



1 (Exhibit Number 283 was substituted and marked for  
2 identification.)

3 (Exhibit Numbers 295 through 305 were marked for  
4 identification.)

5 JUDGE STOCKHOLM: Okay. Let's go on the record. I  
6 call Case 06-T-0650, Application of NYRI for a  
7 Certificate of Environmental Compatibility and Public  
8 Need Under Article IIV of the Public Service Law.

9 Can we start with appearance of counsel?

10 MR. SINGER: For New York Regional Interconnect, the  
11 law firm of Couch White by Leonard Singer, Garrett  
12 Bissell and William McCarthy.

13 MR. KLUCSIK: For Communities Against Regional  
14 Interconnect, Gilberti, Stinziano, Heintz & Smith, P.C.,  
15 by Brenda Collela and John Klucsik.

16 MR. BLOW: For the Staff of the Department of Public  
17 Service, Steven Blow, Assistant Counsel and Anthony  
18 Belsito, Assistant Counsel.

19 MR. MALONE: For the New York Power Authority, Sarah  
20 Barish-Straus and Mark Malone.

21 MS. WILKINSON: For the New York State Department of  
22 Environmental Conservation, Lisa Wilkinson.

23 JUDGE STOCKHOLM: Okay. Thank you very much. I  
24 think we're up this morning for Staff's panel, yes?

1 MR. BLOW: Yes, your Honor. Just a preliminary  
2 matter in that regard, the Exhibit 283 that was marked  
3 yesterday was, inadvertently was not the exhibit that was  
4 filed. So what we've done is, we have given, asked the  
5 reporter to mark 283. We have given a version that is  
6 what was filed with the testimony.

7 JUDGE STOCKHOLM: Okay. That's fine. And the  
8 record should reflect that we substituted that 283 for  
9 the one that was previously submitted.

10 MR. BLOW: I apologize for the mistake, your Honor.

11 JUDGE STOCKHOLM: No problem.

12 MR. BLOW: I would like to ask Mr. Quimby and Mr.  
13 Schrom to come up to be sworn.

14 JUDGE STOCKHOLM: Good morning, gentlemen. Would  
15 you please raise your right hands.

16 E D W A R D C. S C H R O M, J R.,

17 R I C H A R D W. Q U I M B Y,

18 having first been duly sworn by the Judge Stockholm were examined  
19 and testified as follows:

20 JUDGE STOCKHOLM: Please be seated and give your  
21 names to the reporter.

22 MR. SCHROM: My name is Edward C. Schrom, Jr.

23 MR. QUIMBY: My name is Richard W. Quimby.

24 DIRECT EXAMINATION

1 BY MR. BLOW:

2 Q. Now, gentlemen, you have before you a 13-page document  
3 plus the table of contents and cover page consisting of questions  
4 and answers, right?

5 A. (Mr. Schrom) That's correct.

6 A. (Mr. Quimby) Yes.

7 Q. And if I were to ask you the questions contained therein,  
8 would your answers be the same?

9 A. (Mr. Quimby) Yes.

10 A. (Mr. Schrom) Yes.

11 Q. Do you have corrections to make to the document that was  
12 prefilled?

13 A. (Mr. Schrom) Yes, we do.

14 Q. Would you describe those corrections? And by the way, do  
15 the corrections that have been made for the bench and for the  
16 reporter and a revised -- we had given a CD yesterday, but we  
17 gave a revised CD to the reporter today when we found a couple  
18 more corrections. But if the panel would describe the  
19 corrections.

20 A. (Mr. Schrom) On Page 3, I've added a question, "Is my  
21 educational background and expertise set forth in your individual  
22 testimony?" My answer was, "Yes."

23 Q. And on Page 7?

24 A. (Mr. Quimby) On Page 7, the first question on Line 6

1 read, "Can the proposed NYRI line meet the Commission's  
2 requirements for electromagnetic and electrostatic fields?" It's  
3 been changed to, "Can the proposed NYRI line meet the  
4 Commission's requirements for electrostatic fields?"

5 Q. And in the answer, a similar change was made?

6 A. (Mr. Quimby) Yes. The same change was made so that it  
7 reads now, "No, based on our analysis, the Applicant would need  
8 to purchase wider ROW to construct the overhead lines along the  
9 railroad and along the areas traversing private land to meet the  
10 Commission's requirements for electrostatic fields," again,  
11 removing "electromagnetic fields and."

12 Q. "Electromagnetic and," right?

13 A. (Mr. Quimby) Yes.

14 Q. With those corrections, if I were to ask you the  
15 questions contained therein, would your answers be the same?

16 A. (Mr. Quimby) Yes.

17 A. (Mr. Schrom) Yes.

18 Q. And do you adopt this as your sworn testimony in this  
19 proceeding?

20 A. (Mr. Quimby) Yes.

21 A. (Mr. Schrom) Yes.

22 Q. And do you sponsor an exhibit in this proceeding?

23 A. (Mr. Schrom) Yes, we do.

24 Q. And it was prepared under your direction and supervision?

1 A. (Mr. Schrom) Yes, it was.

2 A. (Mr. Quimby) Yes.

3 MR. BLOW: Your Honor, that is the Exhibit that had  
4 been marked as 283.

5 JUDGE PHILLIPS: Yes.

6 MR. BLOW: And, your Honor, I would ask that the  
7 direct testimony of the panel of Quimby and Schrom be  
8 copied in the record as if given orally.

9 JUDGE PHILLIPS: Your request is granted.

10 (The following is the Prefiled Direct Testimony of  
11 Mr. Quimby and Mr. Schrom.)

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BEFORE THE  
STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

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In the Matter of  
New York Regional Interconnect, Inc.

Case 06-T-0650

January 2009

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Prepared Testimony of:

Richard Quimby  
Power Transmission Planner  
Office of Electric Gas and Water

Edward C. Schrom, Jr.  
Power System Operations  
Specialist  
State of New York  
Department of Public Service  
Three Empire State Plaza  
Albany, New York 12223-1350

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1 York State engineering exam.

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Purpose and Summary of Testimony

4 Q. What is the purpose of your testimony in this  
5 case?

6 A. The purpose of our testimony in this case is to  
7 discuss the constructability of the facility and  
8 to establish requirements for construction and  
9 operation of the facility.

10 Q. What specifically will your testimony address?

11 A. Our testimony will discuss the constructability  
12 of the proposed facility and compare the  
13 Commission's requirements for construction and  
14 operation of the facility to what the applicant  
15 has presented.

16 Q. Have you conferred with other Staff members in  
17 developing your testimony?

18 A. Yes, we have conferred with Richard Powell,  
19 Andrew Davis and James deWaal Malefyt in  
20 developing our testimony.

21 Q. Are you recommending Certificate Conditions in  
22 the event the Commission authorizes NYRI's  
23 facility?

24 A. Yes, the conditions are attached as Quimby-

1 Schrom-1

2 Q. Is your educational background and experience  
3 set forth in your individual testimony?

4 A. Yes

5 Cost of the Proposed Facility

6 Q. Have you reviewed the estimated cost of  
7 constructing the facilities along the prime  
8 route suggested by NYRI?

9 A. The prime route chosen by NYRI in the  
10 application contains both overhead and  
11 underground sections along the route. We have  
12 reviewed NYRI's estimates of the total cost of  
13 the project, based on construction along its  
14 proposed route, and found them to be  
15 appropriate.

16 Q. Please explain.

17 A. The Applicant states that the estimated  
18 construction costs are based upon the best  
19 available information at the time the estimates  
20 were made. However, over the past few years,  
21 the cost of steel, copper, aluminum, and  
22 concrete prices have escalated at extremely high  
23 rates. It is uncertain whether this trend will  
24 continue or whether the escalation of prices

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1 will be reversed due to current economic trends.  
2 A better estimate of the costs will be available  
3 once the company receives a center line  
4 certification line from the Commission and has  
5 performed a full transmission line design and  
6 borings of the route to determine the amount and  
7 type of rock below ground. Given the company  
8 has not really performed the final design of the  
9 line and the terminal facilities, the numbers  
10 can only be considered preliminary estimates.  
11 However, material and labor prices will still be  
12 subject to change.

13 Q. Have you reviewed the cost estimates submitted  
14 by NYRI?

15 A. Yes, we have reviewed some of the material items  
16 and fabricating costs utilizing published data  
17 that is publicly available on the internet, and  
18 in engineering magazines. However, because of  
19 the extreme volatility of the market for  
20 equipment, construction, and materials,  
21 estimating the cost of a project this large is  
22 extremely difficult. Just like the applicant we  
23 used the best cost data that is available at the  
24 time.

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1 Q. Has the company provided cost estimates for the  
2 alternative route segments identified by Staff?

3 A. Yes.

4 Q. Have you reviewed cost estimates for partial  
5 underground installation?

6 A. Environmental Staff have suggested several  
7 places where the facility should be under  
8 grounded and moved to accommodate land uses. We  
9 have reviewed the cost estimates that are in  
10 exhibit Malefyt-6 and found them to be within  
11 the range expected.

12 Q. What is the estimated cost to construct an  
13 underground line along the Thruway from Utica to  
14 the Oak Point Rail Yards in New York City?

15 A. The Staff estimated cost utilizing costs from  
16 NYRI's workpapers in this case is \$3 billion.  
17 The estimated costs are low because they do not  
18 account for the large ravine crossings, the  
19 crossing of the Hudson River, and the cutting of  
20 hard rock along the Thruway. The trenching of  
21 the hard rock along the Thruway along the  
22 southern portion would be extremely difficult  
23 and time-consuming.

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- 1 Q. Are the estimated costs for the line just  
2 estimates or do they reflect the actual costs?
- 3 A. The estimated costs are the best estimated costs  
4 for a designated right-of-way (ROW) without an  
5 in-depth ROW reconnaissance. To get a better  
6 estimate of the actual costs of the project, one  
7 would have to have the entire line designed and  
8 be able to have exact cost figures for each work  
9 item. At this point in the application process,  
10 trying to determine precise costs would not be  
11 an effective use of time since the Commission  
12 could order modifications to the proposed  
13 project, which could significantly affect the  
14 cost of the project.
- 15 Q. What is the potential exposure due to  
16 unanticipated costs?
- 17 A. There is always a potential for cost variances due  
18 to changes in work scope, changes in material  
19 costs or other unanticipated issues and associated  
20 costs during the period of construction.  
21 Developers and utilities usually anticipate some  
22 unexpected costs which are generally covered by a  
23 contingency fund. The contingency costs are  
24 generally dependent upon the amount of overall

1 construction. In some cases, projects are bid as  
2 fixed price contracts and the contractor is then  
3 bound by the bid, except perhaps for certain items  
4 that extend beyond the contract requirements.  
5 However, given current economic conditions and the  
6 extensive amount of work required for the proposed  
7 NYRI project, it is unlikely that NYRI will be  
8 able to negotiate a fixed price contract to  
9 construct the line and the substation. In  
10 particular, construction of the Thruway alternate  
11 route has a considerable number of unknowns and it  
12 would likely not, therefore, be constructed under  
13 a fixed price contract.

14  
15 **Electric Field Issues Related to the Proposed**  
16 **Facility**

17 Q. Can the proposed NYRI line meet the Commission's  
18 requirements for electrostatic fields?

19 A. No. Based upon our analysis the applicant would  
20 need to purchase a wider ROW to construct the  
21 overhead lines along the railroad and along the  
22 areas traversing private land to meet the  
23 Commission's requirements for electrostatic  
24 fields.

25 Q. Please Explain.

1 A. We have calculated the ROW width that would be  
2 required for both the vertical and horizontal  
3 configurations based upon the conductor sizes  
4 and the estimated tower designs provided by the  
5 applicant in the application.

6 A horizontal configuration would require a ROW  
7 width of 200 feet total (100 feet per side) to  
8 meet the Commission's standards. This would be  
9 50 feet wider than the ROW width than the  
10 applicant has indicated in the application.

11 All vertical configurations would require a ROW  
12 width of 91 feet, which is 25 feet more than the  
13 applicant has indicated its application.

14 Q. Why does the Applicant need a wider ROW?

15 A. The Commission made decisions in Cases 26529 and  
16 26559, Power Authority of the State of New York  
17 and Health/Safety of Extra-High Voltage Lines,  
18 establishing the standards for electrostatic  
19 fields (Opinion No. 78-13, issued June 19, 1978)  
20 and established standards for electromagnetic  
21 field strengths at the edge of the ROW for major  
22 electric transmission facilities (Interim Policy  
23 on Magnetic Fields of Major Electric  
24 Transmission Facilities, issued September 11,

1           1990). Staff is using these established  
2 standards to evaluate for the proposed NYRI  
3 line.

4 Q.    What should be the level of the electromagnetic  
5 and electrostatic fields at the edge of the ROW?

6 A.    At the edge of the ROW, the electrostatic field  
7 be no more than 1.6 kv/meter and the  
8 electromagnetic field should be no more than 200  
9 milliGauss, as discussed above.

10 Q.   What would be the impact of the additional  
11 required ROW width along the railroad?

12 A.   The applicant would have to purchase property  
13 beyond the railroad ROW edge. Along the  
14 railroad ROW the Applicant would need to have a  
15 have 91 feet for vertical construction and 25  
16 feet more than the applicant has indicated in  
17 its application.

18  
19

Safety Standards for Construction

20 Q.    To what standard should the transmission line be  
21 constructed?

22 A.    The facility should be constructed in compliance  
23 with the latest addition of the National  
24 Electric Safety Code (NESC ANSI C-2) and all  
25 applicable American National Standards. In

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1 addition, since the late 1970's, the Commission  
2 has required that overhead transmission lines be  
3 constructed assuming that a tractor trailer will  
4 drive directly down the ROW. Staff has found,  
5 over the years, that many ROW were subject to  
6 traffic from pedestrians and various vehicle  
7 types. In the interest of safety, the minimum  
8 sag at maximum conductor loading should always  
9 be designed for a tractor trailer to be present.  
10 Also, all buildings must be designed and  
11 constructed in conformance to the NYS building  
12 code. A Certificate condition in exhibit  
13 Qumiby-Schrom-1 covers this topic.

14  
15

Effects of Construction on Transportation

16 Q. What is the likely impact of the proposed NYRI  
17 project upon transportation?

18 A. The project will have impacts upon both local  
19 and state roads. The applicant should address  
20 those issues in its EM&CP. Recommended  
21 Certificate conditions covering this topic are  
22 contained in an exhibit sponsored by Staff  
23 witness Powell.

24

1           Environmental Management and Construction Plan  
2                           Contents and Operational Issues

- 3    Q.    Have you recommended Certificate conditions  
4           concerning the integration of NYRI's facility  
5           with the State's bulk electric transmission  
6           grid?
- 7    A.    Yes. Certificate conditions like those adopted  
8           by the Commission in previous cases are  
9           contained in Quimby-Schrom-1.
- 10   Q.    What will the applicant be expected to do to  
11           minimize impacts to buildings, fences and other  
12           structures adjacent to the ROW?
- 13   A.    Proposed condition 16 in Quimby-Schrom-1  
14           addresses this issue.
- 15   Q.    What requirements does the PSC have for poles  
16           and structures on the ROW?
- 17   A.    Requirements are contained in 16 NYCRR Parts 126  
18           and 217 a recommended Certificate condition is  
19           also included in Quimby-Schrom-1.
- 20   Q.    The applicant also plans to operate the facility  
21           in mono pole operation from time-to-time. Are  
22           there any requirements?
- 23   A.    The applicant should be required to submit a  
24           study in the EM&CP. Proposed condition 15 in  
25           Quimby-Schrom-1 addresses this issue.

- 1 Q. What should be the clearance requirements  
2 between the NYRI facility and the NYPA Marcy  
3 South line?
- 4 A. We have proposed a recommended Certificate  
5 Condition in Quimby-Schrom-1 to address this  
6 issue.
- 7 Q. What about exiting wells and septic systems that  
8 might be along the ROW.
- 9 A. Proposed condition 16 in Quimby-Schrom-1  
10 addresses this issue.
- 11 Q. What is the Commission's policy on radio and TV  
12 interference problems related to the  
13 transmission lines?
- 14 A. The Commission's policy requires applicants to  
15 develop a program for finding and addressing  
16 interference problems. Proposed condition 17 in  
17 Quimby-Schrom-1 addresses this issue.
- 18 Q. What should the design parameter be for noise  
19 and corona?
- 20 A. Proposed condition 18 in Quimby-Schrom-1  
21 addresses this issue.
- 22 Q. Should the applicant address homeland security  
23 issues for it facilities?

1 A. The applicant should, in the EM&CP, separately  
2 address homeland security issues of its  
3 transmission line and substation and to provide  
4 a written document and plan.

5 Q. Are there any studies that need to be done to  
6 evaluate the fault current effects of NYRI's  
7 line going past gas lines?

8 A. Yes, the applicant should under take a fault  
9 current study and grounding study with each and  
10 every pipe line operator, telecommunications  
11 operator and electric transmission line owner  
12 that the NYRI transmission line traverses. We  
13 have proposed a recommended Certificate  
14 Condition in Quimby-Schrom-1 to address this  
15 issue.

16  
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Conclusion

18 Q. Does this conclude your testimony?

19 A. Yes.

1 MR. BLOW: The witnesses are available for  
2 cross-examination. I would note also that I have handed  
3 to the reporter, after consulting with Mr. Riback of Con  
4 Ed what has been marked as Exhibit 305. It is a  
5 response.

6 Q. Let me ask the witnesses, was the responses to the Con Ed  
7 interrogatories one of two prepared by you?

8 A. (Mr. Schrom) Yes, it was.

9 MR. BLOW: Your Honor, it deals with, this deals  
10 with Con Ed's suggested certificate conditions and the  
11 staff witnesses' responses to that. That has been marked  
12 as Exhibit 305.

13 JUDGE STOCKHOLM: It has? Okay. I am not familiar  
14 with the document that you're talking about. Is this --  
15 I have a document that -- Interrogatory number what?

16 MR. BLOW: One and two.

17 JUDGE STOCKHOLM: Oh, one and two. I apologize. I  
18 misunderstood. I do have that document in front of me.

19 MR. BLOW: Your Honor, Mr. Singer I believe is going  
20 to ask that other exhibits be marked in between, and  
21 that's how they were done by the reporter, I believe.

22 MR. SINGER: Steve, can we get a copy of that?

23 MR. BLOW: I thought it had been handed around the  
24 table.

1 JUDGE STOCKHOLM: That document has been marked, as  
2 you said, counselor, that document has been marked for  
3 identification as 305.

4 (Exhibit Number 305 was marked for identification.)

5 MR. BLOW: The witnesses are available for  
6 cross-examination.

7 JUDGE STOCKHOLM: Cross-examination from this panel.  
8 Would you like to proceed?

9 MR. KLUCSIK: CARI will volunteer to go ahead.

10 CROSS-EXAMINATION

11 BY MR. KLUCSIK:

12 Q. Good morning, gentlemen.

13 A. (Mr. Quimby) Good morning.

14 A. (Mr. Schrom) Good morning.

15 Q. As part of your Direct Testimony, you estimated a cost to  
16 construct an underground transmission line along the New York  
17 State Thruway from Utica to the Oak Point rail yards, correct?

18 A. (Mr. Schrom) That is correct.

19 Q. And in that cost estimate or underlying that cost  
20 estimate, you assumed open trenching using traditional,  
21 multipurpose construction equipment, such as backhoes and dump  
22 trucks to open, fill and close the trenches; is that correct?

23 A. (Mr. Quimby) Yes.

24 Q. And did you also assume that trenching would involve

1 several discrete steps to open the trench, install the cable,  
2 place the thermal backfill and close the trench?

3 A. (Mr. Schrom) In a simplistic form, yes.

4 Q. Are you aware that there are different methods available  
5 for trench opening, cable laying, trench filling and closing that  
6 accomplish these tasks in one movement using integrated special  
7 purpose mechanical trenching machines that are specifically  
8 designed to accomplish that work in one movement?

9 A. (Mr. Schrom) In all the jobs that I have been involved  
10 in, I have never seen anything like that. To open a trench, to  
11 lay cable takes a lot of work. It has to be done open. You have  
12 to get all the rocks away from the year. The cable gets laid  
13 down. The thermal backfill gets laid down, and then we have to  
14 make sure whatever gets put on top isn't any sort or type of rock  
15 that could pierce the cable. It takes time. In general, it's a  
16 slow process.

17 Q. Are you aware of methods that would integrate those steps  
18 into one movement?

19 A. (Mr. Schrom) I have never seen anything that would  
20 integrate it in one movement in all my career.

21 Q. Are you aware that CARI has identified the use of such  
22 integrated trenching machines as a method to construct a Utica to  
23 New York City buried cable?

24 A. (Mr. Schrom) I did review what CARI proposed. I don't

1 think that all that equipment can be appropriate in this case.

2 JUDGE STOCKHOLM: Why?

3 MR. SCHROM: For the fact that, if you go down the  
4 Thruway, the Thruway was built years and years ago, your  
5 Honor, and you have so many unknowns along the way,  
6 unless you did a full profile of borings along the road,  
7 you just don't know what you're going to run into. And  
8 typically, when you go down an unknown area like the  
9 Thruway, you run into big boulders and stuff that just  
10 can't be exactly picked out of the ground. You have to  
11 either go to blasting or using rock hammers, which are  
12 used in the mining process, to get through that rock.

13 JUDGE STOCKHOLM: Understood. But my question was,  
14 I think, more feasibility than locational. If you've  
15 reviewed what CARI has proposed, as you indicated, is the  
16 equipment, regardless of the location of the line, is the  
17 equipment that counsel described to you a feasible way in  
18 your opinion to lay an HVDC line as proposed in this  
19 case?

20 MR. SCHROM: It could probably be feasible, but  
21 you're talking about a very wide trench, a lot of spoil.  
22 I just don't believe in this case, because I've never  
23 seen it in operation, I don't believe it could be used,  
24 but it's possible.

1 JUDGE STOCKHOLM: Okay. That's what I was looking  
2 for, what your opinion was.

3 MR. SCHROM: It wouldn't be a first time.

4 Q. In the absence of the kind of site specifics that you've  
5 referred to, is it your opinion that such an integrated  
6 trenching machine would be inappropriate, purely  
7 speculation?

8 A. (Mr. Schrom) The machine that I looked at with the papers  
9 that were filed, I would probably expect to find in the desert of  
10 the United States where you don't find a lot of rock. It's a lot  
11 of sand. It's a hard-bound ground. It doesn't contain a lot of  
12 things that we find up here, like granite and very extreme, heavy  
13 rocks that, you know, you just have to use other techniques to  
14 get them out of the way.

15 Q. In the absence of rock formations, would your opinion  
16 with respect to the appropriateness of integrated trenching  
17 equipment be different?

18 A. (Mr. Schrom) I really don't -- I'm not saying it can't be  
19 used if it's nice tilled soils and everything, but I don't know  
20 that you could really utilize it.

21 Q. Would you agree that reducing the number of discrete  
22 steps involved in opening the trench, laying the cable, filling  
23 the trench and closing the trench, would you agree that reducing  
24 the number of discrete steps would have an effect on the cost of

1 opening and closing the trench?

2 A. (Mr. Schrom) If you could reduce those, yes.

3 Q. And based on what you know of the mechanical trenching  
4 operations that we've been discussing, the integrated trenching  
5 that we've been discussing, would you agree with me that that  
6 process would reduce the number of steps required to open the  
7 trench, lay the cable, backfill the trench and close it?

8 A. (Mr. Schrom) Yes, I would agree that it could.

9 JUDGE STOCKHOLM: If I may, counselor. Has the NYRI  
10 panel who would be the experts on this particular issue  
11 that's being discussed here, has that panel already come  
12 and gone?

13 MR. SINGER: Yes, your Honor. But we are going to  
14 be filing testimony today with respect to the Thruway  
15 Alternative.

16 JUDGE STOCKHOLM: Right.

17 MR. SINGER: And Mr. Bucci is going to be a member  
18 of that panel.

19 JUDGE STOCKHOLM: Okay. Thank you.

20 Q. Mr. Schrom, do you have before you a document titled  
21 "Response to" or indicated as a Response to NYRI 121 dated  
22 January 26th, 2009?

23 A. (Mr. Schrom) Yes, I do.

24 MR. KLUCSIK: Your Honor, I'd ask that that document

1 be identified for the record.

2 JUDGE PHILLIPS: The document will be marked for  
3 identification as Exhibit 306.

4 (Exhibit Number 306 was marked for identification.)

5 Q. And, Mr. Schrom, is this a six-page document which  
6 includes color photographs of certain equipment?

7 A. (Mr. Schrom) Yes, it is.

8 Q. In you cost estimate, did you assume blasting in hard  
9 rock areas as the basis for your costing?

10 A. (Mr. Schrom) That's a preliminary estimate. We didn't go  
11 into blasting of hard rock. We just took the estimate that NYRI  
12 had proposed for going across with an underground cable. We  
13 didn't take a specific look at known rock areas or any areas that  
14 we thought might contain rock. We just used a linear estimate.

15 JUDGE STOCKHOLM: Would that kind of linear estimate  
16 assume a variety of conditions? In other words, is it  
17 sort of an average estimate that would assume some easy,  
18 some hard?

19 MR. SCHROM: It was just a -- we looked at other  
20 estimates, but basically, it's just a linear estimate  
21 assuming no heavy rock. Obviously, when we get down  
22 lower on the Thruway, we run into granite, and it's a  
23 whole other animal to deal with. It's extremely hard.

24 Q. Mr. Schrom, do you recall -- did you participate in

1 preparing a response to CARI Interrogatory 276?

2 A. (Mr. Schrom) I would need a copy to recollect.

3 MR. KLUCSIK: Your Honor, if I may approach the  
4 witness, I did not anticipate the need for introduction  
5 or distribution of this particular Interrogatory. So I'm  
6 going to ask the witness to review it.

7 JUDGE STOCKHOLM: Thank you. That's fine.

8 MR. BLOW: Your Honor, I would note for the record  
9 the Response to NYRI 121 that had been passed out was  
10 prepared by a CARI witness, not by Mr. Schrom or Mr.  
11 Quimby.

12 MR. KLUCSIK: Your Honor, I'm prepared to deal with  
13 that.

14 JUDGE STOCKHOLM: Okay. Just for the record,  
15 counselor, would you describe again the document you  
16 showed the witness.

17 MR. KLUCSIK: I'm going to ask the witness if he  
18 would identify of the document by its title or number.

19 Q. Mr. Schrom is this a Response to a CARI Interrogatory?

20 A. (Mr. Schrom) Yes, it is.

21 Q. And what is the number of that CARI Interrogatory?

22 A. (Mr. Schrom) 276.

23 Q. And was the Response prepared by DPS Staff?

24 A. (Mr. Schrom) Yes, it was.

1 Q. Were you involved in that preparation?

2 A. (Mr. Schrom) Yes, I did help prepare this Response.

3 Q. Would you please read, I believe it is the answer to the  
4 first question that it involves or makes reference to blasting  
5 and hard rock hammers?

6 JUDGE STOCKHOLM: Please read the question and the  
7 answer. Thank you.

8 Q. (Mr. Schrom) Well, let me read the top better. "On Page  
9 5 of your Direct Testimony, you state that an underground Thruway  
10 route would require cutting of hard rock along the Thruway that  
11 would contribute to a higher cost of installation. 1) Identify  
12 what assumptions were made in determining that cutting of hard  
13 rock along the Thruway would be required. DPS Staff assumed that  
14 the developer would have to blast or utilize hydraulic hammers"  
15 --

16 JUDGE STOCKHOLM: Not too fast. Not too fast. You  
17 tend to read much faster than you otherwise talk.

18 Q. (Mr. Schrom) I don't want to get in trouble like the  
19 other people?

20 JUDGE STOCKHOLM: They are still awaiting  
21 punishment. Go ahead.

22 Q. (Mr. Schrom) That's the answer, "DPS Staff assumed that  
23 the developer would have to blast or utilize hydraulic hammers to  
24 make the trench?"

1 Q. Thank you, Mr. Schrom. I'm going to ask you now to make  
2 reference to what has been marked as Exhibit 305 -- I'm sorry --  
3 306. Do you have that document in front of you, Request Number  
4 NYRI 121?

5 A. (Mr. Schrom) Yes, I do.

6 Q. Have you seen this document before?

7 A. (Mr. Schrom) Yes, I have.

8 Q. And does this document contain a number of color  
9 photographs?

10 A. (Mr. Schrom) Yes, it does.

11 Q. May I refer you to the last of those photographs, that  
12 is, Page 6 of 6?

13 A. (Mr. Schrom) Well, you may say Page 6 of 6, but down at  
14 the bottom of the right-hand corner it says Page 9.

15 Q. That is the one I referenced. Six of six is six pages  
16 constituting the Interrogatory Response.

17 A. (Mr. Schrom) Okay.

18 Q. And does the picture at the upper portion of the -- is  
19 the picture at the upper half of the page described as a Vermeer  
20 Rock Wheel Trencher?

21 A. (Mr. Schrom) The picture says, "Vermeer Rock Wheel  
22 Trencher is rough and reliable."

23 Q. And does the first paragraph of text indicate that such  
24 rock wheel trencher is an appropriate choice in hard rock

1 applications?

2 A. (Mr. Schrom) Yes, it do does.

3 Q. Thank you.

4 JUDGE STOCKHOLM: Mr. Klucsik, are you about to move  
5 to a different topic?

6 MR. KLUCSIK: Yes, your Honor.

7 JUDGE STOCKHOLM: One of the things I assume that  
8 the machinery in this exhibit is intended to show is the,  
9 and you correct me if I'm wrong, is the equipment used to  
10 put together the trenching, the laying, the backfilling  
11 and the untrenching, if you will; is that correct? And  
12 let me explain why I'm asking the question. I looked  
13 through these pictures, and I see equipment that appears  
14 to me to be able to dig, perhaps even lay the trench, but  
15 I don't see any of this equipment closing the trench in  
16 these pictures.

17 MR. KLUCSIK: Your Honor, this --

18 JUDGE STOCKHOLM: Is this the piece of equipment  
19 that you were talking about? You were questioning the  
20 witnesses about one single piece of equipment that could  
21 combine all of those?

22 MR. KLUCSIK: No, your Honor, this illustration is  
23 only of the equipment that would be at the head end of  
24 the installation train, if you will, in cases where hard

1 rock was encountered. The integrated trench excavating,  
2 cable laying, trench closing machinery that I described  
3 would either follow this piece of equipment through hard  
4 rock areas or be used separately from the rock wheel  
5 trencher in areas that hard rock was not anticipated.

6 JUDGE STOCKHOLM: Do you have any witnesses that are  
7 still to come that discuss this technology?

8 MR. KLUCSIK: CARI witness Shaffer is equipped to  
9 discuss this technology.

10 JUDGE STOCKHOLM: And when is he scheduled?

11 MR. KLUCSIK: His appearance has been deferred  
12 pending receipt of Thruway Rebuttal.

13 JUDGE STOCKHOLM: Okay. That's fine. Thank you.

14 Q. Mr. Schrom, in your Thruway cost estimate, did you assume  
15 the use of a jet plow in order to make large ravine crossings?

16 A. (Mr. Schrom) The jet plows that I'm familiar with are on  
17 big ships for burying submarine cables. So I don't know anything  
18 about a jet plow in going through streams. The jet plows that  
19 I've seen used have been on the Neptune Cable and the Cross-Sound  
20 Cable and the next to be done is the HTP Project.

21 MR. KLUCSIK: Your Honor, if I may approach the  
22 witness to make reference to the --

23 JUDGE STOCKHOLM: You may --

24 MR. KLUCSIK: -- earlier Interrogatory Response.

1           A.   (Mr. Schrom) Okay.  "On Page 5 of your Direct Testimony,  
2 you state that an underground Thruway route would require the  
3 cutting of hard rock along the Thruway that would contribute to a  
4 higher cost of installation.  3) Should Staff consider the  
5 utilization of HDD for large ravines crossings for the crossing  
6 of the Hudson River?  No.  DPS Staff assumed the developer would  
7 use a jet plow for the cable, and then when we assumed crossed  
8 the Hudson River, you would use a jet plow operation."  As for  
9 crossings streams, I mean, people either -- it's all dependent  
10 upon the environmental laws -- they will either trench them,  
11 they'll use HDD, whatever they've got to do to get across to meet  
12 the requirements of crossing the stream.

13           Q.   So is it your testimony that jet plow would not be  
14 appropriate for ravine crossings?

15           A.   (Mr. Schrom) For a stream crossing.

16           Q.   For a stream crossing.  In the construction of your cost  
17 estimates, did you consider as an alternative to the trenching  
18 you've just described or the use of horizontal direct drilling,  
19 the attachment of cable to an existing ravine crossing,  
20 remembering for the moment that we're talking about a Thruway  
21 route, a Thruway alternative?

22           A.   (Mr. Schrom) As I stated in my testimony, we did not cost  
23 estimate how to cross these streams or these large ravines that  
24 exist along the Thruway, but as I understand it from discussions

1 in the past with the New York State Thruway Authority, no cables  
2 will be attached to their bridges. So part of the cost estimate  
3 we can't estimate is what kind of carrier you would use to cross  
4 these streams, bridges, whatever to get there. You would have  
5 either construct a bridge or you'll have to figure out how to go  
6 way down and come back up the other side, because some of these  
7 ravines are very large. The Applicant would have to figure out  
8 how to get across.

9 Q. But you would agree with me then that there are other  
10 means to cross large ravines other than trenching down to the  
11 bottom, crossing the stream and then trenching back up to the  
12 opposite side of the ravine? Would you agree with me that other  
13 methods of crossing are available?

14 A. (Mr. Schrom) The only other method other than going down  
15 is crossing a bridge.

16 Q. And you haven't formed an opinion as to whether such  
17 crossing by bridge would be more or less expensive than trenching  
18 across the bottom of the stream; is that correct?

19 A. (Mr. Schrom) It all depends on the weight of the cables  
20 and all the other items that you're going to have to consider in  
21 that design. You know --

22 JUDGE STOCKHOLM: But you haven't considered those  
23 things in your numbers specifically?

24 MR. SCHROM: No, I haven't. We specifically said

1           that we did not do any analysis of how to cross the  
2           ravines.

3           Q.    Would you agree with me that it is possible that  
4           consideration of such alternate methods might result in a cost  
5           estimate lower than the one you've provided in your testimony?

6           A.    (Mr. Schrom) My cost estimate doesn't consider any  
7           crossings of any streams or ravines, and it really doesn't  
8           consider the hard rock on the Thruway either.  So it's basically  
9           a bare bones estimate.  My best guess would be, it's probably  
10          going to be a higher cost to go down the Thruway.

11          MR. KLUSCIK:  Thank you, Mr. Schrom.  No further  
12          questions, your Honor.

13          JUDGE STOCKHOLM:  Other questions for this witness?  
14          We'll go with the Power Authority.

15          MR. MALONE:  Thank you, your Honor.  Your Honor, can  
16          I just ask, has DPS 116 already been marked for  
17          identification?

18          JUDGE PHILLIPS:  Do you mean today or ever?

19          MR. MALONE:  No.

20          JUDGE STOCKHOLM:  Ever is going to be a harder  
21          question.

22          MR. MALONE:  I don't want to duplicate.  That's the  
23          reason that I ask, and I didn't see it in the documents I  
24          have.

1 JUDGE PHILLIPS: I don't believe 116 has been marked  
2 today. I don't see it.

3 MR. BLOW: Just one second, your Honor, we're  
4 looking at our index.

5 JUDGE STOCKHOLM: Thank you.

6 MR. BLOW: We don't believe so, your Honor.

7 JUDGE STOCKHOLM: Thank you for checking, Mr. Blow.

8 MR. MALONE: Your Honors, I'd like to have marked  
9 DPS 116.

10 JUDGE STOCKHOLM: It will be marked 307 for  
11 identification. Thank you.

12 (Exhibit Number 307 was marked for identification.)

13 MR. KLUCSIK: Your Honor, will NYPA make the  
14 distribution of its exhibit? I would like to approach  
15 the witness to reclaim my Interrogatory.

16 JUDGE STOCKHOLM: I think you can get it handed  
17 across the divide there. No, just turn around and give  
18 it. Yes, yes. By the way, did Staff provide a CD of  
19 this testimony to the reporter?

20 MR. BELSITO: Yes.

21 JUDGE STOCKHOLM: Oh, thank you very much.

22 MR. BELSITO: It was a corrected investigation.

23 MR. BLOW: As I mentioned before, it was a corrected  
24 version of what had been provided before.

1 JUDGE STOCKHOLM: Mr. Malone.

2 MR. MALONE: Thank you, your Honor.

3 CROSS-EXAMINATION .

4 BY MR. MALONE:

5 Q. Mr. Schrom, do you recognize what's been marked as  
6 Exhibit 307?

7 A. (Mr. Schrom) Yes, I do.

8 Q. And could you briefly tell me what it is? Well, let me  
9 ask you this question to help you out: Is that an Interrogatory  
10 that you prepared, your Staff, DPS prepared?

11 A. (Mr. Schrom) We prepared this on the base of advice of  
12 counsel.

13 Q. And does that Interrogatory request an answer from NYRI?

14 A. (Mr. Schrom) Yes, it does.

15 Q. And if the Marcy South Alternate were to be certified,  
16 would you recommend that the Public Service Commission  
17 incorporate these proposed conditions that are set fourth in DPS  
18 116 into the certificate?

19 MR. BLOW: Your Honor, I'd object. These are NYRI's  
20 Responses to a discovery request where DPS Staff asked  
21 NYRI what it considered to be acceptable conditions.  
22 They are not the -- and I believe the reply date was  
23 December 19. So that antedates the --

24 JUDGE STOCKHOLM: -- testimony.

1 MR. BLOW: -- testimony, and the Exhibit 283 and all  
2 the other exhibits, a lot of other exhibits that have  
3 been marked and received in evidence containing other DPS  
4 Staff conditions that we believe to be appropriate.

5 MR. SINGER: Your Honor, I join the objection for  
6 the reason that the Response was just handed out by  
7 counsel NYPA doesn't include the attachment that NYRI  
8 provided in response to this request.

9 MR. MALONE: We can do that, your Honor. I was  
10 simply asking the question about the Interrogatory, but  
11 we could also mark for the record the Response.

12 JUDGE STOCKHOLM: I'm going to sustain the  
13 objection, and let me ask the witnesses, considering not  
14 the recommendations that are in this document but the  
15 recommendations that are in Staff's testimony, with  
16 regard to certificate conditions, would they generally be  
17 the same as the conditions you would recommend if the  
18 Marcy South Alternative were approved?

19 MR. SCHROM: Will you say your question again?

20 JUDGE STOCKHOLM: I don't know if I can remember it.  
21 The question I am asking you is whether the Staff  
22 certificate conditions as those recommendations currently  
23 stand, not as they are necessarily reflected in this  
24 Interrogatory question, but as they currently stand in

1 the record, would those conditions generally apply? I  
2 use the word "generally" because there may be  
3 site-specific differences between the routes that may  
4 cause some changes, but as a generally matter, would  
5 Staff certificate conditions apply to either the Marcy  
6 South or the prime route?

7 MR. SCHROM: Yes, they would apply to either one.

8 JUDGE STOCKHOLM: Counsel, I'll let you pursue that,  
9 but I think that's the legitimate question to ask this  
10 panel.

11 MR. BLOW: Your Honor, I might make one more point.  
12 Thank you for sustaining the objection, but just to  
13 clarify, the language in the discovery request was  
14 preliminary obviously and was formulated about a month  
15 ahead of the testimony date.

16 JUDGE STOCKHOLM: I understood that timing issue.

17 MR. BLOW: And that -- so it's not just because it's  
18 a NYRI Response, but it's also because of the preliminary  
19 nature of the formulation that I raised the objection.

20 JUDGE STOCKHOLM: Understood. And no one has  
21 objected to the entry of this exhibit, nor do I see any  
22 reasons to object to it at the moment, accept that it's  
23 not complete.

24 MR. MALONE: We'd be happy to complete with the

1 response, your Honor.

2 JUDGE STOCKHOLM: Thank you. I appreciated it.

3 MR. MALONE: Mark that as 308.

4 JUDGE STOCKHOLM: You already had the document with  
5 the attachments?

6 MR. MALONE: No, that's the Response.

7 JUDGE STOCKHOLM: Oh, this is the attachment.

8 Okay.

9 MR. MALONE: I don't know if you just want to mark  
10 it just as part of 307 or as 308.

11 JUDGE STOCKHOLM: Attach it to the current one. Mr.  
12 Malone, you can proceed.

13 Q. Mr. Schrom, did you review the answer, the Response to  
14 the Interrogatory which has been marked as 307?

15 A. (Mr. Schrom) The Response from NYRI?

16 Q. Yes.

17 A. (Mr. Schrom) I did.

18 Q. And what was your reaction?

19 A. (Mr. Schrom) Basically, I didn't agree with their  
20 Response.

21 Q. And why was that?

22 A. (Mr. Schrom) Because I felt that the Commission would not  
23 have enough authority over them, and I was concerned about the  
24 reliability of electric transmission system.

1 Q. Were you --

2 JUDGE STOCKHOLM: What were your specific concerns  
3 with regard to that first item, the authority of the  
4 Commission? Can you give me an example of that.

5 MR. SCHROM: I just had the document here.

6 JUDGE STOCKHOLM: Ah, yes, but you had weeks to read  
7 it.

8 MR. BLOW: Your Honor, this is the problem, this is  
9 the problem, that it was preliminary in nature. The  
10 Response was a Response to a preliminary inquiry, and if  
11 you look at the Exhibit 283, you'll see that, you'll see  
12 that Staff used, Mr. Schrom and Mr. Quimby used these  
13 documents to formulate, in part at least, to formulate  
14 the exhibit, but to take a step back and do work from a  
15 previous --

16 JUDGE STOCKHOLM: -- version.

17 MR. BLOW: -- inquiry, a preliminary inquiry and a  
18 Response to that preliminary inquiry seems  
19 counter-productive.

20 MR. MALONE: Well, your Honor, it's not.

21 JUDGE STOCKHOLM: I disagree, and the reason I  
22 disagree is actually I think exactly what you said. This  
23 witness has come to a conclusion in his testimony and  
24 submitted it for the record. I think it's entirely

1           appropriate for counsel to inquire into how you got to  
2           the final conclusion and the only way, given the  
3           circumstances of this particular issue, the only way  
4           that can be done is to look at earlier drafts, and I  
5           think that counsel's line of cross is appropriate.

6           MR. BLOW: Then it seems to me, your Honor, that the  
7           earlier drafts need to be compared to Exhibit 283.

8           JUDGE STOCKHOLM: I think you've made that point on  
9           the record, and I don't disagree with that point. I  
10          agree with it, but I think counsel has the right to  
11          examine how the witness got to where he is today, and  
12          that's my impression, at least, of this  
13          cross-examination.

14          MR. BLOW: That's fine as long as we all realize  
15          that, at least at this point, and even Exhibit 283, I  
16          would say all the certificate conditions are works in  
17          progress, until we get to the initial and perhaps the  
18          reply brief, but at least 283 represents these witnesses'  
19          conclusions at this point and need to be taken into  
20          account as when we look at the development of the  
21          certificate of conditions.

22          JUDGE STOCKHOLM: No question about it, and I do  
23          understand that distinction, and I think the record is  
24          clear. Mr. Malone.

1 MR. MALONE: Your Honor, I would just add that the  
2 testimony -- well, I specifically asked about the Marcy  
3 South Alternate. It's unclear to me, the conditions in  
4 the testimony, whether they apply to both the Marcy South  
5 Alternate and to the Proposed Route. As your Honor  
6 notices in the Response, well in the Interrogatory, NYPA  
7 is included for consultation for various things. In the  
8 Response, NYPA is not included. It's been stricken, all  
9 references to NYPA.

10 JUDGE STOCKHOLM: Yes, and that's the actions of  
11 NYRI.

12 MR. MALONE: Correct. And my question is, if the  
13 Marcy South Alternate were certified, would DPS recommend  
14 that NYPA be included in the conditions as set forth in  
15 DPS 116.

16 JUDGE STOCKHOLM: That's a good question for the  
17 witness.

18 MR. MALONE: Thank you, your Honor.

19 MR. SCHROM: Now which question?

20 JUDGE STOCKHOLM: Now the witnesses who were not  
21 listening to the colloquy at all.

22 MR. SCHROM: No, I want to know which question I'm  
23 answering. Am I now answering the New York Power  
24 Authority's attorney or your question.

1 JUDGE STOCKHOLM: I don't think anybody objected to  
2 my question. So I think it's the Power Authority.

3 A. (Mr. Schrom) Okay. I'll give the answer to Power  
4 Authority. Okay. We have no problem with the adding the New  
5 York Power Authority into all of the requirements that are in DPS  
6 307, whether it's on the prime route or the alternate route. Our  
7 consideration is that all the TOs needs to be notified and kept  
8 in the loop on all transmission projects that are integrated in  
9 the system. They all have an effect upon every TO.

10 MR. MALONE: Thank you. I have nothing further,  
11 Judge.

12 JUDGE STOCKHOLM: Thank you. Ms. Wilkinson.

13 MS. WILKINSON: Okay. Just a couple of questions.

14 CROSS-EXAMINATION

15 BY MS. WILKINSON:

16 Q. On Pages 7 and 8 of your Direct Testimony, you state that  
17 it may be necessary to have a lighter right of way, and I think  
18 you gave two different numbers, depending on whether there was a  
19 vertical or horizontal configuration; is that correct?

20 A. (Mr. Schrom) It depends on whether it's a vertical or  
21 horizontal configuration of the conductors, yes.

22 Q. And my question is with respect to that wider right of  
23 way, and I think we can deal with the horizontal one first --  
24 that was 200 feet, I think you stated. What I want to understand

1 is, does that 200 feet mean additional right of way clearing that  
2 would be necessary over and above what NYRI has currently stated  
3 is necessary? Do you understand my question?

4 A. (Mr. Schrom) Are you talking about initial clearing?

5 Q. Well, I'm talking --

6 A. (Mr. Schrom) Or are you talking, you know, years down the  
7 road?

8 Q. In either case. I mean, NYRI has put forth what it, you  
9 know, its plans for right of way clearing along various segments  
10 of the route. If a larger right of way is needed, would that  
11 alter NYRI's estimates of necessary right of way clearing either  
12 during construction or operation of the line?

13 A. (Mr. Schrom) Part of this question really needs to be  
14 discussed with a forester. But initial clearing, when you go  
15 down a right of way that's virgin, you end up taking a few more  
16 trees than you would normally as a right of way grows back up,  
17 because they become weaker and they will fall into the area of  
18 the wire zone. So it is possible that you will cut some more  
19 than you would see some years down the road.

20 JUDGE STOCKHOLM: Is the decision with regard to the  
21 clearing that you just mentioned a matter of physical  
22 security of the line?

23 MR. SCHROM: It has to do with physical security and  
24 initial construction of the line. You have to have a

1 clear path to get down there with all the equipment. So  
2 you have to have a pretty wide right of way to get down  
3 there. And then when you're back into the maintenance  
4 area after time, you can let the right of way grow back  
5 up some, but you still have to maintain the wire  
6 clearance.

7 JUDGE STOCKHOLM: Given all those considerations, if  
8 the right of way with has to be wider as a result of  
9 magnetic particular fields --

10 MR. BLOW: Electrostatic, your Honor.

11 JUDGE STOCKHOLM: I apologize, electrostatic fields.  
12 I apologize. Would that have any impact on the decisions  
13 with regard to vegetation clearing for either line  
14 security or for construction needs?

15 MR. SCHROM: No, I don't believe it would have any.

16 JUDGE STOCKHOLM: Thank you. Ms. Wilkinson.

17 MS. WILKINSON: I'm sorry, your Honor. I think I'm  
18 confused by the last response to your question.

19 JUDGE STOCKHOLM: The reason that additional width  
20 right of way is being recommended by this witness is to  
21 account for the level of electrostatic fields at the edge  
22 of the right of way. I'm not sure Staff would put it  
23 this way. So let me just say, in my view, that's an  
24 issue of what land has to be condemned and cannot be held

1 in private hands because of the field strike. I don't  
2 think it has anything to do, and that's what I was trying  
3 to ask the witnesses, how would it effect the  
4 construction of the line? I don't know that it would,  
5 because the only issue is buying the property out to the  
6 extra distance, whatever that may be, and the reason  
7 you're buying is not for, the extra part is not for line  
8 security, but it's for magnetic field. It's a safety  
9 issue rather than a vegetative management issue.

10 MR. BLOW: Electrostatic, your Honor.

11 JUDGE STOCKHOLM: What did I say?

12 MR. BLOW: Magnetic.

13 MS. WILKINSON: So in other words, the extra  
14 property has to be purchased, but let's say, for example,  
15 it was forested wetlands. You wouldn't have to clear the  
16 forested wetlands.

17 JUDGE STOCKHOLM: To a wider distance, no. That's  
18 my understanding.

19 MS. WILKINSON: Okay. In other words, if there were  
20 trees that were 40 feet in height, they could remain 40  
21 feet in height.

22 JUDGE STOCKHOLM: As long as they were outside of  
23 the security zone. That's a different question.

24 MS. WILKINSON: Okay. Well, then let me ask that

1 question.

2 Q. Does a wider right of way imply a larger security zone,  
3 no?

4 JUDGE STOCKHOLM: Witnesses.

5 A. (Mr. Schrom) The security zone is based upon the  
6 conductor blowout area and the required distance so you don't  
7 have flashover.

8 JUDGE STOCKHOLM: Would you explain for the record  
9 electric blowout yeah.

10 MR. SCHROM: It's when the wind comes up. According  
11 to National Electric Safety Code or the standards that  
12 are derived by whatever the weather service comes up as  
13 for that area how far the conductor will be blown by the  
14 wind away from normal center. So basically, you draw a  
15 big circle around the conductor, one for wind blowout and  
16 then the second one for the flashover area. And what you  
17 try to do is, you try to cut the vegetation back far  
18 enough so that in five to seven years, you have enough  
19 time you can come back and cut the next layer of  
20 vegetation.

21 MR. KLUCSIK: Just for clarity, I wonder if the  
22 witness could define flashover.

23 JUDGE STOCKHOLM: Sure.

24 MR. SCHROM: Flashover is the distance between the

1 conductor and basically an object, such that the air --  
2 air is a cause -- we'll do it this way: Air is an  
3 insulator, but there's a distance that you have to be  
4 away from the conductor, a live conductor, and whatever  
5 voltage it is so it doesn't basically jump to you, and  
6 those distances are based for a person working next them,  
7 they are based on OSHA requirements, and if you look at  
8 the tree growth, that's another requirement.

9 MR. KLUCSIK: Would a layman think of this as  
10 electrical arcing?

11 JUDGE STOCKHOLM: Are you suggesting laymen would  
12 understand electrical arcing.

13 MR. KLUCSIK: Maybe that's a presumptuous  
14 assumption.

15 JUDGE STOCKHOLM: Is it a short circuit?

16 MR. SCHROM: A short circuit is a line to ground  
17 fault or a line to line fault.

18 JUDGE STOCKHOLM: But if you arc over, it could end  
19 up being short circuit, yes?

20 MR. SCHROM: If it stays over there long enough,  
21 yes.

22 MR. KLUCSIK: Thank you, Mr. Schrom.

23 JUDGE STOCKHOLM: That's as laymen as I can get.

24 Q. All right. Let me ask a follow-up then. Is an area

1 necessary for the security zone dictated at all by the necessary  
2 right of way that you need for, and we're talking about  
3 electrostatic --

4 A. (Mr. Schrom) Could you repeat your question?

5 Q. Yeah, I'm trying because the testimony changed so, I'm  
6 trying to keep with it, with very technical. But what I'm trying  
7 to ask is, if a security zone area that's required, is that at  
8 all influenced by the right of way that your testimony says is  
9 needed in order to meet the Commission's, I think safety  
10 requirements, with respect to electrostatic fields?

11 A. (Mr. Schrom) No, they are two different items. A wire  
12 security zone is different, is totally different.

13 Q. Okay?

14 A. (Mr. Schrom) You were talking about vegetation and how  
15 much vegetation would you basically have to cut in order to  
16 prevent the vegetation from getting in the wire security zone,  
17 and electrostatic fields is another animal which we're discussing  
18 how wide the right of way has to be in order to meet the  
19 Commission standards for electrostatic fields.

20 Q. Okay. And that has nothing to do with the vegetation  
21 clearing along the right of way?

22 A. (Mr. Schrom) No, it does not.

23 Q. Okay. And have you determined whether there is enough --  
24 has NYRI proposed a security zone?

1       A.     (Mr. Schrom) We don't have enough information from them  
2 as a line design to tell you what the wire security zone will be,  
3 and that will probably be more determined when the company files  
4 its EM&CP and its design drawings.

5                 JUDGE STOCKHOLM: Is that a site-specific issue?

6                 MR. SCHROM: It can be a site-specific issue. It  
7 depends upon the distance between towers and the area  
8 traverses.

9                 JUDGE STOCKHOLM: The topography?

10                MR. SCHROM: That's a good word, too, your Honor.

11                JUDGE STOCKHOLM: Thank you.

12        Q.     Okay. But once that information is determined, that --  
13 is it possible that information would impact the right of way  
14 clearing?

15        A.     (Mr. Schrom) That's all -- all that is basically in the  
16 EM&CP. It will tell you what the right of way clearing would be  
17 and how far that the wire, how far they would have to cut in the  
18 tree removals.

19        Q.     Okay. So the answer to my question would be yes, that  
20 that information would impact right of way clearing.

21                JUDGE STOCKHOLM: Which information are you  
22 referring to?

23                MS. WILKINSON: The one he -- what he just said, the  
24 wire design.

1 JUDGE STOCKHOLM: Yes. Okay. That's fine. Just so  
2 the record is clear.

3 A. (Mr. Schrom) That would all be in the EM&CP design.

4 Q. I understand that.

5 JUDGE STOCKHOLM: And it would affect the vegetative  
6 clearing; wouldn't it?

7 MR. SCHROM: It would affect the vegetative clearing  
8 and tell you what the design would be for that. And then  
9 also the long-term right of way management plan would  
10 discuss how they propose to maintain that vegetation over  
11 the five- to seven-year cycle, depending upon what cycle  
12 they choose.

13 Q. Okay. In your experience, do you think the NYRI  
14 Application has realistic expectations with respect to the right  
15 of way clearing that they have laid out in Exhibit 4?

16 JUDGE STOCKHOLM: If you know.

17 A. (Mr. Schrom) I would say that it would be best to rely on  
18 the EM&CP where that would be fully developed.

19 MS. WILKINSON: No more questions, your Honor.

20 JUDGE STOCKHOLM: Any other questions of this  
21 witness other than NYRI?

22 (No response.)

23 JUDGE STOCKHOLM: Mr. Schrom, were you in the room  
24 yesterday when Mr. Klucsik and I were discussing

1 potential differences in magnetic fields between an  
2 overhead and underground line, specifically with regard  
3 to the Marcy Nanotech Center? Did you hear that  
4 colloquy?

5 MR. SCHROM: No, I don't believe I was in the room  
6 for that one.

7 JUDGE STOCKHOLM: You missed one of my better ones.  
8 What can I tell you? Okay. Here's the question: CARI's  
9 witnesses testified to a large, and I don't remember what  
10 it was, but a large distance separation they would need  
11 with regard to the NYRI line in order to maintain a 0.2  
12 milligos reading in their Nanotech Center area. Do you  
13 recall that?

14 MR. SCHROM: No, I don't, because I don't think I  
15 was in the room.

16 JUDGE STOCKHOLM: No, no, no, no, no, that was  
17 Prefiled Testimony.

18 MR. SCHROM: Oh. I don't have a copy of that, your  
19 Honor, so --

20 JUDGE STOCKHOLM: Okay. Let me go at it a different  
21 way. If you were measuring a magnetic field on the Marcy  
22 Nanotech Center, would that field, at any distance you  
23 want, let's say 500 feet from where the line is, would  
24 that field be significantly different if the conductors

1           were strung overhead in either a horizontal or a vertical  
2           configuration as compared with them being put underground  
3           in a trench? My understanding is that because you've got  
4           two opposite poled conductors in close proximity in the  
5           trench, I believe the company said it was 36 inches  
6           apart. My understanding is that the magnetic field of  
7           those two lines, 36 inches apart, will cancel each other  
8           out to a much greater extent than if those lines were  
9           hung on the pole. Do you know if that is true?

10           MR. SCHROM: That's true.

11           JUDGE STOCKHOLM: Is it an order of magnitude  
12           improvement? Does the improvement, is the improvement  
13           proportional to one over the square of the distance?  
14           Because I think the field strength declines at a rate of  
15           one over the square of the distance.

16           MR. QUIMBY: Hello, your Honor.

17           JUDGE STOCKHOLM: Good morning. I'm glad I finally  
18           got a answer so that you can answer.

19           MR. QUIMBY: Me, too, kind of. Anyways, yes, it one  
20           over the R squared so that the closer the two lines, like  
21           with the overhead configurations, then you're talking  
22           about a much further distance, depending on what the  
23           final design would be obviously, but with two of the  
24           centers of the magnetic fields being closer together,

1           there would be much more of a cancellation than there  
2           would be, say if they are 40 feet apart versus, say in  
3           this case, we'll just assume 36 inches. So it would be  
4           probably in the order of magnitude less.

5           JUDGE STOCKHOLM: It would be in order of magnitude.  
6           Thank you very much. I appreciate that.

7           MR. KLUCSIK: Your Honor, on that point, can I just  
8           indicate that we have forwarded your questions to our  
9           witnesses and have a preliminary response, but we're  
10          refining it to make sure it accurately answers your  
11          question.

12          JUDGE STOCKHOLM: Thank you. I greatly appreciate  
13          that. You discuss in your testimony at Page 11 the  
14          monopole operation, or at least you mention it, might be  
15          a better word, the monopole operation of the NYRI  
16          facility. My understanding is that there's going to be  
17          two main conductors running north and south together with  
18          a third conductor, a return, if you will. If one of the  
19          poles goes out and they continue to operate the facility  
20          at 500 megawatts rather than 1,000 or 600, whatever the  
21          Application says, the return current in monopole  
22          operation is intended to go along a smaller wire back to  
23          the origination; is that right?

24          MR. SCHROM: That's correct.

1 JUDGE STOCKHOLM: Now, because that wire is  
2 significantly smaller, in that kind of operation, is the  
3 likelihood of ground return currents greater, ground  
4 return currents that would follow along the transmission  
5 line back to whichever end you're driving it from?

6 MR. SCHROM: If it's in a bipole operation,  
7 supposedly you would have no ground currents. But in a  
8 monopole there is a concern that the ground current will,  
9 could partially be on a conductor or in the ground and  
10 taking another path of least resistance, which could be a  
11 pipeline, an AT&T long line cable or any other cables  
12 that may parallel and get back to the origination, but it  
13 does want to go back to the originating terminal in a  
14 monopole.

15 JUDGE STOCKHOLM: If the third wire were made  
16 larger, would the likelihood of ground currents go down?

17 MR. SCHROM: On your hypothesis?

18 JUDGE STOCKHOLM: Yes.

19 MR. SCHROM: If we're still looking at half rating,  
20 it could be possible that the amount of ground current  
21 would go down, but we're still concerned about the fact  
22 that we want assurance that the ground current does not  
23 get on any other facility that could be paralleling or go  
24 the same direction partially or fully back to the

1 converter station.

2 JUDGE STOCKHOLM: I apologize for not having read  
3 every document. However, does Staff have a  
4 recommendation for the EM&CP with regard to this specific  
5 issue?

6 MR. SCHROM: Yes, we do.

7 JUDGE STOCKHOLM: Would you explain that just  
8 briefly?

9 MR. SCHROM: We have Requirement 15. It discusses  
10 monopole operation.

11 MR. BLOW: In Exhibit 283?

12 MR. SCHROM: In Exhibit 283.

13 JUDGE STOCKHOLM: And just for my benefit, and I  
14 apologize, but would you briefly summarize that.

15 MR. SCHROM: It says, "The company shall undertake a  
16 study to address monopole operation of the line to  
17 assure that none of the power under monopole operation  
18 can take the path of any gas or other pipeline  
19 communications cable, electric line or rail system in the  
20 vicinity. Studies shall be submitted as part of the  
21 EM&CP to be provided to all electric utilities in the  
22 State of New York, gas pipeline operators and  
23 telecommunications companies. In the event the facility  
24 adversely affects the facilities of any utility in a

1           monopole operation, the facility will be shut down  
2           immediately. A meeting between New York Regional  
3           Interconnect and the affected company shall be called to  
4           determine the extent of the problem, and New York  
5           Regional Interconnect shall undertake an engineering  
6           study to determine the extent of the problem, and New  
7           York Regional Interconnect shall undertake an engineering  
8           study to determine the cause and remedies available. New  
9           York Regional Interconnect shall be responsible for all  
10          study costs and costs to remediate the problem."

11           JUDGE STOCKHOLM: Thank you, Mr. Schrom. You  
12          discuss in your testimony one possible effect of NYRI  
13          being the reduction in the output of Rose -- I think it's  
14          Rosten and Danskammer(phonetic); is that correct?

15           MR. SCHROM: Could you point me to that testimony,  
16          your Honor? I think I have the wrong testimony.

17           JUDGE STOCKHOLM: Oh -- okay. You're not up there  
18          individually?

19           MR. SCHROM: That's correct, sir.

20           JUDGE STOCKHOLM: Okay. I'll withdraw the question  
21          and turn to NYRI.

22          CROSS-EXAMINATION

23          BY MR. SINGER:

24           Q. Gentlemen, you indicate in your testimony that you

1 conferred with a number of Staff witnesses, including Mr. Powell  
2 in preparing your panel testimony; is that correct?

3 A. (Mr. Schrom) Yes, we did.

4 Q. Are you aware of the recommendation of Mr. Powell  
5 regarding the proposed realignment of the NYRI facility around  
6 the Marcy Nano Center?

7 A. (Mr. Schrom) Yes, we're aware of his proposed  
8 realignment.

9 Q. And do you have any objections or issues with respect to  
10 that recommendation by Mr. Powell?

11 A. (Mr. Schrom) No, we don't.

12 Q. With respect to your proposed certificate conditions, in  
13 Exhibit 283 and the Response to DPS 116, which is Exhibit 307, is  
14 it correct that you modified the proposed certificate conditions  
15 based on NYRI's Response to DPS 116?

16 A. (Mr. Schrom) We modified them, partially based on the  
17 Response and based upon what we feel is necessary.

18 Q. Now, you state in your testimony at Page 10 that the  
19 certificate conditions included in Exhibit 283 are conditions  
20 like those adopted by the Commission in previous cases, correct?

21 A. (Mr. Schrom) That's correct.

22 Q. Are you aware of any previous case where any certificate  
23 conditions that require the owner of a transmission facility to  
24 coordinate with all transmission owners for various issues that

1 are raised in the certificate conditions?

2 A. (Mr. Schrom) This is a living document, and as time moves  
3 on, Staff becomes more and more aware of problems, and so as a  
4 result, Staff does add additional language. So, yes, we have  
5 added NYPA to this. We've got Niagara Mohawk in here, and we  
6 have Central Hudson. If we thought there was anyone else's  
7 facilities that would be involved in electric utilities, we would  
8 add those names to this list.

9 Q. My question was though, are you aware of any other  
10 Commission-approved certificate conditions that require a  
11 transmission owner or a builder of a new facility to include all  
12 transmission owners in the certificate conditions that you have  
13 proposed in Exhibit 283?

14 A. (Mr. Schrom) There has been no transmission lines  
15 proposed in the center of the state that affect as many  
16 transmission owners. So I would say no.

17 MR. SINGER: Okay. Your Honor, I've had marked for  
18 identification a number of exhibits, and I want to identify each  
19 of those. And what I would like to do and I've talked to Staff  
20 counsel about this is, after I identify them, just ask the  
21 witnesses a general question as to whether these were prepared by  
22 them or referred to by them in their responses, as opposed to  
23 going through each one individually.

24 JUDGE STOCKHOLM: That's fine.

1 Q. Marked for identification as Exhibit 295 is the Response  
2 to NYRI 46. Marked for identification as Exhibit 296 is the  
3 Response to NYRI 47. Exhibit 297 is the Response to NYRI 153.  
4 Exhibit 298 is the Response to NYRI 133. Exhibit 299 is the  
5 Response to NYRI 154. Exhibit 300 is the Response to NYRI 134.  
6 Exhibit 301 is the Response to NYRI 155. Exhibit 302 is the  
7 Response to NYRI 156. Exhibit 303 is the Response to NYRI 161,  
8 and Exhibit 304 is the Response to NYRI 162. Gentlemen, were  
9 each of these Responses prepared by you or referred to by you in  
10 your Responses?

11 A. (Mr. Schrom) Yes, they were.

12 MR. SINGER: That's all the questions I have for the  
13 panel.

14 JUDGE STOCKHOLM: Thank you. Any other questions  
15 before we go back to redirect?

16 (No response.)

17 JUDGE STOCKHOLM: Okay. Hearing none, Mr. Blow,  
18 redirect?

19 MR. BLOW: Yes. I would like to consult with the  
20 witnesses.

21 JUDGE STOCKHOLM: Why don't we take a morning break.  
22 Let's come back at quarter after.

23 (A brief recess was taken.)

24 JUDGE STOCKHOLM: Okay. Staff redirect.

1 MR. BELSITO: Thank you, your Honor.

2 REDIRECT EXAMINATION

3 BY MR. BELSITO:

4 Q. Mr. Klucsik asked you a number of questions concerning  
5 the CARI buried Thruway Alternative Route, and in your  
6 consideration of CARI's Buried Thruway Alternative, was it your  
7 understanding that that alternative included the use of HVDC  
8 light?

9 A. (Mr. Schrom) That's correct.

10 Q. And could you explain what implications that use of HVDC  
11 light may have on the construction and final configuration of the  
12 facility?

13 A. (Mr. Schrom) It's my understanding the CARI HVDC light  
14 would, in order to get the same capacity, would require like  
15 three terminals in the north and three terminals in the south and  
16 a total of two cables for each basically terminals so you'd end  
17 up with six cables in the trench. And in order to get that  
18 delivery from the north to south end, this equipment that they  
19 show, I basically thought that's what they were going to be using  
20 in order to bury their HVDC light cables. In the case of heavy  
21 duty DC that NYRI has produced proposing, I really don't think  
22 this type of equipment would be applicable since we're looking at  
23 probably a 48-inch or wider trench in order to bury that cable,  
24 and the fact we also have to put in manholes for splicing areas

1 along the way, as well as the thermal backfill. So I just -- we  
2 would have to really go to the techniques of using large backhoes  
3 on track and hydraulic hammers and, if necessary, blasting of  
4 hard rock in order to get through to bury the cable so that it  
5 was safe, and the integrity of the cable would be there for many,  
6 many years.

7 Q. Thank you. Now, referring to the pictures in Exhibit 306  
8 that depict the various trenching machines, I believe the  
9 questions you were asked specifically referred to what's numbered  
10 as Page 9 in the last page of that exhibit?

11 A. (Mr. Schrom) Yes.

12 Q. Is it your understanding that these pictures,  
13 specifically the last page, is for part of an advertisement?

14 A. (Mr. Schrom) All of these pictures are part of an  
15 advertisement for the Vermeer Corporation trenching machines.  
16 They don't explicitly tell you what they are capable of or what  
17 the types of cutting equipment, cutting tools are that they have  
18 on there. It's just a quick brochure I would say.

19 Q. And the picture in that exhibit entitled "T855TR3," does  
20 that show that trenching machine cutting through soil or the type  
21 of hard rock that you would expect to find along the Thruway in  
22 various locations?

23 A. (Mr. Schrom) It looks -- it appears to be cutting through  
24 soil with some, you know, a little of what we call, a little like

1 stone in it, but nothing like the hard rock you would find on the  
2 Thruway going south, which is typical. Down there it's typically  
3 granite or some very hard rock, which would have to be drilled  
4 and blasted.

5 MR. BELSITO: Nothing further, your Honor.

6 JUDGE STOCKHOLM: Let me guess, Mr. Kluscik.

7 CROSS-EXAMINATION

8 BY MR. KLUCSIK:

9 Q. Mr. Schrom, making reference to the picture that Mr.  
10 Belsito just asked you about, can you see the subsurface in that  
11 picture?

12 A. (Mr. Schrom) I can see the subsurface materials that have  
13 been pulled up.

14 Q. Can you see the material below the surface of the ground?

15 A. (Mr. Schrom) No, I don't have x-ray vision.

16 Q. Did I understand you correctly to say earlier in your  
17 testimony today that you haven't performed any site survey or  
18 other investigation that would inform you with respect to what  
19 kind of subsurface materials lie along the Thruway?

20 A. (Mr. Schrom) Well, what lies along the Thruway from  
21 basically Utica to north of the Westchester County line. If you  
22 go down below in the Westchester County line and go through along  
23 the Tapanzee and further south, all you see is rock outcrop and  
24 it's all very, very hard rock. The Thruway Authority spent

1 millions of dollars to take out some of that rock outcrop and  
2 many years. It's all been blasted off, all because they had a  
3 rock slide fall on a car. There is not enough room in that area.

4 Q. But your testimony has been, I believe, that no final  
5 design has been proffered; is that correct?

6 A. (Mr. Schrom) No final design for the Thruway Alternative.

7 MR. KLUCSIK: No further questions, your Honor.

8 JUDGE STOCKHOLM: I just want to make sure I  
9 understand the basis for your estimated cost of the  
10 Buried Thruway Alternative. Is that cost based on a line  
11 like the company's or HVDC light? Is your cost estimate,  
12 which I think is three billion, round numbers, to do the  
13 Thruway based on the installation of the HVDC light that  
14 you described?

15 MR. SCHROM: No, it is based on HVDC heavy duty.

16 JUDGE STOCKHOLM: Thank you. I just wanted to be  
17 sure I understood that correctly. Anything else for  
18 these witnesses?

19 (No response.)

20 JUDGE STOCKHOLM: Hearing nothing, gentlemen, thank  
21 you very much for your testimony. You are excused. Or  
22 are we going on to Mr. Schrom's additional testimony?

23 MR. BLOW: No, your Honor. Mr. Schrom I think is  
24 scheduled for the week of the 13th of April.

1 JUDGE STOCKHOLM: Okay. Thank you.

2 (Witnesses excused.)

3 MR. BLOW: Your Honor, we do have a matter to bring  
4 up. We have the versions of exhibits that have been  
5 marked as Exhibit 285 and 286 that have all the  
6 attachments --

7 JUDGE STOCKHOLM: Right.

8 MR. BLOW: -- to substitute for those we handed out  
9 yesterday.

10 JUDGE STOCKHOLM: Excellent. Why don't you hand  
11 those out.

12 MR. BLOW: Again, I understand that they will remain  
13 marked but not received, unless a few of the panel get on  
14 the stand on Friday.

15 JUDGE STOCKHOLM: That's correct.

16 MR. BLOW: But we provided them at your request  
17 early.

18 JUDGE STOCKHOLM: The documents counsel just  
19 described had been substituted for those previously  
20 marked and these documents have been marked for  
21 identification as Exhibit 285, which is DPS 128 and 286  
22 which is LIPA 35.

23 MR. BLOW: Thirty-five through forty-two, your  
24 Honor. Right?

1 MR. BELSITO: Yes.

2 JUDGE STOCKHOLM: Yes, that's correct, 35 through  
3 42.

4 JUDGE STOCKHOLM: I don't think we have any other  
5 witnesses today. I think our next order of business is  
6 probably a movie.

7 MR. BLOW: First, receiving in evidence, your Honor,  
8 the exhibits.

9 JUDGE STOCKHOLM: Thank you, Mr. Blow, always ready.

10 JUDGE PHILLIPS: We marked for identification  
11 yesterday Exhibit 283 Quimby and Schrom 1. Today we have  
12 marked Exhibits 295 through 307. Are there any  
13 objections to moving these into evidence?

14 MR. BLOW: Yes, your Honor. I object to the receipt  
15 into evidence of Exhibit 307. I think that it was used  
16 on the record to, for the purpose that the Power  
17 Authority intended it, but I'm not sure that it's helpful  
18 in other regards. And as I said, it was a preliminary  
19 set of DPS conditions and a first Response of NYRI, and I  
20 think the best thing would be to not confuse the record  
21 and to start with --

22 JUDGE STOCKHOLM: I'm afraid it's too late for that.

23 MR. BLOW: In any case, your Honor, I object.

24 JUDGE PHILLIPS: Mr. Singer, did you have the

1 objection to this same one or a different one?

2 MR. SINGER: A different one.

3 JUDGE STOCKHOLM: All right. Let's stay on the same  
4 one. Mr. Malone, you offered this for the record.

5 MR. MALONE: I did, your Honor, and there's been  
6 testimony by Mr. Schrom, and I'm very comfortable with  
7 the fact that your Honors and ultimately the Commission  
8 can review and see the exact reason. I think if it's not  
9 placed in evidence, then Mr. Schrom's testimony becomes  
10 unclear. He referred to it in his testimony,  
11 specifically DPS 116.

12 JUDGE STOCKHOLM: I'm going to overrule the  
13 objection. We'll admit that exhibit.

14 MR. MALONE: Thank you.

15 JUDGE PHILLIPS: Mr. Singer.

16 MR. SINGER: Thank you. I object to 305 to the  
17 extent that 305 was offered by Staff. It is a Response  
18 of Staff, and parties are not permitted to offer into the  
19 record their own Interrogatory Responses. Secondly, it  
20 relates to Mr. Schrom's individual testimony and not the  
21 testimony that he gave here today. So to that extent,  
22 I'd say that it's premature.

23 MR. BLOW: Your Honor, actually, I hadn't thought  
24 about that second point.

1 JUDGE STOCKHOLM: Give us just one second, please,  
2 Mr. Blow. First of all, this does refer to Mr. Schrom's  
3 individual testimony. Is that --

4 MR. BLOW: No, it's not correct, your Honor. If you  
5 look at exhibit --

6 JUDGE STOCKHOLM: I was looking --

7 MR. BLOW: The last sentence of 1-A and 1-B referred  
8 to Mr. Quimby and Schrom.

9 JUDGE STOCKHOLM: Yes, I see that.

10 MR. BLOW: Second of all, your Honor, in my almost  
11 30 years here, maybe I never ran up against this  
12 situation, that I am not aware that it is a hard and fast  
13 rule that a party can't introduce a Response that that  
14 party prepared, especially in this circumstance that I  
15 indicated earlier this morning, that I had consulted with  
16 Mr. Riback, who was not, is not present to offer that at  
17 the hearing, at this hearing. I could have engaged in a  
18 consultation with other parties and asked them to offer  
19 the exhibit, and I'm 99 percent sure that one of the  
20 parties in this room would have obliged. So I don't know  
21 that we need to exalt formal receptions in that regard  
22 even if there is a hard and fast rule. Moreover, your  
23 Honor, it clarifies the record --

24 JUDGE STOCKHOLM: I'm sorry. Wait a minute. Go

1 ahead.

2 MR. BLOW: Moreover, your Honor, it clarifies the  
3 record in this regard because it provides a basis for  
4 parties to refer to exhibits, to the extent we can, that  
5 contain proposed certificate condition language. I do  
6 recognize that there may be situations in which that's  
7 not possible. If somebody proposes a condition in  
8 initial briefs, then you may not be able to refer to an  
9 exhibit, but I think it's best, if at all possible, to  
10 refer to a hearing exhibit.

11 JUDGE STOCKHOLM: Exhibit 305, the CECONY  
12 Interrogatory to NYRI, I mean, excuse me, to Staff, and  
13 Staff's Response, first of all, this document is, because  
14 it is Staff's answer is a self-serving document. I don't  
15 mean to be derogatory by that title but descriptive. It  
16 was marked while the panel was on. The parties had an  
17 opportunity to cross-examine the panel with regard to it.  
18 I think that's all that due process requires. CECONY -1,  
19 which is one part of two parts of Exhibit 305 will be  
20 entered into evidence. CECONY -2 deals with Mr.  
21 Patener's testimony and Mr. Patener has not been yet been  
22 presented. So I can't or we have decided not to enter  
23 the second part of this exhibit into the record.  
24 Therefore, CECONY -1 will be entered into the record as

1 Exhibit 305. CECONY -2 that was attached to Exhibit 305  
2 will be removed and will not at this time be allowed in  
3 the record.

4 MR. BLOW: Thank you, your Honor.

5 MR. SINGER: Your Honor, we will have an opportunity  
6 to question Mr. Schrom individually about this exhibit.  
7 I say that as a question I guess.

8 JUDGE STOCKHOLM: While there might be a technical  
9 objection to that, I wouldn't sustain it. I would allow  
10 you to ask him questions, yes.

11 JUDGE PHILLIPS: All right. I guess to clarify  
12 then, we are moving into evidence Exhibit 283, 295  
13 through 304, 305 as modified, 306 and 307. Those are  
14 moved into evidence.

15 (Exhibit Numbers 283 as modified, 295 through 304,  
16 305 as modified, 306 and 307 were received in evidence.)

17 JUDGE STOCKHOLM: Anything else we need to do on the  
18 formal record today?

19 (No response.)

20 JUDGE STOCKHOLM: Who's up for tomorrow?

21 MR. MALONE: I believe NYPA's two witnesses, McGrath  
22 and O'Connor are up for tomorrow.

23 JUDGE STOCKHOLM: Okay. And the Thruway witnesses  
24 and anybody else?

1 MR. BLOW: Yes, your Honor.

2 JUDGE STOCKHOLM: Yeah, it looks like we may just  
3 have a morning session tomorrow. I'm sorry we can't  
4 schedule things differently, but there's too many  
5 constraints and too many moving parts I think. So I  
6 apologize to the parties that we can't be more efficient  
7 than we can be.

8 Do the parties have a preference for starting time  
9 tomorrow? I won't ask that question often. Any time  
10 between 8:30 and 10:00.

11 MS. WILKINSON: Not 8:30.

12 JUDGE STOCKHOLM: Okay. That's a fair veto. Any  
13 other input?

14 MS. BARISH-STRAUS: I think 10:00 would be nice.

15 JUDGE STOCKHOLM: Just for variety we'll do 10:00.

16 And I guess that's all we have on the record today,

17 so --

18 MR. BLOW: Your Honor.

19 JUDGE STOCKHOLM: Oh, not yet.

20 MR. BLOW: Can we decide when to start on Friday  
21 because we know what panel is going to be up.

22 JUDGE STOCKHOLM: Friday looks to be a heavy day; am  
23 I right about that? I see Mr. Klucsik shakes his head  
24 yes.

1 MR. BLOW: We think we have a couple of hours anyway  
2 with the panel.

3 JUDGE STOCKHOLM: Are you in that same range, Mr.  
4 Klucsik?

5 MR. KLUCSIK: I think so, your Honor.

6 JUDGE STOCKHOLM: How about other cross on Friday  
7 witnesses? Do you have big chunks?

8 MR. MALONE: Nowhere near what Staff and Mr.  
9 Klucsik are asking for.

10 JUDGE STOCKHOLM: How about DEC?

11 MS. WILKINSON: We're not going to have as much as  
12 Mr. Klucsik either.

13 MR. KLUSCIK: I beg your pardon?

14 JUDGE STOCKHOLM: Okay. We will have a full day I  
15 expect based on those conversations on Friday, so . . .

16 MR. BLOW: Could we start at 9:00?

17 JUDGE STOCKHOLM: Nine o'clock. Done. We'll start  
18 at 9:00 on Friday, and because CARI and Staff are the two  
19 main or the two parties who have indicated the most  
20 cross-examination for Friday, if you could just discuss  
21 among yourselves who would like to go first.

22 MR. BLOW: Your Honor, I would also think that LIPA  
23 would have a fair amount just from our discussion  
24 yesterday.

1 JUDGE STOCKHOLM: Well, I'm going to give the option  
2 of choice to the parties who are here today.

3 MR. BLOW: Oh, I understand. I was just making the  
4 point.

5 JUDGE STOCKHOLM: So put LIPA wherever you two would  
6 prefer LIPA.

7 MR. KLUCSIK: Is there benefit to having the short  
8 duration cross-examiners go first.

9 JUDGE STOCKHOLM: And who might those be?

10 MR. BLOW: DEC.

11 MR. KLUCSIK: Those who have fewer questions than  
12 Mr. Klucsik.

13 MS. WILKINSON: I'm sorry, John. I thought you said  
14 you had a lot of questions, and I may have mixed up  
15 parties because I was sending our meeting times to the  
16 rest of our staff, but I think our questions may be  
17 covered by the numerous other parties that have a lot of  
18 cross, and we may not have any.

19 JUDGE STOCKHOLM: It seems to me that -- this may be  
20 a little odd, but it seems to me that the parties who  
21 have the most expertise in this particular field are the  
22 parties that probably should go first, and they may well  
23 ask the questions that other parties may have.

24 MS. WILKINSON: Yes.

1                   JUDGE STOCKHOLM: So I think that the technical  
2 experts here are mainly with CARI and staff, although if  
3 LIPA has a lot of cross, you can put LIPA in that  
4 category, too.

5                   Anything else before we go off the record?

6                   MR. KLUCSIK: I have one other scheduling question  
7 which may be better dealt with off the record since it's  
8 further out on the horizon with respect to Thruway  
9 Alternative Rebuttal and associated cross-examination.

10                  JUDGE STOCKHOLM: Okay. We can have that  
11 conversation, but we'll do that off the record. The  
12 record is closed for today.

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	Exhibit	Marked
1		
2	295 Response to NYRI 46	3790
3	296 Response to NYRI 47	3790
4	297 Response to NYRI 153	3790
5	298 Response to NYRI 133	3790
6	299 Response to NYRI 154	3790
7	300 Response to NYRI 134	3790
8	301 Response to NYRI 155	3790
9	302 Response to NYRI 156	3790
10	303 Response to NYRI 161	3790
11	304 Response to NYRI 162	3790
12	305 Responses to Con Ed interrogatories 1 of 2	3790
13	306 Photographs	3814
14	307 DPS 116	3823
15	308 Interrogatory and Response	3827
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