24 me that the LUPC's obligation to consider whether
25 there is an alternative site does not pertain to

1 whether or not alternative technology might be more
2 appropriate?

3 CHRISTOPHER RUSSO: As a general matter, I
4 think alternative technology and alternative sites
5 are two different things. As to the statutory
6 jurisdiction of the LUPC, I'm not sure that's
7 something I can answer. What the LUPC's jurisdiction
8 is is something that I'm not offering testimony on.

9 MS. GILBREATH: Now, in your pre-filed
10 direct testimony, you -- one of your criticisms was
11 that other transmission projects in New England are
12 proposed to go underground, but the NECEC is not,
13 correct?

14 CHRISTOPHER RUSSO: Again, I would classify
15 that as statement of fact, but as I set forth on Page
16 4 of my testimony a number of other transmission
17 projects in New England were indeed proposed to be
18 undergrounded in response to the same RFP.

19 MS. GILBREATH: Okay. And that's the chart
20 you have on Page 4, right?

21 CHRISTOPHER RUSSO: Correct.

22 MS. GILBREATH: Now, let's start on that
23 chart. It starts with the NECEC, which is why we're
24 all here, and then it describes the TDI project,
25 right?

1 CHRISTOPHER RUSSO: Correct?

2 MS. GILBREATH: And the TDI project was also
3 bid into the Massachusetts 83D Request for Proposals,
4 correct?

5 CHRISTOPHER RUSSO: The same competitive
6 project.

7 MS. GILBREATH: Was it selected?

8 CHRISTOPHER RUSSO: It was not.

9 MS. GILBREATH: The Green Line project, that
10 was bid into the Connected Bureau Emissions RFP,
11 correct?

12 CHRISTOPHER RUSSO: That's correct.

13 MS. GILBREATH: Was it selected?

14 CHRISTOPHER RUSSO: It was not.

15 MS. GILBREATH: The Northern Pass was bid
16 into the Massachusetts 83D RFP, correct?

17 CHRISTOPHER RUSSO: That is correct.

18 MS. GILBREATH: Was it selected?

19 CHRISTOPHER RUSSO: Yes.

20 MS. GILBREATH: And then was it rejected?

21 CHRISTOPHER RUSSO: Yes.

22 MS. GILBREATH: So among all of the projects
23 you compared with the NECEC on this chart none is
24 ultimately moving forward, correct?

25 CHRISTOPHER RUSSO: For different reasons.

1 Now, the point I was making about NECEC is that it's
2 only exposed for after the fact that CMP asserted
3 that adding this cost in would have caused them not
4 to be selected. So back to my prior example, it's as
5 if a contractor comes to you and says, you know, I
6 can't build -- I can't build this house the way the
7 building inspector wants me to, so I shouldn't need
8 to comply because I wouldn't have been selected in
9 the first place. But, yes, you are indeed correct
10 that with the exception of the Northern Pass with the
11 exchange we had a moment ago none of them were
12 selected to respond to the competitive process for
13 the 83D RFP.

14 MS. TOURANGEAU: I'm going to object again
15 to this whole line of questioning and its relevance
16 to the P-RR subdistrict alternatives analysis.

17 MS. GILBREATH: All right. If I may
18 respond, I'm just asking him questions about his
19 direct testimony, which is 4 1/2 pages in which he
20 submitted to this Commission.

21 MR. WORCESTER: I agree. Go ahead.

22 MS. GILBREATH: So in your example you just
23 gave about building a house, so it is your contention
24 that cost should not be considered when considering
25 an alternative?

1 CHRISTOPHER RUSSO: By whom?

2 MS. GILBREATH: By you in your -- in your
3 example.

4 CHRISTOPHER RUSSO: Well, the question is
5 who should the cost be considered -- you know, by
6 whom should the cost be considered and to whom? Is
7 the cost to the ratepayers, cost to CMP shareholders,
8 cost to the ratepayers of Massachusetts? Now, the
9 crux of the issue that we've spoken about here today
10 is that CMP has said that if they were to have gone
11 back and buried the line they wouldn't have been
12 selected and if they're forced to add it now it eats
13 into their profits and doesn't have any impact on
14 Maine ratepayers, nor does it have any impact on
15 Massachusetts ratepayers, you know, the impact of
16 those costs and how it's considered is probably
17 within the jurisdiction of the LUPC --

18 MR. WORCESTER: And actually, LUPC does not
19 take into account costs when we make our decisions on
20 the P-RR, so I think let's get off of this
21 conversation and get on to another one.

22 MS. GILBREATH: Okay. Now, you testified
23 earlier in your presentation before this Commission
24 that you're not aware of any HVDC lines above ground
25 except for one in Malaysia and I believe you

1 clarified to Mr. Smith that you were talking about
2 the VSC lines?

3 CHRISTOPHER RUSSO: Well, that sort of
4 misstates my testimony actually. As I set forth in
5 my testimony here on Page 3, I was talking about HVDC
6 lines of this length --

7 MS. GILBREATH: Okay.

8 CHRISTOPHER RUSSO: -- or similar. Longer
9 HVDC lines of several hundred miles are frequently
10 over ground, but in my experience and not just my
11 experience but sort of bolstered by the facts and the
12 research we've found an HVDC line of 150 miles is
13 very unusual.

14 MS. GILBREATH: And you only know of one and
15 that is in Malaysia?

16 CHRISTOPHER RUSSO: That was the only one
17 that I was able to locate of this length, correct, as
18 set forth in my testimony.

19 MS. GILBREATH: Are you familiar with the
20 Capridi link?

21 CHRISTOPHER RUSSO: Off the top of my head,
22 no.

23 MS. GILBREATH: It is in Africa, does that
24 ring a bell?

25 CHRISTOPHER RUSSO: Unfortunately, no.

1 MS. GILBREATH: And it's a VSC HVDC line
2 that has 590 miles, all which are above ground, are
3 you aware of that?

4 CHRISTOPHER RUSSO: Right. And that would
5 meet my definition of a much longer line.

6 MS. GILBREATH: Which is entirely above
7 ground?

8 CHRISTOPHER RUSSO: Right. Which is exactly
9 consistent as what I've set forth in my testimony.

10 MS. GILBREATH: An above ground line.

11 CHRISTOPHER RUSSO: A 600 mile above ground
12 line HVDC would strike me as not unusual.

13 MS. GILBREATH: Are you aware of the
14 Maritime link in Canada?

15 CHRISTOPHER RUSSO: Is that the one to Nova
16 Scotia?

17 MS. GILBREATH: Yes.

18 CHRISTOPHER RUSSO: Yes, I'm familiar with
19 it.

20 MS. GILBREATH: Okay. And that's 116 miles
21 of above ground, correct?

22 CHRISTOPHER RUSSO: I think a portion of it
23 is under water.

24 MS. GILBREATH: A portion of it is, but I --
25 allow me to represent to you that a portion of it is

1 under water and 116 miles is above ground, correct?

2 Will you allow me to make that representation?

3 CHRISTOPHER RUSSO: Subject to check, I have
4 no reason to dispute that. I think my memory is that
5 most of it is under water, but I'll accept your
6 assertion that a portion of it is above ground.

7 MS. GILBREATH: Thank you. I have no
8 further questions for you.

9 MR. WORCESTER: I wouldn't go away.

10 (Laughter.)

11 MS. GILBREATH: Unless the Commission has
12 more questions for Mr. Novello (sic), I have
13 questions for a few other witnesses.

14 MR. WORCESTER: All right. Proceed.

15 MS. GILBREATH: All right. Thank you Mr,
16 Novello (sic).

17 UNIDENTIFIED SPEAKER: Mr. Russo.

18 MS. GILBREATH: Oh, sorry Mr. Novello and
19 Mr. Russo.

20 MS. GILBREATH: All right. I'd just like to
21 ask a few questions of Group 7's witnesses.
22 Mr. Warren, earlier today in reference to the public
23 use of private land you spoke of the, quote, rising
24 concerns of the landowners, can you please elaborate
25 on that?

1 LARRY WARREN: Yes. I have been involved
2 with this process with the Public Utilities
3 Commission, the Department of Environmental
4 Protection and the Land Use Planning Commission and
5 am familiar with the documentation that has been
6 submitted to the Public Utilities Commission by the
7 Forest Products Council of Maine and basically the
8 executive director had filed a letter suggesting that
9 the comments that had been made by the public
10 regarding their lands, their heritage, their rights
11 to public roads or to be used for private roads was
12 both a serious and dangerous concern by the
13 landowners in the State of Maine.

14 MS. GILBREATH: Mr. Christopher, do you
15 agree with Mr. Warren's statements in his direct that
16 recreational users need to respect the fact that
17 recreational facilities need to co-exist with
18 society's needs for developed infrastructure if new
19 or existing recreational projects are going to have
20 any reasonable chance to be developed, extended or
21 continued?

22 JOSEPH CHRISTOPHER: Yes, I would agree with
23 that.

24 MS. GILBREATH: Can you elaborate on why
25 you -- why you agree with that statement?

1 MS. GILBREATH: I think the whole thing
2 continues to move forward on the land use issue that
3 was just brought up. It's very similar. They're
4 somewhat related in that landowners and recreation
5 users and utilities are going to have to find a way
6 to cooperate to get these things done and continue to
7 move forward. We had a landowner at a public hearing
8 in Jackman recently that was very clear about the
9 fact that if the conversation continued the way it
10 had that he would be happy to close his land. We
11 have seen that in a number of areas and some of the
12 very largest landowners in that area have closed
13 lands in other parts of the country --

14 MS. ELY: I'd like to object to this. It's
15 not relevant to the topics of the subdistricts.

16 MS. GILBREATH: I believe it's relevant to
17 whether or not these easements are compatible with
18 the private landowners' wishes.

19 MR. WORCESTER: I'll take it under
20 advisement, but, yes, go ahead and finish your
21 comment.

22 JOSEPH CHRISTOPHER: I think my answer is
23 fine. I'm fine with that.

24 MS. GILBREATH: If you can keep the mic.
25 Earlier today you referenced a few exhibits, put them

1 up on the screen, showing recreational uses around
2 transmission infrastructure, so I just want to know
3 from you is an electric transmission line
4 incompatible with hiking uses?

5 JOSEPH CHRISTOPHER: I don't believe it
6 is.

7 MS. GILBREATH: Is it incompatible with
8 hunting uses?

9 JOSEPH CHRISTOPHER: I don't believe it
10 is.

11 MS. GILBREATH: Is it incompatible with
12 rafting uses?

13 JOSEPH CHRISTOPHER: Certainly not. We use
14 the releases provided by those facilities and
15 transmission of those facilities to get the releases
16 that we raft on on a daily basis.

17 MS. GILBREATH: Is it incompatible with
18 snowmobiling uses?

19 JOSEPH CHRISTOPHER: Some of the best trails
20 in Maine are on transmission lines.

21 MS. GILBREATH: So is it your opinion that
22 recreational users are deterred by the existence of a
23 transmission line?

24 JOSEPH CHRISTOPHER: I would disagree with
25 that.

1 MS. GILBREATH: No further questions.

2 MR. WORCESTER: Thank you. Does that
3 conclude? Bill wants to ask some questions. I have
4 no idea of who.

5 MR. HINKEL: Mr. Russo.

6 CHRISTOPHER RUSSO: It's my lucky day.

7 MR. HINKEL: I think it would just -- you
8 clearly understand this a lot better than we do and
9 so I'm just trying to get at maybe a little better
10 understanding for us. Can you maybe take a moment to
11 explain how a shorter HVDC line or some alternative
12 technology might result in less impact as part of,
13 you know, an analysis that could be done if that
14 question makes sense.

15 CHRISTOPHER RUSSO: There is a few ways to
16 answer that question. One way to answer that
17 question would be the issue of whether part of the
18 line could be constructed as AC, that's what I
19 referred to as back-to-back HVDC connection. The
20 second way it could be just a shorter line taking a
21 different routing, which I didn't think is what you
22 were getting at. So, you know, to reduce the visual
23 or environmental impact and there are sort of two
24 halves to the answer. The first is that in order to
25 reduce the environmental impact it can -- it can be

1 varied. And what I've testified already and there
2 has been a lot of testimony already today about the
3 cost and the economics of doing so, but as to what
4 CMP is forced to do is within the realm of the
5 Commission, the DEP and the Public Utilities
6 Commission. But the issue I had raised before about
7 a shorter HVDC connection would allow the line to be
8 constructed as an AC line through western Maine,
9 which probably could be above ground, might be above
10 ground but would allow the interconnection of
11 renewable wind and solar in western Maine. The
12 length of the HVDC line itself, the reason that's
13 relevant is two-fold, the first is what I just
14 mentioned that you could have a back-to-back
15 connection, which would indicate that it would allow
16 interconnection, greater renewables in western Maine.
17 The second reason is that such a short HVDC line is
18 unusual and, in fact, as CMP has indicated in some of
19 their internal emails may be susceptible to, you
20 know, some additional faults, electrical faults and
21 so burying was kind of the preferred alternative.

22 The reason that I've sort of spoken at
23 length about the length of the line is, in fact, that
24 burying a line of this type, a voltage force
25 conversion technology or an HVDC technology would be

1 entirely common. It stands out as unusual for having
2 it above ground at this length. HVDC technology is
3 typically used either under ground -- under ground,
4 under water or over hundreds of miles. A 150 mile
5 line is a bit unusual. I'm not sure if I answered
6 your question, but hopefully clarified a few issues.

7 MR. HINKEL: That was helpful. Thank you.

8 MR. GILMORE: Can I ask a question?

9 MR. WORCESTER: Yes.

10 MR. GILMORE: Thank you. Please stop me if
11 you think I've spoken out of text, but did I
12 understand that you may have had interest in bidding
13 on this particular project that we're reviewing today
14 with the Applicant CMP?

15 CHRISTOPHER RUSSO: I...

16 MR. GILMORE: NextEra, the company you
17 represent.

18 CHRISTOPHER RUSSO: So I have been hired as
19 an independent witness for NextEra. I -- CMP did --
20 I'm sorry, NextEra did submit a joint bid with CMP,
21 neither I nor my firm had any involvement in that,
22 but they did submit a bid for a renewable
23 transmission -- renewable and hydro-backed
24 transmission line into the same RFP. Questions about
25 that, I think, probably would be best answered by

1 NextEra.

2 MR. GILMORE: Okay. Because my next
3 question was going to be had they bid it, would they
4 have proposed an underground line as well? You don't
5 know the answer to that.

6 CHRISTOPHER RUSSO: I know they did not
7 propose it as an underground line as I testified
8 previously. I honestly don't know one way or the
9 other whether they evaluated it.

10 MR. GILMORE: Thank you.

11 MR. WORCESTER: Any other Commission
12 questions? Yes.

13 MR. HUMPHREY: Underground versus overhead.
14 Hypothetically if a -- 10 years down the road -- I
15 know that the underground now is more expensive than
16 the overhead. Hypothetically, 10 years down the road
17 if you wanted to double the amount of power being
18 transmitted is there a difference in cost if it's --
19 if you're going to improve the underground versus the
20 overhead?

21 CHRISTOPHER RUSSO: I think it would be --
22 probably without having done the evaluation, I think
23 it would probably be more expensive to do it
24 underground. In fact, I'm almost certain of that.
25 Typically burying lines is, you know, materially more

1 expensive than doing things over ground and you'll be
2 back here at hearings 10 years from now to evaluate
3 digging it up and reburying it.

4 MR. HUMPHREY: Thank you.

5 MR. WORCESTER: Anyone else?

6 MR. REID: I just have one follow-up on that
7 issue. I think your testimony is that HVDC lines of
8 a similar length to what's proposed in this
9 application are typically buried?

10 CHRISTOPHER RUSSO: That's correct. Or
11 under water.

12 MR. REID: Or under water. So why are they
13 typically buried if they're not under water given
14 that it's more expensive?

15 CHRISTOPHER RUSSO: Typically, it has to do
16 with geography in a lot of cases. Typically, it's
17 because for lines of this length the most common
18 approach is AC technology. AC technology is
19 typically used for asynchronous grids like we have
20 here for much longer distances on the order of
21 hundreds of miles. You know, so as to why this is DC
22 for a relatively short length, I mean, that's a
23 question that would probably be best answered by CMP,
24 but what I, you know, my testimony is essentially
25 that it sort of stands out as unusual and I think

1 compelling reasons why it perhaps should have been
2 constructed as an AC line, but I think CMP are the
3 ones who could probably answer best why they chose to
4 construct it as a DC line. To be clear, you need a
5 DC segment at the line to interconnect Quebec and New
6 England, the question is how long that needs to be.

7 MR. WORCESTER: Yes.

8 MS. BENSINGER: My question is similar to
9 the Commissioner, Commissioner Reid's, so why are the
10 shorter DC lines buried generally?

11 CHRISTOPHER RUSSO: Typically, it's because
12 of geography. Often they're connecting, you know,
13 they're going under water, right, and typically
14 that's a more common use for this. You know, voltage
15 source conversion technology for HVDC lines is often
16 vulnerable to faults and, in fact, you know, as I
17 testified previously CMP and their engineers
18 identified that, in fact, above ground -- you know,
19 that underground line would be the preferred option
20 for a line of this length for VSC technology with
21 which they've chosen. But, again, that delves into
22 areas of electrical engineering where I'm not sure I
23 have the necessary data to be able to answer that
24 accurately.

25 MS. BENSINGER: So if it has a higher

1 frequency of faults, this type of line, that's a
2 reason to have it underground?

3 CHRISTOPHER RUSSO: I -- again, I'm just
4 simply reciting what we found in our review of the
5 information. And specifically I'm referring to the
6 first bullet point on Page 3 of my testimony. Weir
7 Power Engineering, who is the consultant to CMP,
8 indicated that VSC HVDC lines are typically only
9 installed with underground -- for underground, but as
10 to this, you know, I'm not sure I have the
11 information at my fingertips or available to say that
12 one particular configuration is more or less
13 vulnerable and that's something which I think would
14 probably be best answered by CMP and its engineers.

15 MS. BENSINGER: Thank you.

16 MR. WORCESTER: Any other questions? If
17 not, I think we're down to cross by the Intervenors
18 in support. And what groups were those? Oh, I'm
19 sorry, we've got 20 minutes of redirect. If there is
20 any. Start with the Intervenors in support. If you
21 want to redirect. All right. Let's -- good idea.
22 Let's go with Group 2, would you like to redirect?

23 MS. BOEPPLE: I would just like clarity here
24 because I've been a little confused with the
25 schedule, so the redirect is specific to the

1 witnesses for Groups 2 and 10; is that correct?

2 MR. LIVESAY: For you -- it's for your
3 own -- for the lawyers out there it's for your --

4 MS. BOEPPLE: Okay.

5 MR. LIVESAY: -- yes, if there is something
6 that came up in the cross-examination and you want to
7 have redirect with your witnesses you -- this is your
8 opportunity and then there will be an opportunity for
9 recross and there is obviously no obligation for
10 redirect.

11 MS. BOEPPLE: Okay. Thank you. I just
12 needed some clarity on who is asking whom what, when,
13 now.

14 MR. WORCESTER: I'm asking if Group 2 wants
15 to do any redirect.

16 MS. BOEPPLE: I got it thank you very much
17 and no. Thank you.

18 MR. WORCESTER: Thank you for that answer.
19 Now, I'm asking if Group 3 would like to redirect.

20 MR. BUXTON: Your Honor, we'd love to, but
21 we have no witnesses.

22 MR. WORCESTER: Okay. Now, I'm down to
23 Group 4.

24 MS. ELY: No, thank you.

25 MR. WORCESTER: Why didn't I start the day

1 this way? Group 5.

2 MR. NOVELLO: No, thank you.

3 MR. WORCESTER: Group 7.

4 MR. SMITH: No, thank you.

5 MR. WORCESTER: Group 8.

6 MS. TOURANGEAU: Yes, please.

7 MR. WORCESTER: I knew it was too good to be
8 true.

9 (Laughter.)

10 MS. TOURANGEAU: I'll be very quick.

11 MR. WORCESTER: Take your time.

12 MS. TOURANGEAU: This is Joanna Tourangeau
13 for Group 8. I am going to redirect Mr. Russo just
14 very quickly to address some of the questions that
15 have been raised about NextEra's participation in the
16 same competitive bidding process and I think these
17 are questions that you will be able to answer even
18 though I do understand that you weren't involved in
19 that process for NextEra. Do you know whether the
20 NextEra/CMP proposal included an HVDC transmission
21 line like this project does?

22 CHRISTOPHER RUSSO: I -- if memory serves it
23 was a back-to-back converter, it was not a long HVDC
24 line.

25 MS. TOURANGEAU: Did the NextEra/CMP

1 proposal include Maine wind and solar generation?

2 CHRISTOPHER RUSSO: Yes, it did.

3 MS. TOURANGEAU: Do you know if the current
4 proposal includes Maine wind and solar generation,
5 the NECEC project?

6 CHRISTOPHER RUSSO: It does not.

7 MS. TOURANGEAU: Did you know whether
8 NextERA and CMP submitted any applications to the
9 Land Use Planning Commission for that proposal that
10 required an alternatives analysis?

11 CHRISTOPHER RUSSO: Not to the best of my
12 knowledge.

13 MS. TOURANGEAU: Thank you.

14 MR. SMITH: Mr. Chair, Ben Smith of Group 7.
15 I was wondering if I could ask one redirect for Group
16 7?

17 MR. WORCESTER: Please come up to the mic.

18 MR. SMITH: My redirect is for
19 Mr. Christopher. Mr. Christopher, you were asked
20 questions by Ms. Boepple about statements he'd made
21 at I think a town meeting regarding your preference
22 for an overhead or underground solution, do you
23 recall that line of questions?

24 JOSEPH CHRISTOPHER: I do.

25 MR. SMITH: And can you explain, I guess,

1 what your position was and why?

2 JOSEPH CHRISTOPHER: Yeah, it was my
3 personal position not that of our board and it was a
4 discussion amongst townspeople in which I had
5 expressed my personal fear that directional boring or
6 drilling or then any other underground solution could
7 have a higher environmental impact on wetlands or the
8 ground or otherwise than would overhead solutions
9 because I felt that an overhead solution of the
10 viewshed being an emotional and important issue was a
11 human issue rather than an environmental one
12 specifically and I had concerns about underground
13 being environmentally more damaging.

14 MR. SMITH: And that viewpoint, is it shared
15 by WMRC members?

16 JOSEPH CHRISTOPHER: Some yes, some no.

17 MR. SMITH: Okay. Thank you.

18 MR. WORCESTER: Group 10.

19 MS. BOEPPLE: No redirect. Thank you.

20 MR. WORCESTER: Is Mr. Merchant in the room?

21 MS. BOEPPLE: He is not.

22 MS. PARKER: Mr. Chair?

23 MR. WORCESTER: Yes.

24 MS. PARKER: So I would recommend we strike
25 Mr. Merchant's testimony. We were very clear all

1 along that if you were going to submit direct
2 pre-filed testimony or rebuttal testimony and
3 testimony here that you need to be available for
4 cross-examination and Mr. Merchant has not made
5 himself available for cross-examination.

6 MR. WORCESTER: So be it. His testimony is
7 stricken.

8 MS. BOEPPLE: Could I get some clarity on
9 that, please?

10 MS. MILLER: I would like to make a quick --
11 clarify that as well. Mr. Merchant's testimony is
12 not stricken from the Department's record because he
13 has not testified in front of the Department yet.

14 MS. BOEPPLE: Thank you. That's the
15 question.

16 MR. WORCESTER: That was your question?

17 MS. BOEPPLE: That was it. Thank you.

18 MR. WORCESTER: Thank you both for
19 clarifying me. Yes.

20 MATT WAGNER: Commissioner Everett, may I
21 ask a question?

22 MR. WORCESTER: Yes.

23 MATT WAGNER: May we submit his testimony
24 later as just a regular --

25 MR. WORCESTER: You may submit it to the

1 website as written testimony.

2 MATT WAGNER: Thank you.

3 MR. WORCESTER: I mean his comment, not
4 testimony.

5 MATT WAGNER: Thank you for the
6 clarification.

7 MS. MILLER: Sorry, again, I just want to
8 clarify that those written comments would be to the
9 Land Use Planning Commission and not the
10 Department because Mr. Merchant is still an
11 Intervenor for the Department's proceeding. Thank
12 you.

13 MR. WORCESTER: Anyone else want to help me?
14 At the conclusion of the hearing the record will
15 remain open for a period of 10 days for members of
16 the public to file written statements to the
17 Department and the Commission, then for a period of
18 seven additional days allowing the public to file
19 statements in rebuttal of these written statements.
20 Presently, a second hearing date of May 9, 2019 has
21 been scheduled. That's a one day event and I don't
22 know if we know where it is yet and that's going to
23 be a joint day. We had some spillovers that we
24 didn't have time for. Comments during this period
25 should be sent via email or postal mail to Mr. Hinkel

1 of the Commission staff or Mr. Beyer of the
2 Department staff, okay.

3 And before I conclude this, I want to thank
4 you for your presentations today. I thought it was a
5 reasonably calm day. And I think the Commissioners
6 learned a lot from the testimony and the rebuttals.

7 MS. TOURANGEAU: Could I ask a clarifying
8 question?

9 MR. WORCESTER: Sure.

10 MS. TOURANGEAU: Are Intervenors allowed
11 to -- the close of the hearing will be after the May
12 9?

13 MR. WORCESTER: The closing of this hearing
14 I think is going to be after the 9th, yup.

15 MR. LIVESAY: Our -- there is a public
16 comment period that will apply to general members of
17 public and that's what the Chair is referring to and
18 that will be triggered by the May 9 and X number of
19 days after that. For the parties there will be
20 separate briefing opportunities if that's where
21 you're headed.

22 MS. TOURANGEAU: I just wanted to clarify
23 that if Intervenors were submitting testimony on
24 non-hearing or comment on non-hearing topics that
25 that period hasn't closed.

1 MR. LIVESAY: Run that by me again.

2 MS. TOURANGEAU: If Intervenors are
3 submitting comment on non-hearing topics, can we do
4 that after this hearing closes?

5 MR. LIVESAY: I -- are you referring back to
6 the person who's testimony was just being stricken?

7 MS. TOURANGEAU: No, not at all. If I
8 wanted -- if Group 8 wanted to submit testimony on
9 right, title and interest...

10 MR. LIVESAY: No, we've set out the
11 scheduling order for the parties. The comment period
12 that follows that I was referring to that follows is
13 for the general members of the public. Am I
14 understanding this?

15 MS. MILLER: I can address this. Yes, for
16 parties who wanted to submit topics that are not part
17 of the criteria for the hearing like one example
18 would be the greenhouse gas emission issue, that can
19 be done until the close of the hearing on May 9 as a
20 comment and it has to be separate from any potential
21 testimony or rebuttal testimony or anything like
22 that.

23 MS. TOURANGEAU: Understood. Thank you.

24 MR. WORCESTER: Anyone else?

25 MS. MILLER: I just wanted to make a few

1 logistical announcements if you're all finished.

2 MR. WORCESTER: I'm not quite.

3 MS. MILLER: Okay. Well, I can wait until
4 you're finished.

5 MR. WORCESTER: When I'm done here, I'm
6 pounding that gavel.

7 (Laughter.)

8 MS. MILLER: All right. Well, I just wanted
9 to mention a few things about the logistics for this
10 evening. Just a reminder that parties do have the
11 opportunity to cross-examine members of the public
12 who wish to testify. It is unusual to do so, but you
13 do have that opportunity. As such, I would recommend
14 for logistical purposes for you -- for the parties
15 who plan to attend this evening to go early and bring
16 your name card and put it on a chair in the front of
17 the room so that I can easily see you in the event
18 that you do have an objection, that way I can see you
19 and -- I don't know how crowded it's going to be and
20 I don't know what the expectations, so I just want to
21 make sure you can be seen and heard should you wish
22 because you will not have tables like you have in
23 here. So I would take a seat in the front row and
24 just, you know, mark it as yours.

25 And then just a final note, the location of

1 the auditorium is in a building which is just
2 basically kiddie cornered to this one. So if you
3 walk down the hall -- if you walk out these doors,
4 make a left and walk around the hall and then you
5 exit the building on the lower level and just cross
6 the street or the pathway you'll be at the Roberts
7 Building, I believe, and that's the -- it's called
8 the Lincoln Auditorium, which is in that building.
9 And Mr. Beyer just indicated that there are signs up.
10 And it starts at 6 o'clock.

11 MR. WORCESTER: And it's at 6 o'clock, yes.
12 Question?

13 AUDIENCE MEMBER: Yes, question from a
14 member of the public. At what time will the sign-up
15 list be available for the public to sign-in for?
16 We're going to start at 6. We haven't -- honestly,
17 we haven't really figured that out yet, so I'm going
18 to say probably a few minutes earlier than 6.

19 MR. WORCESTER: Anyone else? This hereby
20 concludes this session of the hearing of the
21 Department of Environmental Protection and the Land
22 Use Planning Commission on the proposed New England
23 Clean Energy Connect project. And this is what we've
24 been waiting for.

25 (Hearing continued at 4:00 p.m.)

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C E R T I F I C A T E

I, Robin J. Dostie, a Court Reporter and
Notary Public within and for the State of Maine, do
hereby certify that the foregoing is a true and
accurate transcript of the proceedings as taken by me
by means of stenograph,

and I have signed:

_/s/ Robin J. Dostie_____

Court Reporter/Notary Public

My Commission Expires: February 6, 2026

DATED: May 4, 2019

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