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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

April 27, 2020 - 9:00 A.M.
[Remote hearing conducted via Webex]

RE: DE 20-036 LIBERTY UTILITIES (GSEC)
CORP., D/B/A LIBERTY UTILITIES
RELIABILITY ENHANCEMENT PLAN AND
VEGETATION MANAGEMENT PLAN
(Evidentiary Hearing)

PRESENT: Chairwoman Dianne Martin, Presiding
Commissioner Kathryn M. Bailey
Commissioner Michael S. Giaimo

Jody Carmody, Clerk
Eric Wind, PUC Remote Hearing Host

APPEARANCES: Reptg. Liberty Utilities, et al:
Michael J. Sheehan, Esq.

Reptg. Residential Ratepayers:
D. Maurice Kreis, Esq.
Office of Consumer Advocate

Reptg. PUC Staff:
Paul B. Dexter, Esq.

COURT REPORTER: SUSAN J. ROBIDAS, N.H. LCR NO. 44

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I N D E X

WITNESS PANEL: DAVID B. SIMEK
 ADAM HALL
 JOEL RIVERA
 HEATHER GREEN
 ANTHONY STRABONE

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| EXHIBIT NO. | | PAGE NO. |
|-------------|---|-----------|
| 1 | Liberty Utilities Reliability Enhancement Plan and Vegetation Management Plan Report for 2019 | Premarked |
| 2 | Liberty Utilities Responses to Staff Data Requests 1-2, 1-3 and 1-4 | Premarked |
| 3 | Liberty Utilities Bill Impact and Comparison Sheet | Premarked |

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

2 CHAIRWOMAN MARTIN: Good morning,
3 everyone. Ms. Robidas, are you all set?

4 THE COURT REPORTER: I am. Thank
5 you.

6 CHAIRWOMAN MARTIN: Okay. Great.
7 All right. We're here this morning in Docket
8 20-036, which is Liberty Utilities Calendar
9 Year 2019 Reliability Enhancement Plan and
10 Vegetation Management Plan, Results and
11 Reconciliation.

12 First, I need to make the necessary
13 findings because we're doing a remote hearing
14 today. Sorry for all the noise.

15 As Chairwoman of the PUC, I find
16 that due to the State of Emergency declared
17 by the Governor as a result of the COVID-19
18 pandemic, and in accordance with the
19 Governor's Emergency Order Number 12,
20 pursuant to Executive Order 2020-04, this
21 public body is authorized to meet
22 electronically. Please note that there's no
23 physical location to observe and listen
24 contemporaneously to this meeting which was

1 authorized pursuant to the Governor's
2 Emergency Order. However, in accordance with
3 the Emergency Order, I am confirming that we
4 are utilizing Webex for this electronic
5 meeting. All members of the PUC have the
6 ability to communicate contemporaneously
7 during this meeting through this platform,
8 and the public has access to
9 contemporaneously listen and, if necessary,
10 participate. We previously gave notice to
11 the public of the necessary information for
12 accessing the meeting in the Order of Notice.
13 If anybody has a problem during this meeting,
14 please call (603)271-2431. In the event the
15 public is unable to access the meeting, it
16 will be adjourned and rescheduled.

17 Okay. A few ground rules that we
18 cover, and Mr. Wind may have already covered.
19 Make sure if you are not talking to mute
20 yourself. It really helps keep the
21 background noise to a minimum. If you would
22 like to be recognized other than for an
23 objection, please put your hand up, and I
24 will get to you as soon as I see you. And be

1 persistent if I don't notice that you've got
2 your hand up. I'm looking at a bunch of
3 different things. If you're making an
4 objection, please feel free to speak it out
5 at the time.

6 Confidential information. Please
7 be careful not to talk about or identify
8 confidential information inadvertently. To
9 the extent possible, please just point to the
10 document and page number where the
11 information is contained. If absolutely
12 necessary to identify or show confidential
13 information, please let me know first so that
14 we can clear the virtual hearing room so only
15 those who should have access do.

16 Please speak slowly and leave time
17 for others to consider a response before
18 proceeding. We have a court reporter who
19 will be keeping the record, and we need to
20 make sure she can understand everything that
21 is said. If you need a recess, please let me
22 know. Any party who takes a recess should
23 make sure they mute themselves and turn off
24 the video.

1 Let's start by taking a roll call
2 attendance of the Commission, and then we'll
3 take appearances. My name is Dianne Martin.
4 I'm the Chairwoman of the Public Utilities
5 Commission. I am located at my home in
6 Deerfield, New Hampshire, and no one is with
7 me.

8 Commissioner Bailey.

9 COMMISSIONER BAILEY: I am
10 Commissioner Kathryn Bailey. I'm at my home
11 in Bow, New Hampshire. I'm in a room by
12 myself.

13 CHAIRWOMAN MARTIN: Commissioner
14 Giaimo.

15 COMMISSIONER GIAIMO: Good morning,
16 everyone. Mike Giaimo. I'm at the PUC
17 office here in Concord, and no one is in the
18 office with me.

19 CHAIRWOMAN MARTIN: Okay. Thank
20 you. Let's take appearances, please,
21 starting with Mr. Sheehan.

22 MR. SHEEHAN: Good morning,
23 Chairwoman. Mike Sheehan, for Liberty
24 Utilities (Granite State Electric Corp.)

1 CHAIRWOMAN MARTIN: Thank you.

2 Mr. Kreis.

3 MR. KREIS: Good morning, Madam
4 Chairwoman, and everyone else. Sorry about
5 the echo...(indecipherable). I'm D. Maurice
6 Kreis, consumer advocate, here on behalf of
7 residential ratepayers.

8 CHAIRWOMAN MARTIN: Thank you.

9 And Mr. Dexter. Mr. Dexter, you
10 need to unmute yourself.

11 MR. DEXTER: My apologies. My name
12 is Paul Dexter. I'm appearing on behalf of
13 Commission Staff as Staff Counsel from
14 Chester, Vermont, and I am by myself. I'm
15 joined virtually this morning by two members
16 of the Electric Division, Rich Chagnon and
17 Kirk Demmer.

18 CHAIRWOMAN MARTIN: Okay. Thank
19 you.

20 I have for preliminary matters that
21 we have Exhibits 1 through 3 prefiled and
22 premarked for identification. Is there
23 anything else we need to cover?

24 MR. SHEEHAN: Madam Chair, two

1 issues, small ones. First, there was an
2 addition to the witness list by agreement of
3 the parties. Anthony Strabone, who did not
4 file testimony but participated in discovery
5 responses and has knowledge of the matter
6 that will be rightly discussed today, he is
7 on the line and ready to go.

8 Second, there is one confidential
9 response to a data request that we do not
10 anticipate will be discussed today, but I'm
11 required to file a motion to protect that
12 confidential information going forward.
13 Unlike the cost of gas hearings where there's
14 a presumption here that requires an
15 affirmative motion and response, we don't
16 need any response today. But that is in the
17 Commission's inbox, and the Commission can
18 address it when appropriate.

19 And last, in a brief discussion
20 before we started, we have two groups of
21 witnesses: Mr. Simek and Mr. Hall, who are
22 the financial revenue rate change-type
23 witnesses, and then Mr. Rivera, Ms. Green and
24 Mr. Strabone, who are more of the vegetation

1 and operational types. Typically we would
2 put them into two separate panels. Counsel
3 agreed prior to the hearing that we would
4 just swear all five in, I would do the intro,
5 and then counsel can question them as they
6 feel best -- they can organize the questions
7 as they feel best.

8 CHAIRWOMAN MARTIN: Okay. Thank
9 you. I think that makes a lot of sense to
10 have them all come up at the same time, or
11 virtually come up at the same time just to
12 make it a little more easy to manage. And we
13 will treat the information you referred to as
14 confidential during this hearing. Again, a
15 reminder for everyone: If you are going to
16 refer to that information, please do so
17 without revealing it unless you absolutely
18 have to.

19 Okay. With that, Ms. Robidas,
20 could you swear in all of the witnesses,
21 please.

22 DAVID B. SIMEK, SWORN

23 ADAM HALL, SWORN

24 JOEL RIVERA, SWORN

1 HEATHER GREEN, SWORN

2 ANTHONY STRABONE, SWORN

3 CHAIRWOMAN MARTIN: Okay. Mr.
4 Sheehan, you can proceed.

5 MR. SHEEHAN: Thank you. I will go
6 through each of the witnesses with their
7 basic introduction, and I'll start with Mr.
8 Simek.

9 DIRECT EXAMINATION

10 BY MR. SHEEHAN:

11 Q. Mr. Simek, could you please introduce
12 yourself and your position with the Company.

13 A. (Simek) My name is David Simek, and I am the
14 manager of rates and regulatory affairs.

15 Q. Did you participate in the preparation of
16 testimony that appears in the Company's
17 filing, Exhibit 1? I believe it begins
18 around Page 39 and has attachments that run
19 through Page 72.

20 A. (Simek) Yes, I did.

21 Q. And do you have any changes to your testimony
22 to make here this morning?

23 A. (Simek) I do not.

24 Q. Another exhibit that has been marked as

1 Exhibit 3 is a Bill Impact Sheet. Did you
2 also participate in the preparation of that?

3 A. (Simek) I did.

4 Q. Are there any changes to that from what was
5 filed last week?

6 A. (Simek) There are not, no.

7 Q. Thank you. Do you adopt your testimony, your
8 written testimony, to be your sworn testimony
9 here this morning?

10 A. (Simek) I do.

11 Q. Thank you, Mr. Simek.

12 A. (Simek) Thank you.

13 Q. Mr. Hall, you next. Can you please introduce
14 yourself and your position with the Company?

15 A. (Hall) Yes. My name is Adam Hall. My role
16 is analyst in rates and regulatory affairs.

17 Q. And along with Mr. Simek, did you prepare
18 testimony that appears at Pages 39 through 72
19 of the Company's filing, which is Exhibit 1?

20 A. (Hall) Yes, I did.

21 Q. Do you have any changes to that testimony?

22 A. (Hall) I do not.

23 Q. And did you participate in the preparation of
24 the Bill Impact Sheet which has been marked

1 as Exhibit 3?

2 A. (Hall) Yes, I did.

3 Q. And do you have any changes to that this
4 morning?

5 A. (Hall) I don't.

6 Q. And this morning do you adopt your written
7 testimony as your sworn testimony?

8 A. (Hall) Yes, I do.

9 Q. I'd like to run briefly through that
10 Exhibit 3, the Bill Impact, with you,
11 Mr. Hall.

12 A. (Hall) Okay.

13 Q. What bill impacts are related to this case,
14 20-036, REP/VMP?

15 A. So, related to this case, the bill impact for
16 customers taking 650 kilowatt hours, it would
17 be -- excuse me -- it would be .05 percent
18 less, or a decrease of 6 cents.

19 Q. And that is in their monthly bill?

20 A. (Hall) Correct.

21 Q. The sheet you have in front of us, Exhibit 3,
22 is slightly different; is that correct?

23 A. (Hall) Correct. That shows proposed rates in
24 the annual retail rate filing that we'll have

1 a hearing later today for. It includes the
2 impacts for both this filing and the filing I
3 just spoke of, effective May 1st.

4 Q. And so Exhibit 3 is the total rate change --
5 the impact of the total rate change that
6 would go into effect May 1, assuming both
7 cases result in the Commission approving the
8 requested changes.

9 A. (Hall) Correct.

10 Q. And that total bill impact from these two
11 cases is what?

12 A. (Hall) It would be a decrease of 31 cents, or
13 a decrease of .27 percent for customers
14 taking 650 kilowatt hours.

15 Q. Thank you.

16 Next I will start with Mr. Rivera. Mr.
17 Rivera, please introduce yourself and your
18 position with the Company. Make sure you're
19 off mute.

20 A. (Riviera) Good morning. This is Joe Rivera.
21 I am the manager of GIS and Electric System
22 Planning.

23 Q. And Mr. Rivera, Exhibit 1, the Company's
24 filing, has testimony that bears your name

1 and Ms. Green, beginning at Page 27. Did you
2 assist in the preparation of that testimony?

3 A. (Riviera) That is correct.

4 Q. Do you have any changes to that testimony
5 this morning?

6 A. (Riviera) I do not.

7 Q. And do you adopt the testimony, the written
8 testimony, as your sworn testimony today?

9 A. (Riviera) Yes, I do.

10 Q. Thank you.

11 Ms. Green, would you please introduce
12 yourself, your position with the Company.

13 A. (Green) My name is Heather Green. I am the
14 manager of vegetation and inspection.

15 Q. And did you, with Mr. Rivera, prepare
16 testimony that appears in Exhibit 1,
17 beginning at Pages H27?

18 A. (Green) Yes.

19 Q. And do you have any changes to that part of
20 the testimony for which you are responsible?

21 A. (Green) No.

22 Q. And do you adopt that written testimony as
23 your sworn testimony this morning?

24 A. (Green) Yes.

1 Q. And last, Mr. Strabone, could you please
2 introduce yourself and your position with
3 Liberty.

4 A. (Strabone) Good morning. My name's Anthony
5 Strabone. I'm the manager of electric
6 engineering.

7 Q. And you did not participate in the actual
8 drafting and filing of the testimony that we
9 have before us; is that correct?

10 A. (Strabone) That is correct.

11 Q. But we will get into questions you are
12 otherwise familiar with, some of the issues
13 that will be discussed today at this hearing.
14 Is that your understanding?

15 A. (Strabone) Yes, it is.

16 Q. And you were involved in the preparation, in
17 answering of some data responses that Staff
18 marked as Exhibit 2.

19 A. (Strabone) That is correct.

20 Q. Thank you.

21 MR. SHEEHAN: That's all I have,
22 Madam Chairman.

23 CHAIRWOMAN MARTIN: Okay. Thank
24 you.

1 Mr. Kreis.

2 MR. KREIS: Madam Chairman...

3 (indecipherable).

4 (Court Reporter interrupts due to
5 indecipherable audio.)

6 (Discussion off the record.)

7 CHAIRWOMAN MARTIN: Yes, I was
8 going to next -- what is the plan? Is it Mr.
9 Dexter next or Mr. Kreis?

10 (Court Reporter interrupts due to
11 indecipherable audio.)

12 CHAIRWOMAN MARTIN: Wait a moment.
13 The court reporter is having trouble catching
14 up.

15 MS. MULHOLLAND: Can we go off the
16 record for a moment, Madam Chairwoman?

17 CHAIRWOMAN MARTIN: Yes, let's go
18 off the record for a moment.

19 (Discussion off the record)

20 CHAIRWOMAN MARTIN: Okay. Mr.
21 Kreis, are you ready to go back on the
22 record?

23 MR. KREIS: Yes, I am, as long as
24 everybody can hear me okay.

1 CHAIRWOMAN MARTIN: Okay.

2 Ms. Robidas, how about you?

3 THE COURT REPORTER: Yes. Thank
4 you very much.

5 CHAIRWOMAN MARTIN: Okay. Mr.
6 Kreis, we were going to back up to where I
7 had recognized you to speak next and you had
8 said "Madam Chairwoman" I think, and that was
9 where Ms. Robidas left off.

10 MR. KREIS: Okay. I am ready to
11 start inquiring of the witnesses unless there
12 is any reason I shouldn't just go right to
13 that task.

14 CHAIRWOMAN MARTIN: No. Please go
15 right ahead.

16 MR. KREIS: Okay. Great. I'm just
17 going to ask my questions, and any of the
18 witnesses who have relevant answers are free
19 to pipe up as far as I'm concerned.

20 CROSS-EXAMINATION

21 BY MR. KREIS:

22 Q. I want to talk about Consolidated
23 Communications and the role that it plays in
24 the Company's vegetation management and the

1 extent to which that bears on the costs
2 incurred by customers. It is true that
3 Consolidated Communications is a landline
4 telephone provider in the Liberty electric
5 service territory; correct?

6 CHAIRWOMAN MARTIN: Make sure to
7 unmute yourself before you speak.

8 A. (Green) That seems logical, yes. Sounds
9 about right.

10 Q. Okay. Is it the only -- and Consolidated
11 Communications owns some of the poles in the
12 Liberty service territory; correct?

13 A. (Green) Correct.

14 Q. And Liberty owns some of the poles in the
15 Liberty service territory?

16 A. (Green) Correct.

17 Q. And the two companies share responsibility
18 for making sure that the vegetation in the
19 Liberty service territory is sufficiently
20 clear, to make sure that both Consolidated,
21 which is a landline telephone provider, and
22 Liberty, which is an electric provider, are
23 able to provide service to customers;
24 correct?

1 A. (Green) That sounds correct.

2 Q. Does the Company have any difficulties with
3 getting Consolidated to pay its share of the
4 costs that it has in common with Consolidated
5 [sic] for conducting vegetation management
6 activities?

7 MR. SHEEHAN: Madam Chair, this is
8 Mike Sheehan. The issue today is the
9 reconciliation of last year's REP/VMP
10 program. Some of this line of inquiry Mr.
11 Kreis is going down is marginally relevant to
12 that reconciliation. I understand that the
13 relationship with Consolidated, the
14 contribution they have plays a role, but it's
15 not clear to me why this line of questioning
16 is relevant to the reconciliation of last
17 year's work.

18 CHAIRWOMAN MARTIN: Mr. Kreis,
19 response.

20 MR. KREIS: Well, because looking
21 at places like Page 7 of the Company's
22 report, which is actually Bates Page 9, there
23 is a discussion of the inter-company
24 operating procedure agreement between the two

1 firms, and there's also a discussion of
2 problems with setting poles and the fact that
3 there seems to be some inability of the two
4 companies to communicate with each other.
5 And I agree with Mr. Sheehan that this is a
6 reconciliation, but I just want to make sure
7 I understand the extent to which, frankly,
8 non-cooperation of Consolidated has played a
9 role in the costs that customers are
10 incurring in connection with the
11 reconciliation. If that is not a helpful
12 line of inquiry today, or if the Company can
13 assure its customers that I represent that
14 they don't bear any costs that are properly
15 attributable to Consolidated, then I'd be
16 happy to move on.

17 MR. SHEEHAN: If I may respond?
18 That certainly brings it more to focus in
19 this proceeding. My underlying concern is
20 that we have a panel of witnesses who each
21 deal with tiny pieces of the Consolidated
22 relationship, and the silence you heard is
23 partly because I suspect they were all
24 thinking, "I'm not sure about this. I'll

1 wait for someone else to answer." So, for
2 example, there are not Liberty-owned poles
3 and Consolidated-owned poles. The
4 overwhelming majority --

5 (Court Reporter interrupts due to
6 indecipherable audio.)

7 MR. SHEEHAN: The overwhelming
8 majority are solely-owned poles. So I just
9 am concerned that without more focused
10 questions, that we may inadvertently get into
11 maybe not the best answers that the witnesses
12 could otherwise provide.

13 CHAIRWOMAN MARTIN: Mr. Kreis, do
14 you have a response to that?

15 MR. KREIS: Yeah, I think that's a
16 function of the fact that --

17 (Court Reporter interrupts due to
18 indecipherable audio.)

19 MR. KREIS: I'm sorry. I didn't
20 hear that.

21 CHAIRWOMAN MARTIN: I was asking if
22 you have a response to that.

23 MR. KREIS: I think that's a
24 consequence of the fact that we're conducting

1 a remote hearing, we're not all in the same
2 room, and this is difficult. I think it
3 would simplify things if I just said that I
4 don't need to inquire about Consolidated
5 Communications and I don't have any other
6 questions.

7 CHAIRWOMAN MARTIN: Well, that
8 certainly does simplify things.

9 Okay. Mr. Dexter, I guess you're
10 up.

11 MR. DEXTER: Thank you, and good
12 morning again.

13 CROSS-EXAMINATION

14 BY MR. DEXTER:

15 Q. So I would like to start with questions
16 concerning the veg management program, and I
17 would like to start by identifying for the
18 Commission and for everyone what rates are
19 actually proposed in this proceeding. So I
20 would ask the witnesses and the Bench to turn
21 to Bates 68 in the filing, and I would ask
22 the witnesses to confirm that the REP factor
23 proposed in this case equals \$.00008 per kWh.

24 A. (Simek) That is correct, Paul. But 0.0008

1 [sic] per kWh is the O&M portion of the veg
2 management rate.

3 Q. And is it correct that this compares to a
4 factor that was approved last year of
5 \$.00047? And I took that from Bates 70 of a
6 similar exhibit in last year's docket, DE
7 19-051.

8 A. (Simek) I believe that the approved rate is
9 .00052.

10 Q. Okay.

11 A. (Simek) The rate that's currently in place.

12 Q. And in any event, this proposed rate
13 represents a reduction as compared to last
14 year.

15 A. (Simek) Correct.

16 Q. Or as compared to current rate.

17 And if we look at Bates 68, you'll see
18 that that REP factor, which is in Column D,
19 produces an actual distribution rate per kWh
20 for a residential customer in Class D of
21 \$.04930; is that right?

22 A. (Simek) Yes. I'm sorry. I wasn't looking at
23 the correct column. Column E. Yes, it does.

24 Q. And that number that I just cited on Column E

1 over on Bates Page 70 appears in the proposed
2 typical bill analysis that Liberty provided;
3 is that correct?

4 A. (Simek) Correct.

5 Q. And this typical bill provided at Page 70
6 produces the reductions that Mr. Hall talked
7 about in his direct testimony that are
8 related specifically to this docket.

9 A. (Simek) Correct.

10 Q. A reduction overall when the two programs are
11 combined, both veg management and the
12 reliability program, of 6 cents per bill and
13 a .045 percent decrease for a residential
14 customer; is that right?

15 A. (Simek) It is.

16 Q. Okay. So that's what's at issue as far as
17 the veg management program is concerned. In
18 order to find what's behind the factor that
19 we talked about of \$.00008, I believe I can
20 find that on Page 67; is that right?

21 A. (Simek) Yes, it is.

22 Q. And if I look at Page 67, I see that the
23 costs that go into that factor on Line 3 are
24 \$74,984; correct?

1 A. (Simek) Correct.

2 Q. And of that figure, part of it's a over and
3 under recovery. I guess it's an over
4 recovery from last year of 26,163. But
5 Line 1 shows us that the 2019 O&M expense for
6 veg management above base is 101,147;
7 correct?

8 A. (Simek) Correct.

9 Q. And "above base," what does that mean? What
10 is the base amount?

11 A. (Simek) The base amount can be shown on --
12 let me bring it up real quick, the Bates page
13 number. It's \$1.5 million that is currently
14 included in base distribution rates, and
15 that's shown on Bates Page 50. It shows how
16 it was broken down to come up with 101,147.

17 Q. And so is it correct then, in order to look
18 at the underlying expenses for veg management
19 in 2019, I want to take the base amount of
20 the 1,500,000 and add to it 101,147 and get a
21 figure of 1,601,147 if I want to see what the
22 money was spent on?

23 A. (Simek) Correct. And again, that's shown on
24 Bates 50.

1 Q. Right. And to get a look at the various
2 projects that make up the 1,601,147, if I go
3 to Bates 17 in the report, that shows various
4 projects; does it not? And we'll see that
5 figure 1,601,147 down on Line 14 actual
6 expenses; correct?

7 A. (Simek) That is correct.

8 Q. Okay. So I had some questions about these
9 specific projects on Bates 17. And in
10 particular, I wanted to look at Line 6, which
11 is labeled Police Detail, Cycle Trimming and
12 Other. And I believe Column C shows that
13 this figure came in below budget in the
14 amount of about 19 or 20 percent; is that
15 right?

16 A. (Green) I can't do that calculation that
17 quickly in my head, but it's about 76,000.

18 (Court Reporter interrupts.)

19 Q. Right. And the 76,000 divided by the budget
20 number of 400,000 comes to roughly 19,
21 20 percent.

22 Can you explain how it is that the
23 police detail came in under budget? Because
24 in the past, we do these cases every year, I

1 think that's often cited as an area where the
2 Company experiences an over-budget situation.

3 A. (Green) So when we make the budget, we do an
4 average of what we spent. So we look at what
5 was spent in the last year and what's the
6 average and make that budget. So if we work
7 in areas that require less police detail, for
8 example, on rural roads, then that would
9 contribute.

10 I also looked into -- in 2018 we did
11 have an error in our invoicing. So that was
12 rectified, but that wasn't -- the budget was
13 made before that. So I believe that may be a
14 contributing factor as well. I think the
15 budget was made on 2018 spend, which wasn't a
16 normal year, I guess, because it had an error
17 in it. And then we also had some areas where
18 we have more rural work that doesn't require
19 as much police detail. So when we make the
20 budget, we do an average of what we
21 experience.

22 Q. Can you explain more about the error that was
23 found in 2018?

24 A. (Green) So there was an error in billing,

1 where when the contractor gave it to us, they
2 billed higher than they should have. We
3 found the problem and we've gotten the refund
4 for that matter. And it was addressed in the
5 2018 submittal as well. So we identified
6 that there was an error there, that it had to
7 do with billing per crew versus per person.

8 Q. Do you recall the amount of the error?

9 A. (Green) Fifty thousand.

10 Q. Fifty thousand? And so if I understood what
11 you said, that reversal of that error was
12 credited to customers in the 2018
13 reconciliation; is that right?

14 A. (Green) Yes, it was addressed then.

15 Q. Okay. Was it returned to customers through
16 that process?

17 A. (Green) I don't -- I know it was addressed in
18 the accounting in the numbers we submitted,
19 that it was not part of our...

20 (indecipherable). It was attributed in our
21 numbers for 2018.

22 Q. Okay. So it would have shown up in 2018's
23 actuals and therefore reflected in last
24 year's reconciliation.

1 A. (Green) Yes.

2 Q. So moving down to Line 8 on Page 17, there's
3 a category marked Interim Trimming and
4 Pruning -- I'm sorry -- Interim Trimming. Can
5 you explain what that is?

6 A. (Green) So that is an amount that helps --
7 it's unplanned work, period. We don't know
8 what it's going to be every year. It's a
9 line item to address unplanned work. A lot
10 of times our lines are reconfigured, and the
11 footprint that we pruned or addressed four
12 years ago will have a different footprint
13 this year. So at times those two footprints
14 don't align. And in order to catch those
15 pieces that fall off in between the cycles,
16 for example, we need to pick up those pieces
17 that are falling in the footprint of today's
18 9L3 versus four years ago's 9L3, or any other
19 pieces throughout the system that are not
20 meeting cycle for a restriction, a refusal,
21 those kinds of things. So they're just
22 pieces here and there where the vegetation
23 will not meet cycle. They're big chunks of
24 pieces. They're several spans at a time.

1 And we did not find any of those last year,
2 or a significant amount of that last year.

3 Q. And so the budgeted amount was \$30,000. The
4 actual came in at around \$8,000. So that
5 piece was -- I calculate that as about 73
6 percent under budget.

7 Can you explain what you meant by
8 "footprint"? I didn't follow that, that
9 explanation.

10 A. (Green) So when we do -- when we go out for
11 bid, for example, we have to give the
12 contractor a specific area that we want to
13 trim. So let me give, I don't know, I'll say
14 7L1. So that's --

15 (Court Reporter interrupts.)

16 A. (Green) We'll just hypothetically say it has
17 a 10-mile footprint and it goes on certain
18 roads. But then we do some reliability
19 enhancement, and we put some structures in
20 place that allow us to serve those customers
21 better. Part of that 7L1 may come off and be
22 added to the 7L2. So, but when we work it,
23 we work it off of, for example, the 2012 map
24 of the 7L1. But then later, four years

1 later, that map, 7L1 doesn't have the same
2 footprint anymore. It has less or more to
3 it, pieces that are now moved over to 7L2.
4 And if I just pruned 7L2 last year, I won't
5 be there again for maybe seven years now. So
6 that's where those pieces get picked up. It
7 won't make it to the next cycle. So the
8 footprint is a snapshot in time of what our
9 cycle looks like, and that's what we address.
10 But that feeder, next time, doesn't have the
11 same footprint. So it either has more or
12 less, and sometimes it has the same.

13 So what we do is we try to make sure as
14 we go from cycle to cycle that those pieces
15 are picked up in another feeder and added to
16 that map, or we have to say okay this piece
17 is not going to be in the next four years,
18 we're going to have to grab it over here. So
19 the footprint is a snapshot in time of that
20 cycle. It's a very long answer. Sorry.

21 Q. And you had indicated that the interim
22 trimming is not planned, and situations come
23 up during the year or don't come up. What
24 would cause a situation to come up?

1 A. (Green) So as we drive in the field or
2 someone brings to my attention or we've
3 identified that this piece, 13L3, was moved
4 over to here -- most likely a customer call
5 would come in and say -- or we'd go out in
6 the field and we'd notice that it's not just
7 this customer that has an issue, it's several
8 spans that has an issue. And we identify
9 that these couple spans need to be taken care
10 of pre-cycle trim or in between cycles.

11 Q. Okay. So Line 10 talks about subtransmission
12 right-of-way clearing. Could you explain
13 what that is, what "subtransmission" is?

14 A. (Green) So when we say "subtransmission," it
15 could actually be off of distribution as
16 well. So basically all of our non-roadside
17 distribution. So it could be subtransmission
18 or distribution base. Basically it's all of
19 our off-road pieces that require very
20 different equipment and different resources
21 to manage. So we also have the floor, or the
22 bottom, the floor to address as well as the
23 side. So it's different work altogether, as
24 well as different resources. So it's

1 separated out.

2 Q. And this particular item came in, I
3 calculated at 58 percent under budget. The
4 budget was 205,000. The actual spend was
5 around 86,000, or a variance of 119,000
6 underspent. And you give an explanation in
7 Column F that says "Adjustment of work from
8 2019 to 2020." Can you explain more what
9 went into that underspend of 58 percent?

10 A. (Green) So we did some more adjusting of the
11 cycles for them to match, along with we had
12 some new construction coming up. Also to
13 address the request for reduced budgets. And
14 basically we moved it so that it would align
15 better with other projects in the system.

16 Q. With other what projects? I didn't
17 understand that. I'm sorry.

18 A. (Green) Just other work that we're working
19 on.

20 Q. Now, in Exhibit 2, which is Staff Data
21 Response 1-2, there was a discussion about
22 potential litigation between an abutter.
23 Does that have to do with subtransmission
24 right-of-way clearing?

1 A. (Green) Yes.

2 Q. And is that what's referred to when it says
3 "Adjustment of work from 2019 to 2020"? Is
4 that the work that was adjusted to 2020?

5 A. (Green) That would be a piece of work.

6 Q. Okay. Can you explain more -- first of all,
7 where is this piece of subtransmission where
8 you have the abutter dispute?

9 A. (Green) It's along the Massachusetts state
10 line in Hampstead. Along that area.

11 Q. And can you explain -- this is where the --
12 does the Company own the property that needs
13 to be trimmed, or do they have an easement?

14 A. (Green) We have an easement.

15 Q. And if you have an easement, how would an
16 abutter's concern factor into your necessary
17 trimming?

18 A. (Green) He has had a string of litigation
19 with this piece of property and companies
20 that have managed it. He has told us to get
21 off of his property, or he has been
22 inconsistent with his permission and lack of
23 permission to work on the easement or access
24 the easement. Additionally, he has concerns

1 for damage to his property. And many of the
2 trees that need to be worked on are -- they
3 come from the ground on his property and then
4 they grow into the easement. We can't climb
5 them to address them. We'd have to go onto
6 his property to do so. So we did have an
7 agreement; we were going to access his
8 property through the driveway. And then he
9 changed his mind. So it has been a dialogue
10 that has gone back and forth. And he's
11 brought counsel in as well. So we're just
12 trying to manage this with minimal expense of
13 litigation.

14 Q. Do you have any expectation that you'll be
15 able to do this trimming in 2020?

16 A. (Green) I do expect we will be able to. We
17 did take care of the parts that were directly
18 under the wires and growing into. We took
19 care of that. So the immediate need of
20 immediate growth was taken care. It's just
21 the fall-ins and the grow-ins from the top.
22 So if we have to, we can also, in 2021, bring
23 in equipment that we can drive in from
24 another area and access it. It's just more

1 cost-prohibitive, so we're trying very hard
2 to manage this through this communication.

3 Q. Now, I think I just heard you say 2021, but
4 the footnote referred to 2020. I just want
5 to make sure I understand what year --

6 A. (Green) We intend to, we hope to resolve
7 everything and have the work completed this
8 year. However, if we don't resolve it, we
9 can bring in additional -- it's just very
10 expensive, the equipment we would need to use
11 if we could access these trees near in his
12 driveway -- through his driveway.

13 Q. And my rough understanding of the Liberty
14 system from other documents, I recall that
15 this circuit is very important. In other
16 words, it's --

17 (Court Reporter interrupts due to
18 indecipherable audio.)

19 Q. Is it correct that this circuit where this
20 situation exists is a very important circuit
21 to the Liberty system?

22 A. (Green) It is.

23 Q. And are you satisfied that you'll be able to
24 maintain service and manage this situation

1 with the abutter at the same time?

2 A. (Green) Yes.

3 Q. Okay. Now, am I correct that actual expenses
4 on veg management in 2018 were 1,944,000?

5 A. (Green) That sounds correct. I don't have
6 those numbers in front of me.

7 Q. And this year's actuals, as we said, are more
8 like 1,600,000?

9 A. (Green) Correct.

10 Q. Are you confident that with this reduction in
11 actual expense, that the vegetation
12 management that the Company has done is
13 sufficient to allow for reliable service?

14 A. (Green) For that work that was prescribed,
15 yes. For last year, yes.

16 Q. Okay. I want to move from veg management to
17 the portion of the case dealing with
18 reliability investments. And I want to start
19 with the same exercise, just so that I know
20 and everybody knows exactly what's proposed
21 here. And I believe I can do that by going
22 to Bates 66.

23 Is it correct that the investments that
24 were made in '19, in 2019, result in a

1 .5 percent increase to all elements of the
2 Company's distribution rate?

3 A. (Simek) Yes.

4 Q. And if I flip to Bates 70 and I look at the
5 customer charge for a residential customer of
6 \$14.67 as the current rate, and if I go to
7 Column E, I see \$14.74 as the proposed rate.
8 Is it correct that that calculates to the
9 .5 percent increase we were talking about?

10 A. (Simek) Yes, it is.

11 Q. And in fact, Column B shows that the
12 .5 percent increase applies to all the rate
13 elements of all the classes, not just the
14 customer charge, but the kWh charge as well.

15 A. (Simek) Correct. And that's all shown in
16 detail on Bates 68.

17 Q. On Bates 68, right. And demand charges as
18 well. In other words, all the rate elements.

19 A. (Simek) Correct.

20 Q. Okay. And again, to find out what's behind
21 the .5 percent increase, back on Bates 66 it
22 shows us that there's an increase in the
23 annual revenue requirement associated with
24 these REP investments of \$210.503; correct?

1 A. (Simek) Correct.

2 Q. And if I want to see the detail behind that
3 \$210,000 that's proposed for recovery, I can
4 go to Bates 51; is that right?

5 A. (Simek) Correct.

6 Q. Page 51 gets harder and harder to read every
7 year. You add a column each time.

8 A. (Simek) Yes, but a little smaller each year.

9 Q. Smaller each year and I get a year older.

10 But if I go to Line 70 in the
11 right-hand-most column, I see the \$210,503
12 we've been talking about; correct?

13 A. (Simek) Correct.

14 Q. And that's the revenue requirement associated
15 with investments. And in order to find the
16 level of investments, I go all the way up to
17 Line 1 and I see a \$1,837,934.

18 A. (Simek) Correct.

19 Q. And the revenue requirement that's proposed
20 for collection on Line 61, 62 and 63 is the
21 rate of return, book depreciation and
22 property taxes; is that right?

23 A. (Simek) Yes.

24 Q. And so if I want to see the detail behind the

1 investments of a \$1,837,934, I can go to
2 Bates Page 19.

3 A. (Simek) Correct.

4 Q. And the figure I just mentioned appears in
5 Column H, which is the 2019 actuals; is that
6 right?

7 A. (Simek) Correct.

8 Q. Okay. So I have some questions. I'd like to
9 ask about some of the various projects that
10 are detailed in Columns A and B, and I'd like
11 to start with Line 2.

12 The project is described as a bare
13 conductor replacement project on Route 12 in
14 Walpole. Can you explain or can someone at
15 the Company explain the nature of this
16 project?

17 A. (Rivera) Yes. So originally we targeted
18 2.65 miles of bare wire to replace, and we
19 ended up reducing that to about
20 1.6 million -- I'm sorry -- 1.6 miles of bare
21 wire replacement. This is one of the areas
22 that we targeted for high interruption rates.

23 Q. And what is wire replacement? What does that
24 consist of?

1 A. (Rivera) Can you repeat your question?

2 Q. Yes. What exactly happens when you say you
3 replaced bare wire, in this case 1.6 miles of
4 bare wire replacement?

5 A. (Rivera) So it's a combination of pole plant
6 replacement and bare conductor replacement.
7 In this case, I believe the conductor was 336
8 bare. And then we've installed 477 aluminum
9 spacer cable.

10 Q. And that's more resistant to outages? That's
11 the whole point?

12 A. (Rivera) Yes, that's correct. We target
13 areas that have repeat interruptions due to
14 vegetation, and we install this
15 tree-resistant conductor to try to reduce the
16 number of interruptions from vegetation. And
17 we also try to protect the areas on the front
18 end of the feeder between the substation
19 breaker and the first protective device as
20 kind of a priority for us, and this is one of
21 those areas as well.

22 Q. And that prioritization provides, allows
23 service to a great number of customers. Is
24 that the idea?

1 A. (Rivera) Yes. If you protect the area zoned
2 between the substation breaker and the first
3 protected device, that affects the most
4 customers on the feeder.

5 Q. Okay.

6 CHAIRWOMAN MARTIN: Mr. Dexter --

7 MR. DEXTER: Yes, I was just
8 noticing the clock. And it's about --

9 CHAIRWOMAN MARTIN: I apologize for
10 interrupting your flow. Is it an okay place
11 to take a break at this moment?

12 MR. DEXTER: That would be fine.

13 CHAIRWOMAN MARTIN: Okay. Why
14 don't we take a recess for 15 minutes, which
15 would have us coming back at 10:17. It's
16 approximate, but hopefully I'll be back at
17 that time.

18 MR. DEXTER: And Mr. Wind, is the
19 recommendation that we all keep our
20 connections intact?

21 MR. WIND: Correct. Keep your
22 connections intact. But you can turn off
23 your visual and audio functions on the bottom
24 of the screen.

1 MR. DEXTER: Thank you.

2 CHAIRWOMAN MARTIN: Okay. Thank
3 you.

4 (Brief recess taken at 10:02 a.m., and
5 the hearing resumed at 10:31 a.m.)

6 CHAIRWOMAN MARTIN: It's now
7 10:31 a.m. Mr. Dexter, are you ready to go?

8 MR. DEXTER: Yes, I can pick up
9 where I left off.

10 CHAIRWOMAN MARTIN: Okay.

11 Ms. Robidas, how about you?

12 THE COURT REPORTER: Yes. Thank
13 you.

14 CHAIRWOMAN MARTIN: And the other
15 two commissioners?

16 COMMISSIONER GIAIMO: All good.
17 Thank you.

18 COMMISSIONER BAILEY: Ready. Thank
19 you.

20 CHAIRWOMAN MARTIN: Okay. Thank
21 you.

22 Go ahead, Mr. Dexter. Back on the
23 record.

24 MR. DEXTER: Thank you.

1 BY MR. DEXTER:

2 Q. So when we broke, we were talking about the
3 spacer cable project on Route 12 in Walpole
4 that's briefly described on Bates 19. And my
5 next question is whether or not -- this
6 project was actually a 2018 project; is that
7 correct?

8 A. (Rivera) That is correct. It's a 2018
9 project that wasn't placed in service until
10 2019.

11 Q. And of the 1,838,000 investment that we
12 talked about earlier as the total for 2019,
13 this carryover represented 591,000; correct?

14 A. (Rivera) Correct.

15 Q. And if I understand, the budget for this
16 project was 1,050,000. Is that right? I
17 believe I got that number from last year's
18 case.

19 A. (Rivera) The calendar year 2019 capital
20 investment budget for the bare conductor
21 replacement program was 1.45 million, and
22 that's not counting the 100,000 for previous
23 year carryover.

24 Q. Right. Do you know what the budget was for

1 this particular project?

2 A. (Rivera) Yes, I do. If you look at -- it's
3 not shown in the table. Originally this
4 job -- I have to find the original number
5 because the original budget was based on
6 2.65 miles of reconductoring, and we only
7 ended up doing 1.6. So I can find that
8 information, what the original budget was.

9 (Pause)

10 A. (Rivera) I believe it was a little bit over
11 1 million, the original budget for that
12 project.

13 Q. Right. That's what I thought. And as I
14 said, I took that from the filing last year,
15 although I don't have a Bates page number to
16 put into the record.

17 Is the reason that it came in under
18 budget because of the reduction in the number
19 of miles that you planned to do?

20 A. (Rivera) Yes, that is the major reason.

21 Q. Was this project done using in-house crews or
22 outside vendors?

23 A. (Rivera) This project was done using outside
24 vendors.

1 Q. Okay. I'd like to ask about Line No. 5. The
2 project's called bare conductor replacement
3 on Sullivan Street in Charlestown, and it
4 makes up about half of the budget for 2019.
5 Can you explain what this project involved,
6 please?

7 A. (Rivera) Sure. Similar to the 12L2 bare
8 conductor replacement in Walpole, we targeted
9 a section on Shaker Hill Road in Enfield on a
10 7L2 feeder, 1.9 miles of it, to replace bare
11 conductor with spacer cable.

12 Q. Yeah, and I had some questions about that.
13 But I had actually jumped down to Line 5,
14 which was Charlestown. I'm going to come
15 back to Enfield in a minute.

16 A. (Rivera) I apologize. On Line 5, it is the
17 Sullivan Street in Charlestown project. It's
18 about the same distance as the Shaker Hill
19 job, about 1.9 miles in the town of
20 Charlestown, New Hampshire.

21 Q. And if I understand this schedule correctly,
22 it looks like 695,805 was spent in 2019;
23 correct?

24 A. (Rivera) Correct.

1 Q. And 161,323 was spent on this project but
2 will be carried over into next year; is that
3 right?

4 A. (Rivera) Yes. What you see on Column I is an
5 estimate of what we believe was going to be
6 charged in 2020. Some of these will change
7 or have changed since we put this together.

8 Q. Okay. Well, if I add those two figures, I
9 get roughly 850,000, which I calculate to be
10 about 18 percent over budget. Does that
11 sound reasonable for this project?

12 A. (Rivera) Yes, it does. It may end up being
13 higher than that when it's all said and done.
14 Again, it's just an estimate right now. We
15 won't know until the project is completely
16 closed out.

17 Q. Okay. Can you explain what led to the
18 roughly 18, maybe 20 percent over budget?

19 A. (Rivera) So when I develop projects going
20 into future year budgets, I use the
21 investment grade estimate. And I've been
22 using roughly 380,000 since 2017. And what
23 we've been finding is that the actual costs
24 are steadily increasing every year. We're

1 probably closer now to 450,000 of bare wire
2 replacement per mile.

3 So to answer your question, it's mainly
4 due to a lower estimate of 380 versus, you
5 know, what the actual, more recent projects
6 have been coming in, just closer to the
7 450,000 per mile.

8 Q. Is the 380,000 per mile or the 450,000 per
9 mile, do they assume internal work or outside
10 vendors?

11 A. (Rivera) No, not my -- when I develop the
12 investment grade budget, at that point I
13 don't have any sort of idea if it's going to
14 be done in-house or external. So all my
15 estimates are either internal or external.
16 There's not one separate estimate for who,
17 what resource is going to do it.

18 Q. Okay.

19 A. (Rivera) If I may add, when it comes to the
20 REP projects, there hasn't been any project
21 that has been completed by in-house crews.
22 May have started a portion, like in the case
23 with Shaker Hill Road, but we haven't had one
24 yet where it's been performed, completed by

1 our in-house crews.

2 Q. Okay. Can you explain Lines 6, 8 and 10?
3 All deal with fuse savers. And it looks to
4 me like there were five budgeted, but none
5 were spent. Is that right?

6 MR. DEXTER: I think the witness
7 might be muted.

8 CHAIRWOMAN MARTIN: He's not muted.
9 I was just trying to --

10 MR. DEXTER: Okay.

11 CHAIRWOMAN MARTIN: Can you try
12 speaking again, Mr. Rivera? And maybe if you
13 can put your head up, then I can see if
14 you're speaking as well. Yeah, I can't hear.
15 Can anyone else -- oh, go ahead. Try again.

16 MR. RIVERA: Can you hear me?

17 CHAIRWOMAN MARTIN: I can hear you
18 now. Everyone else can you hear Mr. Dexter
19 now?

20 MR. DEXTER: Yeah, I heard the
21 sentence, but I didn't hear any of the
22 answer.

23 CHAIRWOMAN MARTIN: Okay. Can we
24 start from the beginning of your answer

1 again?

2 MR. RIVERA: Absolutely. I'll try
3 to hold my phone closer.

4 CHAIRWOMAN MARTIN: Okay.

5 A. (Rivera) So you had a question on the trip
6 savers. In 2019, when we intended to install
7 these, there was a concern came up with our
8 clearance and control procedures,
9 particularly with fuse-saving techniques,
10 where right now we would have to adjust some
11 procedures in clearance and control. So
12 because of that, we decided to hold off until
13 2020 to give a chance to meet with
14 operations, safety department, control group
15 and come up with new procedures for fuse
16 savers.

17 Q. Okay. So Line 6, it says that one fuse saver
18 in Alstead, New Hampshire cost about \$8,000,
19 and Line 10 says that one fuse saver in
20 Pelham, New Hampshire cost double that,
21 almost \$17,000. Is that a typo, or is that
22 an actual discrepancy in the amount?

23 A. (Rivera) It is a typo. On Line 10, Column B,
24 it should say install two fuse savers at

1 Ledge Road, Pelham.

2 Q. Okay. And I did want to go back and talk
3 about the Shaker Hill project. Again, this
4 makes up about half of the investment that's
5 proposed for recovery. And it looks to me,
6 if I understand this, that \$516,000 was spent
7 in 2019 and another 466,000 was carried over
8 to be spent in 2020. If I add those two up
9 and compare it to the budget, I get about
10 25 percent over budget for this project.
11 Does that sound right? Does the math sound
12 right?

13 A. (Rivera) Without running the numbers, I would
14 say yes, it does sound right. And again,
15 this is an estimate, and it might be low at
16 this point.

17 Q. Okay. And would the reason for the
18 over-budget be the same as the answer that
19 you gave for Charlestown, where you've now
20 increased the per-mile estimate from 380,000
21 per mile to 450,000 per mile based on more
22 recent information?

23 A. (Rivera) Correct, that is part of it of the
24 overspend, and also the issues mentioned with

1 regards to Consolidated.

2 Q. Right. And I wanted to ask about that.
3 Exhibit, I guess it's No. 2, which is Data
4 Request 1-4, goes into a fairly lengthy
5 discussion of this project. And it starts
6 with saying that Liberty requested that
7 Consolidated set the poles for this project
8 in February and that Liberty got the expected
9 answer -- or the expected non-answer from
10 Consolidated, which results in a 90-day sort
11 of no-action period before Liberty can take
12 action and set the poles themselves. Is that
13 a fair summary of what that response starts
14 with?

15 A. (Strabone) Yes, it is.

16 Q. And I gathered from that response that this
17 isn't the first time that this situation has
18 come up with Consolidated. Is that right?
19 Sounds like this is more of a "business as
20 usual" situation.

21 A. (Strabone) That is correct.

22 Q. And it's also correct I think to say that
23 that 90-day delay, if I can use the word
24 "delay," affected the schedule, slowed down

1 the overall completion of the project. Is
2 that fair?

3 A. (Strabone) It impacts our start date when we
4 have to accommodate those 90 days into our
5 schedule. If it was a Liberty set area, we
6 could start earlier than the 90 days.
7 However, where this was a Consolidated set
8 area, we go through the process of notifying
9 Consolidated for pole sets, try to keep the
10 lines of communication open. And then
11 ultimately, as you indicated, this was
12 "business as usual." The 90 days expire, and
13 then we proceed with setting the poles.

14 Q. Is there a way to start this process earlier
15 with Consolidated so that that 90 days could
16 occur in the prior year so that it wouldn't
17 affect the construction year?

18 A. (Strabone) We could start that process
19 earlier. However, before we begin to do our
20 engineering, we wait until we have the
21 finalized budget, which usually happens in
22 the January time frame of the current year.
23 At that point we begin to do our engineering
24 with respect to identifying poles that need

1 to be replaced on whatever project we're
2 working on with them, and then we reach out
3 to try to get the clock started and get them
4 moving on that. During that period we're
5 also doing, finalizing a design on our side
6 and trying to keep the process going with
7 ordering materials. So really, we're doing
8 other steps with the process and with our
9 projects during those 90 days. So it doesn't
10 impact us as greatly as it could. But
11 ultimately our start date is after we've
12 received our approved capital budget.

13 Q. Could the engineering and design occur
14 earlier than February? In other words, if I
15 understand, these REP projects are identified
16 in the second half of the prior year and
17 there's a meeting with staff. So the Company
18 I think would have an idea that this project
19 was going to be done, you know, in 2019, they
20 would have that idea by mid-2018. Is that
21 right?

22 A. (Strabone) That's correct. We do identify
23 these in 2018 during that meeting. We
24 propose these projects. We have an idea of

1 the overall scope. However, prior to us
2 getting the exchange of notice to
3 Consolidated for these, there's other
4 information that goes with it as respect to
5 the correct project number, our job number.
6 And for us to fill out that information on
7 the sheet correctly, Fairpoint -- excuse
8 me -- Consolidated does request that we have
9 that. So in order for us to do it, it's
10 really once we get the project identified and
11 set up in the system with the approved
12 capital budget.

13 Q. And that can't happen until the capital
14 budget is approved in January?

15 A. (Strabone) In order for us to set up projects
16 for the next year associated with these types
17 of jobs, it's just the internal process of
18 our capital budget being approved from
19 corporate, sent down. We work with our
20 finance folks to set up our budget and
21 associated project numbers, and then we pull
22 job numbers against those to get the job
23 rolling with these.

24 Q. So given that framework, if I understand

1 Exhibit 2, notification was sent to
2 Consolidated at the very end of February.
3 And so the 90-day non-action period took you
4 through the very end of May; is that right?

5 A. (Strabone) That is correct.

6 Q. And then what did Liberty do starting end of
7 May, beginning of June, with respect to this
8 project?

9 A. (Strabone) Electric and engineering reached
10 out to our electric ops folks towards the end
11 of May, beginning of June, and indicated that
12 the 90 days would have lapsed. Internally we
13 had a discussion with our senior members to
14 make sure that everyone was in agreement that
15 we would proceed with setting poles. The end
16 of May, beginning of June, we had that
17 internal discussion so we could go ahead and
18 set poles. And then we also worked with
19 electric ops to notify them that they can
20 begin to do the pole-setting process.

21 Q. And when did the pole setting take place?

22 A. (Strabone) The pole setting actually took
23 place in July and August. The delay
24 throughout the month of June was after

1 electric ops determined that due to other
2 work commitments they would not be able to
3 set the poles in a timely manner, and we
4 reached out to our local contractors to see
5 who would be available to assist in setting
6 poles. And in that month of June we secured
7 that contractor, established a PO with them
8 to go ahead and proceed with the work and
9 gave them all the necessary documentation, as
10 in sketches and pole placement sheets that
11 they needed to begin the job.

12 Q. So electric ops is an internal department; is
13 that right?

14 A. (Strabone) That is correct.

15 Q. And the poles were ultimately set by a vendor
16 in July and August; is that right?

17 A. (Strabone) That is correct.

18 Q. And again, I guess I'm just not following
19 what happened in June. The poles were going
20 to be done internally, but the electric ops
21 department was called away on other jobs? Is
22 that what you said?

23 A. (Strabone) Yes. We had turned the job over
24 to electric ops to set poles. In discussion

1 with electric ops, they indicated they could
2 not do this due to other work commitments.
3 During the following weeks, we went out to
4 our local New Hampshire contractors and
5 requested to see if they could support this
6 effort to set poles for us. In that time
7 frame, we provided them with the information
8 that they needed for them to look the job
9 over and respond back to us.

10 Q. And that's the engineering information that
11 you talked about earlier that you needed to
12 send to Consolidated, that same information?

13 A. (Strabone) That is correct.

14 Q. Okay. So what was the name of the vendor
15 that set the poles in July and August?

16 A. (Strabone) JCR.

17 Q. And once the poles were set, what happened
18 next with the project?

19 A. (Strabone) Once the poles were set, we
20 communicated back to electric ops that they
21 could go ahead and start working on this job,
22 as the pole sets were complete. Their scope
23 at this point was to go and frame poles,
24 which is installation of cross-arms and other

1 brackets needed on top of the poles, and then
2 ultimately pull in the new bare conductor
3 wire.

4 Q. So electric ops started that in August; is
5 that right?

6 A. (Strabone) I believe it was towards the end
7 of August that they started, yes.

8 Q. Okay. And at this point all the poles were
9 set; correct?

10 A. (Strabone) That is correct.

11 Q. Now, my understanding from Exhibit 2 is that
12 electric ops was unable to complete what you
13 called, I think you called it "framing,"
14 which is adding cross-arms and pulling wire.
15 Is that right?

16 A. (Strabone) That is correct.

17 Q. So when did electric ops come to the
18 realization that they would not be able to
19 complete the project?

20 A. (Strabone) In the end of September, beginning
21 of October time frame.

22 Q. So they started in late August, and in
23 October they concluded that they couldn't
24 finish it. I'm just trying to paraphrase.

1 Is that right?

2 A. (Strabone) That is correct.

3 Q. Okay. Now, I think I read in the response,
4 Exhibit 2, that from the outset this framing
5 and pulling was to be a five- to seven-month
6 project. Is that right?

7 A. (Strabone) That was the time that we allotted
8 for them to do it.

9 Q. Okay. And so if they didn't start until
10 August, and the project completion date was
11 the end of the year, that's only five months;
12 right?

13 A. (Strabone) That's correct. One follow-up
14 comment to that is that five to seven months
15 includes float for inclement weather,
16 other -- basically inclement weather where
17 the job would get shut down. That would be
18 snow or rain where they could not work, or
19 other unforeseen events where the progress of
20 the job would be delayed.

21 Q. Right. And did those events occur in the
22 August and September and October time frame
23 while they were working on it?

24 A. (Strabone) I believe in our data request

1 response we indicated that crews did have to
2 respond to various emergencies.

3 Q. And are those weather-related? Is that like
4 summer storms, that type of thing?

5 A. (Strabone) That could be part of it, yes. It
6 could be weather-related or pole accidents or
7 other events that have an adverse impact on
8 our electric system.

9 Q. Okay. And then in October, I guess the
10 decision was made by the Company to have the
11 framing and wire pulling done by a vendor;
12 correct?

13 A. (Strabone) That is correct.

14 Q. And that's when you put the RFP out and got
15 the -- you put it out to four people or you
16 got four bids? I forget exactly what the
17 response said.

18 A. (Strabone) It went out to four bidders, and
19 all responded.

20 Q. Okay. But only one was able to do the
21 project by the end of the year; correct?

22 A. (Strabone) That is correct.

23 Q. And the bid was awarded to that company;
24 right?

1 A. (Strabone) That is correct.

2 Q. And that was JCR, again; right?

3 A. (Strabone) That is correct.

4 Q. And did they ultimately finish the project by
5 12/31/19, the target date?

6 A. (Strabone) The project was in service and
7 useful and energized by 12/31/19. There was
8 some carryover with removals into January.

9 Q. And when was that bid sent out?

10 A. (Strabone) I don't have the exact date in
11 front of me. It was October.

12 Q. Sometime in October of 2019?

13 A. (Strabone) Yes.

14 Q. So having gone through all this, it seems
15 that JCR essentially did the entire project,
16 or 90 percent of it maybe. Is that fair?

17 A. (Strabone) That's a fair statement.

18 Q. And did the Company give any consideration to
19 just putting this out to bid from the outset,
20 given the various other things that electric
21 operations is involved in, in terms of
22 emergencies and damaged poles and things like
23 that?

24 A. (Strabone) It always looked at certain jobs

1 and considered whether or not it would, you
2 know, keep in-house Liberty crews or send out
3 to bid with contractors. Early in the year
4 when we spoke with electric ops, this was a
5 job that we determined that -- well, electric
6 ops determined that they could do in-house;
7 therefore, it was designed to stay in-house
8 with them. Every year we look to identify
9 capital projects like this that can remain
10 in-house so that our crews can work on
11 capital in addition to the normal O&M
12 workload.

13 But as we spoke, looking at this job and
14 identifying that even with the delay of
15 Fairpoint to get the poles set by August,
16 August to December time frame would still be
17 sufficient for our internal crews to do the
18 work.

19 Q. Was there any -- is there any reason, or was
20 there any thought given to beginning the
21 framing and the pulling of the wires as the
22 poles were set? I understand there were 39
23 poles. Correct?

24 A. (Strabone) That is correct.

1 Q. And each one takes about a day, if I
2 understand Exhibit 2. Is that right?

3 A. (Strabone) That was the time frame we gave,
4 yes. Working with ops, I believe they were
5 finishing up another project at that time.
6 And unfortunately, I'm not in those
7 scheduling meetings, so I wouldn't be able to
8 respond as to whether or not they considered
9 following behind the contractor and start
10 setting poles.

11 Q. Is that something that's done in the
12 industry? Is there any reason that can't be
13 done, that you have to have all the poles out
14 there before you start working on them?

15 A. (Strabone) No, that can be done, yes.

16 Q. Okay. So in the response, I'm looking in
17 particular at Subsection E, and then there's
18 a small 4 Is. So I guess that's a Roman
19 Numeral four in lower case. It's on Page 4
20 of the response. It says Liberty does not
21 schedule its internal work months in advance.
22 Electric operations primarily worked on
23 blanket work during August through December,
24 and the crews also frequently experienced

1 trouble calls during the early morning and
2 late evening, and then there were midday
3 trouble calls as well.

4 So, given that there is no internal
5 schedule months in advance and that they
6 received these trouble calls, it sounds like
7 morning, noon and night, was there any
8 reasonable expectation that the internal
9 department would be able to complete this job
10 in 2019?

11 A. (Strabone) Yes, there was. As we indicated,
12 having this job scheduled or available to
13 work from August to December was a reasonable
14 expectation for them to do this job. Taking
15 into consideration even the response you read
16 in that section for vacations or --

17 (Court Reporter interrupts due to
18 indecipherable audio.)

19 A. (Strabone) Given the consideration of the
20 time frame from August to December, we still
21 felt it was a reasonable amount of time.
22 Taking into consideration the trouble calls
23 or inclement weather, we still felt that the
24 time frame allotted for electric ops to do

1 this job was sufficient.

2 Q. Generally speaking, is there a rule of thumb
3 whether it's more expensive to do a job like
4 this internally versus vendors?

5 A. (Strabone) Generally speaking, this one, this
6 particular one would be hard to say because
7 we incurred additional costs from Fairpoint
8 not installing it and not setting poles. I
9 believe that the additional burdens, that the
10 overhead the Company has to pay for internal
11 labor, costs may be slightly more expensive.
12 But I don't have that. I cannot give you
13 full details at this moment. I don't have
14 that information in front of me.

15 Q. And is it correct that the longer a project
16 is open, it continues to accrue burdens in
17 AFUDC?

18 A. (Strabone) The longer it's open, and as long
19 as it's receiving some form of charge against
20 it, it will continue to accrue burdens, yes.

21 Q. And AFUDC accrues whether or not it receives
22 additional charges; right? That's just a
23 factor of time; correct?

24 A. (Strabone) Yes, that is correct.

1 Q. So it is in the interest of cost minimization
2 to open a project, complete it and -- start
3 and end it as quickly as possible. Would you
4 agree with that?

5 A. (Strabone) That's a fair statement.

6 Q. And I imagine that a countervailing theory
7 would be that if you use your internal
8 departments, you're going to be paying them
9 during the summer anyway. And if you can
10 schedule them on capital jobs, I would
11 imagine that that's beneficial to the Company
12 in terms of minimizing overall costs. Is
13 that fair?

14 A. (Strabone) Yes, it is.

15 Q. So you have this balance between using
16 internal labor versus outside vendors?

17 A. (Strabone) Always. If we're not using our
18 internal labor on capital jobs, then their
19 time is going to expense. So we always try
20 to identify capital work, as I said, to move
21 those crews on to capital and try to find an
22 equal balance, or an appropriate balance
23 between O&M and capital.

24 Q. Okay. I want to move on to another project,

1 and this one was covered in Staff Data
2 Response 1-3, which is Bates 2 of Exhibit 2,
3 and it has to do with -- I guess this is a
4 circuit number or a feeder number called
5 40L3. Can you explain what that is?

6 A. (Rivera) Can you please repeat the question?

7 Q. Yes. Could you give a general description of
8 what the project on the 40L3 feeder was? And
9 this is the project that's described in
10 Exhibit 2 at Bates 2.

11 A. (Rivera) Sure. So the 40L3 job is what we
12 spoke about earlier, the Sullivan Street
13 project, and there was 1.9 miles of
14 reconductoring performed on that stretch of
15 Sullivan Street.

16 Q. So this is the same project we spoke of
17 earlier.

18 A. (Rivera) Correct.

19 Q. Okay. There was a discussion in the data
20 response about single configuration and
21 double configuration, and I frankly didn't
22 understand that. I was hoping you could
23 explain what that means.

24 A. (Rivera) Yeah. So there are some sections

1 along Sullivan Street where the two feeders
2 from Michael Ave. leave the substation and
3 where they rise up and head south. There's
4 two circuits on a pole line. So really, what
5 that really is saying is that there's another
6 40L1 feeder also sharing that pole line with
7 the 40L3 for a specific section of the work.

8 Q. So how does that impact the overall veg
9 management cost or approach?

10 A. (Green) So when we talked about those
11 footprints earlier, the 40L1 footprint has a
12 price to it and the 40L3 footprint has a
13 price to it. And the reason it's mentioned
14 here is because the 40L3 footprint was not
15 performed in 2019. However, pieces of that
16 footprint were completed through, one, the
17 40L1 and through, two, the new construction,
18 leaving a balance of approximately 4.5,
19 4.8 miles that weren't completed under these
20 other two projects. So that 40L3 wasn't
21 completed under cycle plan work, but portions
22 of it were. So I didn't have to pull the
23 full circuit forward into 2020 because part
24 of it had been completed under other projects

1 I guess. So when the vendor gives me a price
2 for a widget, and in this case the widget is
3 a circuit footprint, they say it's \$10,000
4 for this footprint, \$12,000 for that
5 footprint. So that's what impacts the --
6 that's how they price out their work.

7 Q. And it sounds like this particular project
8 ended up being segmented and done at
9 different times. Is that right?

10 A. (Green) Correct. Yes.

11 Q. Over different periods or different years or
12 different times --

13 A. (Green) No, within 2019. Within 2019 a
14 portion of it was completed as a 40L1. A
15 portion was completed as new construction,
16 and then in January of 2020 the remainder of
17 it was completed.

18 Q. So does that mean you had to go out to the
19 same circuit three times to do the work?

20 A. (Green) Not the same poles, not the same
21 spans.

22 Q. Different spans within the circuit?

23 A. (Green) Yes.

24 Q. Okay. I wanted to spend a few minutes

1 talking about the reliability statistics that
2 were provided. And I think the best way to
3 go to do that is on Bates 13. If I
4 understand this chart correctly, the left
5 side of the graph talks about SAIFI and the
6 right side of the graph talks about SAIDI.
7 And SAIFI deals with the frequency of
8 interruption; is that right?

9 A. (Rivera) That's correct.

10 Q. And on this graph there's a thick green line
11 that starts at the top, and as time goes on
12 it moves towards the lower half of the graph.
13 That's the SAIFI statistics; right?

14 A. (Rivera) That is correct. Yes, that is
15 correct.

16 Q. Okay. And the downward trend, this thick
17 green line, is a positive result. Is that
18 fair?

19 A. (Rivera) That is a fair assessment. If you
20 look at where it starts, as you mentioned in
21 2015, we're just about 1.3 for SAIFI. And
22 then fast-forward to 2019, we reduced that to
23 about .83.

24 Q. So again we're dealing with frequency. So

1 this basically translates in layman's terms
2 to fewer interruptions.

3 A. (Rivera) That is correct. I like to think of
4 it as probabilities that any given or average
5 customer would be interrupted in that year.

6 Q. Okay. And both -- all of these data points
7 are five-year averages as the graph says;
8 correct?

9 A. (Rivera) That is correct.

10 Q. So 2015, the first point of 1.3 something
11 actually reflects operations going back to
12 2011, before Liberty owned the Company.

13 A. (Rivera) That's correct.

14 Q. Okay. And then with respect to SAIDI, I
15 understand that the "D" in SAIDI stands for
16 duration of an interruption; is that right?

17 A. (Rivera) That is correct.

18 Q. So when we look at the right side of the
19 graph, the scale is in minutes. So we're
20 talking about how long an average customer is
21 out during an interruption. Is that true?

22 A. (Rivera) That is correct. So, similarly, if
23 we look at 2015, we were just over 130
24 minutes as a five-year average. And then

1 fast-forward to 2019, and we reduced that all
2 the way to 97.88 minutes. So our average
3 customer for Liberty Utilities was
4 interrupted for 97.88 minutes in 2019. And,
5 again, like you mentioned, this was using a
6 rolling five-year average.

7 Q. Five-year average. So, again stating the
8 obvious, a downward trend on the thick red
9 line is a good thing. Those are positive
10 results; correct?

11 A. (Rivera) That is correct.

12 Q. And the Company attributed those positive
13 results in SAIFI and SAIDI to the veg
14 management program and the REP program that
15 we've been talking about this morning?

16 A. (Rivera) I agree.

17 Q. And it may be in here and I don't see it, but
18 could you tell me what the two figures were
19 for 2019 as opposed to the five-year
20 averages? And we'll start first with the
21 SAIFI, where the five-year average of
22 frequency was .83 for the five-year average.
23 Could you tell me what the 2019 figure is?

24 A. (Rivera) I'm sorry. You're looking for which

1 year?

2 Q. The current year that we're discussing, which
3 is 2019. In other words, the figure on the
4 graph is a five-year average, and I'm just
5 wondering what the data point would be for
6 just 2019. And I think it might be on Bates
7 23, but --

8 A. (Rivera) It might also be on Page 12.
9 Page 12 has a graph that shows IEEE and PUC
10 criteria. So, further on Page 13 this shows
11 the SAIFI performance of .61 and the SAIDI
12 performance of 70.66 were the actual results
13 for 2019.

14 Q. So even better than the five-year average.

15 A. (Rivera) Correct. Yes. 2019 was probably
16 the second best year historically for the
17 Company, and 2015 actually being the number
18 one. So there's two years in this five-year
19 stretch that has our top two best performing
20 years.

21 Q. Okay. Thank you. That's all I had on the
22 reliability statistics.

23 I just want to go back to the Enfield
24 project and ask one last question on that.

1 And I was talking at length with the witness
2 about internal crews versus vendors and
3 whether or not it was reasonable to expect
4 that the internal crew would complete the
5 entire job. And my question is did the
6 Company consider breaking up the job into
7 pieces and giving a certain portion of the
8 Enfield job to internal crews while still
9 contracting a portion of the job to a vendor
10 from the outset? I mean, ultimately it
11 sounds like it was mostly done by a vendor.
12 But from the outset, did the Company consider
13 breaking it up into those two pieces?

14 A. (Strabone) How it actually worked out, if we
15 removed the issues with Consolidated from
16 this job, the pole sets were going to be done
17 either by -- well, they should have been done
18 by Consolidated. Once they didn't hold up
19 their end of the inter-company operating
20 procedure, we looked to do that internally.
21 We did discuss that with ops, and they just
22 indicated that they would not be able to
23 perform that. So we did take that piece and
24 go to a contractor to do that. Our

1 understanding at that point would be that
2 once we did the pole sets, that electric ops
3 would then be able to do the framing and the
4 pulling of the wires.

5 So to answer your question, that's
6 basically how the job did work out was that a
7 portion of it did go with a contractor,
8 whether that would have been Consolidated or
9 ultimately JCR, and then the internal part of
10 framing and pulling the wire was for our
11 electric ops folks to be done in-house.

12 MR. DEXTER: Okay. I believe
13 that's all the questions Staff has at this
14 time, Madam Chairwoman.

15 CHAIRWOMAN MARTIN: Okay. Thank
16 you, Mr. Dexter.

17 Commissioner Bailey, do you have
18 questions?

19 COMMISSIONER BAILEY: Yes, I have a
20 few questions. Thank you.

21 INTERROGATORIES BY COMMISSIONERS:

22 BY COMMISSIONER BAILEY:

23 Q. Can you look at the table on Bates Page 14 in
24 Exhibit 1. This table shows the number of

1 tree-related events went up from 2015 to
2 2019; is that correct?

3 A. (Rivera) That is correct.

4 Q. And the customer interruptions by year shows
5 a declining trend since 2016; right?

6 A. (Rivera) Correct.

7 Q. But still more than there were in 2015.

8 A. (Rivera) That is correct.

9 Q. With all the investments that you've done in
10 the past four years, 2015 to 2019, would you
11 have expected the results of tree-related
12 incidents to have declined?

13 A. (Rivera) What we would hope to achieve is
14 that the number of customers interrupted or
15 affected goes down, is reduced. That's
16 really because, yeah, you know, we like to
17 manage and we can predict what's going to
18 happen with vegetation. But really, it's
19 very hard to predict. But in our case, even
20 though the number of instances have been
21 increasing, the number of customers affected
22 have been decreasing. And I believe this is
23 because we're targeting the right areas for
24 not only vegetation management but REP bare

1 conductor replacement.

2 And I will say one thing to keep in mind
3 about 2015 is that that was our all-time best
4 year ever. So I don't expect Liberty to
5 really maintain that level of performance
6 moving forward.

7 Q. Okay. I read somewhere -- and I apologize.
8 I don't have a page number for this. Oh, I
9 think it's on Page 37, where your goal for
10 SAIFI is 1.01 and your goal for SAIDI is
11 118.17. Is that correct?

12 A. (Rivera) That's correct.

13 Q. And this year, as you just went through with
14 Mr. Dexter, it was significantly better than
15 that.

16 A. (Rivera) Correct.

17 Q. How do you know when you've done enough and
18 you're in maintenance mode?

19 A. (Rivera) That's a real difficult question to
20 answer. It really has to do with -- a lot
21 has to do with customer perception. We
22 believe customer perception is changing
23 through the years, where before electric
24 service was a "nice to have," where now it's

1 more of, a little bit more of a need. So we
2 always strive to either maintain or improve
3 reliability. We got to a point where we've
4 reduced it quite a bit or improved it quite a
5 bit, and now the next step, we expect to see
6 sort of a leveling out of the curve. But we
7 would still like to strive to keep reducing
8 interruptions and frequencies and durations
9 for our customers.

10 Q. So do you have a modified goal then for SAIDI
11 and SAIFI?

12 A. (Rivera) From a corporate level, we have
13 reached goals where, you know, we target
14 three, five, ten percent, whatever that goal
15 is every year. And I think that really right
16 now our incentive really is that extra
17 stretched ten percent improvement on the
18 five-year average every year. And just the
19 nature of averages, 2015 is kind of an odd
20 case because it's so low, and that's going to
21 go away after this year. So really, in
22 theory, if you keep meeting your goal, that
23 average keeps going down and will make it
24 harder for us to meet, making that

1 assumption that, you know, keep meeting the
2 five-year average every year instead of the
3 decline.

4 Q. Is the SAIFI goal of 1.01 a five-year average
5 goal?

6 A. (Rivera) So our targets are based on how we
7 did the last five years. So that's how it
8 varies year to year. So yes, right now it is
9 our goal to keep reducing that five-year
10 average to be within and keep reducing it.

11 Q. And if you achieve results in 2020 similar to
12 2019, will your average -- well, I guess your
13 average would stay about the same because
14 2019 and 2015 were the same; right? The '15
15 drops off --

16 A. (Rivera) Yeah, something somewhat odd is
17 going to happen after this year when 2015
18 falls off. 2015 being so low, it drags the
19 average down. As 2015 falls off, we may see
20 that five-year average increase slightly
21 because of that 2015 falling off. So there
22 is a case like that. But using your example
23 of slightly similar results year by year,
24 that means the curve will flatten out. And

1 as we keep meeting that goal, that average
2 should keep going down.

3 Q. Okay. So you get -- I think I heard you say
4 that you get an incentive bonus if you reduce
5 the metrics by ten percent year over year?

6 A. (Rivera) I don't -- they change year by year.
7 Some years it's ten percent. I don't know
8 what it is now. And I believe that it is
9 tied to our incentive program in some way.
10 So yes, that is correct.

11 Q. Is there ever a point at which the numbers
12 are satisfactory and it makes sense not to
13 invest more money year over year in these
14 programs?

15 A. (Rivera) The challenge is that, you know,
16 when you have a -- there's other factors to
17 consider also. You may have issues with
18 aging equipment. You know, it may be things
19 that we identify as risks for future
20 unreliability. And there's areas that just
21 keep going out of power, you know, compared
22 to other areas that have less frequency of
23 interruptions. So there's always going to be
24 pockets of poor performance. There's going

1 to be -- we still have to maintain, upgrade
2 our aging assets and -- but, so I guess to
3 answer your question, it's always a struggle
4 in trying to stay with, you know, with
5 addressing all the risks and addressing all
6 your poor performers.

7 Q. I understand that. The question that I have
8 in my mind, though, is at what point do we
9 discontinue the special REP/VMP annual rate
10 increases if it becomes routine maintenance.
11 You have \$1.5 million in rates now for tree
12 trimming. So at what point do we need to --
13 should we discontinue this extra rate
14 increase every year?

15 A. (Rivera) So maybe not in this proceeding, but
16 in a different proceeding, we have discussed
17 doing away with the REP portion of the
18 program, and then at that point it would
19 become just like a regular project. You
20 know, it wouldn't be a special PUC sort of
21 driven program at that point. But that is
22 being discussed in a separate proceeding.

23 Q. Okay. Thank you. And I don't mean to take
24 away from the great job that you guys have

1 done improving these statistics. I just want
2 to make sure that the cost/benefit analysis
3 is somehow performed.

4 A. (Rivera) Understood.

5 Q. Thank you.

6 I have one question about some numbers
7 that I wanted to just go through, and that
8 may be with somebody else. But whoever can
9 answer this question.

10 If you look at Exhibit 1, Page 68,
11 you're going to have to look at two
12 exhibits at the same -- or two pages -- well,
13 two exhibits. So Page 68 on Exhibit 1. And
14 I'm looking at the customer charge, all
15 kilowatt hours, current rate. So it's like
16 the second line in that big, long table. And
17 it says the current rate is .04898. Do you
18 see that? Maybe Mr. Simek. I'm not sure.

19 A. (Simek) Yes.

20 Q. Okay. And then look at the current rate all
21 customer kilowatt hours in the second line on
22 that table, Column C, there's a different
23 number.

24 A. (Simek) So I missed the second part you were

1 saying. I followed the .04898 at 68, but
2 could you repeat the other part.

3 Q. Yes. Look at Exhibit 3, the rate comparison
4 sheet, bill impact.

5 A. (Simek) Okay.

6 Q. And Line 4, Column C --

7 A. (Simek) Oh.

8 Q. -- it's a different number for current
9 customer charge rate.

10 A. (Simek) Okay. And it's the .04950.

11 Q. Yes.

12 A. (Simek) Okay. What the .04950 is comparing
13 to is the -- on Bates 68, it's the rate
14 that's in Column E, .04930.

15 Q. No, I don't think that's right. If you look
16 at Exhibit 3, that rate, that number is in
17 Column E. That's the new rate. I want you
18 to look at the current rate and compare the
19 current rate in Exhibit 3 with the current
20 rate in Exhibit 1.

21 A. (Simek) Right. And if we take a step back,
22 the current rate is made up of two
23 components. It's the 0.04898, which is
24 related to the capital piece, the REP piece,

1 and then there's also an O&M component of
2 .00052. And those two pieces added together
3 come to the current rate of 0.04950.

4 Q. Okay. Can you look back at Exhibit 1?

5 A. (Simek) Yes.

6 Q. How did you get -- how did you derive
7 Column C? Is that .5 percent less than the
8 current .04898?

9 A. (Simek) Column C is done by -- it's the
10 0.04898 and then the .5 percent added to that
11 to come up with the .04922.

12 Q. Okay. And then you add the REP adjustment of
13 .0008 [sic] and get to the new rate.

14 A. (Simek) Correct.

15 Q. Okay. Maybe just a confusion question on my
16 part, but can you go through what the bill
17 impact is again? Did it decrease?

18 A. (Simek) Yeah. Are we looking at Exhibit 3,
19 or are we going to look at Bates Page 70 for
20 this current case bill impact?

21 Q. I want to know what the impact is on bills
22 just from REP and VMP.

23 A. (Simek) Okay. Then we would look at Bates
24 Page 70. And when we look at Bates Page 70,

1 we can see that the bill impact is a decrease
2 of 6 cents for a typical customer with
3 650-kilowatt-hour use for residential.

4 Q. Okay. So this was the question that started
5 my looking at all the numbers. If you have
6 to add \$250,000 to the revenue requirement
7 and a little bit more for, 101,000 for the
8 additional increment, does that lead to a
9 rate decrease?

10 A. (Simek) So if we go back to Bates Page 68,
11 please, what we look at for Column D is an
12 incremental O&M portion of the rate. And so
13 back in last year's portion of that, the
14 equivalent number to the .0008 [sic] was
15 .00052. It's just the incremental piece is
16 actually less.

17 Q. Oh, okay. So these additions are not
18 cumulative?

19 A. (Simek) Not for the VMP. We're just
20 recouping what we did from the prior year.

21 Q. Oh, okay. Thank you. That makes sense.

22 COMMISSIONER BAILEY: All right.
23 That's all I have.

24 CHAIRWOMAN MARTIN: Commissioner

1 Giaimo, do you have questions?

2 COMMISSIONER GIAIMO: I do have
3 some questions. Commissioner Bailey's
4 finished; correct?

5 CHAIRWOMAN MARTIN: Oh, I'm sorry.
6 I thought she was.

7 COMMISSIONER GIAIMO: Yeah, me,
8 too. I want to make sure.

9 COMMISSIONER BAILEY: I am.

10 COMMISSIONER GIAIMO: So in
11 advance, it's 11:58. The State system's a
12 little wonky. I expect to be done by noon,
13 but if (inaudible) may drop out. Hopefully
14 it won't.

15 And like others, my questions will
16 be to whoever feels like they can best answer
17 the question.

18 BY COMMISSIONER GIAIMO:

19 Q. So I'm on Bates Page 5 and Line 16, and it
20 says that the Company implemented a new
21 software program to manage the work flow
22 process. So I think I'd like to hear a
23 little bit more about this new program, what
24 it did, what it does, how it can save money

1 now and go into the future.

2 A. (Green) I can answer that. So the new
3 program is called Terra Spectrum. This
4 program only collects the work, not actually
5 complete the system, and close out work --

6 (Court Reporter interrupts due to
7 indecipherable audio.)

8 A. (Green) You can, yeah, close the work out on
9 the system. It allows us -- Staff and
10 Commission have been asking a lot of
11 questions about removal. We can actually
12 query and manage that portion of it inside
13 the system. So we can see the risk-related
14 tree removals quantity real-time. We can see
15 the crew completion. So there's not
16 confusion or double entry or triple entry of
17 information.

18 Customer service-wise, it's improved
19 tremendously because now we are map-based and
20 we can actually spatially see the
21 restrictions or concerns of customers, so
22 that we can make sure that communication
23 travels from permission to the crew and to
24 the auditing process, so that it's really

1 clear what the work is permissioned to do
2 there and the work we wanted to do there. So
3 it can capture both of those.

4 The reporting on it is much easier to
5 use. It has its own reporting system. I
6 don't have to pull it into Excel. And it's
7 all real-time. I can pull up weekly reports.
8 So it reduces tremendously double entry and
9 triple entry, interpreting information, and
10 reporting real-time what we are
11 accomplishing. Does that answer your
12 question?

13 Q. So it can improve efficiency. And it was
14 done at a minimal cost?

15 A. (Green) Yes. Could you repeat that question?
16 I'm sorry.

17 Q. The software improved efficiencies. Have you
18 figured out the cost? Was it expensive to
19 implement?

20 A. (Green) No. So our old system actually was
21 being abandoned. We could not use that old
22 system anymore, so we had to go to a new one.
23 And the new one that they were going to, you
24 know, Version 2 for them, was not going to do

1 this work. And when we asked them to provide
2 a quote to do the same work, it wasn't even
3 comparable. So we had to move to something.
4 This actually was very, very economical.

5 Q. Great. Thank you. And I'm sorry if I
6 interrupted your train of thought before.

7 A. (Green) No problem.

8 Q. Mr. Strabone, I struggled to hear, and this
9 is just a function of the Webex. But I
10 didn't hear your answer to the question of
11 what's more efficient, what costs more, a
12 full-time employee, a full-time crew or
13 external crews.

14 A. (Strabone) Yeah, I indicated that I only
15 could give a speculative response because I
16 do not have that information in front of me
17 what a daily rate for a contractor would cost
18 for a job compared to daily rate internally.
19 I said unfortunately I don't have the
20 comparison in front of me to that breakdown
21 level, so I really can't give a definitive
22 answer to that question.

23 Q. Okay. It does seem like an important piece
24 of information. Does someone at the Company

1 have that, if it factors into whether they
2 select a crew or hire employees?

3 A. (Strabone) I believe there are people at the
4 Company that have that answer. For this
5 particular job, I just didn't do the
6 comparison between equipment charges and
7 labor, and that's why I couldn't really
8 respond to that. I didn't factor down what
9 our contractors had on site for doing the
10 work and what the actual equipment charges
11 were for an internal person to be out there.
12 I just did not do that for this particular
13 job at hand. I believe we can take that as a
14 record request ultimately from this.

15 Q. Yeah, I'll think some about that.

16 So with respect to the Enfield project,
17 you know, Bates 10 there is a statement that
18 this amount is expected to be 35 percent over
19 budget, over budget amount, given the
20 resource constraints. And I think what the
21 Company is saying with respect to those
22 resource constraints is it was only -- well,
23 there were four bidders. There was only one
24 person that responded. There were four

1 people that were solicited to bid, but only
2 one provided it. So that's one constraint, a
3 lack of contractors. And then the other
4 constraint was a time constraint. And then
5 the other constraint sounds like it was a
6 lack of internal crews.

7 So I'm wondering -- do I have that
8 right? Are those the three major factors?
9 And to the extent that there is a lesson from
10 this, what would that lesson be? And is
11 there anyone to blame? Is it just bad luck?
12 Is it bad planning? Is it just the nature of
13 supply and demand of the work force?

14 A. (Rivera) If I could speak from my end. I
15 definitely learned a lot from the estimates.
16 It was somewhat a lack of planning on my end
17 using 380,000 versus 450. But one of the
18 challenges is that we almost have to wait two
19 years for all the costs to come in and really
20 know how much the complete project turns out
21 to be. So yes, I've learned about
22 estimating. And maybe I'll let Anthony talk
23 about either timing or resources that were
24 your other two --

1 Q. Thank you.

2 A. (Strabone) So with respect to resources, to
3 go get a contractor towards the end of the
4 year makes things challenging. I would like
5 to state, though, that through our
6 competitive bid process, the price that we
7 got for this particular job on a per-foot
8 cost, the contractor came in at \$63 per foot.
9 When we compare that to 23 other bids that we
10 got for all of our other jobs throughout the
11 year, the average cost per foot for those
12 bids was 73.97. So when we looked at it, the
13 bids that we got were not inflated due to
14 year end or due to location. We felt that it
15 was still a competitive bid price, even
16 though we were requesting it to be done, you
17 know, in the last several months of the year.

18 Yes, you know, for contractor resources
19 at that point, like I said, going out towards
20 the end of the year, there are other
21 contractors that are working on other jobs on
22 other utility systems, so you don't get the
23 wide range of bidders. And we indicated that
24 in our response. So we went out to four.

1 Two declined the bid due to contract resource
2 obligations; one bid said they could meet our
3 demand; and the other said they could do it,
4 but it wouldn't be until 2020 when they could
5 start it due to other resource commitments.

6 And you mentioned something about just
7 the overall project and things of that
8 nature. Identifying projects in pole set
9 areas that are the responsibility of
10 Consolidated are always a challenge. We're
11 always trying to work through that and
12 improve the process. We try to keep our
13 lines of communication open and reach out to
14 them. And unfortunately, due to the nature
15 of it, there's plenty of times that our
16 responses go basically unresponded to.
17 They're just not responsive to our requests,
18 and we have to then take matters into our own
19 hands to complete these projects and make
20 sure that they're done either on time for
21 internal reasons or customer deadlines.

22 Q. Thank you.

23 I think the next question is for
24 Ms. Green. I'm on Bates 17. And in your

1 discussions with Attorney Dexter, you talked
2 a little bit about the interim trimming. To
3 me it sounded like, in your answer, it
4 sounded like that provides the Company with a
5 certain amount of discretion as to what it
6 does. It sounded like it's a function of
7 customer calls and customer complaints. Do I
8 have that right? You're shaking your head.

9 A. (Green) No.

10 Q. Maybe you can clarify.

11 A. (Green) So interim trim, which is Line 8 --
12 is that correct?

13 Q. Right.

14 A. (Green) It can be a function of customer
15 complaints, but they're very small. I mean
16 that's actually not customer complaints,
17 that's customer cooperation and allowance.
18 But I mean that would be a very, very small
19 portion of that. The majority is stretches
20 of continuous line segments, spans of work
21 that will not meet the next cycle mostly due
22 to reconfiguration. That is the majority of
23 what it is. It's just expanses of lines that
24 needed either...(indecipherable) for the

1 majority, for the reason that the footprint
2 has been reconfigured, and in some cases, you
3 know, could be just a few spans in regards to
4 a restricted component.

5 Q. Okay. That's helpful. Result of changes.
6 That makes sense. Thanks.

7 Exhibit 2, there's a discussion about
8 the property and a landowner who sometimes
9 historically has been cooperative and
10 sometimes he's been litigious. Is this
11 property only in New Hampshire? Because it
12 says it's on the border, Massachusetts/New
13 Hampshire border. And is there any shared
14 issue here with National Grid?

15 A. (Green) No, not that I'm aware of.

16 Q. Okay. Just making sure.

17 So I want to get back to the cost
18 estimation discussion. And this will be
19 quick. I'm just wondering, does the Company
20 have a goal with respect to cost estimations?
21 Is there an initial estimate where you want
22 to be within 25 percent plus or minus of the
23 total end cost, and then does that change
24 with another estimate that's plus or minus

1 10 percent? Because that's what some of the
2 transmission owners do with respect to
3 transmission investments. And I'm wondering
4 if the Company applies similar metrics or
5 guidance. I'll pause to hear the answer.

6 A. (Rivera) So for distribution planning, the
7 percent error for investment rate estimates
8 is quite high. Right now I can't think of a
9 target or objective goal that we have with
10 regards to estimate accuracy.

11 Q. Okay. So I know transmission owners, there
12 was a big discussion about 15, 20 years ago
13 when transmission investment was far
14 exceeding initial estimates. And through the
15 ISO tariff and one of the attachments they
16 have an objective formula that they use,
17 which is then used to determine whether or
18 not some of the investments were, for lack of
19 a better term, prudent, and whether or not
20 they overspent and were so far off budget. I
21 guess I would suggest that maybe the Company
22 consider some sort of similar format to
23 provide guidance. It may be helpful.

24 COMMISSIONER GIAIMO: And with

1 that, Madam Chairwoman, I'm done with my
2 questions. Thank you.

3 CHAIRWOMAN MARTIN: Okay. Thank
4 you. And I just went through my question
5 list, and everything has been covered. I
6 know Commissioner Bailey has another
7 follow-up question. So if you'd like to ask
8 that now.

9 COMMISSIONER BAILEY: Thank you.

10 BY COMMISSIONER BAILEY (CONT'D):

11 Q. Mr. Strabone, have you considered trying to
12 renegotiate the operating agreement with
13 Consolidated?

14 A. (Strabone) I have not. And I would have to
15 defer that to Mr. Sheehan regarding our
16 current operating procedures with
17 Fairpoint -- or excuse me -- with
18 Consolidated.

19 Q. Okay. I think it may be something to
20 consider. I don't know how cooperative they
21 will be because they have union employees and
22 they don't want to say that you can set the
23 poles in your area. And I don't know that
24 you have the manpower to do that. But it

1 seems like if their standard operating
2 procedure is to ignore the requests that you
3 give them, then maybe they'd be willing to
4 shorten that time frame or give up some of
5 the work. I don't know. It's just something
6 to think about.

7 A. (Strabone) Yes, we have had discussions with
8 them on other jobs. And they have stated,
9 you know, union rules where they can't set
10 the poles. And I tend not to try and speak
11 because I'd only be speculating of what's
12 happening behind closed doors at
13 Consolidated. But it sounds like they
14 internally go through this process, and then
15 ultimately it opens the door for us to go
16 ahead and proceed. So it's definitely a
17 takeaway that we can pursue to try to talk to
18 them and see if we can renegotiate.

19 Q. Okay. Thanks. And even if you just
20 renegotiated 90 days to 60 days it might
21 help, or 30 days. Okay. Thank you.

22 A. (Strabone) Thank you.

23 CHAIRWOMAN MARTIN: Commissioner
24 Giaimo, do you have any follow-up?

1 COMMISSIONER GIAIMO: I do. And I
2 apologize. Two very quick questions. And I
3 feel I would be remiss after having sat
4 through the last two of these, where I was
5 surprised at the cost associated with the
6 traffic control, not to bring it up here.

7 The Company estimates that it spent
8 about, what, \$77,000 less than they
9 anticipated. And I thought I heard some
10 answers for reasons for that, but I want to
11 make sure I understand that. And I guess my
12 questions are, is that because the work was
13 not in Salem, or not as much work was done in
14 Salem, where I believe some of the traffic
15 rates are higher than in other
16 municipalities? Is it because more work was
17 done in the Upper Valley? I just want to
18 hear why the number's \$76,000 less than
19 already expected.

20 A. (Green) So the projections that we have are
21 based on past estimates or past spend,
22 actually. And certain areas do require more
23 traffic control. I did count -- I looked
24 into a couple things, and one of them is we

1 do actually require more traffic control
2 hour-wise than we did previously.

3 Additionally, I did find that in 2018 we
4 did find an error. And we found that after
5 we had made the budget. So we had been
6 billed more than we should have, and we got a
7 credit. And we did apply that credit in
8 2018, but it did not get applied to the
9 budget speculation or budget projections of
10 2019. So I think that is one of the bigger
11 components of the difference. But it has to
12 do with the work we have to do. I mean, so
13 if we have more crews out on roads that need
14 more traffic, that's where we incur those
15 expenses.

16 Q. Okay. And that's fine. Thank you.

17 And my last question is whether the
18 Company factored in COVID-19 into the program
19 and its effect. Has it slowed down
20 vegetation management, and is it going to
21 require back-ending the year? Or is it on
22 schedule?

23 A. (Green) In regards to the vegetation
24 management, I can say that we are currently

1 on schedule. The notification or
2 permissioning seems to be affected the most,
3 so we're switching gears with that. So we
4 have some more different plans in place for
5 that which will affect things. But we are
6 not behind schedule. We're just having to
7 switch things up some. But as far as the
8 crews are healthy. If they aren't healthy,
9 that will affect our ability to meet goals.
10 But so far everyone is healthy and safe. But
11 that could in the future impact our ability
12 to meet our goals. But currently we are on
13 schedule.

14 Q. Thank you. Thank you very much.

15 A. (Strabone) In response to that, to follow-up
16 with Mrs. Green's comments, with respect to
17 capital work and other projects identified,
18 currently we have no impacts from COVID-19.
19 Our contractors and local crews are still all
20 healthy. We're still getting the support for
21 the capital projects that we need with
22 respect to, you know, planning the work out
23 and getting it done. Also for our larger
24 capital customer-driven jobs, there have been

1 no negative impacts from COVID-19. But we
2 continue to watch that as that still seems to
3 be a daily progression.

4 And then just to follow-up on one
5 question you asked about the final budgeting.
6 Ultimately towards the end, after a detailed
7 design, you know, we ultimately shoot for, I
8 believe, plus or minus 10 percent.

9 Q. Thank you. Thank you for that follow-up on
10 that.

11 CHAIRWOMAN MARTIN: Okay. Mr.
12 Sheehan, did you have any redirect?

13 MR. SHEEHAN: If I could have a few
14 minutes to look through my notes and I'll let
15 you know?

16 CHAIRWOMAN MARTIN: Okay.

17 (Pause)

18 MR. SHEEHAN: Thank you.

19 REDIRECT EXAMINATION

20 BY MR. SHEEHAN:

21 Q. Mr. Strabone, on the topic of Consolidated,
22 briefly, is it true that the 90-day period is
23 to give Consolidated an opportunity to say,
24 yes, we can set those poles?

1 A. (Strabone) Yeah, the 90 days incorporates --
2 yes. First of all, it's whether or not they
3 still want to have joint ownership with us in
4 the poles. And then once they respond that
5 they do want to have joint ownership with us,
6 the remaining 90 days is actually to get them
7 to design on their side and commit to set the
8 poles.

9 Q. And after the expiration of the 90 days,
10 assuming silence, which was the case here,
11 the agreements do provide for some dispute
12 resolution steps that would happen at the
13 senior management level; is that correct?

14 A. (Strabone) That is correct. There's a
15 section of the inter-company operating
16 procedures that identifies that.

17 Q. And when Liberty decides to move forward with
18 pole sets after the 90 days, if that process
19 has not been completed, there is still risk
20 that Consolidated could interfere saying, for
21 example, you haven't finished the process.

22 A. (Strabone) Yes, there is that risk that they
23 could. However, they have not over the past
24 four or five years that we have gone through

1 this process.

2 Q. And that is a conversation you referred to.
3 After 90 days, you said there was some
4 internal conversations, and the Company
5 decided to go forward. It was talking about
6 that risk: Do we risk going forward? Are we
7 okay? Do we think we're okay moving forward
8 and not opening ourselves to litigation with
9 Consolidated? Is that fair?

10 A. (Strabone) That's a fair statement. Yes.

11 Q. I had a question marked, but I think you
12 answered it. The bidder responses to the
13 bids -- let me start.

14 The responses to the RFPs for the
15 Enfield project late in the year, although
16 only one contractor had a price and a
17 commitment to finish, obviously the other
18 responders did not know what each of them
19 were bidding. They didn't know what other
20 companies were responding; correct?

21 A. (Strabone) That's correct. We followed the
22 bid process with procurement. It's a
23 competitive bid process, and any responses
24 from the bidders back to us are considered

1 confidential. So none of the -- there's no
2 price sharing among the bidders.

3 Q. And so when JCR bid the price and ultimately
4 got the contract, they did not know they were
5 the only one that was going to be able to
6 finish the project in 2019.

7 A. (Strabone) That's correct.

8 Q. And as you testified a minute ago, their
9 ultimate price was, in your experience,
10 reasonable.

11 A. (Strabone) That is correct. Yes.

12 Q. All right. Mr. Rivera, regarding the SAIFI
13 and SAIDI statistics, an important factor
14 that's out of the Company's control is
15 weather; is that correct?

16 A. (Rivera) Correct.

17 Q. And the Company can take steps with regard to
18 veg management and the REP and other
19 investments to increase our chances of good
20 outcomes. But weather is always a wild card
21 for either good years or bad years; is that
22 fair to say?

23 A. (Rivera) It is fair to say.

24 MR. SHEEHAN: That's all I have,

1 Madam Chairwoman. Thank you.

2 CHAIRWOMAN MARTIN: Okay. Thank
3 you. I think before we go to sum up we have
4 to deal with exhibits. I have Exhibits 1
5 through 3. Without objection, we can admit
6 those as full exhibits.

7 But I'm not sure, Commissioner
8 Giaimo, if you have a record request or not.
9 Want to clarify that?

10 COMMISSIONER GIAIMO: No, I'm good.
11 Not necessary.

12 CHAIRWOMAN MARTIN: Okay. So other
13 than that, is there anything else we need to
14 do before we sum up?

15 [No verbal response]

16 CHAIRWOMAN MARTIN: Okay. Then
17 we'll start with Mr. Kreis.

18 MR. KREIS: Okay. I hope that
19 my --

20 (Court Reporter interrupts due to
21 indecipherable audio.)

22 MR. KREIS: Okay. Can everybody
23 hear me now? I just want to start by
24 apologizing to the Commission. I've been

1 having some pretty serious bandwidth problems
2 this morning that have limited my ability to
3 participate. I made a reasoned decision not
4 to cause any of that to interrupt the
5 progress of the hearing because I know that
6 the Staff conducted a robust analysis of the
7 Company's filing. And I thought that it
8 would be most useful if I limited my own
9 participation and simply listened to the
10 questions from Staff, the questions from the
11 Commissioners, and the answers that the
12 Company witnesses provided, which were
13 helpful.

14 In light of all of that, I think
15 that from the standpoint of the OCA, I don't
16 have any basis for recommending to the
17 Commission that it do anything other than
18 approve the reconciliation that the Company
19 has tendered here for approval.

20 That said, I do have to add that I
21 have heard a few things here this morning
22 that I consider troubling from a ratepayer
23 perspective, and it suggests that the
24 Commission should make some proactive

1 decisions in the future about addressing some
2 of these issues.

3 I was very interested in Commissioner
4 Bailey's questions for Mr. Rivera about how
5 the Company, in essence, determines when the
6 reliability improvements that it has achieved
7 are enough reliability improvements and don't
8 require additional special investments. Mr.
9 Rivera said that until recently, electric
10 service was a "nice to have" and has recently
11 moved from "nice to have" to "must have."
12 That caused me to just about fall out of my
13 chair because, from my perspective, electric
14 service went from a "nice to have" to a "must
15 have" roughly a century ago, and certainly by
16 the time that Congress passed the Rural
17 Electrification Act in 1936 as a way of
18 addressing the fact that investor-owned
19 utilities had refused to wire up rural
20 America.

21 It really does seem important for the
22 Commission to inquire and make determinations
23 about how this utility and other electric
24 utilities determine when to make the next

1 unit of investment in reliability. There
2 really should be a forward-looking inquiry
3 into that question that all of the state's
4 electric utilities should be required to
5 participate in.

6 Similarly, I think we're long past time
7 for the Commission to open some kind of
8 generic investigative proceeding in which a
9 thorough, robust and skeptical examination is
10 given to this question of what role are
11 Consolidated Communications, and potentially
12 other landline telephone companies that have
13 historically been involved in the state's
14 pole network, are continuing to uphold their
15 end of the bargains that were struck in the
16 previous era when landline telephone was
17 considered a fully regulated public utility
18 just like electricity distribution is today.
19 It's clear that Consolidated Communications
20 is unable or unwilling to cooperate to the
21 same degree and with the same degree of
22 responsibility as it had in the past. And
23 simply requiring our electric utilities to
24 cope with that, as Liberty is clearly

1 struggling to do, is not in the public
2 interest. So there should be a generic
3 inquiry to figure out whether there needs to
4 be some fundamental changes made here.

5 But in conclusion, I think the
6 Commission has a firm basis for approving
7 Liberty's reconciliation, and that is what I
8 recommend that the Commission do. Thank you.

9 CHAIRWOMAN MARTIN: Okay. Thank
10 you.

11 Mr. Dexter.

12 MR. DEXTER: Thank you,
13 Commissioners. Likewise, Staff recommends
14 approval of the reconciliation as presented
15 and the rates as we've gone through in detail
16 in this case.

17 We share some of the concerns that
18 the Consumer Advocate raised, probably all
19 the concerns that the Consumer Advocate
20 raised about the situation with Consolidated
21 and the pole setting and various issues that
22 we talked about, and we'll continue to look
23 into that in the future.

24 With regard to the Enfield project

1 that we spent quite a bit of time questioning
2 on, it seems that this might be a case of
3 "all's well that ends well." The bid that
4 was received, the evidence indicates that the
5 bid was reasonable and in fact lower than the
6 average bids that the Company had received on
7 other projects throughout the course of the
8 year. But I think the timeline that we went
9 through indicates that Liberty Utilities
10 needs to spend more time on scheduling and
11 planning projects like this and needs to
12 spend more time on deciding whether in-house
13 crews should be used for projects like this.
14 Whether or not that's in the best interest of
15 the ultimate cost of the project, Liberty's
16 witnesses did agree, and I think it's just a
17 fact of accounting, that the longer a project
18 is out there open, it will accumulate AFUDC,
19 thereby raising the costs, and will
20 accumulate burdens as long as charges are
21 made to a project. So it's in everyone's
22 best interest for projects like this to be
23 started, wrapped up and finished. And the
24 Enfield project indicates that a project that

1 maybe should have been five to seven months
2 seemed to go on longer than maybe it needed
3 to. But as I said, ultimately there's no
4 evidence to indicate that the bid that was
5 finally received ended up costing the Company
6 or the ratepayers money, so therefore we
7 don't recommend any disallowance in this
8 case.

9 So we are pleased, Staff is pleased
10 that the overall O&M budget this year of
11 roughly a million six is closer to the amount
12 that's built into base rates of a million
13 five, as opposed to last year where the
14 figure was closer to two million, 1,944,000.

15 We are concerned, as we have been
16 in past years, that the amount of carryover
17 on the REP projects, looking at Bates 19,
18 there's over \$700,000 in carryover listed.
19 And Mr. Rivera indicated that those numbers
20 were probably going to go up when the books
21 were closed. And I think the intent of this
22 project was, to the extent possible, to spend
23 the money in the year that it was budgeted
24 for. There's \$100,000 built into the REP

1 program for carryover, and this 700,000 plus
2 obviously greatly exceeds that and doesn't
3 leave much money left for projects for next
4 year out of the target of 1.5 million.

5 But having noted those concerns, as
6 I said, ultimately what's at issue in this
7 case are the rates proposed, and Staff
8 recommends that they be approved as filed.
9 Thank you.

10 CHAIRWOMAN MARTIN: Thank you, Mr.
11 Dexter.

12 Mr. Sheehan.

13 MR. SHEEHAN: Thank you. We
14 appreciate the support of OCA and Staff for
15 our request for rate changes in this matter
16 and all the work that goes behind that.

17 Just a couple comments in response
18 to the issues that have been discussed.

19 With regard to the Enfield project,
20 the overriding intent was to see if we could
21 use our in-house operations people to
22 basically add to their workload to do
23 projects outside of their normal emergency,
24 day-to-day work. In this particular year it

1 did not work as planned as we all heard. And
2 regardless of the costs related to the
3 capital projects, as someone asked, they were
4 on the payroll anyway. So if we can make
5 better use of their time over the course of
6 the year, whether it's allocated to the
7 day-to-day work or to capital, it's less
8 important than making sure we make best use
9 of their time. We will certainly learn from
10 what happened this year. As the facts bore
11 out, the cost to the customers did not bear
12 any extra cost because of that. But there
13 was certainly some learning lessons for us,
14 and we will take this to heart.

15 With regard to Mr. Kreis's
16 understandable concern over Mr. Rivera's
17 description of "nice to have" and "must
18 have," I will beg to correct Mr. Rivera. I
19 don't think he meant it the way Mr. Kreis
20 heard it. I think what Mr. Rivera was
21 articulating, and it is the Company's
22 understanding, that customers are simply less
23 tolerant of outages and interruptions. We
24 all know electricity is a "must have." It's

1 just in the last decade or two "must have"
2 used to tolerant a fair amount of outages,
3 and that has gotten smaller as the years go
4 on. We are so connected, obviously, that
5 outages are much more of a disruption. So
6 yes, it is our goal to meet those
7 expectations as best we can and thus the goal
8 to meet the five-year average each year, et
9 cetera.

10 Commissioner Bailey's question is
11 paramount as well: At what point is it
12 enough? And these are all very difficult
13 things to measure, SAIDI and SAIFI. And
14 their related metrics are one tool. There
15 are so many variables that go into it. Some
16 of these projects are not reliability-driven
17 but have reliability benefits through some
18 other work. We are as a company trying our
19 best to meet customer expectations. And we
20 are certainly listening to the Commission and
21 the parties to say when is enough enough.
22 But it is a tension that will always exist.
23 And we're happy to participate in whatever
24 conversations happen here at the Commission

1 to find the best balance between those two,
2 the cost versus customer expectations.

3 And last, I can advise the
4 Commission that, rest assured, we are working
5 very hard on the Consolidated issue. It has
6 many tentacles. And it's a current topic and
7 has been for some time, and we will continue.

8 So, again, we appreciate the Staff
9 and OCA's support for the filing, and we ask
10 the Commission approve the rates as requested
11 in these filings and as reflected in the
12 proposed tariffs that are part of the
13 exhibit. Thank you very much.

14 CHAIRWOMAN MARTIN: Okay. Thank
15 you, everyone. I think we can say that may
16 have been our most successful attempt at this
17 yet. So I appreciate everyone's working
18 together. Other than for Mr. Kreis, who I
19 think had a bad day on his end, but overall
20 it went very well. So thank you all.

21 With that, we will close the record
22 and take this matter under advisement and
23 issue an order promptly. And the hearing is
24 adjourned. Thanks, everyone.

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(Hearing concluded at 12:17 p.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
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under the conditions present at the time.

I further certify that I am neither
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counsel employed in this case, nor am I
financially interested in this action.

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Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
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