

**BEFORE THE  
STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION**

**Re: PUC Docket No. 4614 - PUC Advisory Opinion Regarding Need of The Narragansett Electric Co. d/b/a National Grid to Construct and Alter Certain Transmission Components in the Towns of Portsmouth and Middletown (Aquidneck Island Reliability Project)**

**SURREBUTTAL TESTIMONY  
OF  
STEVEN M. CABRAL**

**SUBMITTED ON BEHALF OF  
THE TOWN OF MIDDLETOWN**

**SEPTEMBER 14, 2016**

INTRODUCTION AND PURPOSE OF TESTIMONY

1 Q. Please state your name and business address.

2  
3 A. I am Steven M. Cabral. My business address is: Crossman Engineering, 151 Centerville  
4 Road, Warwick, RI 02886.

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6 Q. On whose behalf are you providing this testimony?

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8 A. The Town of Middletown, RI.

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10 Q. Have you previously submitted testimony in this proceeding?

11  
12 A. I have.

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14 Q: What is the purpose of your Surrebuttal Testimony in this proceeding?

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16 A: The purpose of my Surrebuttal Testimony is to respond to Rebuttal Testimony presented  
17 by Endrit Fiku, P.E., Daniel McIntyre, P.E., and Susan Moberg, PWS, CFM, on behalf of  
18 National Grid in Docket 4614.

19  
20 OPINION OF REBUTTAL TESTIMONY OF ENDRIT FIKU, P.E.

21 Q. Have you reviewed Mr. Fiku's rebuttal testimony filed on behalf of National Grid?

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23 A. Yes. I have reviewed Mr. Fiku's rebuttal testimony, including his responses to the  
24 comments included in my direct testimony.

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26 Q. Did Mr. Fiku adequately respond to the comments you included in your direct testimony?

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28 A. No. On Page 1, Lines 9-12, Mr. Fiku testifies that "we are in the process of revisiting our  
29 initial work with the anticipation of responding to Mr. Cabral's comments during the Town  
30 of Portsmouth Planning Board meeting scheduled for September 14, 2016." No reply to  
31 my comments have been received to date. National Grid has effectively prevented me, and  
32 the Town of Middletown, from providing any surrebuttal testimony on the comments I  
33 provided in my direct testimony.

34  
35 It is anticipated that National Grid will provide additional information to the Middletown  
36 Planning Board following the filing of this surrebuttal testimony, which information I  
37 obviously cannot respond to at this time. As a result, I may need to amend my opinion  
38 either in writing or at the hearing for this matter. The Town of Middletown is of the opinion  
39 that the application, as submitted to the PUC, is therefore incomplete and deficient.

40  
41 Q. Did you review Mr. Fiku's rebuttal testimony concerning the issues you raised regarding  
42 the noise level associated with the subject project?

43  
44 A. Yes, I reviewed testimony about this issue.

46 Q. Did Mr. Fiku adequately respond to the noise level issues you raised?

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48 A. No. Mr. Fiku only states, on Page 2, Lines 10-13, that “National Grid is in the process of  
49 examining different wall configurations that would benefit the surrounding area by  
50 reducing the projected sound levels as measured from outside of the substation.” No other  
51 reply to the noise level issues have been received to date. National Grid has effectively  
52 prevented me, and the Town of Middletown, from providing any surrebuttal testimony on  
53 the noise level issues I raised previously. As a result, I may need to amend my opinion  
54 either in writing or at the hearing for this matter. The Town of Middletown is of the opinion  
55 that the application, as submitted to the PUC, is therefore incomplete and deficient.

56  
57 Q. Did you review Mr. Fiku’s rebuttal testimony concerning alternatives analysis?

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59 A. Yes, I reviewed his testimony on this issue.

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61 Q. Did Mr. Fiku adequately respond to alternatives analysis issues you raised?

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63 A. No. Mr. Fiku only refers, on Page 1, Lines 14-17, to a new alternative analysis document  
64 as part of Mr. Daniel McIntyre's rebuttal testimony. No expanded explanation is provided  
65 in Mr. Fiku's testimony. As a result, I may need to amend my opinion either in writing or  
66 at the hearing for this matter. The Town of Middletown is of the opinion that the  
67 application, as submitted to the PUC, is therefore incomplete and deficient.

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69 OPINION OF REBUTTAL TESTIMONY OF SUSAN MOBERG, PWS, CFM

70 Q. Did you review the testimony of Susan Moberg, filed on behalf of National Grid, and if so,  
71 do you agree with her conclusions regarding common construction measures?

72  
73 A. Yes, I reviewed Ms. Moberg’s entire rebuttal testimony and do not agree with her  
74 conclusions. As written on Page 2, Line 15, of Ms. Moberg's rebuttal testimony, she states  
75 that she disagrees with my previous assertion that common construction measures can  
76 mitigate potential impacts associated with stormwater runoff and spill prevention. Ms.  
77 Moberg provides testimony of the U.S. Environmental Protection Agency Spill Prevention  
78 Control and Countermeasure requirements and stormwater mitigation requirements of the  
79 Rhode Island Department of Environmental Management (“RIDEM”). As a practicing  
80 engineer, I can state that each item that Ms. Moberg cites is a common, industry standard  
81 practice. Therefore, her justification for disagreeing with my original testimony has no  
82 technical merit.

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84 It should also be noted that Ms. Moberg is not licensed to practice engineering.

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86 On Page 3, Lines 11-22, Ms. Moberg then quotes a list of allowed uses in the Town of  
87 Portsmouth Zone A, and since the Electrical Substation Use is not specifically noted, her  
88 testimony states that the Electrical Substation is not a permitted use in Zone A. This  
89 statement is not complete. A use not listed as a permitted use does not necessarily mean  
90 that it is prohibited. For example, the Portsmouth Watershed Protection District  
91 requirements, Section H.7.c of the Portsmouth Zoning Ordinance, states that a pre-existing

nonconforming use may be expanded by a Special Permit under certain conditions. This statement contradicts Ms. Moberg's testimony. Therefore, I and the Town of Middletown recommend that a legal opinion be obtained on this issue.

OPINION OF REBUTTAL TESTIMONY OF DANIEL McINTYRE, P.E.

Q. Did you review the testimony of Daniel McIntyre, filed on behalf of National Grid?

A. Yes. At this time, the amended Engineering and Landscape Plans of the subject project have not been provided, therefore I can provide only limited comments on Mr. McIntyre's rebuttal testimony.

Q. Since you do not have the information necessary to review the subject project, what limited comments do you have?

A. On Page 2, Lines 12-15, Mr. McIntyre states that a substation is not a permitted use on their property in Portsmouth. Ms. Moberg provided similar comments in her testimony.

Q. Do you agree with Mr. McIntyre on the permitted use issue?

A. No, for the same reasons I provided in response to Ms. Moberg's conclusions.

Q. Did you review Mr. McIntyre's testimony regarding potential alternative sites for this project?

A. Yes, it is located on Page 2, Line 20 – Page 3, Line 7.

Q. Do you agree with Mr. McIntyre's conclusions on the alternative site issue?

A. No. Mr. McIntyre's rebuttal testimony notes that the removal of the deed restriction to Development Rights on the adjacent land in Portsmouth is viable if there was a demonstration of "extreme need" and "lack of any viable alternative." It should be noted that the National Grid has stated that the proposed relocated Substation will require a Formal Wetland Permit from RIDEM. In accordance therewith, Rule 10.04.(D)(3) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act states that if a project is disapproved by a Town, RIDEM shall deny the application. Therefore, without knowing if the Town Council of Middletown will vote to disapprove the project in accordance with RIDEM regulations, the removal of the Deed Restriction may be a reasonable pursuit.

Q. Does this conclude your testimony?

A. Yes, it does.