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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

June 8, 2017 - 10:06 a.m.
Concord, New Hampshire

22 JUN '17 PM 12:36

RE: DE 15-464
PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE d/b/a EVERSOURCE ENERGY:
Petition for Approval of Lease
Agreement Between PSNH d/b/a
Eversource Energy and Northern
Pass Transmission, LLC.
(Scheduling conference)

PRESENT: F. Anne Ross, Esq., General Counsel
(Presiding as Hearings Examiner)

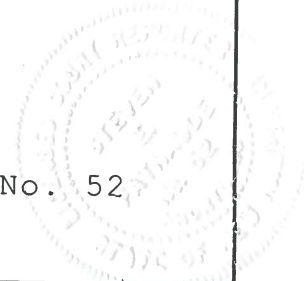
Sandy Deno, Clerk

APPEARANCES: Reptg. Public Service Co. of New
Hampshire d/b/a Eversource Energy:
Matthew J. Fossum, Esq.

Reptg. Northern Pass Transmission:
Wilbur Glahn, Esq.

Reptg. McKenna's Purchase Unit Owners
Association, and Deerfield to a
limited extent:
Stephen Judge, Esq.
Stephen Zaharias, Esq.

Court Reporter: Steven E. Patnaude, LCR No. 52



**CERTIFIED
ORIGINAL TRANSCRIPT**

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APPEARANCES: (C o n t i n u e d)

**Reptg. Kevin Spencer and
Mark Lagasse d/b/a Lagaspence
Realty, LLC:**
Arthur B. Cunningham, Esq.

**Reptg. the Society for Protection
of New Hampshire Forests (SPNHF):**
Elizabeth Boepple, Esq. (BCM)

**Reptg. New England Power Generators
Association (NEPGA):**
James Monahan

Jeanne Menard, pro se

Jo Anne Bradbury, pro se

Reptg. Residential Ratepayers:
Brian Buckley, Esq.
Office of Consumer Advocate

Reptg. PUC Staff:
Suzanne G. Amidon, Esq.
Jay Dudley, Electric Division
John T. Schmick (Shenehon)

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P R O C E E D I N G

1
2 HEARINGS EXAMINER ROSS: I'd like to
3 open the status conference or scheduling
4 conference today in docket DE 15-464. I'm Anne
5 Ross. I'll be presiding as a hearings examiner
6 today at the request of the Commission. Our
7 goal today is to try to come up with a
8 procedural schedule for the balance of this
9 docket.

10 And, before we begin that discussion,
11 maybe we could go around the room and take
12 appearances.

13 MR. FOSSUM: Good morning. Matthew
14 Fossum, here for Public Service Company of New
15 Hampshire, doing business as Eversource Energy.

16 MR. GLAHN: Good morning. I'm Bill
17 Glahn. I'm here for Northern Pass
18 Transmission.

19 MS. MENARD: Good morning. I'm
20 Jeanne Menard, a Deerfield resident.

21 MS. BRADBURY: Jo Anne Bradbury, also
22 a Deerfield resident.

23 MR. MONAHAN: I'm Jim Monahan, for
24 the New England Power Generators Association.

{DE 15-464} [Scheduling conference] {06-08-17}

1 MR. JUDGE: Steve Judge. Good
2 morning. I'm here for McKenna's Purchase and
3 Deerfield, to a certain extent.

4 MR. ZAHARIAS: Stephen Zaharias, on
5 behalf of McKenna's Purchase and Deerfield.

6 MR. CUNNINGHAM: Arthur B.
7 Cunningham, on behalf of the intervenors Kevin
8 Spencer and Mark Lagasse.

9 MR. BUCKLEY: Brian Buckley, with the
10 Office of the Consumer Advocate.

11 MS. BOEPPLE: Elizabeth Boepple, with
12 BCM Environmental. And I'm here on behalf of
13 the Forest Society.

14 MS. AMIDON: And it's me, Suzanne
15 Amidon, for Commission Staff. I'm here with
16 Jay Dudley, an analyst in the Electric
17 Division, and John Schmick, who is our expert
18 on this docket.

19 HEARINGS EXAMINER ROSS: Thank you.
20 With that, let me frame up what I understand
21 the status is, and then I may ask for some
22 updates.

23 I know PSNH filed a motion to have
24 the Commission approve a procedural schedule,

{DE 15-464} [Scheduling conference] {06-08-17}

1 and several parties objected. The order that
2 the Commission issued in this docket referred
3 to -- or, sent the Parties off to come up with
4 a procedural schedule with hearings and a
5 decision before the end of the year. So, I
6 think that was the time frame the Commission
7 had in mind when it issued the order.

8 And, so, with that framework in mind,
9 the Staff, could you give me an idea of where
10 things stand? I understand there have been
11 ongoing discussions among the Parties on a
12 procedural schedule.

13 MS. AMIDON: Right. Well, as you
14 know, the petition at issue is a proposal or a
15 request by Eversource to lease certain
16 rights-of-way or to sublease certain
17 rights-of-way to Northern Pass Transmission,
18 LLC, for purposes of the construction of the
19 Northern Pass Project. So, that's just laying
20 out what the underlying petition is.

21 And that petition was filed in
22 October 2015, but the Commission decided,
23 before examining the issues related to the
24 terms of the lease, the Commission wanted to

1 get a full understanding of whether the
2 underlying easement deeds would allow the
3 transferability of the rights from Eversource
4 to Northern Pass.

5 And, ultimately, the Commission
6 determined there was nothing that would bar
7 Eversource from having that kind of transaction
8 with Northern Pass. And, when the Commission
9 made that order, it said that the Parties
10 should develop a schedule to try to complete
11 the process by the end of the year.

12 After the Commission issued its
13 order, Eversource, to its credit, put together
14 a procedural schedule and sent it around to
15 everybody on the service list. So, this was
16 something that all the Parties on the service
17 list had access to. In that schedule,
18 Eversource proposed a single round of
19 discovery. And several parties, including the
20 Forest Society and the Consumer Advocate,
21 objected to the single round. And Attorney
22 Boepple, to her credit, proposed, you know,
23 tried to be constructive and proposed a
24 schedule which included the two rounds of

1 discovery.

2 Well, that kind of petered out. The
3 discussions got -- it basically led to a
4 disagreement. And, then, the Commission issued
5 a secretarial letter scheduling this conference
6 and urging the Parties to try to come to this
7 collaboratively, rather than having this
8 conference and taking up the time of our
9 General Counsel.

10 So, once again, Eversource proposed a
11 schedule, but, again, it had the single round
12 of discovery, which was the point of
13 contention. Attorney Boepple, again, proposed
14 a schedule. And Staff is anxious to get this
15 docket done, is mindful of the Commission's
16 order, you know, requesting that we try to find
17 a way to conclude this by the end of the year.
18 So, I worked with that schedule. And I believe
19 we have developed a schedule that most of the
20 parties agree to, with the exception of
21 Eversource and Northern Pass.

22 And I will say, Attorney Cunningham
23 has his own issues, and I'll let him address
24 those.

1 So, I have with me copies of the
2 schedule that I just sent around yesterday to
3 confirm it's the one that most of the Parties
4 agree to. I have copies of it with me today.
5 If you'd like to see it, I can provide it to
6 you. It does include the two rounds of
7 discovery. But it would result in a hearing
8 the last week in November, which hopefully
9 would allow the Commission time to get an order
10 out before the end of the year and close this
11 docket.

12 And, as the attorney responsible for
13 this docket, I would like to see this
14 procedural schedule approved, because we need
15 to move forward.

16 HEARINGS EXAMINER ROSS: Let me ask
17 the Company. Is the two rounds versus one
18 round of discovery the major disagreement
19 that's driving the scheduling problems right
20 now?

21 MR. FOSSUM: I think it's -- it is,
22 in a way, yes. And it's less an issue with
23 what may be sought in discovery than it is with
24 what it does to the schedule. You know, we are

1 very mindful of the Commission's order, looking
2 for both a hearing and an order by the end of
3 year. So, to accommodate that, I mean, right
4 now the schedule that I understand that
5 Attorney Amidon is referring to has a hearing
6 on the merits scheduled for, essentially, the
7 very end of November. And that assumes that
8 there's no schedule slip along the way, as a
9 result of discovery disputes or anything else.
10 And that would commit the Commission to issuing
11 an order in two or three weeks, to meet it's
12 own desire to have a schedule by the end of
13 year. So, that is problematic from our view.

14 More substantively, and we did put
15 this in our motion is, I guess, we simply don't
16 understand why there's a need for multiple
17 rounds of discovery at all. The Commission has
18 now been very clear about the scope of this
19 docket. It's been pending now for, I think, a
20 little over 18 months. The materials are all
21 there, they have all been there. And the
22 issues to be explored have been laid out by the
23 Commission: The terms of the lease that is the
24 subject of the Petition, and the compensation,

1 the valuation. Those are the issues. And, so,
2 having multiple rounds of discovery seems
3 unnecessary to us.

4 They have had -- the Parties have had
5 all this material, they have had a substantial
6 amount of time to determine what they're going
7 to do with it, if anything. And we simply
8 think that, at this point, one round of
9 discovery should be adequate, followed by a
10 technical session, where they will have the
11 opportunity to explore that discovery in some
12 depth. And then having an additional round of
13 discovery on top of that, it just seems
14 unnecessary, and it stretches out the schedule
15 even, you know, beyond what we think is
16 reasonable.

17 HEARINGS EXAMINER ROSS: I have a
18 couple of thoughts.

19 MS. MENARD: Excuse me.

20 HEARINGS EXAMINER ROSS: And, forgive
21 me, this is probably going to be a little bit
22 informal. And, so, what I think what I'd like
23 to do is have people just raise your hand if
24 you want to jump in. Go ahead.

1 MS. MENARD: Excuse me. Would you
2 mind using your microphone?

3 HEARINGS EXAMINER ROSS: Oh, I'm
4 sorry. I didn't realize it wasn't on. Let me
5 just -- is that better?

6 MS. MENARD: Much better.

7 HEARINGS EXAMINER ROSS: I'm sorry.

8 MS. MENARD: Thank you.

9 HEARINGS EXAMINER ROSS: So, please
10 raise your hand if you want to speak.

11 How many weeks does the additional
12 round of discovery add to the schedule, does
13 anyone know?

14 MR. FOSSUM: By my
15 back-of-the-envelope math, I think it's
16 about -- it's basically three, three or four
17 weeks.

18 MS. AMIDON: So, I'm going to --

19 MR. FOSSUM: It's essentially a
20 month.

21 MS. AMIDON: If nobody objects, I'm
22 going to give attorney Ross the copy that we
23 agreed to, so she can see for her --

24 HEARINGS EXAMINER ROSS: Would you

1 mind handing, if you've got extra copies, would
2 you hand that out so we're all looking at it?

3 MS. AMIDON: Sure.

4 HEARINGS EXAMINER ROSS: Thank you.
5 And, bearing in mind, we've lost a month in
6 terms of getting to this scheduling conference.

7 Yes, go ahead.

8 MS. BOEPPLE: If I could -- if I
9 could just add to what Attorney Amidon just
10 said. There's been a delay in getting to today
11 to talk about this. And I'd also like to
12 respond to the fact that there's 18 months
13 hanging out there. A lot of that time, as you
14 probably are aware, was everybody was waiting
15 for the PUC to make a decision on the briefing.
16 So, let's just put that in perspective, if we
17 could. Keep that in mind.

18 The additional time that's been added
19 to the calendar is not really coming from this
20 additional round of discovery. A lot of those
21 deadlines have been squeezed in this latest
22 round, in this latest proposed schedule, to
23 accommodate both the request for a second round
24 of discovery, and the Commission's desire to

1 reach a decision before year-end.

2 Some of the scheduling conflicts,
3 frankly, is coming from competing dates before
4 the SEC. Where, as you are well aware,
5 Northern Pass is in the adjudicative hearings.
6 Every party in this room is also involved in
7 that docket, and therein lies part of the
8 problem. We've been trying to avoid those
9 conflict dates, and that has resulted in the
10 proposed schedule that pretty much everyone,
11 with the exception of Eversource, is in
12 agreement, will accommodate the major goals,
13 which are for the PUC to be able to issue a
14 decision before year-end, and get a second
15 round of discovery in.

16 HEARINGS EXAMINER ROSS: Yes, Mr.
17 Monahan.

18 MR. MONAHAN: So, I appreciate that
19 the Commission would like to issue an order by
20 year-end. Is that aspirational or is there
21 some fixed disadvantage that it creates, if
22 it's January 15th versus December 31st?

23 HEARINGS EXAMINER ROSS: I don't know
24 the answer to that question. I only know that

1 the Commission set that as its own target, in
2 terms of scheduling. I assume it had to do
3 with anticipated timing on the Northern Pass
4 docket and other issues on the Commission's
5 calendar.

6 Yes, Mr. Glahn.

7 MR. GLAHN: Northern Pass joins in
8 Mr. Fossum's comments. But I'd note, by this
9 schedule, the second round of discovery, as
10 Mr. Fossum pointed out, really takes you from
11 September 20th to October 18th. Sorry, even
12 from August 11th to September 8th, rather. So,
13 that's a whole month.

14 And I think the real issue is this:
15 Even in the SEC proceedings, there wasn't a
16 second round of discovery.

17 And we all have schedules. This is a
18 difficult time of the year, because everybody
19 has vacation schedules as well. There's no
20 disagreement on the first four dates on this
21 schedule. So, things can begin pretty quickly
22 here.

23 And everyone has conflicts, but all
24 lawyers in this room have offices that have

1 other lawyers who can participate. And, if
2 they don't, well, that's a problem.

3 So, there are reasons -- this
4 proceeding is really ancillary, in some
5 respects, to the Northern Pass proceeding.
6 They relate to one another. And there are some
7 strong reasons that the Northern Pass
8 proceeding -- that the Commission wanted the
9 Northern Pass proceeding done by the end of
10 year, and business reasons for Northern Pass
11 that it should be done by the end of the year.

12 So, we think that, unless Parties can
13 justify specifically why an extraordinary
14 second round of discovery is necessary, and
15 thereby put the Commission's year-end date in
16 jeopardy, that we should stick with one round.

17 HEARINGS EXAMINER ROSS: Okay. Yes,
18 Mr. Cunningham.

19 MR. CUNNINGHAM: Briefly, Attorney
20 Ross. My clients' position is that the
21 jurisdiction of this Public Utilities
22 Commission does not attend until the property
23 rights issue is resolved.

24 The PUC repeatedly suggested and

1 ordered, in its orders in this docket, that it
2 had no jurisdiction to adjudicate property
3 rights. My clients, on the basis of that
4 order, have filed a property rights suit. It's
5 pending. And, if the courts decide that
6 Eversource does not have the right to build
7 this project on these old easements, for
8 example, my clients' easement was obtained in
9 1947, to bring electricity to northern New
10 Hampshire. They paid \$500 for a 3,000-foot
11 easement.

12 Until that issue is resolved, the PUC
13 has no jurisdiction whatsoever to even proceed
14 in this docket. So -- and the jurisdictional
15 issue is fundamental to the process.

16 So, my contention has been, from day
17 one, that this docket should not proceed until
18 that is over, until property rights are
19 adjudicated. And all of this, all these
20 lawyers, my clients have limited resources,
21 it's a waste of time, and it's even frivolous
22 to proceed in this docket, until the dispute
23 about property rights between Eversource and
24 landowners is resolved in the courts.

1 So, I object to any procedural
2 schedule whatsoever.

3 HEARINGS EXAMINER ROSS: I understand
4 your position. And I think the Commission has
5 addressed it in its two orders. And you are
6 free to ask a court, that does have primary
7 jurisdiction over the real estate issues, to
8 stay this proceeding. You're certainly free to
9 do that. And, if that would occur, I'm sure
10 the Commission would honor the court's orders.

11 Yes, Mr. Judge.

12 MR. JUDGE: I have agreed with the
13 schedule that's been placed in front of you.
14 As I understand, the utility's objection, if we
15 were here a month earlier, they wouldn't have
16 any problems. It's purely a question of
17 timing. I challenge the idea that everyone in
18 this room is represented by a lawyer; they're
19 not. Everyone in this room has a large
20 practice or a large firm; they don't.

21 I do agree with what Bill said is,
22 "if they don't have a large firm, then they
23 have got a problem." And this is partly to
24 address that problem. You're not dealing with

1 every party represented by a lawyer, every
2 question is going to be asked in the first
3 round of discovery, all pieces are going to be
4 put together, and we can proceed from there.

5 It seems to me that the Company is
6 trying to get it right now, and we ought to try
7 to get it right, and have the second round of
8 discovery.

9 I also am involved in the Seacoast
10 transmission case, where the PUC also had an
11 end-of-the-year deadline. And I just read the
12 transcript of a prehearing conference where
13 they said "why did we do that?" And it was
14 clear that there was nothing magic about
15 December 29th, which I think is the end of the
16 year.

17 So, this gives them time to get an
18 order out. If they want to extend it, the
19 Northern Pass case is going to go well beyond
20 this. So, I don't see how that case is going
21 to do anything other than encourage people to
22 give more time to this case.

23 HEARINGS EXAMINER ROSS: Yes.

24 MS. MENARD: Jeanne Menard,

1 Deerfield. Attorney Pacik, from the City of
2 Concord, asked me to relay that she would be
3 here this morning, however, she is over at the
4 SEC hearing. And, you know, just a perfect
5 example of the scheduling conflicts that we've
6 all experienced going forward. So, thank you.

7 HEARINGS EXAMINER ROSS: Do you
8 support the schedule that Staff has circulated?

9 MS. MENARD: Yes. And other
10 Deerfield, there are three additional -- two
11 additional, besides Jo Anne Bradbury, that also
12 are in agreement with the proposed schedule.

13 HEARINGS EXAMINER ROSS: Mr. Monahan,
14 does NEPGA support that proposed schedule?

15 MR. MONAHAN: Yes, we do.

16 HEARINGS EXAMINER ROSS: Let me talk
17 about process for a moment. I can't make a
18 binding decision today, based on what I'm
19 hearing. What I can do is recommend a decision
20 to the Commission. I'm going to share with you
21 where I am right now, and then we can have some
22 further discussion.

23 In listening to you all, I think that
24 I understand the Company's concern with

1 extending discovery. On the other hand, I
2 think that anything touching on Northern Pass
3 is highly controversial. And I think, in an
4 abundance of caution, I would be inclined to
5 recommend we do two rounds of discovery. It is
6 not an uncommon practice here at the
7 Commission, although it isn't the typical
8 practice.

9 I also think I would recommend some
10 tools to try to keep this docket on schedule.
11 One of them that we have used in other dockets
12 that works fairly well is to have a hearings
13 examiner, like myself or one of the other Legal
14 staff in the Commission, assigned to discovery
15 disputes. Because I am sure, given the
16 challenges we've already had with regard to the
17 scope on this docket, we are going to have
18 discovery disputes, and they're going to happen
19 in the next couple weeks, as soon as that first
20 round comes out.

21 One of the ways that having a
22 hearings examiner on board helps is that it
23 sometimes can allow us to either resolve by
24 settlement, or by a short -- a much shorter

1 written order, discovery disputes, as they
2 arise. If we have to go through the
3 Commission's normal motion and objection and
4 written decision process on discovery disputes,
5 the schedule quickly disintegrates.

6 So, I would offer that as a tool.
7 But I think my recommendation would be to order
8 a schedule pretty close to the one that Suzanne
9 is presenting, assuming that all but the
10 Company are supportive of it.

11 And you're welcome to respond to that
12 recommendation.

13 MR. FOSSUM: Okay. You mean after
14 it's filed, you mean, to file some response?

15 HEARINGS EXAMINER ROSS: Well, if you
16 have any further arguments today that would
17 change it, please make them.

18 MR. FOSSUM: I do have a couple of
19 things that I wanted to say, sort of in
20 response to what I've been hearing around the
21 room. And I'll -- I sort of made notes, but it
22 won't be in any particular order.

23 But, with respect to what Mr. Judge
24 had said about "if we had been here a month

1 earlier, it wouldn't be an issue", I guess I
2 don't know that that's true. That presumes an
3 awful lot about what might have happened had
4 this been a month ago. But, at any rate,
5 it's -- I don't think it's particularly
6 relevant to whatever decision might be made
7 here.

8 There's also been a couple of
9 comments about, you know, whether getting to
10 this decision by the end of the year is
11 something sort of essential or not. And I
12 think I have a problem with that, because it
13 seems to indicate that, when the Commission
14 said "we want this by the end of year", that
15 there are others who don't seem to think that
16 that's meant to be taken seriously. And that
17 it's a nice thing for the Commission to have
18 said, but who cares.

19 And, to me, that indicates that folks
20 are just -- they're okay with delay and
21 inefficiency, and I don't agree with that
22 position at all.

23 With respect to the second round of
24 discovery, and I understand what you have

1 already laid out is your understanding, and, if
2 that's your recommendation, then that's what it
3 will be. But I would simply point out that
4 nobody here has justified, as Mr. Glahn had
5 pointed, nobody has justified why they need
6 one. I haven't heard anything described at any
7 point about what it is about this case, and the
8 issues that the Commission has described as
9 being relevant to this case, that requires a
10 second round of discovery. This is a fairly
11 straightforward issue, and the Commission has
12 made that very clear.

13 So, I have seen pleadings. I know
14 the OCA's response to our request for a motion
15 said that they were "novel and complex issues",
16 and you've identified that "anything that even
17 touches Northern Pass can be seen as
18 controversial". But this is a lease. It is a
19 lease docket, where the Commission will be
20 reviewing the utility's ability to lease
21 property rights that it owns, and the
22 compensation that it receives in response.
23 That's it. That's the whole scope of the
24 docket.

1 So, I guess those are my points.
2 That I just -- this is a narrow docket. The
3 Commission has specifically stated that it has
4 limited its review in this docket. And I think
5 that we need to have a schedule that reflects
6 that.

7 HEARINGS EXAMINER ROSS: Thank you.
8 Yes, Mr. Glahn.

9 MR. GLAHN: Yes. If I could just, I
10 mean, I share Mr. Fossum's concerns. This
11 case, to the extent that there are objections
12 to this lease, probably focuses on two
13 relatively straightforward issues. One is the
14 affiliate relationship and the other is the
15 valuation of the lease. The expert test --
16 that's an expert testimony issue, and it can be
17 addressed pretty simply with one round of
18 discovery.

19 The intervenors and Staff have had
20 the expert report for -- since October of 2015.
21 And, presumably, there is an expert that has
22 been hired already. If there isn't, it's
23 highly unlikely that an expert can get on board
24 and do the work that's necessary to prepare an

1 opposing expert opinion, as opposed to simply
2 rebutting the opinion of the expert on the
3 lease, between now and the end of the year.

4 My point was not that you need to
5 have a large law firm. My point was that
6 you -- that the parties that are here have
7 intervened in both proceedings, and they know
8 the consequences of that. It isn't just the
9 lawyers or the parties in the room that have
10 other things to do, it's the Commission. So,
11 this order commits the Commission to deciding
12 this issue in three weeks after this hearing
13 closes, as though the Commission has nothing
14 else to do during that period of time. And I
15 don't -- and, as Matthew pointed out, there are
16 significant business reasons, I think, that the
17 Commission wants the -- the SEC wants the
18 Northern Pass issue done by the end of the
19 year, and, certainly, for Northern Pass, there
20 are those issues as well.

21 So, simply adding delay for the sake
22 of adding delay, and assuming that the
23 Commission didn't really mean what it said, and
24 that the Commission has nothing else to do, is,

1 in my view, not consistent with what the
2 Commission wants.

3 HEARINGS EXAMINER ROSS: Yes,
4 Ms. Amidon.

5 MS. AMIDON: Thank you. As I
6 indicated, Staff does have an expert, who is
7 with us today, and I introduced him at the
8 beginning of the -- when I made my appearance.

9 But I just wanted to briefly follow
10 up on something. In connection with my review
11 of this docket, I'm not trying to get into the
12 merits, but I just want to say I compared the
13 terms of the lease in this instance with a
14 similar lease that -- or, a lease for similar
15 rights that was part of one of the Hydro-Quebec
16 proceedings which involved the transmission
17 line.

18 And I just want to make the
19 observation that this is not the same kind of
20 lease that the Commission or the Site
21 Evaluation Committee has approved in the past,
22 when the proceedings were combined. It's
23 different.

24 So, in that sense, I don't think it

1 is as straightforward an inquiry as Eversource
2 might suggest, and we do have to find that it's
3 in the public good.

4 The second point I wanted to make is,
5 because we do have an expert, he, indeed, based
6 on his fieldwork and other activities that he's
7 engaged in, will likely have additional
8 questions. And, at first, I was not persuaded
9 to go for two rounds. But, eventually, I could
10 see the merit in that. And that's why Staff
11 has been the chief advocate of this proposed
12 procedural schedule today. Thank you.

13 HEARINGS EXAMINER ROSS: Yes.

14 MR. BUCKLEY: Yes. So, I would just
15 start by saying that it's been mentioned here
16 that "all of the parties are also involved in
17 the SEC proceedings". But I would just correct
18 that, for the record, that the Office of the
19 Consumer Advocate is not involved in the SEC
20 proceedings. By statute, we are not involved
21 in SEC proceedings.

22 Nonetheless, though, we are a fairly
23 busy and resource-constrained body. And one
24 thing that concerns us a bit about getting rid

1 of the second round of discovery, at least as
2 within the proposed procedural schedule, is
3 that the first round of discovery would be
4 about a week, a week and a half from now. And
5 this, for us at least, is a case that hasn't
6 really taken a priority in that time where
7 there's been a hiatus between the original
8 Petition and the current procedural conference.

9 So, I would just note that that is
10 something that has been of concern for us in
11 advocating for those two sets of opportunities
12 for discovery.

13 HEARINGS EXAMINER ROSS: Yes.

14 MS. BOEPPLE: And I would just like
15 to add to the Consumer Advocate's comments
16 about the second round of discovery.

17 There has been, with the delay, a lot
18 of Parties' resources have been devoted to
19 other matters involving this very same utility
20 company. And the characterization that this is
21 "simply a request for delay" is frankly unfair.
22 And I think it's speculation on their part.

23 I think that, from my observations
24 and my efforts, in trying to reach a schedule

1 that would accommodate especially the
2 Commission's desire to reach a decision by
3 year-end, regardless of why they reached that,
4 that's what everyone in good faith has been
5 trying to do, is come up with a schedule that
6 will accommodate that, that request.

7 So, I think it's also very unfair for
8 Eversource to try and characterize the
9 intervenors as somehow discounting what the
10 Commission's desire is.

11 HEARINGS EXAMINER ROSS: Yes,
12 Ms. Amidon.

13 MS. AMIDON: I'm sorry, I meant to
14 address this earlier. I don't know what the
15 Commission meant by the desire to get it done
16 by the end of the year. My guess is the
17 Commission will work as the Commission has
18 worked in the past. And, whether they reach a
19 decision by the end of year, that is really up
20 to them.

21 However, I feel it was, and the
22 reason I'm being the proponent of this today,
23 but I take my job working for the Commission
24 seriously. I understand that, while

1 December 31st may come and go and there may not
2 be an order on that day, I understand that they
3 want to wrap this up. And it's been, as I
4 said, filed in October 2015, it's been going on
5 for a while. And I just take my job seriously,
6 being a proponent of moving forward with this,
7 and with the most consensus that I can get on
8 the procedural schedule, and that's what I
9 tried to do today. Thank you.

10 HEARINGS EXAMINER ROSS: Are there
11 any other comments or arguments that parties
12 would like me to hear?

13 *[No verbal response.]*

14 HEARINGS EXAMINER ROSS: Okay. In
15 that case, I will try to promptly issue a
16 written recommendation, and you all will be
17 free to respond to it before the Commission
18 does anything. But I will ask you, if I get it
19 filed by today or tomorrow at the latest, if
20 you can file your responses by mid-week next
21 week, so that we can make a quick decision and
22 move on with regard to these things.

23 Do Parties have a problem with an
24 expedited response time?

1 MR. GLAHN: I think the one thing,
2 that everyone agrees on the first four dates
3 here. So, everyone should be prepared to start
4 moving ahead on those dates.

5 HEARINGS EXAMINER ROSS: Okay.
6 That's fair.

7 MR. GLAHN: No reason to delay that
8 at all.

9 HEARINGS EXAMINER ROSS: I'll
10 indicate that in my recommendation, that the
11 Parties have agreed to the first four dates,
12 and that that will move forward while the
13 Commission makes a decision on the balance of
14 this schedule.

15 And thank you all for coming in
16 today. And I'll look forward to working with
17 you in the future.

18 MS. AMIDON: Well, on behalf of the
19 Parties, thank you for your time this morning.

20 ***(Whereupon the scheduling***
21 ***conference was adjourned at***
22 ***10:36 a.m.)***

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