

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DOCKET NO. 516

An Application from The United Illuminating Company (UI) for a Certificate of Environmental Compatibility and Public Need for the Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project that consists of the relocation and rebuild of its existing 115-kilovolt (kV) electric transmission lines from the railroad catenary structures to new steel monopole structures and related modifications along approximately 7.3 miles of the Connecticut Department of Transportation's Metro-North Railroad corridor between Structure B648S located east of Sasco Creek in Fairfield and UI's Congress Street Substation in Bridgeport, and the rebuild of two existing 115-kV transmission lines along 0.23 mile of existing UI right-of-way to facilitate interconnection of the rebuilt 115-kV electric transmission lines at UI's existing Ash Creek, Resco, Pequonnock and Congress Street Substations traversing the municipalities of Bridgeport and Fairfield, Connecticut

VIA ZOOM AND TELECONFERENCE

Continued Public Hearing held on Tuesday,
December 12, 2023, beginning at 2 p.m.,
via remote access.

H e l d B e f o r e :
JOHN MORISSETTE, Presiding Officer

Reporter: Lisa L. Warner, CSR #061

1 **A p p e a r a n c e s:**

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4 **Commissioner Katie Dykes, Department of**
 Energy and Environmental Protection

5 **QUAT NGUYEN, Designee for**
6 **Commissioner Katie Dykes, Department**
 of Energy and Environmental Protection

7 **ROBERT SILVESTRI**

8 **DANIEL P. LYNCH**

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7 **Investors; Southport Congregational Church,**
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31 **Bridgeport 11823 LLC; Stephen F. Boccarossa;**
32 **James Sherwood Bok; Jacquelyn Thunfors; Sean**
33 **Cowan; and The National Trust for Historic**
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31 **Zoom co-host: Aaron Demarest**
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35

1 MR. MORISSETTE: This continued
2 evidentiary hearing session is called to order
3 this Tuesday, December 12, 2023, at 2 p.m. My
4 name is John Morissette, member and presiding
5 officer of the Connecticut Siting Council.

6 If you haven't done so already, I ask
7 that everyone please mute their computer audio
8 and/or telephone now. A copy of the prepared
9 agenda is available on the Council's Docket No.
10 516 webpage, along with the record of this matter,
11 the public hearing notice, instructions for public
12 access to this remote public hearing, and the
13 Council's Citizens Guide to Siting Council
14 Procedures.

15 Other members of the Council are Mr.
16 Silvestri, Mr. Nguyen, Mr. Golembiewski and Mr.
17 Lynch.

18 Members of the staff are Executive
19 Director Melanie Bachman, Siting Analyst Michael
20 Perrone, and Fiscal Administrative Officer Lisa
21 Fontaine.

22 This evidentiary session is a
23 continuation of the public hearings held on July
24 25, August 29, October 17, November 16 and
25 November 28, 2023. It is held pursuant to the

1 provisions of Title 16 of the Connecticut General
2 Statutes and of the Uniform Administrative
3 Procedure Act upon an application from The United
4 Illuminating Company for a Certificate of
5 Environmental Compatibility and Public Need for
6 the Fairfield to Congress Railroad Transmission
7 Line 115-kV Rebuild Project that consists of the
8 relocation and rebuild of its existing
9 115-kilovolt electric transmission lines from the
10 railroad catenary structures to new steel monopole
11 structures and related modifications along
12 approximately 7.3 miles of the Connecticut
13 Department of Transportation's Metro-North
14 Railroad corridor between Structure B648S located
15 east of Sasco Creek in Fairfield and UI's Congress
16 Street Substation in Bridgeport, and the rebuild
17 of two existing 115-kV electric transmission lines
18 along the 0.23 mile of existing UI right-of-way to
19 facilitate interconnection of the rebuilt 115-kV
20 electric transmission lines at UI's existing Ash
21 Creek, Resco, Pequonnock and Congress Street
22 Substations traversing the municipalities of
23 Bridgeport and Fairfield, Connecticut.

24 A verbatim transcript will be made
25 available of this hearing and deposited in the

1 Bridgeport City Clerk's Office and the Fairfield
2 Town Clerk's Office for the convenience of the
3 public.

4 The Council will take a 10 to 15 minute
5 break at a convenient juncture around 3:30 p.m.

6 We have one motion to take under
7 consideration this afternoon. The motion from
8 SCNET Group, the Town of Fairfield and the Grouped
9 LLC Intervenors' joint motion in opposition to the
10 Siting Council's December 8, 2023 order dated --

11 MR. LYNCH: Excuse me, Mr. Morissette.

12 MR. MORISSETTE: -- December 12, 2023.

13 Yes, Mr. Lynch.

14 MR. LYNCH: I hated to interrupt, but
15 before we get started could you grant me a point
16 of personal privilege?

17 MR. MORISSETTE: Certainly, Mr. Lynch.
18 Go right ahead.

19 MR. LYNCH: I'd like to recognize the
20 birthday today of our late friend, colleague and
21 chairman, Judge Dan Caruso. I'm sure a lot of us
22 have fond memories of the judge. I know I do.
23 And I'd just like to let the judge know he may be
24 gone but he's not forgotten. And Mr. Morissette,
25 whatever time you've allotted me, I'll yield to

1 any Council members or staff members that may want
2 to comment. Thank you.

3 MR. MORISSETTE: Thank you, Mr. Lynch.
4 Judge Caruso is certainly in our thoughts today.
5 Anybody else have any comments?

6 (No response.)

7 MR. MORISSETTE: Thank you. We'll
8 continue. Attorney Bachman, you may wish to
9 comment on the motion before us.

10 Attorney Bachman.

11 MS. BACHMAN: Thank you, Mr.
12 Morissette. This morning the City of Bridgeport
13 submitted correspondence that it does not oppose
14 or endorse the joint motion but requests the
15 Council provide the city with the same rights as
16 it provides to any of the other parties or
17 intervenors. SCNET's motion claims the right to
18 cross-examination is guaranteed by the UAPA and it
19 is improper to impose time limits on
20 cross-examination.

21 The right to cross-examination is
22 guaranteed by the UAPA. Under Section 4-178, the
23 agency shall as a matter of policy provide for the
24 exclusion of irrelevant, immaterial or unduly
25 repetitious evidence. The UAPA also provides that

1 the presiding officer may restrict the
2 participation of intervenors in the proceedings,
3 including the rights to cross-examine, so as to
4 promote the orderly conduct of the proceedings.

5 In the case cited by the joint motion,
6 Pet v. Department of Public Health, the Supreme
7 Court determined the right to cross-examination is
8 subject to the discretion of the presiding officer
9 who may exercise a reasonable judgment in
10 determining whether the line of inquiry has been
11 exhausted and deciding the relevancy of evidence
12 as it pertains to cross-examination. In that
13 case, the chairperson issued a time limit on
14 cross-examination in response to behavior he had
15 deemed contemptuous of the Board. The Supreme
16 Court determined the time limitation on
17 cross-examination in that case was not unlawful.

18 Furthermore, in Siting Council case
19 law, Town of Middlebury v. CSC and FairWindCT v.
20 CSC, the plaintiffs also claimed that Council's
21 time limitations to cross-examine the applicant's
22 witnesses was a violation of due process, citing
23 precedent from its decisions and Concerned
24 Citizens of Sterling v. Connecticut Siting
25 Council. The Supreme Court held constitutional

1 principles permit an administrative agency to
2 organize its hearing schedule so as to balance its
3 interest in the reasonable, orderly and
4 nonrepetitive proceedings against the risk of an
5 erroneous deprivation of a private interest.

6 The parties and intervenors in this
7 matter have exercised their right to cross-examine
8 UI during five public hearings over four months.
9 To date, UI has not exercised its right to
10 cross-examine any of the other parties and
11 intervenors. UI did not file an objection to the
12 time limits.

13 Given the late filing of the motion,
14 noting that the City of Bridgeport did submit a
15 response, staff recommends the Council defer
16 ruling on it to allow the parties an opportunity
17 to address this issue after this hearing in their
18 post-hearing briefs. Thank you, Mr. Morissette.

19 MR. MORISSETTE: Thank you, Attorney
20 Bachman. We will now take up the motion. Is
21 there a motion?

22 MR. SILVESTRI: Mr. Morissette, I'm
23 going to move to defer the ruling as stated by
24 Attorney Bachman.

25 MR. MORISSETTE: Thank you, Mr.

1 Silvestri. Is there a second?

2 MR. GOLEMBIEWSKI: I'll second.

3 MR. MORISSETTE: Thank you, Mr.
4 Golembiewski. We have a motion by Mr. Silvestri
5 to defer the ruling as indicated by Attorney
6 Bachman and we have a second by Mr. Golembiewski.
7 We'll now move to discussion.

8 Mr. Silvestri, any discussion?

9 MR. SILVESTRI: Thank you, Mr.
10 Morissette. You know, just to reemphasize UAPA
11 4-178, you know, we do not want unnecessary
12 repetition and nonrepetitive issues to be more
13 productive, but I am extremely confident that our
14 presiding officer can adequately guide the
15 procedures today as well as the time. Thank you.

16 MR. MORISSETTE: Thank you, Mr.

17 Silvestri.

18 Mr. Nguyen, any discussion?

19 MR. NGUYEN: Thank you, Mr. Morissette.
20 I appreciate the explanation. And I'm hoping that
21 the procedure will -- (Inaudible) -- the
22 intervenor will have an opportunity. So it's just
23 conceptually was just not necessary, but anyway,
24 since it's been deferred, and so the Board
25 deferred. Thank you.

1 MR. MORISSETTE: Thank you, Mr. Nguyen.
2 Mr. Golembiewski, any discussion?

3 MR. GOLEMBIEWSKI: I have no
4 discussion. Thank you.

5 MR. MORISSETTE: Thank you. Mr. Lynch,
6 any discussion?

7 MR. LYNCH: I have no discussion.

8 MR. MORISSETTE: Thank you. And I have
9 no discussion. We'll now move to the vote.

10 Mr. Silvestri, how do you vote?

11 MR. SILVESTRI: I vote to approve.
12 Thank you.

13 MR. MORISSETTE: Thank you. Mr.
14 Nguyen, how do you vote?

15 MR. NGUYEN: Yes, I will vote to deny
16 it. As I mentioned, I just want to express the
17 position that it was just, it was not necessary,
18 the order.

19 MR. MORISSETTE: Very good. Thank you,
20 Mr. Nguyen.

21 Mr. Golembiewski, how do you vote?

22 MR. GOLEMBIEWSKI: Vote to approve.
23 Thank you.

24 MR. MORISSETTE: Thank you. Mr. Lynch,
25 how do you vote?

1 MR. LYNCH: Vote approval.

2 MR. MORISSETTE: Thank you. And I vote
3 approval. We have four for approval and one for
4 denial. The motion passes. The motion is
5 deferred. Thank you.

6 We'll now move on to administrative
7 notices taken by the Council. I wish to call your
8 attention to the items shown in the hearing
9 program marked as Roman Numeral I-B, Items 24, 34
10 and 40. Does any party or intervenor have an
11 objection to the items that the Council has
12 administratively noticed?

13 Attorney McDermott?

14 MR. McDERMOTT: Good afternoon, Mr.
15 Morissette. No objection from the company.

16 MR. MORISSETTE: Very good. Thank you.

17 Attorney Casagrande?

18 MR. MORTELLITI: Good morning,
19 Mr. Morissette. I'm here on behalf of Attorney
20 Casagrande. This is Joe Mortelliti with Cramer &
21 Anderson. And we have no objections.

22 MR. MORISSETTE: Thank you, Attorney
23 Mortelliti.

24 Attorney Coppola?

25 MR. COPPOLA: No objection.

1 MR. MORISSETTE: Thank you. Attorney
2 Russo?

3 MR. RUSSO: No objection.

4 MR. MORISSETTE: Thank you. Attorney
5 Schaefer?

6 MR. BALDWIN: Mr. Morissette, this is
7 Kenneth Baldwin playing the part of John Schaefer
8 this afternoon. We have no objection.

9 MR. MORISSETTE: Thank you, Attorney
10 Baldwin.

11 Attorney Ball?

12 MR. DOBIN: This is David Dobin
13 appearing for the town this afternoon. We have no
14 objection.

15 MR. MORISSETTE: Thank you, Attorney
16 Dobin.

17 And Attorney Hoffman?

18 MR. HOFFMAN: Good afternoon, Mr.
19 Morissette. Neither Superior Plating nor the City
20 of Bridgeport have any objection.

21 MR. MORISSETTE: Thank you.
22 Accordingly, the Council hereby administratively
23 notices these existing documents.

24 (Administrative Notice Items I-B-24,
25 I-B-34 and I-B-40: Received in evidence.)

1 MR. MORISSETTE: We'll now move on with
2 the continued appearance of BJ's Wholesale Club,
3 Inc. In accordance with the Council's November
4 29, 2023 and the December 8, 2023 continued
5 evidentiary hearing memos, we will continue with
6 the appearance of the party, BJ's Wholesale Club,
7 Inc., for cross-examination by the Council and the
8 other parties and intervenors on the new exhibits
9 for no longer than one hour.

10 We will begin with the
11 cross-examination of BJ's Wholesale Club by the
12 Council on the new exhibits, starting with Mr.
13 Perrone followed by Mr. Silvestri.

14 Mr. Perrone, good afternoon.

15 MR. PERRONE: I have no questions, Mr.
16 Morissette.

17 MR. MORISSETTE: Thank you, Mr.
18 Perrone. We'll now continue with
19 cross-examination of BJ's Wholesale Club by Mr.
20 Silvestri followed by Mr. Nguyen.

21 Mr. Silvestri?

22 MR. SILVESTRI: Good afternoon, Mr.
23 Morissette. I have no additional questions for
24 BJ's. Thank you.

25 MR. MORISSETTE: Thank you, Mr.

1 Silvestri. We'll now continue with
2 cross-examination of BJ's Wholesale Club by Mr.
3 Nguyen followed by Mr. Golembiewski.

4 Mr. Nguyen?

5 MR. NGUYEN: Thank you, Mr. Morissette.
6 I have no questions.

7 MR. MORISSETTE: Thank you, Mr. Nguyen.
8 We'll now continue with cross-examination by Mr.
9 Golembiewski followed by Mr. Lynch.

10 Mr. Golembiewski?

11 MR. GOLEMBIEWSKI: Thank you, Mr.
12 Morissette. I have no questions.

13 MR. MORISSETTE: Thank you,
14 Mr. Golembiewski. We'll now continue with Mr.
15 Lynch followed by myself.

16 Mr. Lynch?

17 MR. LYNCH: No questions.

18 MR. MORISSETTE: Thank you. And I have
19 no questions. Thank you. We'll now continue with
20 cross-examination of BJ's Wholesale Club, Inc. by
21 the applicant on the new exhibits.

22 Attorney McDermott?

23 MR. McDERMOTT: Thank you, Mr.
24 Morissette. No questions from the company.

25 MR. MORISSETTE: Thank you, Attorney

1 McDermott.

2 We'll now continue with
3 cross-examination of BJ's Wholesale Club by Sasco
4 Creek Neighborhood Environmental Trust on the new
5 exhibits. Attorney Coppola?

6 MR. COPPOLA: Mr. Chairman, I have no
7 questions. Thank you.

8 MR. MORISSETTE: Thank you, Mr.
9 Coppola.

10 We'll continue with cross-examination
11 of BJ's Wholesale Club by the Grouped LLC
12 Intervenors on the new exhibits. Attorney Russo?

13 MR. RUSSO: No questions.

14 MR. MORISSETTE: Thank you, Attorney
15 Russo.

16 We'll now continue with
17 cross-examination of BJ's Wholesale Club, Inc. by
18 Fairfield Station Lofts on the new exhibits.
19 Attorney Baldwin?

20 MR. BALDWIN: Thank you, Mr.
21 Morissette. We have no questions.

22 MR. MORISSETTE: Thank you, Attorney
23 Baldwin.

24 We'll now continue with
25 cross-examination of BJ's Wholesale Club by the

1 Town of Fairfield on the new exhibits. Attorney
2 Dobin?

3 MR. DOBIN: No questions, Mr. Chairman.

4 MR. MORISSETTE: Thank you. We'll now
5 continue with cross-examination of BJ's Wholesale
6 Club, Inc. by Superior Plating Company on the new
7 exhibits. Attorney Hoffman?

8 MR. HOFFMAN: No questions, Mr.
9 Morissette, and the City of Bridgeport also has no
10 questions.

11 MR. MORISSETTE: Very good. Thank you,
12 Attorney Hoffman.

13 (BJ's Wholesale Club, Inc. Exhibits
14 III-B-6 and III-B-7: Received in evidence -
15 described in hearing program.)

16 MR. MORISSETTE: We'll now continue
17 with the appearance by Sasco Creek Neighborhood
18 Environmental Trust Incorporated group for no
19 longer than one hour. Will the Grouped Intervenor
20 and CEPA Intervenors present its witness panel for
21 the purposes of taking the oath, and Attorney
22 Bachman will administer the oath. Attorney
23 Coppola.

24 MR. COPPOLA: Thank you. Ms. Bachman,
25 would you like me to proceed with asking each

1 witness to appear for you to administer the oath?

2 MS. BACHMAN: Attorney Coppola, we'll
3 state the entire panel for purposes of taking the
4 oath. If they could all just raise their right
5 hand.

6 MR. COPPOLA: Okay. I would ask all of
7 the panelists, all of the members of our panel --
8 would you like me to repeat their names,
9 Ms. Bachman?

10 MS. BACHMAN: If you could just
11 certainly list them from the hearing program,
12 Attorney Coppola, unless there's someone who is
13 absent.

14 MR. COPPOLA: All of the members of our
15 panel are here at this hearing, as far as I know,
16 so I will list them right at this time: Stephen
17 Oyzck, Karim Mahfouz, Andrea Oyzck, Laura Lawlor,
18 John Traynor, Thomas Schinella, Michael Schinella,
19 Donald Sherman, Stephanie Coakley, Harold Schmitz,
20 Steven Trinkaus, David Scott Parker, Paul Whitmore
21 and Harry Orton. As Ms. Bachman has requested,
22 please raise your hand for her oath.

23 MS. BACHMAN: Thank you, Attorney
24 Coppola.

25 MR. COPPOLA: Thank you.

1 S T E V E N D. T R I N K A U S ,
2 K A R I M M A H F O U Z ,
3 S T E P H E N O Y Z C K ,
4 A N D R E A O Y Z C K ,
5 D A V I D S C O T T P A R K E R ,
6 L A U R A L A W L O R ,
7 J O H N T R A Y N O R ,
8 P A U L W H I T M O R E ,
9 T H O M A S S C H I N E L L A ,
10 M I C H A E L S C H I N E L L A ,
11 D O N A L D S H E R M A N ,
12 S T E P H A N I E J. C O A K L E Y ,
13 H A R O L D V. S C H M I T Z ,
14 H E N R I O R T O N ,

15 having been first duly sworn by Attorney
16 Bachman, testified on their oaths as follows:

17 MR. MORISSETTE: Thank you, Attorney
18 Bachman.

19 Attorney Coppola, please begin by
20 verifying all the exhibits by the appropriate
21 sworn witnesses.

22 MR. COPPOLA: Yes, Mr. Chairman.

23 DIRECT EXAMINATION

24 MR. COPPOLA: I'd like to please start
25 with Stephen Oyzck.

1 THE WITNESS (S. Oyzck): Yes.

2 MR. COPPOLA: Mr. Oyzck, regarding the
3 request for intervenor status on behalf of the
4 Sasco Creek Neighborhood Environmental Trust,
5 dated August 24, 2023, which is SCNET Exhibit 1,
6 are you familiar with that document and were you
7 involved with the preparation of it?

8 THE WITNESS (S. Oyzck): Yes.

9 MR. COPPOLA: Do you have any changes
10 or revisions to that document?

11 THE WITNESS (S. Oyzck): No.

12 MR. COPPOLA: Do you adopt this
13 document as a full exhibit?

14 THE WITNESS (S. Oyzck): I do.

15 MR. COPPOLA: Mr. Oyzck, regarding your
16 prefile testimony, dated July 29, 2023, which is
17 SCNET Exhibit 3, are you familiar with that
18 document?

19 THE WITNESS (S. Oyzck): I am.

20 MR. COPPOLA: Do you have any changes
21 or revisions to that document?

22 THE WITNESS (S. Oyzck): I do not.

23 MR. COPPOLA: Do you adopt this
24 document as a full exhibit?

25 THE WITNESS (S. Oyzck): I do.

1 MR. COPPOLA: Finally, regarding your
2 prefile testimony on behalf of the Sasco Creek
3 Neighborhood Environmental Trust, dated November
4 2, 2023, which is SCNET Exhibit 15, are you
5 familiar with that document?

6 THE WITNESS (S. Oyzck): I am.

7 MR. COPPOLA: Do you have any changes
8 or revisions to that document?

9 THE WITNESS (S. Oyzck): I do not.

10 MR. COPPOLA: Do you adopt this
11 document as a full exhibit?

12 THE WITNESS (S. Oyzck): I do.

13 MR. COPPOLA: Thank you very much. If
14 I may move on to Karim Mahfouz. He's appearing on
15 the screen. Okay. There he is.

16 Mr. Mahfouz, regarding your prefile
17 testimony, dated July 23, 2023, which is SCNET
18 Exhibit 2, are you familiar with that document?

19 THE WITNESS (Mahfouz): Yes.

20 MR. COPPOLA: Do you have any changes
21 or revisions to that document?

22 THE WITNESS (Mahfouz): No.

23 MR. COPPOLA: Do you adopt this
24 document as a full exhibit?

25 THE WITNESS (Mahfouz): I do.

1 MR. COPPOLA: Thank you. If I may move
2 on to Andrea Oyzck.

3 THE WITNESS (A. Oyzck): Yes.

4 MR. COPPOLA: Thank you. Ms. Oyzck,
5 regarding your prefile testimony, dated August 14,
6 2023, which is SCNET Exhibit 4, are you familiar
7 with that document?

8 THE WITNESS (A. Oyzck): I am.

9 MR. COPPOLA: Do you have any changes
10 or revisions to that document?

11 THE WITNESS (A. Oyzck): I do not.

12 MR. COPPOLA: Do you adopt this
13 document as a full exhibit?

14 THE WITNESS (A. Oyzck): I do.

15 MR. COPPOLA: Regarding your prefile
16 testimony, dated November 2, 2023, which is SCNET
17 Exhibit 16, are you familiar with that document?

18 THE WITNESS (A. Oyzck): I am.

19 MR. COPPOLA: Do you have any changes
20 or revisions to that document?

21 THE WITNESS (A. Oyzck): I do not.

22 MR. COPPOLA: Do you adopt this
23 document as a full exhibit?

24 THE WITNESS (A. Oyzck): I do.

25 MR. COPPOLA: Thank you. I'd like to

1 please ask Ms. Laura Lawlor to appear.

2 THE WITNESS (Lawlor): Here.

3 MR. COPPOLA: Ms. Lawlor, regarding the
4 prefile testimony of the Sasquanaug Association
5 for Southport Improvement, Inc., dated August 24,
6 2023, which is SCNET Exhibit 5, are you familiar
7 with that document, and were you involved with the
8 preparation of it?

9 THE WITNESS (Lawlor): Yes.

10 MR. COPPOLA: Do you have any changes
11 or revisions to that document?

12 THE WITNESS (Lawlor): No.

13 MR. COPPOLA: Do you adopt this
14 document as a full exhibit?

15 THE WITNESS (Lawlor): I do.

16 MR. COPPOLA: Next, regarding the
17 request for intervenor and CEPA intervenor status
18 on behalf of the Sasquanaug Association for
19 Southport Improvement, dated October 12, 2023,
20 which is SCNET Exhibit 13, are you familiar with
21 that document and were you involved with the
22 preparation of it?

23 THE WITNESS (Lawlor): Yes.

24 MR. COPPOLA: Do you have any changes
25 or revisions to that document?

1 THE WITNESS (Lawlor): No.

2 MR. COPPOLA: Do you adopt this
3 document as a full exhibit?

4 THE WITNESS (Lawlor): I do.

5 MR. COPPOLA: Thank you.

6 THE WITNESS (Lawlor): You're welcome.

7 MR. COPPOLA: I'd like to ask Mr. John
8 Traynor to please appear.

9 (No response.)

10 MR. COPPOLA: It seems like we may be
11 having difficulty in locating Mr. Traynor. If I
12 may move on, I'll ask someone in our group to see
13 if they could check with him to make sure that
14 he's on. Thank you. I'd like to proceed with
15 Thomas Schinella.

16 Mr. Schinella?

17 THE WITNESS (T. Schinella): Yes.

18 MR. COPPOLA: Regarding the request for
19 intervenor status by 2190 Post Road, LLC, dated
20 August 24, 2023, which is SCNET Exhibit 7, are you
21 familiar with that document?

22 THE WITNESS (T. Schinella): Yes.

23 MR. COPPOLA: Were you involved with
24 the preparation of it?

25 THE WITNESS (T. Schinella): Yes.

1 MR. COPPOLA: Do you have any changes
2 or revisions to that document?

3 THE WITNESS (T. Schinella): No.

4 MR. COPPOLA: Do you adopt this
5 document as a full exhibit?

6 THE WITNESS (T. Schinella): Yes.

7 MR. COPPOLA: Regarding your prefile
8 testimony on behalf of 2190 Post Road, LLC, dated
9 November 2, 2023, which is SCNET Exhibit 18, are
10 you familiar with that document?

11 THE WITNESS (T. Schinella): Yes.

12 MR. COPPOLA: Do you have any changes
13 or revisions to that document?

14 THE WITNESS (T. Schinella): No.

15 MR. COPPOLA: Do you adopt this
16 document as a full exhibit?

17 THE WITNESS (T. Schinella): Yes.

18 MR. COPPOLA: Thank you. I'd like to
19 move on to Mr. Michael Schinella.

20 Mr. Schinella?

21 THE WITNESS (M. Schinella): Yes.

22 MR. COPPOLA: Good afternoon.

23 THE WITNESS (M. Schinella): Good
24 afternoon.

25 MR. COPPOLA: Regarding the request for

1 intervenor status for Invest II, dated August 24,
2 2023, which is SCNET Exhibit 8, are you familiar
3 with that document, and were you involved with the
4 preparation of it?

5 THE WITNESS (M. Schinella): Yes, I am
6 familiar with it, and yes I was involved with the
7 preparation of it.

8 MR. COPPOLA: Do you have any changes
9 or revisions to that document?

10 THE WITNESS (M. Schinella): No, I do
11 not.

12 MR. COPPOLA: Do you adopt this
13 document as a full exhibit?

14 THE WITNESS (M. Schinella): Yes, I do.

15 MR. COPPOLA: Second, regarding your
16 prefile testimony on behalf of Invest II, dated
17 November 2, 2023, which is SCNET Exhibit 19, are
18 you familiar with that document?

19 THE WITNESS (M. Schinella): Yes, I am.

20 MR. COPPOLA: Do you have any changes
21 or revisions to that document?

22 THE WITNESS (M. Schinella): No, I do
23 not.

24 MR. COPPOLA: Do you adopt this
25 document as a full exhibit?

1 THE WITNESS (M. Schinella): Yes, I do.

2 MR. COPPOLA: Thank you. I would now
3 like to ask Mr. Donald Sherman to appear.

4 Hello, Mr. Sherman.

5 THE WITNESS (Sherman): Hello.

6 MR. COPPOLA: Regarding the request for
7 intervenor status on behalf of International
8 Investors, dated August 24, 2023, which is SCNET
9 Exhibit 9, are you familiar with that document,
10 and did you assist in the preparation of it?

11 THE WITNESS (Sherman): Yes.

12 MR. COPPOLA: Do you have any changes
13 or revisions to that document?

14 THE WITNESS (Sherman): No.

15 MR. COPPOLA: Do you adopt this
16 document as a full exhibit?

17 THE WITNESS (Sherman): I do.

18 MR. COPPOLA: Regarding your prefile
19 testimony on behalf of International Investors,
20 dated November 2, 2023, which is SCNET Exhibit 20,
21 are you familiar with this document?

22 THE WITNESS (Sherman): Yes.

23 MR. COPPOLA: Do you have any changes
24 or revisions to that document?

25 THE WITNESS (Sherman): I do not.

1 MR. COPPOLA: Do you adopt this
2 document as a full exhibit?

3 THE WITNESS (Sherman): I do.

4 MR. COPPOLA: Thank you.

5 THE WITNESS (Sherman): Thank you.

6 MR. COPPOLA: I would like to ask Ms.
7 Stephanie Coakley to appear.

8 THE WITNESS (Coakley): Good afternoon.

9 MR. COPPOLA: Good afternoon. Ms.
10 Coakley, regarding the request for intervenor
11 status on behalf of Pequot Library, dated August
12 12, 2023, which is SCNET Exhibit 11, are you
13 familiar with this document and were you involved
14 with the preparation of it?

15 THE WITNESS (Coakley): Yes.

16 MR. COPPOLA: Do you have any changes
17 or revisions to that document?

18 THE WITNESS (Coakley): No.

19 MR. COPPOLA: Do you adopt this
20 document as a full exhibit?

21 THE WITNESS (Coakley): Yes.

22 MR. COPPOLA: Regarding your prefile
23 testimony on behalf of Pequot Library, dated
24 November 2, 2023, which is SCNET Exhibit 22, are
25 you familiar with that document?

1 THE WITNESS (Coakley): Yes.

2 MR. COPPOLA: Do you have any changes
3 or revisions to that document?

4 THE WITNESS (Coakley): No.

5 MR. COPPOLA: Do you adopt this
6 document as a full exhibit?

7 THE WITNESS (Coakley): Yes.

8 MR. COPPOLA: Thank you. Mr. Harold
9 Schmitz?

10 THE WITNESS (Schmitz): Here, right
11 here. Hello.

12 MR. COPPOLA: Thank you. Mr. Schmitz,
13 regarding the request for intervenor status on
14 behalf of Trinity Episcopal Church, dated October
15 12, 2023, which is SCNET Exhibit 12, are you
16 familiar with that document?

17 THE WITNESS (Schmitz): Yes, I am.

18 MR. COPPOLA: Do you have any changes
19 or revisions to that document?

20 THE WITNESS (Schmitz): None.

21 MR. COPPOLA: Do you adopt this
22 document as a full exhibit?

23 THE WITNESS (Schmitz): Yes.

24 MR. COPPOLA: Next, regarding your
25 prefile testimony on behalf of Trinity Episcopal

1 Church, dated November 2, 2023, which is SCNET
2 Exhibit 23, are you familiar with this document?

3 THE WITNESS (Schmitz): I am.

4 MR. COPPOLA: Do you have any changes
5 or revisions to that document?

6 THE WITNESS (Schmitz): No, I do not.

7 MR. COPPOLA: Do you adopt this
8 document as a full exhibit?

9 THE WITNESS (Schmitz): I do.

10 MR. COPPOLA: Thank you.

11 THE WITNESS (Schmitz): Thank you.

12 MR. COPPOLA: Next, Stephen Trinkaus.

13 THE WITNESS (Trinkaus): Yes.

14 MR. COPPOLA: Mr. Trinkaus, regarding
15 your prefile testimony, dated November 2, 2023,
16 which is SCNET Exhibit 14, are you familiar with
17 this document?

18 THE WITNESS (Trinkaus): Yes, I am.

19 MR. COPPOLA: Do you have any changes
20 or revisions to that document?

21 THE WITNESS (Trinkaus): No, I do not.

22 MR. COPPOLA: Do you adopt this
23 document as a full exhibit?

24 THE WITNESS (Trinkaus): Yes.

25 MR. COPPOLA: Thank you. Next, David

1 Scott Parker.

2 THE WITNESS (Parker): Yes.

3 MR. COPPOLA: Mr. Parker, regarding
4 your prefile testimony, dated November 2, 2023,
5 which is SCNET Exhibit 17, are you familiar with
6 this document?

7 THE WITNESS (Parker): Yes.

8 MR. COPPOLA: Does this document
9 include multiple attached exhibits to which are
10 set forth -- which are set forth within the
11 document as Exhibits A-1 through Z-12?

12 THE WITNESS (Parker): Yes, it does.

13 MR. COPPOLA: Do you have any changes
14 or revisions to that document?

15 THE WITNESS (Parker): (Inaudible)

16 MR. COPPOLA: I'm sorry, I didn't hear
17 your response.

18 THE WITNESS (Parker): No, no changes.

19 MR. COPPOLA: Thank you. Do you adopt
20 this document as a full exhibit?

21 THE WITNESS (Parker): I do.

22 MR. COPPOLA: Thank you. Next, Paul
23 Whitmore.

24 THE WITNESS (Whitmore): Hello.

25 MR. COPPOLA: Mr. Whitmore, regarding

1 your prefile testimony on behalf of Southport
2 Congregational Church, dated November 2, 2023,
3 which is SCNET Exhibit 21, are you familiar with
4 this document?

5 THE WITNESS (Whitmore): Yes.

6 MR. COPPOLA: Do you have any changes
7 or revisions to that document?

8 THE WITNESS (Whitmore): No.

9 MR. COPPOLA: Do you adopt this
10 document as a full exhibit?

11 THE WITNESS (Whitmore): Yes, I do.

12 MR. COPPOLA: Thank you. Next, Harry
13 Orton.

14 THE WITNESS (Orton): Yes.

15 MR. COPPOLA: Mr. Orton, regarding your
16 prefile testimony, which is SCNET Exhibit 24,
17 dated November 2, 2023, are you familiar with that
18 document?

19 THE WITNESS (Orton): Yes.

20 MR. COPPOLA: Sorry, I didn't hear your
21 response.

22 THE WITNESS (Orton): Yes.

23 MR. COPPOLA: Thank you. Do you have
24 any changes or revisions to that document?

25 THE WITNESS (Orton): Yes, I do.

1 MR. COPPOLA: Can you please explain
2 what those changes are?

3 THE WITNESS (Orton): Yes. So on page
4 1 of my testimony, the title and answering
5 Question 1 -- sorry, Answer 1 to Question 1, it
6 states my name is "Harold" Orton. My actual name
7 is Henri, that's H-e-n-r-i, but I generally go by
8 "Harry" Orton.

9 Then again on page 5 of my testimony,
10 second line of the page at the end of that
11 sentence, I'd like to change "12 feet long" to "22
12 feet long." That's a typographical error on my
13 part.

14 And then on page 5, same page of my
15 testimony, in the second to last paragraph in the
16 sixth line down change "20 feet" to "10 to 12
17 feet." And the same corrections should be made to
18 my report.

19 MR. COPPOLA: Mr. Orton, with regard to
20 the same changes being made in your report, for
21 example, with regard to the change from 12 feet
22 long to 22 feet long, could you please tell us
23 where in your report that change should be made?

24 THE WITNESS (Orton): Just a moment,
25 it's -- just one moment.

1 MR. COPPOLA: As you're searching, Mr.
2 Orton, maybe I could be helpful for you.

3 THE WITNESS (Orton): Please.

4 MR. COPPOLA: In order to make that
5 corresponding change on your report, would that be
6 at page 9 of your report in the fourth paragraph
7 of Section 7.2?

8 THE WITNESS (Orton): Yes, correct.

9 MR. COPPOLA: And that change would be
10 from 12 feet long to 22 feet long; is that
11 correct?

12 THE WITNESS (Orton): Correct. That's
13 the size of the underground cable vault.

14 MR. COPPOLA: Thank you. And the
15 second change you referred to in your testimony
16 for the corresponding change in your report, and
17 that would be from 12 feet long to 22 feet -- I'm
18 sorry, from 20 feet in distance to 10 feet in
19 distance?

20 THE WITNESS (Orton): That's correct.

21 MR. COPPOLA: Would that be at page 9
22 of your report in the last paragraph on the sixth
23 line down?

24 THE WITNESS (Orton): Correct. Thank
25 you.

1 MR. COPPOLA: And why are you making
2 these changes?

3 THE WITNESS (Orton): Well, they're
4 typographical errors on my part. I apologize.

5 MR. COPPOLA: Thank you. With these
6 changes, do you adopt this document as a full
7 exhibit?

8 THE WITNESS (Orton): Yes.

9 MR. COPPOLA: With Chairman
10 Morissette's permission, I can file Mr. Orton's
11 testimony with these corrections.

12 MR. MORISSETTE: Thank you. That would
13 be helpful. If you could refile with the
14 corrected, for the record. Thank you.

15 MR. COPPOLA: Thank you. We will do
16 so.

17 Lastly, I'm going to circle back to
18 Mr. Traynor to see if we've been able to locate
19 him here at the hearing.

20 MR. MORISSETTE: Very good. Thank you.

21 MR. COPPOLA: It looks like we're
22 having trouble with difficulty locating him. I
23 would ask that the exhibit -- well, the request
24 for intervenor and CEPA status on behalf of
25 Southport Congressional Church, which is dated

1 October 12, 2023, which is SCNET Exhibit 10, be
2 submitted as a full exhibit in this record. I
3 would point out to the Chairman that with regard
4 to this exhibit it was notarized under oath by a
5 commissioner of the superior court when it was
6 executed by Mr. Traynor and submitted sometime ago
7 to the Siting Council.

8 MR. MORISSETTE: Thank you. We'll
9 accept it as an admission.

10 MR. COPPOLA: Thank you.

11 MR. MORISSETTE: Does any party or
12 intervenor object to the admission of Sasco Creek
13 Neighborhood Environmental Trust, Inc. exhibits?
14 Attorney McDermott?

15 MR. McDERMOTT: Thank you, Mr.
16 Morissette. The company has no objections to the
17 SCNET exhibits with the exception of SCNET
18 interrogatory -- I'm sorry, Exhibit 17, which is
19 the prefile testimony of David Scott Parker, and I
20 can elaborate as to the grounds for the objection,
21 if you'd like.

22 MR. MORISSETTE: Please do.

23 MR. McDERMOTT: So, Mr. Morissette, the
24 company has reviewed Mr. Parker's testimony, which
25 includes architectural and visual renderings, is a

1 professional opinion of what the proposed project
2 will look like. However, the company has
3 identified problems with the existing condition of
4 the photographs which have been heavily
5 manipulated and in many cases contain evidence of
6 joining multiple images together to form an all
7 new image.

8 Mr. Parker's testimony includes four
9 exhibits that claim to be photographs representing
10 current conditions. Those would be Exhibit C, E,
11 G and O. But the company has identified
12 manipulations that include modifications of the
13 existing infrastructure, the deletion and removal
14 of objects, the addition of trees and computer
15 generated vegetation to amplify existing buffers,
16 the addition of people and the splicing of
17 multiple images together.

18 An easy example for you to review, Mr.
19 Morissette, is there are two individuals that are
20 identified in one of the existing condition
21 photographs. That would be in Exhibit E. Those
22 individuals have been photoshopped into that
23 existing condition. But he's also added
24 infrastructure to the railroad that is not
25 currently existing, and that would be, the

1 examples of that are in Exhibits H and P.

2 So the company is of the opinion that
3 the renderings and photosimulations presented are
4 simply not a good faith representation of the
5 proposed projects as they are built upon altered
6 or manipulated existing conditions photographs.
7 And because of that, we believe that and the
8 company believes that it calls into question the
9 truthfulness and voracity of Mr. Parker's
10 testimony in whole, and we believe that it should
11 not be admitted into evidence. Thank you.

12 MR. MORISSETTE: Thank you, Attorney
13 McDermott.

14 Attorney Coppola, any response?

15 MR. COPPOLA: Yes, a few. First of
16 all, with regard to good faith efforts, especially
17 knowing that the Council has every intention to
18 try to move along this process as soon as -- as
19 expeditiously as possible, UI had the opportunity
20 to reach out to myself long before this hearing --
21 before this hearing to raise any of these concerns
22 which we could have addressed in order to expedite
23 this entire hearing process.

24 So, first of all, as a matter of good
25 faith, that should have been done earlier with us

1 just in the same manner in which I approached
2 counsel for UI about our objections to -- their
3 objections to our discovery requests to try to
4 resolve those objections prior to this evidentiary
5 hearing process. So I think it's patently unfair
6 to raise these issues now without having made an
7 attempt to try to resolve those concerns with us
8 in advance of the hearing.

9 Second, with regard to the issues
10 raised by Mr. McDermott, he's not providing
11 testimony. He's providing his criticisms of, or
12 concerns regarding Mr. Parker's renderings. I
13 think the appropriate manner in which to address
14 those concerns is through cross-examination. He
15 has the right to do so with Mr. Parker. To the
16 extent that he wants to address those issues he
17 can. As has been done throughout this process,
18 we've cross-examined members of the UI panel
19 regarding concerns we've had regarding their
20 reports.

21 For example, there were certainly
22 issues that I addressed with Mr. George, for
23 example, in the November 16th hearing pertaining
24 to his report promulgated from Heritage with
25 regard to the historic resources. Based on,

1 solely based on the concerns raised in my
2 cross-examination is not a basis for not having
3 had the exhibits that he promulgated and put into
4 evidence.

5 MR. MORISSETTE: Very good. Thank you,
6 Attorney Coppola.

7 Attorney Bachman, any comments on the
8 matter?

9 MS. BACHMAN: Thank you, Mr.
10 Morissette. I agree with Attorney Coppola. The
11 opportunity for cross-examination is today. And
12 Mr. Parker is here, so certainly we should allow
13 the exhibit in and allow Attorney McDermott to
14 cross-examine the contents of the exhibit. Thank
15 you.

16 MR. MORISSETTE: Very good. Are you
17 suggesting we let in it for what it's worth or let
18 it in in its entirety as part of the record?

19 MS. BACHMAN: I'm recommending that we
20 let it in as part of the record.

21 MR. MORISSETTE: Very good. Thank you,
22 Attorney Bachman. My ruling on this is we will
23 let it in as part of the record. Thank you,
24 everyone.

25 MR. COPPOLA: Mr. Chairman, just for a

1 point of clarification. Exhibit 17, SCNET Exhibit
2 17 has been entered as a full exhibit; is that
3 correct?

4 MR. MORISSETTE: That is correct.

5 MR. COPPOLA: Thank you.

6 MR. MORISSETTE: Okay. We'll now
7 continue with Attorney Casagrande. Any objection
8 to the admission of the exhibits by Sasco Creek
9 Neighborhood Environmental Trust, Inc?

10 MR. MORTELLITI: Good afternoon,
11 Chairman Morissette. We have no objections to the
12 admission of these exhibits, but I would like to
13 at a later point visit a procedural matter with
14 the Council relative to BJ's Wholesale Club, Inc.
15 I know this isn't the time, but I'm wondering if
16 we could circle back to my client after the
17 attorneys ask questions on this testimony.

18 MR. MORISSETTE: You're asking for
19 redirect?

20 MR. MORTELLITI: No, Mr. Morissette. I
21 have no objections to the admission of these
22 exhibits, but I would ask the Council if we could
23 at a later point in this proceeding go back to the
24 exhibits of BJ's Wholesale Club. I'll just raise
25 it now. I don't think that Mr. Natreba actually

1 verified the latest prefile testimony and
2 Late-Filed exhibits even though no one objected to
3 them. I just wanted to make sure that
4 procedurally we get those in the right way. I
5 know it's not the time now. I just wanted to
6 raise it for your attention while you have me
7 talking.

8 MR. MORISSETTE: My understanding is no
9 one objected. Why don't we, let's try to take
10 care of this right now.

11 Attorney Bachman, my understanding is
12 nobody objected, so the exhibits were admitted.

13 MS. BACHMAN: Thank you, Mr.
14 Morissette. That's my understanding. The
15 exhibits were admitted. Mr. Natreba has already
16 been under oath many hearings ago. Certainly no
17 one objected to the exhibits being admitted, and
18 they didn't have any questions, therefore BWC's
19 additional or new exhibits as they're referenced
20 in the memos are part of the record. Thank you.

21 MR. MORISSETTE: Thank you, Attorney
22 Bachman.

23 MR. MORTELLITI: Thank you.

24 MR. MORISSETTE: Thank you. All right.
25 We'll continue with Attorney Russo. Do you have

1 any objection?

2 MR. RUSSO: No objection, Mr.
3 Morissette.

4 MR. MORISSETTE: Thank you, Attorney
5 Russo.

6 Attorney Baldwin?

7 MR. BALDWIN: No objection.

8 MR. MORISSETTE: Thank you. Attorney
9 Dobin?

10 MR. DOBIN: No objection.

11 MR. MORISSETTE: Thank you. Attorney
12 Hoffman?

13 MR. HOFFMAN: No objection for either
14 Superior Plating or the City of Bridgeport.

15 MR. MORISSETTE: Very good. Thank you,
16 everyone. The exhibits are hereby admitted.

17 (SCNET Exhibits IV-B-1 through IV-B-24:
18 Received in evidence - described in hearing
19 program.)

20 MR. MORISSETTE: We'll now begin with
21 cross-examination of Sasco Creek Neighborhood
22 Environmental Trust, Inc. group by the Council
23 starting with Mr. Perrone followed by Mr.
24 Silvestri.

25 Mr. Perrone.

1 CROSS-EXAMINATION

2 MR. PERRONE: Thank you, Mr.
3 Morissette.

4 My question is for Mr. Orton regarding
5 the prefile testimony. Mr. Orton, on Question 19
6 of your prefile testimony it notes that
7 modifications to the underground cable route would
8 shorten the route. My question is, which route
9 lengths did you use on page 5 for the cost table
10 for the single circuit and double circuit?

11 THE WITNESS (Orton): I used the blue
12 line that was provided on Figure 9.1 and 9.2. If
13 you look at Figure 9.1 on page 9.9, you can see
14 there is diversion heading north that goes around
15 Southport Harbor. My suggestion was to redivert
16 the cable along the golf course road, and in this
17 particular case HDD under Southport Harbor.

18 And then the final portion was to avoid
19 taking private land, backyards, making connection
20 at P648 through a private -- well, through the DOT
21 dirt road. That was my original assessment.

22 MR. PERRONE: Did you have total route
23 lengths on those?

24 THE WITNESS (Orton): I had a route
25 length of 7.5 miles from the new Pequonnock

1 Substation.

2 MR. PERRONE: Thank you. That's all I
3 have.

4 MR. MORISSETTE: Thank you, Mr.
5 Perrone. We'll now continue with
6 cross-examination by Mr. Silvestri followed by Mr.
7 Nguyen.

8 Mr. Silvestri.

9 CROSS-EXAMINATION

10 MR. SILVESTRI: Thank you, Mr.
11 Morissette. I have a question for the Pequot
12 Library. Would that be Ms. Coakley?

13 THE WITNESS (Coakley): Yes.

14 MR. SILVESTRI: Hi. In looking at your
15 prefile testimony, in addition to your concerns
16 that you mention about the easement, you mention
17 concerns about the proposed monopole height. The
18 question for you, could shorter poles in the area
19 of the library be considered as a potential option
20 that could alleviate your concerns about pole
21 height?

22 THE WITNESS (Coakley): No. Unless
23 that pole were in the existing right-of-way closer
24 to the current railroad tracks, I don't believe
25 so.

1 MR. SILVESTRI: Thank you for your
2 response. And my next question is for David Scott
3 Parker.

4 THE WITNESS (Parker): Yes.

5 MR. SILVESTRI: Mr. Parker, good
6 afternoon. Going back to your prefile testimony,
7 dated November 2nd, I'm looking at Exhibit X which
8 is the Mary and Eliza Freeman Houses located at
9 352-4, 358-60 Main Street in Bridgeport. The
10 question I have for you is, you note that UI is
11 proposing to put a 125-foot high monopole in
12 direct viewshed within 320 feet of the front to
13 these historic structures. The question I have
14 for you, which pole were you actually referring
15 to?

16 THE WITNESS (Parker): One second, I'll
17 tell you. P765AS.

18 MR. SILVESTRI: That's what I thought.
19 Very good. Thank you, Mr. Parker.

20 Mr. Morissette, that's all I have at
21 this time. Thank you.

22 MR. MORISSETTE: Thank you, Mr.
23 Silvestri. We'll now continue with
24 cross-examination of the Sasco Creek Neighborhood
25 Environmental Trust Inc. group with Mr. Nguyen

1 followed by Mr. Golembiewski.

2 Mr. Nguyen?

3 MR. NGUYEN: Mr. Morissette, I have no
4 questions.

5 MR. MORISSETTE: Thank you, Mr. Nguyen.
6 We'll now continue with cross-examination by Mr.
7 Golembiewski followed by Mr. Lynch.

8 Mr. Golembiewski?

9 MR. GOLEMBIEWSKI: Mr. Morissette, I
10 have no questions of the group. Thank you.

11 MR. MORISSETTE: Thank you. We'll now
12 continue with cross-examination by Mr. Lynch
13 followed by myself.

14 Mr. Lynch?

15 MR. LYNCH: Your self can take over, no
16 questions.

17 CROSS-EXAMINATION

18 MR. MORISSETTE: Thank you, Mr. Lynch.

19 Okay. I'm going to start out with
20 Stephen and Andrea Oyzck. The prefile testimony
21 suggests colocation of the existing monopoles
22 installed on the north of the CT DOT right-of-way.
23 Would you support the rebuild of the monopoles to
24 accomplish this? That's for Stephen and Andrea
25 Oyzck.

1 THE WITNESS (S. Oyzck): This is Steve
2 Oyzck. Would we -- I just want to clarify the
3 question. Would we support removing the
4 northbound monopoles and putting up a monopole
5 that can support two circuits, is that the
6 question?

7 MR. MORISSETTE: Correct.

8 THE WITNESS (S. Oyzck): Along the
9 north side?

10 MR. MORISSETTE: Yes.

11 THE WITNESS (S. Oyzck): With the pole
12 heights remaining at the same pole height that
13 exists currently?

14 MR. MORISSETTE: Yes, I believe there
15 was testimony that was contrary to that.

16 THE WITNESS (S. Oyzck): If the pole
17 height were to increase, that would substantially
18 change the scope of the project. Would it require
19 taking of new easements, your suggestion?

20 MR. MORISSETTE: I can't answer that,
21 and UI is not on the panel.

22 THE WITNESS (S. Oyzck): Okay. So if
23 you were to take advantage of the existing
24 right-of-way without taking any additional new
25 easements nor increasing the height of the poles,

1 then I think that there could be a clear path to
2 progress.

3 MR. MORISSETTE: Very good. Andrea?

4 THE WITNESS (A. Oyzck): I would agree.
5 I think those are the main goals to eliminate the
6 easements and reduce the heights of the poles or
7 keep the height of the poles the same.

8 MR. MORISSETTE: Thank you. My next
9 question is for David Parker. Do you have an
10 opinion on the north side double circuit monopole
11 impacts on the historic resources?

12 THE WITNESS (Parker): If they were to
13 be placed on the north side?

14 MR. MORISSETTE: If the structures,
15 double circuit structures were placed on the north
16 side.

17 THE WITNESS (Parker): If they
18 increased in height or if they required more
19 easements I would.

20 MR. MORISSETTE: You would? I'm sorry.

21 THE WITNESS (Parker): I would object
22 to them if they increased in height or required
23 taking more easements.

24 MR. MORISSETTE: And that's based on
25 what?

1 THE WITNESS (Parker): Why I would
2 object? I'm sorry.

3 MR. MORISSETTE: Yeah. What's the
4 basis of your opinion, what resources would it
5 impact do you believe?

6 THE WITNESS (Parker): In this location
7 170 Pequot, because that's where you're talking
8 about, right?

9 MR. MORISSETTE: On the north side.

10 THE WITNESS (Parker): Yes. Because on
11 the south side is my property, which is on the
12 State Register of Historic Places, and may be
13 eligible for the National Register of Historic
14 Places. And on the north side is Southport Park,
15 which is likely eligible for the National Register
16 of Historic Places too, and considered important
17 as a battlefield site from the Pequot War from
18 1637.

19 MR. MORISSETTE: Very good. Thank you.
20 My next question is Minister Whitmore.

21 THE WITNESS (Whitmore): Hello.

22 MR. MORISSETTE: Mr. Whitmore, good
23 afternoon.

24 THE WITNESS (Whitmore): Good
25 afternoon.

1 MR. MORISSETTE: Just a quick question
2 for you. In your prefile testimony you indicated
3 that you would exercise eminent domain if the
4 project was to go forward as proposed. Is that
5 still your testimony?

6 THE WITNESS (Whitmore): That we would
7 exercise eminent domain or that UI would exercise?

8 MR. MORISSETTE: Well, UI would have to
9 exercise eminent domain to secure the easement
10 across the property.

11 THE WITNESS (Whitmore): I think I need
12 to defer on that for legal counsel.

13 MR. MORISSETTE: Very good. Thank you.

14 MR. COPPOLA: Mr. Chairman, if I could
15 be helpful just as a point of clarification for
16 Mr. Whitmore. If I understood the question
17 correctly, I think the question was whether the
18 congregation would voluntarily provide the
19 easements or whether UI would be forced to go
20 forward with acquiring the easements and the
21 eminent domain based on the position articulated
22 in the prefile testimony that the congregation was
23 opposed to the project and opposed to granting the
24 easements.

25 MR. MORISSETTE: Yes.

1 MR. COPPOLA: Hopefully that
2 clarification will allow you to provide a response
3 to the Chairman.

4 MR. MORISSETTE: Thank you, Attorney
5 Coppola.

6 THE WITNESS (Whitmore): Yes. So thank
7 you for the clarification. And yes, that is
8 correct that the congregation is opposed to the
9 taking of easements and --

10 MR. MORISSETTE: Thank you. Go ahead,
11 please continue.

12 THE WITNESS (Whitmore): That's okay.
13 Go ahead.

14 MR. COPPOLA: I think he was going to
15 maybe clarify whether or not the congregation
16 would be willing to voluntarily provide those
17 easements or whether UI would be forced to take
18 them by eminent domain. So I'll let Mr. Whitmore
19 finish, Mr. Chairman, if that's okay.

20 MR. MORISSETTE: Please, Mr. Whitmore,
21 please finish.

22 THE WITNESS (Whitmore): We would not
23 be inclined to just give away with a voluntary
24 easement, no.

25 MR. MORISSETTE: Very good. Thank you.

1 MR. COPPOLA: Thank you.

2 MR. MORISSETTE: Okay. I would now
3 like to move to the prefile testimony of Mr.
4 Orton. Mr. Orton.

5 THE WITNESS (Orton): Yes.

6 MR. MORISSETTE: Good afternoon.

7 THE WITNESS (Orton): Good afternoon.

8 MR. MORISSETTE: In your prefile
9 testimony, actually you corrected it, I believe,
10 my question is relating to the distance to the
11 115-kV cable in relation to the 345.

12 THE WITNESS (Orton): Yes.

13 MR. MORISSETTE: I think your change
14 went from 20 feet to 10 to 12 feet in distance.
15 And your testimony is basically saying that up to
16 10 to 12 feet is allowable would be a distance
17 that would not cause impacts on the 345 duct bank?

18 THE WITNESS (Orton): No, I'd like to
19 correct that. The distance of 10 to 12 feet came
20 from the UI position. What I'm saying is that you
21 can approximate or go close to a 345-kV cable
22 provided there's a thermal study done. In many
23 cities around the world we are faced with the
24 situation where there are already existing
25 underground cables, and in fact you can install

1 other cables in the same duct provided there's a
2 thermal study done.

3 MR. MORISSETTE: Okay. So what is the
4 distance that you could install a 115 in the
5 proximity of a 345?

6 THE WITNESS (Orton): Well, as I'm
7 saying, it's necessary to do a thermal study which
8 has not been done.

9 MR. MORISSETTE: So it's not clear
10 until the thermal study is done whether -- and it
11 depends on the loading of the 345, I would
12 presume?

13 THE WITNESS (Orton): Correct. It
14 depends on the loading, you're absolutely right,
15 it depends on the loading of both transmission
16 cables, and a thermal study is necessary, but as
17 I'm pointing out, it's quite possible to install a
18 115-kV cable in exactly the same duct as a 345
19 provided there's a thermal study done.

20 MR. MORISSETTE: Very good. Thank you.
21 Your cost estimates are based on the route that is
22 outlined in UI's proposal, but it's not going
23 through Route 1, which that's where the 345 cable
24 is. Is there a reason why you didn't estimate it
25 going through Route 1?

1 THE WITNESS (Orton): No, there's no
2 reason why I did not go to Route 1. I was looking
3 at just the local environment to install a cable.
4 My cost figures would work anywhere within the --
5 (AUDIO INTERRUPTION)

6 MR. MORISSETTE: Attorney McDermott,
7 please mute your phone, please.

8 Continue, Mr. Orton.

9 THE WITNESS (Orton): As I'm pointing
10 out, my purpose was to look at the cost to install
11 a cable in that area or location. It was not
12 specific to the UI route, although that's the
13 route that I did inspect. But my cost figures are
14 applicable to Highway 1 just the same as they are
15 to the proposed UI route.

16 MR. MORISSETTE: Very good. Thank you
17 for that clarification. Now, in your cost
18 estimates you didn't indicate what your tolerance
19 levels are. For example, it's a budget level cost
20 estimate. Is that a minus 10 plus 25 percent --

21 THE WITNESS (Orton): Well -- pardon
22 me, sorry.

23 MR. MORISSETTE: -- or would you put a
24 band on it at all?

25 THE WITNESS (Orton): I did include a

1 contingency cost there of 20 percent.

2 MR. MORISSETTE: Okay. And usually at
3 this level of budgetary cost estimating the
4 contingency is usually a little bit higher, isn't
5 it?

6 THE WITNESS (Orton): Well, this
7 particular project was on a road, and I felt that
8 20 percent would have been -- wouldn't be adequate
9 but 30 percent is acceptable.

10 MR. MORISSETTE: Thank you, Mr. Orton.
11 Now, your estimate is for the cable, the duct
12 bank. Does it also include the HDD and the jack
13 and bores?

14 THE WITNESS (Orton): No, it does not.
15 The reason for that was it was not clear whether
16 we were going to go with HDD or not.

17 MR. MORISSETTE: Okay. And it doesn't
18 include the substation work?

19 THE WITNESS (Orton): No, it was cable
20 only.

21 MR. MORISSETTE: Okay. Thank you. I
22 just wanted to clarify to make sure that we had
23 all the components identified.

24 THE WITNESS (Orton): I might just add
25 it does include the termination in the

1 substations, the cable termination in the
2 substation, but it does not include hardware,
3 potential transformers and similar equipment
4 that's needed no matter whether you have an
5 overhead line or an underground cable, they're
6 very similar anyway --

7 MR. MORISSETTE: Yes.

8 THE WITNESS (Orton): -- is another
9 thing that is not included in that cost.

10 MR. MORISSETTE: Very good. Thank you,
11 Mr. Orton. That concludes my cross-examination of
12 SCNET. We'll now continue with cross-examination
13 of SCNET group by the applicant, Attorney
14 McDermott.

15 CROSS-EXAMINATION

16 MR. McDERMOTT: Thank you, Mr.
17 Morissette.

18 Mr. Orton, do any of the changes that
19 you made today to your prefile testimony affect
20 the cost estimate?

21 MR. MORISSETTE: Sorry, Attorney
22 McDermott, we can't hear you at all.

23 MR. McDERMOTT: Mr. Morissette --

24 MR. MORISSETTE: You're a little low.

25 MR. McDERMOTT: How about now?

1 MR. MORISSETTE: That's better. Thank
2 you.

3 MR. McDERMOTT: Okay. Thank you.
4 Third attempt. Mr. Orton, do any of the changes
5 that you made to your prefile testimony impact the
6 cost estimates that you provided in your prefile
7 testimony?

8 THE WITNESS (Orton): No, not at all.

9 MR. McDERMOTT: Okay. And in response
10 to a question from Mr. Morissette, you mentioned
11 the possibility of colocating a 115-kV line and a
12 345-kV line. Do you recall that?

13 THE WITNESS (Orton): Yes.

14 MR. McDERMOTT: Are you aware of any
15 projects in the country where colocation of those
16 two size cables are actually in place?

17 THE WITNESS (Orton): Not specifically,
18 no. At those voltages, no, but I'm aware of
19 situations in this country, not at those voltages
20 though.

21 MR. McDERMOTT: How many years of cable
22 engineering experience do you have?

23 THE WITNESS (Orton): Pardon me?

24 MR. McDERMOTT: How many years of cable
25 engineering experience do you have?

1 THE WITNESS (Orton): Well, at least 50
2 years.

3 MR. McDERMOTT: Thank you. As a
4 preliminary matter, would you agree with me that
5 how a company designs, installs, operates and
6 maintains an underground distribution line is
7 different than how a company would design,
8 install, operate and maintain an underground
9 transmission line?

10 THE WITNESS (Orton): That's a very
11 difficult question to answer. It's very utility
12 specific, but in general there is a difference,
13 yes.

14 MR. McDERMOTT: Okay. And the costs of
15 the installation -- the design, installation,
16 operation and maintenance of a distribution line
17 would be significantly less than the design,
18 installation, operation and maintenance of an
19 underground transmission line, would you agree
20 with that?

21 THE WITNESS (Orton): There are
22 differences.

23 MR. McDERMOTT: The distribution lines
24 would be much less, wouldn't they?

25 THE WITNESS (Orton): Could you repeat

1 that, please? Sorry.

2 MR. McDERMOTT: The distribution line
3 costs would be much less than the transmission
4 line costs, wouldn't they?

5 THE WITNESS (Orton): That depends on
6 the differences that you're considering.

7 MR. McDERMOTT: Have you ever heard of
8 a distribution line installation costing more than
9 a transmission line installation just as a --
10 regardless of the size of the transmission line?

11 THE WITNESS (Orton): I can't answer
12 that. I'm not aware of that.

13 MR. McDERMOTT: According to your
14 prefile testimony, you inspected the project site
15 on November 3rd, correct?

16 THE WITNESS (Orton): Correct.

17 MR. McDERMOTT: And that's also the day
18 you met with Ms. Valadares at the City of Norwalk,
19 correct?

20 THE WITNESS (Orton): Correct.

21 MR. McDERMOTT: Mr. Orton, on page 10
22 of your report you have a project cost table,
23 correct?

24 THE WITNESS (Orton): Correct.

25 MR. McDERMOTT: And in that project

1 cost table you have indicated that a single
2 circuit line -- a single circuit would be
3 approximately \$157 million, correct?

4 THE WITNESS (Orton): Correct.

5 MR. McDERMOTT: And the double circuit
6 would be \$182 million, correct?

7 THE WITNESS (Orton): Correct.

8 MR. McDERMOTT: But you did not
9 provided the Siting Council with the cost to
10 underground the project, correct?

11 THE WITNESS (Orton): Sorry, could you
12 repeat that?

13 MR. McDERMOTT: You have not provided
14 the Siting Council with a cost to underground the
15 project, correct?

16 THE WITNESS (Orton): Not in my report.

17 MR. McDERMOTT: Okay. So of what use
18 is the single circuit cost estimate of \$157
19 million if it cannot be, let's say, applied to the
20 project that you're proposing?

21 THE WITNESS (Orton): Well, that's not
22 quite true. The whole idea of doing that cost
23 estimate is to use it as a basis for a cost
24 estimate for the UI proposal.

25 MR. McDERMOTT: But again, you haven't

1 proposed any costs for the project to be
2 undergrounded, correct?

3 MR. COPPOLA: Objection, repetitive,
4 asked and answered.

5 MR. McDERMOTT: I'll move on. Thank
6 you. So Mr. Morissette asked you about a few
7 project costs that you did not include, for
8 example, you testified you did not include
9 horizontal directional drilling. Did you include
10 the cost of disposal of the soil that would be
11 excavated from the trench?

12 THE WITNESS (Orton): No, I did not
13 know how much soil would be necessary to be
14 disposed of.

15 MR. McDERMOTT: Well, isn't it a
16 calculation of length times width by height
17 multiplied by the distance of the trench?

18 THE WITNESS (Orton): No. In lots of
19 cases the existing soil is used as backfill. The
20 percentage of disposal is therefore variable
21 depending on the route.

22 MR. McDERMOTT: How much did you
23 estimate for the removal of the existing
24 transmission lines on the DOT right-of-way?

25 THE WITNESS (Orton): Could you repeat

1 that question again, please?

2 MR. McDERMOTT: How much did you
3 estimate the cost would be for the removal of the
4 existing lines that are on top of the DOT -- or
5 that are in the DOT right-of-way?

6 THE WITNESS (Orton): I did not provide
7 an estimate for that at all. I was not involved
8 in that function.

9 MR. McDERMOTT: How much did you
10 estimate for dewatering activities?

11 THE WITNESS (Orton): Sorry, can you
12 repeat that again?

13 MR. McDERMOTT: How much did you
14 estimate for dewatering activities?

15 THE WITNESS (Orton): That was not
16 included either.

17 MR. McDERMOTT: Are you familiar with
18 the concept of AFUDC?

19 THE WITNESS (Orton): Could you alert
20 me on the acronym, please?

21 MR. McDERMOTT: Allowed funds used
22 during construction.

23 THE WITNESS (Orton): I estimated, you
24 can see from my table I had a line item there of
25 20 percent, yes.

1 MR. McDERMOTT: You had 20 percent for
2 contingencies. I don't see a line item for AFUDC.

3 THE WITNESS (Orton): Well --

4 MR. McDERMOTT: Before we begin that,
5 Mr. Orton, can you explain to me what your
6 understanding of AFUDC is?

7 THE WITNESS (Orton): It's the cost of
8 investing -- of the investment to cover the
9 project costs during the period of the project.

10 MR. McDERMOTT: Thank you. So
11 returning to the question of how much did you
12 estimate the AFUDC costs to be.

13 THE WITNESS (Orton): That's under
14 financial administration 20 percent. It's the
15 item above contingencies. That's my 20 percent,
16 and that was the cost estimate based on a 3-year
17 project, not a 10-year project.

18 MR. McDERMOTT: So you rolled the AFUDC
19 into the financial and administrative costs of 20
20 percent?

21 THE WITNESS (Orton): Correct.

22 MR. McDERMOTT: In answer to Mr.
23 Morissette's question I was a little confused.
24 You did not include the substation work into the
25 costs?

1 THE WITNESS (Orton): No.

2 MR. McDERMOTT: Did you include any
3 costs for due diligence such as survey work, soil
4 sampling, environmental and geotechnical work or
5 determination about thermal properties or any
6 other type of due diligence?

7 THE WITNESS (Orton): No. As a matter
8 of fact, those costs are very small compared to
9 the overall project costs.

10 MR. McDERMOTT: They're costs
11 nonetheless, correct?

12 THE WITNESS (Orton): Of course.

13 MR. McDERMOTT: How about utility
14 relocation, any estimate on the amount of utility
15 relocation costs?

16 THE WITNESS (Orton): Utilities such as
17 what?

18 MR. McDERMOTT: Water, sewer, gas,
19 existing electrical.

20 THE WITNESS (Orton): Usually that's a
21 minimal cost.

22 MR. McDERMOTT: On page 6 of your
23 prefile testimony you say that UI has grossly
24 overestimated the EPC and O&M costs for the XLPE
25 underground cable system. Where did UI provide

1 that information?

2 THE WITNESS (Orton): Would you repeat
3 that question again, please? Sorry.

4 MR. McDERMOTT: On page 6 of your
5 prefile testimony you say that UI has grossly
6 overestimated the EPC and O&M costs for the XLPE
7 underground cable system. Where did UI provide
8 that information that you say they overestimated?

9 THE WITNESS (Orton): Oh, if you go
10 to -- just a moment. If you go to the
11 Life-Cycle submission, I can give you the
12 location. If you go to the Life-Cycle submission
13 to the State of Connecticut, Connecticut Siting
14 Council, dated January 6, 2023, if you look at
15 that you will -- page 11 of 32, UI --

16 MR. McDERMOTT: On page --

17 THE WITNESS (Orton): Can I finish,
18 please?

19 MR. McDERMOTT: Yes. I thought you
20 were. I apologize. Please proceed.

21 THE WITNESS (Orton): It says UI
22 operation and maintenance costs. And you'll see
23 there there's a 5-year range from 2017 to 2021.
24 The costs vary from \$41,000 to \$36,000 for 2020,
25 and they suddenly drop to 10,000. Details

1 included in that table are not sufficient to
2 understand those costs to cover high pressure
3 fluid filled cables or cross linked polyethylene
4 cables. It doesn't state that.

5 MR. McDERMOTT: Your testimony says
6 that UI has grossly overestimated. The table
7 you're referring to are actual costs, aren't they,
8 Mr. Orton, they're not estimated costs?

9 THE WITNESS (Orton): The details are
10 not there. As I just pointed out, what was the
11 cable design we were looking at?

12 MR. McDERMOTT: Yes. Again, you have
13 used the word "overestimated," so estimated means
14 not actual, but these are actual costs, aren't
15 they, Mr. Orton? You may disagree with them, but
16 they are actual costs, they're not estimated.

17 THE WITNESS (Orton): What I'm saying
18 is that we don't know what those actual costs
19 really are. What do they apply to? Don't know.
20 There's just a cost figure given there. Do they
21 include high pressure fluid filled cables or are
22 they just cross linked polyethylene cables? It's
23 not explained. The detail is not given.

24 MR. McDERMOTT: Do you have the same
25 concerns with the other information contained

1 within the Life-Cycle Report?

2 THE WITNESS (Orton): Yes.

3 MR. McDERMOTT: Thank you. Mr. Orton,
4 your resume references the Commonwealth of
5 Virginia Legislature on the comparison of overhead
6 and underground power transmission lines, correct?

7 THE WITNESS (Orton): Correct.

8 MR. McDERMOTT: So you testified before
9 the Virginia Legislature, correct?

10 THE WITNESS (Orton): Correct.

11 MR. McDERMOTT: And that testimony
12 resulted in a report entitled Evaluation of
13 Electric and Underground Transmission Lines in
14 Virginia, correct?

15 THE WITNESS (Orton): Correct.

16 MR. McDERMOTT: And it's true, isn't
17 it, Mr. Orton, that Virginia report indicates that
18 you believe the total installation costs for
19 underground transmission lines are 5.7 times more
20 expensive than overhead transmission lines,
21 correct?

22 THE WITNESS (Orton): At that time that
23 was probably correct, but since then underground
24 installation technologies have improved
25 dramatically reducing costs.

1 MR. McDERMOTT: And that same Virginia
2 report says, it quotes you as saying the lifetime
3 costs for underground transmission cables are 2.6
4 times more expensive than overhead, correct?

5 THE WITNESS (Orton): At the time that
6 was correct.

7 MR. McDERMOTT: Why did you meet with
8 the City of Norwalk?

9 THE WITNESS (Orton): Pardon me. Could
10 you repeat that?

11 MR. McDERMOTT: Why did you meet with
12 Ms. Valadares from the City of Norwalk?

13 THE WITNESS (Orton): I'm not sure of
14 the question. Could you rephrase?

15 MR. McDERMOTT: I can't. Why did you
16 meet with Ms. Valadares?

17 THE WITNESS (Orton): Why? Okay.
18 Well, apologies, I met with the city to get a
19 local feeling for how cables were installed in
20 this area.

21 MR. McDERMOTT: And who suggested that
22 you meet with her?

23 THE WITNESS (Orton): I don't recall
24 exactly.

25 MR. McDERMOTT: You reside in Canada,

1 correct?

2 THE WITNESS (Orton): Correct.

3 MR. McDERMOTT: And you've done no
4 previous work in Fairfield County, correct?

5 THE WITNESS (Orton): Correct.

6 MR. McDERMOTT: So, it's safe to say
7 you did not know Ms. Valadares prior to your
8 meeting, correct?

9 THE WITNESS (Orton): Correct.

10 MR. McDERMOTT: So someone suggested
11 you meet with her but you can't recall who?

12 MR. COPPOLA: Objection, argumentative,
13 and also asked and answered, same question.

14 Excuse me, Mr. Orton, please let the
15 Chairman give a response.

16 MR. MORISSETTE: The objection is
17 sustained. Please move on, Attorney McDermott.

18 MR. McDERMOTT: Mr. Orton, are you
19 aware the City of Norwalk does not own or operate
20 any transmission lines?

21 THE WITNESS (Orton): No, I'm not.

22 MR. McDERMOTT: And you're aware that
23 the project that Ms. Valadares mentioned to you
24 regarding I believe it was a DOT project. Do you
25 recall that?

1 THE WITNESS (Orton): No, I'm not aware
2 of that.

3 MR. McDERMOTT: On page 4 of your
4 report Ms. Valadares suggested that for estimating
5 costs we may consider the current project in the
6 East Norwalk section of the City of Norwalk. That
7 project is part of the Walk Bridge associated
8 projects being administered by the Connecticut
9 Department of Transportation. Does that help
10 refresh your memory?

11 THE WITNESS (Orton): I remember the
12 discussion but not those specific details.

13 MR. McDERMOTT: This is -- I'm sorry,
14 so this is in your report, but you don't recall
15 having a discussion about a CT DOT project?

16 THE WITNESS (Orton): Not -- the
17 details of the project were not provided.

18 MR. McDERMOTT: But the total cost of
19 the project being \$12 million, do you recall that?

20 THE WITNESS (Orton): No, the cost
21 provided was the cost per mile. That's what I was
22 interested in, and also the timing.

23 MR. McDERMOTT: Okay. Mr. Orton, your
24 report says, "The total cost of the project is
25 approximately \$12 million." It doesn't say per

1 mile. It just says that's the total cost of the
2 project. Do you recall writing that in your
3 report?

4 THE WITNESS (Orton): Yes.

5 MR. McDERMOTT: And are you aware, Mr.
6 Orton, that the project that Ms. Valadares was
7 referencing is a distribution project and not a
8 transmission project?

9 THE WITNESS (Orton): No, I was not
10 aware of that. However, the civil cost for a
11 distribution project would be very much the same
12 as a transmission project.

13 MR. McDERMOTT: But certainly not the
14 cable costs though, you agree with that, Mr.
15 Orton?

16 THE WITNESS (Orton): The cable costs
17 much, much cheaper than the civil costs.

18 MR. McDERMOTT: Who provided you with
19 the underground route that you analyzed, Mr.
20 Orton, did you create that or was it provided to
21 you by somebody?

22 THE WITNESS (Orton): It was on the CSC
23 application, page 9-10. I followed the route on
24 the map on the figure provided. That's Figure
25 9.1, general location of all underground 115-kV we

1 evaluated for the project. I followed that route
2 on those two diverges.

3 MR. McDERMOTT: So on Figure 22 there
4 are two red segments indicated, correct,
5 Mr. Orton?

6 THE WITNESS (Orton): Sorry, Figure 22?

7 MR. McDERMOTT: Figure 22.

8 THE WITNESS (Orton): What are we
9 referring to? I'm sorry.

10 MR. McDERMOTT: I'm sorry, of your
11 report.

12 THE WITNESS (Orton): Okay. Figure 22
13 of my report. Just a moment. Yes, Figure 22.
14 Thank you.

15 MR. McDERMOTT: And at the bottom of
16 the description in Figure 22 it says courtesy of
17 Mr. Steve Oyzck?

18 THE WITNESS (Orton): Yes.

19 MR. McDERMOTT: So did Mr. Oyzck
20 provide you with that?

21 THE WITNESS (Orton): He marked the
22 diagram. That was it. The route selection, the
23 route selection that was my idea. The first red
24 line on the right I looked at the route before I
25 even arrived on the site, and I said why are we

1 going in a different route. I had a look at the
2 route along the golf course road, and it's very
3 suitable for an underground cable route.

4 MR. McDERMOTT: I'm sorry, what is golf
5 course road, you mean the golf course, so you're
6 suggesting that the cable would go through the
7 golf course?

8 THE WITNESS (Orton): Well, not through
9 the golf course, to the right. The golf course is
10 to the south of that red line.

11 MR. McDERMOTT: I see. And who owns
12 the road that you're referring to, Mr. Orton?

13 THE WITNESS (Orton): I don't know. I
14 assume it belongs to the golf course because it's
15 an access road for the golf course, but I don't
16 know who owns it.

17 MR. McDERMOTT: Thank you. And have
18 you confirmed with the golf course that they would
19 be receptive to the transmission line running
20 through their golf course?

21 THE WITNESS (Orton): I can't answer
22 that.

23 MR. McDERMOTT: And if a horizontal
24 directional drill was used, Mr. Orton, to jack,
25 two pits would be needed, is that correct, a

1 sending and a receiving pit?

2 THE WITNESS (Orton): One pit on one
3 side. On the receptive side you don't need a pit.
4 The drilling is very precise.

5 MR. McDERMOTT: Okay. But you need a
6 work area at least on the receiving side to make
7 the cable pull, correct?

8 THE WITNESS (Orton): Of course.

9 MR. McDERMOTT: And what's the
10 approximate size of that area, Mr. Orton?

11 THE WITNESS (Orton): What do you mean,
12 the work site?

13 MR. McDERMOTT: The receiving side,
14 yes.

15 THE WITNESS (Orton): The receiving
16 side, well, it's 5 by 10. As a matter of fact,
17 it's very, as I mentioned, the drilling process is
18 very precise and these drills can come exact, they
19 come out exactly where you want them to be.

20 MR. McDERMOTT: So you're saying a 5
21 foot by 10 foot area is all you need to pull the
22 cable underneath the Southport Harbor?

23 THE WITNESS (Orton): Well, then you
24 need to install a receptive duct there and
25 probably a large area is required to connect with

1 the ducted system thereon.

2 MR. McDERMOTT: When you use a
3 horizontal directional drill, Mr. Orton, you'd use
4 some type of drilling medium, Bentonite, for
5 example, correct?

6 THE WITNESS (Orton): Sorry. Use what?

7 MR. McDERMOTT: Bentonite.

8 THE WITNESS (Orton): Bentonite.

9 Bentonite is a backfill material that has very
10 good thermal properties and it's used widely to
11 distribute heat from underground, that's correct.

12 MR. McDERMOTT: So some type of
13 drilling mud would need to be used, correct, in
14 order to execute the horizontal directional drill?

15 THE WITNESS (Orton): Sure.

16 MR. McDERMOTT: Yes? Did you say yes,
17 Mr. Orton?

18 THE WITNESS (Orton): Yes.

19 MR. McDERMOTT: And that mud would need
20 to be gathered and collected on the receiving
21 side, correct?

22 THE WITNESS (Orton): No, it's -- well,
23 when the drill comes out on the receiving side,
24 yes, but it's minimal. The main control is on the
25 initiation side.

1 MR. McDERMOTT: Mr. Parker, good
2 afternoon.

3 THE WITNESS (Orton): Sorry?

4 MR. McDERMOTT: I'm switching to Mr.
5 Parker.

6 THE WITNESS (Orton): Okay.

7 MR. McDERMOTT: Thank you. I
8 appreciate your time and your answers to my
9 questions, Mr. Orton.

10 THE WITNESS (Orton): Okay. Thank you
11 very much.

12 MR. COPPOLA: Mr. Orton, if you could
13 please mute your microphone at this time. Thank
14 you.

15 THE WITNESS (Orton): Okay.

16 MR. McDERMOTT: Mr. Parker, are you
17 with us?

18 THE WITNESS (Parker): Yes, I am.

19 MR. McDERMOTT: Thank you. In your
20 testimony you say that your renderings accurately
21 depict the adverse impact of the project, correct?

22 THE WITNESS (Parker): The attributes,
23 yes.

24 MR. McDERMOTT: And you used a model
25 that your firm has used previously for 3D

1 renderings, correct?

2 THE WITNESS (Parker): We modeled the
3 terrain based upon the Town of Fairfield
4 topography or, in cases where we had surveys, the
5 actual survey of the property. And then we
6 modeled the buildings based on field measurements
7 and our measured drawings. We modeled the poles
8 and the droop of the wires based on the drawings
9 that UI provided.

10 MR. McDERMOTT: And Mr. Parker, my
11 question was you used a model to, I believe it
12 was, well, I meant to ask you, you used a model,
13 correct, what is the name of that model that you
14 used?

15 THE WITNESS (Parker): We model in
16 ArchiCAD, a 3D software.

17 MR. McDERMOTT: Thank you. Can you
18 turn to your Exhibit E of your prefile testimony?
19 This is the current conditions at number 92 Pequot
20 Avenue.

21 THE WITNESS (Parker): Yes.

22 MR. McDERMOTT: Thank you. Mr. Parker,
23 there are two women depicted on that exhibit,
24 correct?

25 THE WITNESS (Parker): There are.

1 MR. McDERMOTT: And those women were
2 not present when you took this photo, correct?

3 THE WITNESS (Parker): That's not
4 correct. The woman on the left was there when we
5 took the photo. That's Mrs. Thunfors' daughter.
6 Mrs. Thunfors is 95 and was not able to get out
7 that day, wanted to be in the photo, and we
8 added -- we took her picture subsequently after
9 the rendering was done. So Mrs. Thunfors --

10 MR. McDERMOTT: Mr. Parker, my question
11 was were those two women present --

12 MR. COPPOLA: Excuse me, Mr. Chairman
13 --

14 MR. McDERMOTT: You said that they were
15 present and now you're saying that they were not
16 present, Mr. Parker.

17 MR. MORISSETTE: Please answer the
18 question.

19 MR. COPPOLA: Mr. Chairman?

20 MR. MORISSETTE: Yes, Attorney Coppola.

21 MR. COPPOLA: The previous question
22 that was asked the witness was giving his answer
23 and got cut off by Mr. McDermott. I was trying to
24 jump in to say please let him finish his answer
25 before asking another question.

1 MR. MORISSETTE: Thank you, Attorney
2 Coppola.

3 Attorney McDermott, please let him
4 respond to the previous question.

5 Mr. Parker, please continue.

6 THE WITNESS (Parker): Yes.
7 Mrs. Richardson, who is Mrs. Thunfors' daughter,
8 in the left of the image was there when I took the
9 photo, and we did the after view with that.
10 Mrs. Thunfors, who is 95, who actually just joined
11 the call, was not able to be there at that time
12 and wanted to be in the photo. She was added, but
13 her daughter was always in the photo.

14 MR. McDERMOTT: So you agree that you
15 photoshopped --

16 THE WITNESS (Parker): Mrs. Thunfors.

17 MR. McDERMOTT: Yes. Thank you. Turn
18 to Exhibit C of your prefile testimony.

19 THE WITNESS (Parker): Yes.

20 MR. McDERMOTT: You'll see there's a
21 catenary depicted, you see that, correct, and it
22 has two vertical structures and one horizontal
23 structure, correct?

24 THE WITNESS (Parker): You mean the one
25 that has the current UI pole on top of it?

1 MR. McDERMOTT: The UI bonnet, yes.

2 THE WITNESS (Parker): Yes.

3 MR. McDERMOTT: How come the horizontal
4 part of that catenary is not resting on top of the
5 right vertical structure, Mr. Parker, was that
6 also photoshopped?

7 THE WITNESS (Parker): I don't think
8 so.

9 MR. McDERMOTT: Mr. Parker, how come
10 that right vertical structure is not resting on
11 the cement foundation on the right-hand side?

12 THE WITNESS (Parker): Right vertical
13 structure. It is, you see the rust stains going
14 down from it.

15 MR. McDERMOTT: And Mr. Parker, it's
16 true, isn't it, that the four, let's say, tree,
17 well, there's four branches, there's four, in the
18 right-hand corner there's four branches of a tree,
19 let's say, that was added, correct, that's
20 photoshopped in also, correct?

21 THE WITNESS (Parker): I don't think
22 so. I can check, but I took this photo and that
23 is the photo.

24 MR. McDERMOTT: On the catenary there's
25 what's called, there's a bonnet. The lower part

1 of that contains the feeder signal wires, and then
2 on top of that there's a bonnet, correct, that's
3 the UI bonnet?

4 THE WITNESS (Parker): I think, if I
5 understand you correctly, yes.

6 MR. McDERMOTT: Can you explain why
7 there are multiple lines that seem not to be
8 attached to any structure around the UI bonnet?
9 Those lines were photoshopped in as well, weren't
10 they?

11 THE WITNESS (Parker): I don't think
12 so.

13 MR. McDERMOTT: Can you explain why the
14 UI bonnet does not rest on the feeder signal
15 directly but it's offset slightly? That was
16 photoshopped in also, wasn't it?

17 THE WITNESS (Parker): I don't think
18 so.

19 MR. McDERMOTT: Mr. Parker, if you'd
20 turn to Exhibit P of your testimony. This is a
21 consequence of easement at the Pequot Library.
22 You'll see there's an Amtrak train and on the
23 railroad right-of-way there appear to be four
24 catenary structures, correct, one you can barely
25 see over the roof kind of near the location of the

1 second pole; do you see that?

2 THE WITNESS (Parker): Yes.

3 MR. McDERMOTT: In the catenary that's
4 above the Amtrak train that was photoshopped in,
5 wasn't it, Mr. Parker?

6 THE WITNESS (Parker): We're referring
7 to the after view now which is Exhibit P.

8 MR. McDERMOTT: Correct.

9 THE WITNESS (Parker): And we modeled
10 the catenaries and then placed them in the after
11 photo because I can't create a photo complete as a
12 rendering. So we removed the shrubs, or not the
13 shrubs, the trees that are there and are showing
14 what we modeled based on measurements in 3D and
15 put the catenaries where they are. The poles
16 similarly were modeled based on UI's heights and
17 droop of wires in the after view.

18 MR. McDERMOTT: I'm not sure if I
19 follow. But am I correct that the catenaries on
20 -- well, do you have access to attachment
21 SCNET-2-23-1, which is a visual assessment
22 prepared by All-Points Technology that was an
23 attachment to an interrogatory response?

24 THE WITNESS (Parker): Was this one of
25 the subsequent visual simulations?

1 MR. McDERMOTT: I'm not sure. It was
2 prepared in response to an interrogatory response.

3 THE WITNESS (Parker): Tell me the name
4 of it again. I'm sorry.

5 MR. McDERMOTT: SCNET-2-23-1 is the
6 attachment number.

7 THE WITNESS (Parker): Yes.

8 MR. McDERMOTT: Do you have that in
9 front of you?

10 THE WITNESS (Parker): Yes.

11 MR. McDERMOTT: And do you have the
12 proposed of the Westway Road, Southport?

13 THE WITNESS (Parker): Proposed in
14 SCNET are you referring to? I'm sorry, in the
15 All-Points? What are you referring to?

16 MR. McDERMOTT: I'm sorry. Do you have
17 attachment SCNET-2-23-1?

18 THE WITNESS (Parker): Yes.

19 MR. McDERMOTT: And then if you go to
20 to visual rendering proposed entitled Westway
21 Road, Southport.

22 THE WITNESS (Parker): Yes.

23 MR. McDERMOTT: You'll see that
24 rendering has only three catenaries unlike yours
25 which has four, correct?

1 THE WITNESS (Parker): That was taken
2 from a different angle and different location than
3 the view that we did.

4 MR. McDERMOTT: Mr. Parker, have you
5 ever had any interaction with the Connecticut
6 State Historic Preservation Office, SHPO?

7 THE WITNESS (Parker): Yes.

8 MR. McDERMOTT: And have you filed
9 cultural, Phase 1 cultural resource assessments
10 with the SHPO?

11 THE WITNESS (Parker): No.

12 MR. McDERMOTT: Do you understand that
13 SHPO has accepted the Heritage report, including
14 its review of recorded historic resources?

15 THE WITNESS (Parker): You're referring
16 to the report that UI submitted?

17 MR. McDERMOTT: Historic -- well, I
18 said Heritage. I guess it was Heritage on behalf
19 of UI, yes.

20 THE WITNESS (Parker): Yes, I know that
21 SHPO reviewed it.

22 MR. McDERMOTT: Are you aware that a
23 determination of no effect by SHPO to any single
24 resource within a larger historic district
25 automatically triggers an adverse effect

1 determination for the whole district?

2 THE WITNESS (Parker): Can you repeat
3 that? I'm sorry.

4 MR. McDERMOTT: Are you aware that a
5 determination of an adverse effect by SHPO to any
6 single resource within a larger historic district
7 automatically triggers an adverse effect
8 determination for that whole district?

9 THE WITNESS (Parker): In the report
10 there were various properties, it said no adverse
11 impact to the properties that were mentioned in
12 the report. As far as what SHPO -- and I'm still
13 not sure I'm understanding exactly what you're
14 asking in terms of how SHPO views things -- that's
15 really a question for them, not for me.

16 MR. McDERMOTT: I think, Mr.
17 Morissette, that's all the questions the company
18 has for this SCNET panel.

19 MR. MORISSETTE: Thank you, Attorney
20 McDermott. We'll now continue with
21 cross-examination of the SCNET group by BJ's
22 Wholesale Club, Inc. Attorney Mortelliti.

23 MR. MORTELLITI: Good afternoon,
24 Chairman Morissette.

25 MR. MORISSETTE: Good afternoon.

1 MR. MORTELLITI: We have no questions
2 at this time. Thank you.

3 MR. MORISSETTE: Thank you. Before we
4 continue on, we're going to take a 10 minute
5 break. We will reconvene at 3:50, and we will
6 continue with cross-examination by Attorney Russo
7 and then Attorney Schaefer. So thank you,
8 everyone. We will recess for ten minutes.

9 MR. NGUYEN: Mr. Morissette?

10 MR. MORISSETTE: Yes, Mr. Nguyen.

11 MR. NGUYEN: I just want to let you
12 know that I will be leaving, but I will read the
13 transcript. Thank you very much.

14 MR. MORISSETTE: Thank you.

15 (Whereupon, a recess was taken from
16 3:40 p.m. until 3:50 p.m.)

17 MR. MORISSETTE: So we're back on the
18 record. And we will continue with
19 cross-examination by Attorney Russo followed by
20 Attorney Baldwin.

21 Attorney Russo, good afternoon.

22 MR. RUSSO: Chair -- I mean Mr.
23 Morissette, good to be before you. You'll be
24 pleased to hear in the interest of time I have no
25 questions. But can I ask, Chair, in the interest

1 of time, I have a number of exhibits for
2 identification that are just intervenor requests.
3 And similar to what Attorney Coppola asked on one
4 of his previous ones, these are submitted as
5 exhibits. They're intervenor requests that have
6 already been voted on. So I was wondering, if
7 there's no objection from the other parties, if
8 those can just be accepted as full exhibits and
9 then some of those people, one of them has a time
10 conflict, would be able to leave the hearing. I
11 can name the exhibit numbers, if that would help.

12 MR. MORISSETTE: Well, Attorney Russo,
13 it's not the Grouped LLC's turn to cross-examine,
14 and we'll address that when it comes up. And if
15 they're not here and if there's no objection,
16 hopefully we can admit them then.

17 MR. RUSSO: Okay. Thank you, Mr.
18 Morissette. And again, no questions.

19 MR. MORISSETTE: Thank you. Thank you,
20 Attorney Russo. We'll now continue
21 cross-examination by Attorney Baldwin followed by
22 Attorney Dobin.

23 Attorney Baldwin, good afternoon.

24 MR. BALDWIN: Good afternoon, Mr.
25 Morissette. Fairfield Station Lofts, LLC has no

1 questions.

2 MR. MORISSETTE: Thank you, Attorney
3 Baldwin. We'll now continue with
4 cross-examination by Attorney Dobin followed by
5 Attorney Hoffman.

6 Attorney Dobin?

7 CROSS-EXAMINATION

8 MR. DOBIN: Thank you, Mr. Chairman.
9 My first question is directed to the
10 Harry Orton. Harry, having driven through the
11 communities at issue here and coupled with your
12 experience with transmission circuits, if you were
13 asked to design a replacement for the existing
14 overhead 115-kV circuits running from Congress
15 Street Substation to the border of Fairfield and
16 Westport and there's no anticipated increase in
17 demand for electricity, what solution would you
18 offer?

19 THE WITNESS (Orton): Well, yes, I
20 would -- I would suggest underground cables. But
21 to avoid assessments over 19 acres of private
22 property and to preserve historical and cultural
23 and aesthetic nature of the surrounding area, the
24 best solution would be to put the lines
25 underground, and that means undergrounding that

1 meets existing capacity.

2 And the reason why I'm suggesting that
3 is there would be minimum impact. My suggestion
4 is to go on the road. There's no taking of
5 private property. The aesthetics are not degraded
6 at all. Underground cables go underground, you
7 don't see them. There's no archeological issues
8 because you're on the road. So hopefully that's
9 been resolved already.

10 MR. DOBIN: And if you went under the
11 Post Road, could you avoid the water crossings
12 that are identified on Figure 9-1 of the
13 application?

14 THE WITNESS (Orton): Yes, there's no
15 need for HDD, and this is one of the reasons I
16 didn't include HDD in my cost estimates.

17 MR. DOBIN: In rejecting an underground
18 alternative, you understand that UI has stated
19 that they would be able to construct just 40 feet
20 per day, right?

21 THE WITNESS (Orton): Yes.

22 MR. DOBIN: Is that a typical pace of
23 construction for an underground circuit in your
24 experience?

25 THE WITNESS (Orton): No. Usually you

1 have multiple crews, four or five crews.

2 MR. MORISSETTE: I'm sorry, Mr. Orton,
3 you're breaking up.

4 THE WITNESS (Orton): I'm sorry.

5 MR. MORISSETTE: If you could try to be
6 a little clearer. Thank you.

7 THE WITNESS (Orton): I'm not sure
8 what's happening, but anyway, no, 40 feet per day
9 is not typical. You usually have four or five
10 crews working at 150 feet per day, so you're
11 looking at 600 feet to do the installation per
12 day.

13 MR. DOBIN: And by working more quickly
14 and more efficiently would that shorten the
15 construction time frame?

16 THE WITNESS (Orton): Yes.

17 MR. DOBIN: And that would reduce the
18 cost as well, correct?

19 THE WITNESS (Orton): Exactly. Also,
20 the investment costs would be reduced dramatically
21 instead of ten years as suggested. The project
22 costs would be closer to three.

23 MR. DOBIN: And you understand that UI
24 has proposed an underground alternative that costs
25 over a billion dollars, you understand that,

1 correct?

2 THE WITNESS (Orton): Correct.

3 MR. DOBIN: And do you have any comment
4 about UI's billion dollar plus estimate?

5 THE WITNESS (Orton): Well, my cost
6 estimate comes out at about a third of that. And
7 I think that's an overestimation.

8 MR. DOBIN: And based on your analysis
9 and review of the project, do you continue to
10 believe that burying the lines is a viable
11 alternative?

12 THE WITNESS (Orton): (AUDIO
13 INTERRUPTION)

14 MR. MORISSETTE: I'm sorry, Mr. Orton,
15 we didn't hear your response.

16 THE WITNESS (Orton): I'm sorry. I'm
17 not sure what's happening here. But no,
18 undergrounding is definitely a viable option.
19 There's no doubt about that.

20 MR. DOBIN: My next question is for
21 David Parker.

22 THE WITNESS (Parker): Yes, I'm here.

23 MR. DOBIN: Mr. Parker, can you define
24 for the Siting Council what it means to be an
25 expert in historic preservation?

1 THE WITNESS (Parker): Yes. To be an
2 expert in preservation, historic preservationists
3 contribute to the protection of culturally
4 important buildings, structures and landscapes,
5 and experts in the field have specific
6 qualifications and experiences defined by the
7 Secretary of the Interior.

8 MR. DOBIN: Do you consider yourself to
9 be an expert in historic preservation?

10 THE WITNESS (Parker): I do.

11 MR. DOBIN: And you were asked about
12 certain exhibits to your prefile testimony. I
13 want to direct your attention to some, a couple of
14 these, in particular. With respect to Exhibit E,
15 right, am I correct that the only thing that was
16 added to that was Mrs. Thunfors?

17 THE WITNESS (Parker): That is correct.

18 MR. DOBIN: And that was because she
19 requested to be part of the photo?

20 THE WITNESS (Parker): That is correct.

21 MR. DOBIN: And Exhibit G.

22 THE WITNESS (Parker): Yes.

23 MR. DOBIN: Exhibit G, is that a true
24 and accurate depiction of the photo that you took?

25 THE WITNESS (Parker): It is.

1 MR. DOBIN: Of that area?

2 THE WITNESS (Parker): It is.

3 MR. DOBIN: And the next exhibit is
4 Exhibit H. This document is not intended to show
5 the actual current conditions, correct?

6 THE WITNESS (Parker): Yes.

7 MR. DOBIN: Can you explain the process
8 of how you generated that photosimulation?

9 THE WITNESS (Parker): Yes. We modeled
10 the terrain and we measured the exterior and
11 modeled Mrs. Thunfors' house, and we modeled the
12 poles based on information in UI's submission. In
13 order to show the after view, we had to remove all
14 of the vegetation which is what UI is proposing to
15 do. And so the site will become naked. And these
16 are the poles that you will see, and these are
17 based on the information that UI provided.

18 MR. DOBIN: And did you use certain
19 software for that?

20 THE WITNESS (Parker): We used ArchiCAD
21 which is the 3D software that we use in order to
22 determine the height and placement of the poles as
23 well as the droop of the wires based on UI's
24 information.

25 MR. DOBIN: And on this photograph this

1 appears to show that half or a portion of this
2 structure has been removed; is that accurate?

3 THE WITNESS (Parker): Yes, we did that
4 intentionally because we wanted to show -- it's
5 purposeful. We wanted to show the extent to which
6 UI's proposed permanent easement bisects
7 Mrs. Thunfors' residence.

8 MR. DOBIN: And if we go to Exhibit F.

9 THE WITNESS (Parker): Yes.

10 MR. DOBIN: That image is another angle
11 but of the same property?

12 THE WITNESS (Parker): Exhibit F shows
13 the after consequence. And again, we modeled it
14 in 3D based on measurements in UI's documents and
15 based on field measurements of Mrs. Thunfors'
16 house. And there is also, by the way, a stream
17 that runs through that area. And this is the
18 consequence once the trees are removed.

19 MR. DOBIN: And have you --

20 MR. McDERMOTT: Mr. Morissette -- I'm
21 sorry, Attorney Dobin. Could I just jump in? Mr.
22 Morissette, I guess I'd like to object to this
23 line of questioning on this cross-examination to
24 the extent that it's actually not
25 cross-examination. It seems to be redirect

1 almost. Typically cross-examination is designed
2 to, you know, question a witness' motives or
3 interests, bias, prejudice, and these seem just to
4 be designed to kind of bolster the prefile
5 testimony. And I will say many of the questions
6 have already, are in the prefile testimony and I
7 think somewhat repetitive.

8 MR. MORISSETTE: Yes. Thank you,
9 Attorney McDermott.

10 MR. COPPOLA: Mr. Chairman --

11 MR. DOBIN: I --

12 MR. COPPOLA: Mr. Chairman, if I may,
13 just a point of reference before --

14 MR. MORISSETTE: Attorney Dobin, do you
15 have any response to that?

16 MR. DOBIN: Yes. This is
17 cross-examination, and we have an opportunity to
18 ask questions of these witnesses who Mr. McDermott
19 has had an opportunity to ask questions as well.
20 And this isn't repetitive. These are questions
21 that are directly related to the cross-examination
22 that Mr. McDermott had brought up. And I think we
23 should have an equivalent opportunity to ask
24 questions.

25 MR. MORISSETTE: Attorney Bachman, any

1 comments?

2 MS. BACHMAN: Thank you, Mr.
3 Morissette. To the extent that we're going to
4 repeat the questioning from Attorney McDermott
5 from earlier today, I do think that that might be
6 a little repetitious, but certainly Attorney Dobin
7 has been before us on many occasions and can
8 certainly rephrase his questions as not to be
9 repetitive of Attorney McDermott's line of
10 questioning. Thank you.

11 MR. MORISSETTE: Thank you, Attorney
12 Bachman. I agree, Attorney Dobin, please refrain
13 from being repetitive from the questions that were
14 previously asked, but please continue to cross.
15 You do have the opportunity to ask questions.
16 Thank you.

17 MR. DOBIN: Thank you, Mr. Chairman.
18 With respect to Exhibit O --

19 THE WITNESS (Parker): Yes.

20 MR. DOBIN: -- this is a picture that
21 you took?

22 THE WITNESS (Parker): It is a
23 photograph that I took.

24 MR. DOBIN: And there were no changes
25 to that?

1 THE WITNESS (Parker): There were no
2 changes whatsoever to this view.

3 MR. DOBIN: With respect to 720 Pequot
4 Avenue, that is the same as Exhibit O, that's the
5 Pequot Library, correct?

6 THE WITNESS (Parker): That's correct.

7 MR. DOBIN: Why is that Pequot Library
8 historically significant?

9 THE WITNESS (Parker): Pequot Library
10 is the cultural heart of Southport and is
11 important on a national level both for its
12 exemplary manuscripts and document collections and
13 architecturally as a pioneering example of a
14 subsequently much emulated library architectural
15 form.

16 MR. DOBIN: Are there any specific
17 characteristics that make it significant?

18 THE WITNESS (Parker): It was built as
19 a memorial by the Monroes in 1887. It was their
20 munificent gift to the community, the largest and
21 most generous gift here ever, designed in the
22 Richardson Romanesque style by Architect Robert
23 Robertson. It's one of his most important
24 surviving structures set romantically on a bucolic
25 lawn that he, the landscape architect and Monroes

1 intended to serve as the community's town green
2 gathering space.

3 MR. DOBIN: And in your opinion, how
4 will the project impact specifically these
5 historic characteristics?

6 THE WITNESS (Parker): United
7 Illuminating proposes to place an easement on up
8 to 40 feet or more along the northern side of the
9 library's property, denude that area completely
10 and permanently of all vegetation, and place a
11 115-foot high monopole on property belonging to
12 Pequot Library.

13 MR. DOBIN: And you've read Heritage
14 Consultant's report that was submitted by UI?

15 THE WITNESS (Parker): I have.

16 MR. DOBIN: And we've also looked at
17 the photosimulation in Exhibit O to your testimony
18 showing the impact of the proposed easement,
19 correct?

20 THE WITNESS (Parker): Yes.

21 MR. DOBIN: Is it your opinion that
22 Heritage Consultants adequately considered the
23 impact of the project on the historic
24 characteristics of this library?

25 THE WITNESS (Parker): No. Heritage

1 utterly failed to consider the impact on the
2 library and the original intent of its builders.
3 The original builders of the library from the very
4 beginning designed the entire property to be
5 protected from the intrusion of the railroad. The
6 original architects intended for those trees to
7 remain -- for trees to remain there as a visual
8 barrier between the library and the railroad.
9 This project will forever change the character of
10 the library altering its silhouette and
11 drastically changing the character and park-like
12 setting that Architect Robertson and the Monroes
13 gifted to the community.

14 By permanently removing the vegetative
15 buffer that now screens the library property's
16 serenity, this will destroy the historic
17 characteristics and subject patrons, children and
18 community gatherings to the noise, visual
19 disturbance and cacophony of the trains while also
20 exposing the rear library wing, which houses
21 Pequot Library's priceless holdings, and also the
22 Tiffany leaded glass window that faces the track,
23 which will now be exposed to unfiltered dust, dirt
24 and impacts of the adjacent elevated trains.

25 MR. DOBIN: And we also looked at

1 Exhibit E which is 92 Pequot Avenue.

2 THE WITNESS (Parker): Yes.

3 MR. DOBIN: And is it your opinion that
4 that property is also historically significant?

5 THE WITNESS (Parker): It is.

6 MR. DOBIN: And why is that?

7 THE WITNESS (Parker): Externally it is
8 a handsome example of Greek Revival architecture,
9 but currently it appears, and may well be, that
10 it's one of the oldest houses in Southport, and as
11 such, it may be eligible for the National
12 Register. And materials attesting to this
13 potential eligibility have been submitted to SHPO
14 for review, along with five 19th century buildings
15 to the west of that, all of which will be impacted
16 by the proposed UI project.

17 Additionally, this structure retains an
18 amazing amount of its original circa 1830 exterior
19 detailing including window architraves, elliptical
20 window and its pediment gable as well as its
21 original shingles, flush boarding and trim, all of
22 which, by the way, have been covered with aluminum
23 siding until Mrs. Thunfors, who is now 95,
24 purchased and restored the home in the early
25 1980s.

1 MR. DOBIN: You mentioned
2 Mrs. Thunfors. What was her reaction when she
3 learned about the impact of the project on her
4 home?

5 MR. McDERMOTT: Mr. Morissette, I'm
6 sorry, I can't even begin to characterize this as
7 cross-examination at this point. In the interest
8 of time, I suggest that we, you know, either get
9 into some questioning that is actual
10 cross-examination and get away from these soft
11 balls that almost seem to be prepared and
12 pre-vetted, and I wish we could move things along
13 a little --

14 MR. COPPOLA: Mr. Chairman, if I may?

15 MR. MORISSETTE: Thank you, Attorney
16 McDermott. I certainly am under the impression
17 that this testimony was preestablished. These are
18 questions that are being answered that are already
19 in the prefile testimony, and we're going over the
20 information again.

21 So Attorney Dobin, I will ask you to
22 get to the point and let's complete your
23 cross-examination.

24 Yes, Attorney Coppola, you had a
25 comment?

1 MR. COPPOLA: Yes, your Honor.

2 Respectfully, I do think that objections being
3 lodged by Attorney McDermott are out of order at
4 this time. This is my panel of witnesses, and I
5 think that the right of objection would lie with
6 myself. So I would point that out as a point for
7 the record. This is the second time it's
8 happened. I think it's out of line, and I think
9 it's unfair as a matter of process. Thank you.

10 MR. MORISSETTE: Yes, you are correct.

11 Thank you. Thank you for your comments. So
12 noted.

13 Attorney Dobin, please continue.

14 MR. DOBIN: For the record, there are
15 questions that I would like to ask but I'm being
16 prevented from asking as a result of these
17 objections being sustained.

18 Is it fair to say that in your prefile
19 testimony you described in detail your concerns
20 relating to the impact on the historical resources
21 in Fairfield?

22 THE WITNESS (Parker): Fairfield and
23 Southport, yes.

24 MR. DOBIN: Right, in Southport. And
25 since then, has UI reached out to you to address

1 those concerns?

2 THE WITNESS (Parker): They have not.

3 MR. DOBIN: And what's your
4 understanding of UI's willingness to make
5 modifications despite the negative impacts on the
6 historic resources?

7 THE WITNESS (Parker): I don't think
8 they'll make changes even though that we put them
9 on notice of the negative impact on the project.

10 MR. DOBIN: My next set of questions is
11 for Mr. Schinella, Tom Schinella.

12 THE WITNESS (T. Schinella): I do.

13 MR. DOBIN: Tom, are you one of the
14 principals of the LLC that owns the property at
15 2190 Post Road in Fairfield?

16 THE WITNESS (T. Schinella): Yes.

17 MR. DOBIN: And did you provide
18 testimony that this project will prevent your
19 property from being developed for its highest and
20 best use?

21 THE WITNESS (T. Schinella): Yes.

22 MR. DOBIN: And what is the highest and
23 best use of the property?

24 THE WITNESS (T. Schinella): Well,
25 according to the Appraisal Institute, the highest

1 and best use of the property is defined as the
2 reasonably probable and legal use of vacant land
3 or an improved property that is physically
4 possible, appropriately supported, and financially
5 feasible that results in the highest value. So,
6 in other words, it's the highest value that you
7 can get if the property is sold or it's the
8 highest lease amount that you can get if the
9 property is leased.

10 MR. DOBIN: You testified in your
11 prefile testimony that there were two deals that
12 were lost; is that correct?

13 THE WITNESS (T. Schinella): Yes, there
14 were.

15 MR. DOBIN: And that was because of
16 this project?

17 THE WITNESS (T. Schinella): It was
18 because of major concerns of this project, yes, it
19 was.

20 MR. DOBIN: Is UI aware that you lost
21 two substantial development deals as a result of
22 this project?

23 THE WITNESS (T. Schinella): Yes, UI is
24 aware. On the prefile testimony I provided on
25 November 2, 2023, provided a detailed explanation

1 of this fact.

2 MR. DOBIN: And has UI made any attempt
3 to reach out to you or anyone else involved to
4 inquire about how UI can try to resolve those
5 concerns you raised?

6 THE WITNESS (T. Schinella): No, they
7 have not.

8 MR. DOBIN: And do you know whether UI
9 is willing to try to consider altering its plans
10 to resolve your concerns about the impact on your
11 property?

12 THE WITNESS (T. Schinella): I do. At
13 the hearing on November 16th, UI's witness,
14 Mr. Crosbie, testified that he is not willing to
15 consider revising the project design that affects
16 our property at 2190 even if UI confirms that this
17 project will prevent us from developing the
18 property with the highest and best use. He also
19 testified that they'll not, they won't make any
20 changes even if it deems a property not to be
21 allowable or to be allowable within zoning because
22 of the easements they're taking.

23 MR. DOBIN: And if the UI project
24 prevents the property from being developed for its
25 highest and best use, do you have an estimate of

1 the before and after value loss for the subject
2 property?

3 THE WITNESS (T. Schinella): We have
4 consulted a very experienced and capable
5 commercial appraiser with significant knowledge of
6 the market as well as our property at 2190 Post
7 Road, Southport, Connecticut. The value we have
8 come up with is between 9 and 9 and a half million
9 dollars.

10 MR. McDERMOTT: Mr. Morissette, again,
11 notwithstanding Attorney Coppola's unsupported
12 statement that I'm not able to object, I'm going
13 to object. And I wish we could move things along.
14 This is not cross-examination. This is redirect
15 examination.

16 MR. MORISSETTE: Again, I agree, we are
17 going over the prefile testimony that has been on
18 the record since November 9th, I believe. We've
19 all had plenty of time to read it. So Attorney
20 Dobin, please get to some questions that have some
21 meaning. Thank you.

22 MR. COPPOLA: Mr. Chairman, if I may
23 just state he just stated a value estimate.
24 That's not provided in his prefile testimony.

25 MR. MORISSETTE: That is true.

1 MR. COPPOLA: It wasn't provided in his
2 prefile testimony. In fact, he's asking him
3 questions about -- the questions he just asked
4 were about testimony that was provided by
5 Mr. Crosbie on November 16th which was weeks after
6 his prefile testimony was filed. So these are
7 questions that are, in my opinion, absolutely ripe
8 for cross-examination with respect to --

9 MR. MORISSETTE: Some of the questions
10 are, Attorney Coppola, I agree, but not all of
11 them. We can read the testimony as it's prefiled.

12 Attorney Dobin, please continue and
13 please leave out the irrelevant questions. Thank
14 you.

15 MR. DOBIN: I'd also just state for the
16 record I am asking about topics that came up after
17 the prefile testimony and that were ripe for
18 cross-examination.

19 MR. McDERMOTT: Mr. Morissette, I'm
20 sorry --

21 MR. DOBIN: I would like to continue
22 with my questioning.

23 MR. McDERMOTT: Mr. Morissette, that's
24 exactly the issue is that he's not crossing --
25 he's not creating cross-examination. This is

1 redirect. This is information that came up and
2 he's asking questions about it. It's not
3 cross-examination. It's not going to the material
4 that's in the record. He's bringing in new facts
5 about sales costs and things like this that are
6 not in the record.

7 MR. MORISSETTE: Go ahead, Attorney
8 Dobin, please.

9 MR. DOBIN: It is with respect to
10 information that is in the record. This is
11 relating, directly relating to after Mr. Crosbie
12 testified with respect to the impact or lack
13 thereof of zoning regulations on their estimated
14 cost of taking easements. And I have a right, the
15 town has a right to ask questions to explore the
16 witness' reaction to that testimony. I only have
17 one more question for Mr. Schinella.

18 MR. MORISSETTE: Please complete your
19 cross. Thank you.

20 MR. DOBIN: Since you've submitted your
21 prefile testimony, has your opinion on whether you
22 are willing to voluntarily grant the proposed
23 easements on the subject property changed?

24 THE WITNESS (T. Schinella): No, it has
25 not. We are not willing to voluntarily grant

1 easements on the subject property.

2 MR. DOBIN: Thank you. My next
3 question is for Mr. Whitmore, Paul Whitmore.

4 THE WITNESS (Whitmore): Hello.

5 MR. DOBIN: Hi, Paul. Now, you are the
6 senior minister for Southport Congregational
7 Church?

8 THE WITNESS (Whitmore): Yes.

9 MR. DOBIN: All right. And in your
10 role as senior minister you have an understanding
11 of the church's programming and religious
12 services?

13 THE WITNESS (Whitmore): Yes.

14 MR. DOBIN: And in your role as senior
15 minister is also one of your responsibilities to
16 know the concerns of the church's members?

17 THE WITNESS (Whitmore): Yes.

18 MR. DOBIN: And you gain that
19 understanding through your communications with
20 members of the community?

21 THE WITNESS (Whitmore): Yes, that's
22 true.

23 MR. DOBIN: And you have approximately
24 750 members?

25 THE WITNESS (Whitmore): 750 adult

1 members, plus approximately 150 children in
2 addition to that.

3 MR. DOBIN: Thank you for that
4 clarification. You were asked in your original
5 cross-examination about whether you would
6 voluntarily give an easement or require UI to use
7 eminent domain to take the easement over the
8 property. Do you remember testifying you're not
9 inclined to give a voluntary easement?

10 THE WITNESS (Whitmore): Yes.

11 MR. DOBIN: And in your prefile
12 testimony you testified about the concerns that
13 would be posed by the easement if it were taken
14 over the church's property, right?

15 THE WITNESS (Whitmore): Yes.

16 MR. DOBIN: And is the reason that you
17 are not inclined to give a voluntary easement
18 because of the impact on the church's ability to
19 stay open if that easement is granted?

20 THE WITNESS (Whitmore): Yes. If the
21 easement is granted, it's going to have a major
22 negative impact on the church in terms of
23 membership and finances.

24 MR. DOBIN: And are those concerns
25 relating to the preschool?

1 THE WITNESS (Whitmore): That's related
2 to the preschool and that's related to the church
3 membership in general, yes.

4 MR. DOBIN: And what concerns have
5 parents expressed to you about the easement?

6 THE WITNESS (Whitmore): So our church,
7 well, both the preschool parents and the church
8 members have been very well informed about this.
9 They are, honestly they're horrified. They are
10 angry about this.

11 MR. DOBIN: And are you concerned about
12 declining enrollment?

13 THE WITNESS (Whitmore): Yes. Well,
14 there's declining enrollment. There's several
15 concerns. Some of the concerns have been from the
16 preschool. The parents of young children are
17 concerned about, they're concerned about safety
18 for their children. They're concerned about
19 exposure to the railroad caused by the loss of the
20 vegetation in the back. They are concerned about
21 the high voltage electric transmission lines that
22 are going to be hanging directly over children's
23 heads. They have expressed concerns, saying, you
24 know, if everything else were equal, they would
25 not want to enroll their child in a preschool that

1 has high voltage power lines that are running
2 directly over the back area, which is really a
3 multi-purpose area, and that's directly part of
4 the preschool as well as an area that the greater
5 church uses every day.

6 MR. DOBIN: And are you familiar with
7 the map of the easement that UI had provided in
8 this docket?

9 THE WITNESS (Whitmore): Yes, I am.

10 MR. DOBIN: Okay. And UI is taking a
11 permanent easement and a temporary construction
12 easement over the property?

13 THE WITNESS (Whitmore): Yes.

14 MR. DOBIN: And it appears that much of
15 the easement area is over the hardtop area; is
16 that correct?

17 THE WITNESS (Whitmore): Yeah, the
18 hardtop area is really a multi-purpose activity
19 area, yes.

20 MR. DOBIN: And so things like -- what
21 type of activities are used in that hardtop area?

22 THE WITNESS (Whitmore): That area is
23 used for, there's a number of religious and church
24 activities that that's used for. It's used for
25 funeral overflow seating, it's used for

1 confirmation class, worship services, it's used
2 for youth group activities, senior high and middle
3 school, it's used for church school activities.
4 It's used for men's group and women's group, they
5 meet in that space. It's a space that's used for
6 our mission service activities, preparing food to
7 be served for homeless and hungry people. It's a
8 staging area for the Southport blessing of the
9 fleet that we help lead. We have church picnics
10 there. We have social events there. We hold
11 religious holiday events there like our advent
12 worship we have held there, and the preschool uses
13 that area.

14 MR. DOBIN: And has the church been
15 undergoing recent growth in the last decade or
16 more?

17 THE WITNESS (Whitmore): So the church,
18 we're in a very fortunate position and we have
19 grown. Over the last 25 years we've had a net
20 membership growth that's been just under 3 percent
21 a year. It's been, actually I got curious and
22 asked, and it was 2.94 percent growth per year for
23 25 years going. We have grown financially also at
24 that point by 4.84 percent per year. So our
25 ministry and mission outreach that helps others

1 has grown steadily by that average every year.

2 MR. DOBIN: Is it your concern that the
3 project would inhibit or reverse that growth?

4 THE WITNESS (Whitmore): Absolutely.
5 It would because we use that space on a daily
6 basis for so many religious activities of
7 different kinds that it would hinder our ability
8 to fully use our property. And this has been our
9 practice for 180 years. So it would be a direct
10 hindrance to our full and our free religious
11 practice and expression. And also with our 25
12 year rate of growth we've already had to expand
13 our facility. We are going to have to expand our
14 facility again because of this growth. But
15 because the easement, it reduces our property
16 buildable footprint by 6,800 square feet, and this
17 reduces it, and so it's going to block our ability
18 to freely grow and to freely operate as a church,
19 as a religious institution.

20 MR. DOBIN: Did you listen to the last
21 two hearings where UI's witnesses testified?

22 THE WITNESS (Whitmore): I did, yes.

23 MR. DOBIN: And what's your
24 understanding of UI's willingness to make
25 modifications despite the negative impacts on the

1 church's property?

2 THE WITNESS (Whitmore): It's my
3 understanding that at least up until this point
4 that they will not make any changes even when we
5 have put them on notice, which we have, of the
6 negative impact of this project, and actually to
7 my horror, they said that the impact would be
8 minimal which is a misunderstanding.

9 MR. DOBIN: So UI has not reached out
10 to you since you submitted your testimony, right?

11 THE WITNESS (Whitmore): UI has not
12 reached out to us, no, they haven't.

13 MR. DOBIN: Thank you. My next set of
14 questions is for Harold Schmitz. Harold, are you
15 there? You're muted.

16 THE WITNESS (Schmitz): My apologies.
17 Go ahead, please.

18 MR. DOBIN: Thank you. In your prefile
19 testimony you mentioned that you're senior warden.

20 THE WITNESS (Schmitz): Correct.

21 MR. DOBIN: You also mentioned the
22 impact of the project on your preschool, correct?

23 THE WITNESS (Schmitz): The impact will
24 be on our preschool which would also affect our
25 church and our church growth and the number of

1 families that participate in all kinds of
2 programs. I just wanted to say that as senior
3 warden we are without a priest for right now. We
4 are looking for a rector. So I'm the leader of
5 the governing body of the church.

6 MR. DOBIN: And some of the nursery
7 school -- when I refer to the nursery school, you
8 understand, or preschool, I'm referring to the
9 same preschool --

10 THE WITNESS (Schmitz): Correct.

11 MR. DOBIN: -- that you have that
12 caters to 2 to 5 year old children?

13 THE WITNESS (Schmitz): 2 to 5 plus.
14 We don't exactly cut off at 5, but 5 plus would be
15 about it.

16 MR. DOBIN: And how many kids attend
17 the nursery school?

18 THE WITNESS (Schmitz): There are
19 roughly 130 kids. And in addition to that
20 population, there's vacation bible school, so the
21 school itself is used year-round.

22 MR. DOBIN: And you're familiar with
23 where the poles and transmission lines will be
24 placed?

25 THE WITNESS (Schmitz): I am.

1 MR. DOBIN: By UI?

2 THE WITNESS (Schmitz): Correct.

3 MR. DOBIN: And you understand that --
4 will the construction be close to where the
5 nursery school's activities --

6 THE WITNESS (Schmitz): The
7 construction would have a lot of impact on where
8 the children play. We have a couple of
9 playgrounds, one behind the rectory. It would
10 also affect the ability for parents or drop their
11 children off because part of our property includes
12 a parking lot that is just across the street from
13 the church. There is no parking on the street,
14 the police will ticket, so it's very difficult.
15 So youngsters would have to cross. There's a
16 school crossing guard. But if there is
17 construction going on, parents would be very, very
18 loathe to bring their children close to that
19 noise, dirt, and just unsafe approaches.

20 MR. DOBIN: Even after construction
21 have parents expressed any concern about the --

22 THE WITNESS (Schmitz): Very much so.
23 It's on their minds and it certainly would affect
24 their commitment to registering their children at
25 this school. They have concerns about lots of

1 things, as I've just mentioned, safety and clearly
2 whether or not, you know, their sense is this is
3 unsafe that high voltage is unsafe and would not
4 want their children in that setting. It would
5 affect our school.

6 MR. DOBIN: And if there's a decline in
7 enrollment, what would the impact be on the church
8 itself?

9 THE WITNESS (Schmitz): The school pays
10 a utility fee to us, basically a service fee. The
11 result of loss of that income would put us on a
12 slippery slope. You just look at churches in
13 Fairfield County or really across the northeast,
14 and no matter how much growth there is, if you get
15 a threat like this one, people will look
16 elsewhere. People are not going to church. We
17 have done a lot to build up and make our place
18 much more attractive. Young families would go
19 elsewhere. It would put us on a slope to closure.

20 MR. DOBIN: And you also testified
21 about the loss of revenue from the leasing of
22 parking spaces. Do you recall that testimony?

23 THE WITNESS (Schmitz): Exactly, yes,
24 we would lose that income because we do rent out
25 our space for communities to use during the week.

1 And once the monopole was constructed we would
2 lose whatever percentage it is of that space
3 because we are paid a prorated rate for that
4 rental.

5 MR. DOBIN: And the loss of revenue
6 would impact the programs and services that the
7 church can provide, right?

8 THE WITNESS (Schmitz): Put them both
9 together, absolutely, there would be a significant
10 loss of income amounting to over \$100,000 a year.
11 That's significant.

12 MR. DOBIN: And if you lost a third of
13 your families as a result of this project, what
14 would be the impact on the church?

15 THE WITNESS (Schmitz): It's just a
16 domino effect. It would just keep on continuing.

17 MR. DOBIN: And you've heard the
18 questions that I've asked the other witnesses
19 here. Since you've submitted your testimony
20 regarding the concerns, have you heard from UI
21 that they would be willing to change the project?

22 THE WITNESS (Schmitz): Not a word, not
23 a word, no contact.

24 MR. DOBIN: Thank you. My last set of
25 questions is for Stephanie Coakley.

1 MR. MORISSETTE: Attorney Dobin, you
2 are chewing up about a half an hour of time so far
3 and we have an hour limit. How much cross do you
4 have left?

5 MR. DOBIN: Three minutes?

6 MR. MORISSETTE: Very good. Please
7 continue and wrap it up. Thank you.

8 MR. DOBIN: Stephanie, are you there?

9 THE WITNESS (Coakley): Yes. Hi,
10 Attorney Dobin.

11 MR. DOBIN: Hi. How are you? I just
12 have a few questions. Now, we looked before at an
13 image, it was from David Parker's testimony,
14 Exhibit O to David Parker's testimony, is that
15 right, do you remember that?

16 THE WITNESS (Coakley): Yes. Yes, I
17 do.

18 MR. DOBIN: And on Exhibit O to Mr.
19 Parker's testimony that's the purported current
20 condition of the approach to the Pequot Library of
21 which you are the director, right?

22 THE WITNESS (Coakley): Yes.

23 MR. DOBIN: Is that an accurate view of
24 the current conditions?

25 THE WITNESS (Coakley): Yes, it is.

1 MR. DOBIN: And if you go to the next
2 page, Exhibit P.

3 THE WITNESS (Coakley): Yes, I'm there.

4 MR. DOBIN: On this image are you able
5 to identify -- well, first, there's a clear
6 vegetative buffer that's removed between Exhibit O
7 and P as a result of the project, right?

8 THE WITNESS (Coakley): Yes, numerous
9 majestic trees.

10 MR. DOBIN: And then if I look at, you
11 know, the area of the building to the left of the
12 red roof, right, is that area the entrance to your
13 children's library?

14 THE WITNESS (Coakley): It is primary
15 entrance to the children's library, yes.

16 MR. DOBIN: And as part of the
17 construction of this project during construction
18 you'll lose those parking spaces?

19 THE WITNESS (Coakley): If you're
20 referring to the drawings, yes, one of two
21 construction pads, one being directly behind the
22 building, yes, we will lose parking.

23 MR. DOBIN: And what benefits does the
24 trees that are currently there provide for the
25 library?

1 THE WITNESS (Coakley): Numerous
2 benefits and a noise buffer, a safety and security
3 shield that's been in place for decades. It adds
4 to our tranquil park-like setting. It's a visual
5 deterrence and distraction. We are essentially at
6 ground level with parts of the railroad, and the
7 trees very much are needed to help protect us from
8 that railroad structure.

9 MR. DOBIN: And you've heard me ask
10 this from the other witnesses. You listened to
11 the earlier hearings when UI testified about the
12 project?

13 THE WITNESS (Coakley): I did.

14 MR. DOBIN: What's your understanding
15 of UI's willingness to make modifications despite
16 negative impacts on the library?

17 THE WITNESS (Coakley): And I should
18 clarify the earlier fall hearings. My
19 understanding is that UI will not make -- it's
20 abundantly clear to me that they will not make any
21 modifications to the current proposed project,
22 although as part of my prefile testimony numerous
23 concerns have been put on the evidentiary record.

24 MR. DOBIN: And UI has not reached out
25 to you since you submitted the testimony?

1 THE WITNESS (Coakley): No.

2 MR. DOBIN: I have no further
3 questions.

4 MR. MORISSETTE: Thank you, Attorney
5 Dobin. We'll now continue with cross-examination
6 of SCNET group by Superior Plating Company.

7 Attorney Hoffman, good afternoon. Good
8 evening, I should say.

9 MR. HOFFMAN: It's still afternoon.
10 It's just dark out, Mr. Morissette, but it just
11 feels like evening. Superior has no questions for
12 the witness panel, nor does the City of
13 Bridgeport. However, because I think I'm dead
14 last in going, I would like to echo Mr. Russo's
15 suggestion, Attorney Russo's suggestion that we
16 take up the motions to intervene and just make
17 them exhibits absent objection from counsel. I
18 know that would also make my witnesses go more
19 quickly and I think it would speed things along,
20 if you'd be willing to indulge that, because we
21 now have a break between witness panels.

22 MR. MORISSETTE: Thank you, Attorney
23 Hoffman.

24 Attorney Bachman, is there a way that
25 we can do this to speed things along?

1 MS. BACHMAN: Thank you, Mr.
2 Morissette. My apologies to Mr. Perrone if we do
3 this because he's going to have to search the
4 transcript. But if Attorney Russo and Attorney
5 Hoffman when we get to their cases that in some
6 instances we only have requests for party or
7 intervenor status, that also goes for the
8 Fairfield Station Lofts, so if you'd like to take
9 that up now, the question of whether we could
10 allow all the requests for party and intervenor
11 status only as opposed to prefile testimony into
12 the record, we can do that, but we would have to
13 go party by party starting with Attorney Russo who
14 just happens to be up next for cross-examination.

15 MR. MORISSETTE: Thank you, Attorney
16 Bachman. We're going to continue with the agenda.
17 I'm expecting that Attorney Russo getting his
18 intervenor request into the record will go
19 quickly, and then we will continue with the other
20 parties as we go forward. Thank you.

21 And thank you, Attorney Hoffman, for
22 your suggestion, but we are going to continue with
23 the agenda.

24 Attorney Russo, will you please begin
25 by verifying all the exhibits by the sworn

1 witnesses and we can get those intervenor requests
2 into the record.

3 MR. RUSSO: So Chair, I only have one
4 witness who is Raymond Rizio. So are we saying,
5 so for Exhibits 1 through 9, 11 and 12, 15 through
6 17, which are intervenor requests, that they
7 would, if there's no objection, just be accepted
8 as full exhibits?

9 MR. MORISSETTE: Yes. Attorney
10 Bachman, is that correct?

11 MS. BACHMAN: I think that's a
12 productive way to approach it. Thank you,
13 Attorney Russo. Is Attorney Rizio available
14 for --

15 MR. RUSSO: Yes, and so is Jacquelyn
16 Thunfors who is the only other person who filed
17 prefiled testimony on our behalf. So I can
18 proceed with her if Ms. Thunfors is available.

19 MR. MORISSETTE: Yes. Please continue.

20 MR. RUSSO: Ms. Thunfors, are you
21 there? I can't see you.

22 JACQUELYN THUNFORS: Yes, I'm here.

23 MR. RUSSO: Okay. Thank you,
24 Ms. Thunfors.

25 MS. BACHMAN: Attorney Russo?

1 MR. RUSSO: Sorry.

2 MS. BACHMAN: Could we please swear in
3 the witnesses before we verify the exhibits?

4 MR. RUSSO: Sure. So Attorney Rizio
5 and Ms. Thunfors, turn on your camera.

6 MR. MORISSETTE: Go ahead, Attorney
7 Bachman, please administer the oath.

8 R A Y M O N D R I Z I O,

9 J A C Q U E L Y N T H U N F O R S,

10 having been first duly sworn by Attorney
11 Bachman, testified on their oaths as follows:

12 MS. BACHMAN: Thank you.

13 MR. MORISSETTE: Thank you, Attorney
14 Bachman.

15 Attorney Russo, please verify the
16 exhibits by the appropriate sworn witness.

17 MR. RUSSO: Thank you, Mr. Morissette.

18 DIRECT EXAMINATION

19 MR. RUSSO: For the Grouped LLC
20 Intervenors, Exhibit 10, Ms. Thunfors, regarding
21 the document, prefiled testimony of Jacquelyn
22 Thunfors, dated October 3, 2023, are you familiar
23 with that document?

24 THE WITNESS (Thunfors): Yes, I am.

25 MR. RUSSO: Do you have any changes or

1 revisions to that document?

2 THE WITNESS (Thunfors): No, I do not.

3 MR. RUSSO: Do you adopt this document
4 as a full exhibit?

5 THE WITNESS (Thunfors): Pardon me?

6 MR. RUSSO: Do you adopt this document
7 as a full exhibit?

8 THE WITNESS (Thunfors): Yes, I do.

9 MR. RUSSO: And then regarding the
10 document, additional prefile testimony of
11 Jacquelyn Thunfors, dated October 14, 2023, are
12 you familiar with that document?

13 THE WITNESS (Thunfors): Yes, I am.

14 MR. RUSSO: Do you have any changes or
15 revisions to that document?

16 THE WITNESS (Thunfors): No.

17 MR. RUSSO: And do you adopt this
18 document as a full exhibit?

19 THE WITNESS (Thunfors): Pardon me?

20 MR. RUSSO: Do you adopt this document
21 as a full exhibit?

22 THE WITNESS (Thunfors): Yes, I do.

23 MR. RUSSO: Okay. Thanks. And Chair,
24 I don't know if I stated that was exhibit -- I
25 mean, Mr. Morissette, I don't know if I stated

1 that's Exhibit 13.

2 Thank you, Mrs. Thunfors.

3 THE WITNESS (Thunfors): You're
4 welcome.

5 MR. RUSSO: Then Attorney Rizio,
6 regarding the document, Grouped LLC Intervenors
7 prefiled testimony of Raymond Rizio, dated
8 November 9, 2023, are you familiar with that
9 document?

10 THE WITNESS (Rizio): Yes, I am.

11 MR. RUSSO: Do you have any changes or
12 revisions to that document?

13 THE WITNESS (Rizio): No, I don't.

14 MR. RUSSO: Do you adopt this document
15 as a full exhibit?

16 THE WITNESS (Rizio): Yes, I do.

17 MR. RUSSO: And again, that was Exhibit
18 14. And that's all the exhibits for
19 identification.

20 MR. MORISSETTE: Thank you, Attorney
21 Russo. Does any party or intervenor object to the
22 admission of the Grouped LLC Intervenors' Exhibits
23 1 through 17?

24 MR. COPPOLA: No, Mr. Chairman.

25 MR. MORISSETTE: Attorney McDermott?

1 MR. McDERMOTT: No, Mr. Morissette.

2 Thank you.

3 MR. MORISSETTE: Thank you. Attorney
4 Casagrande -- no, excuse me, Attorney Mortelliti?

5 MR. MORTELLITI: No objections.

6 MR. MORISSETTE: Sorry for the
7 mispronunciation.

8 MR. MORTELLITI: No problem. It's
9 okay.

10 MR. MORISSETTE: Okay. We have
11 Attorney Coppola?

12 MR. COPPOLA: No, Mr. Chairman.

13 MR. MORISSETTE: Thank you. Attorney
14 Baldwin?

15 MR. BALDWIN: No objection.

16 MR. MORISSETTE: Thank you. Attorney
17 Dobin?

18 MR. DOBIN: No objection.

19 MR. MORISSETTE: Attorney Hoffman?

20 MR. HOFFMAN: No objection for either
21 Superior or the city.

22 MR. MORISSETTE: Thank you, Attorney
23 Hoffman. The exhibits are hereby admitted.

24 (Grouped Intervenors and CEPA
25 Intervenors Exhibits V-B-1 through V-B-17:

1 Received in evidence - described in hearing
2 program.)

3 MR. MORISSETTE: We'll now begin with
4 cross-examination of the Grouped LLC intervenors
5 by the Council starting with Mr. Perrone followed
6 by Mr. Silvestri.

7 Mr. Perrone.

8 MR. PERRONE: Thank you, Mr.
9 Morissette. I have no questions.

10 MR. MORISSETTE: Thank you, Mr.
11 Perrone. We'll now continue with
12 cross-examination by Mr. Silvestri followed by Mr.
13 Golembiewski.

14 Mr. Silvestri, please.

15 CROSS-EXAMINATION

16 MR. SILVESTRI: Thank you, Mr.
17 Morissette. Just one question for Attorney Rizio.
18 In your prefile testimony you mentioned Commerce
19 Drive. Is Commerce Drive more for
20 commercial/industrial or is it also designated for
21 residences?

22 THE WITNESS (Rizio): Commerce Drive
23 has changed quite a bit. There is residential on
24 Commerce Drive.

25 MR. SILVESTRI: More past, I should

1 say, west of Pepe's Pizza?

2 THE WITNESS (Rizio): West of Pepe's
3 Pizza. There is residential west of Pepe's Pizza,
4 yes.

5 MR. SILVESTRI: Okay. But not
6 necessarily east. East is more your commercial,
7 your car dealerships, that type of thing, correct?

8 THE WITNESS (Rizio): It depends on the
9 side of the road. I know the town is looking at
10 to making more of that mixed use over time.

11 MR. SILVESTRI: Okay. Thank you.

12 Mr. Morissette, that's all I have.
13 Thank you.

14 MR. MORISSETTE: We'll now continue
15 with cross-examination by Mr. Golembiewski
16 followed by Mr. Lynch.

17 Mr. Golembiewski.

18 MR. GOLEMBIEWSKI: Mr. Morissette, I
19 have no questions.

20 MR. MORISSETTE: Thank you, Mr.
21 Golembiewski. We'll now continue with
22 cross-examination by Mr. Lynch followed by myself.

23 Mr. Lynch.

24 MR. LYNCH: Can you hear me, Mr.
25 Morissette?

1 MR. MORISSETTE: Yes, I can. Thank
2 you.

3 MR. LYNCH: I have no questions.

4 MR. MORISSETTE: Thank you. And I have
5 no questions.

6 We'll now continue with
7 cross-examination of the Grouped LLC Intervenors
8 by the applicant. Attorney McDermott?

9 MR. McDERMOTT: No questions, Mr.
10 Morissette.

11 MR. MORISSETTE: Thank you, Attorney
12 McDermott. We'll continue with cross-examination
13 of the Grouped LLC Intervenors by BJ's Wholesale
14 Club. Attorney Mortelliti. Sorry.

15 MR. MORTELLITI: No problem. No
16 problem. We have no questions at this time,
17 Mr. Chairman.

18 MR. MORISSETTE: Thank you. We'll
19 continue with cross-examination of the Grouped LLC
20 Intervenors by SCNET Group, Attorney Coppola.

21 MR. COPPOLA: No questions. Thank you,
22 Mr. Chairman.

23 MR. MORISSETTE: Thank you. We'll
24 continue with cross-examination of the Grouped LLC
25 Intervenors by Fairfield Station Lofts, Attorney

1 Baldwin.

2 MR. BALDWIN: No questions, Mr.
3 Morissette.

4 MR. MORISSETTE: Thank you. We'll
5 continue with cross-examination of the Grouped LLC
6 Intervenors by the Town of Fairfield, Attorney
7 Dobin.

8 MR. DOBIN: No questions, Mr. Chairman.

9 MR. MORISSETTE: Thank you, Attorney
10 Dobin. We'll now continue with cross-examination
11 of the Grouped LLC Intervenors by Superior
12 Plating, Attorney Hoffman.

13 MR. HOFFMAN: No questions by Superior
14 Plating or the city, Mr. Morissette.

15 MR. MORISSETTE: Thank you, Attorney
16 Hoffman.

17 MR. MORISSETTE: We'll now continue
18 with the appearance of Fairfield Station Lofts,
19 LLC for no longer than one hour. Attorney
20 Baldwin, there is one exhibit for identification
21 which is Fairfield Station Lofts' request for
22 intervenor status and CEPA intervenor status,
23 dated August 28, 2023, and there are no witnesses;
24 is that correct?

25 MR. BALDWIN: That's correct, Mr.

1 Morissette. I think our intervenor request speaks
2 for itself. We don't have a witness to offer to
3 verify that, and absent objection, I would ask
4 that the Council take it into the record.

5 MR. MORISSETTE: Thank you, Attorney
6 Baldwin. Does any party or intervenor object to
7 the admission of Fairfield Station Lofts, LLC
8 exhibit which is the intervenor and CEPA
9 intervenor status.

10 Attorney Bachman -- Attorney McDermott,
11 excuse me.

12 MR. McDERMOTT: People get us confused
13 all the time. No objection.

14 MR. MORISSETTE: Thank you. Attorney
15 Mortelliti.

16 MR. MORTELLITI: No objection.

17 MR. MORISSETTE: Thank you. Attorney
18 Coppola.

19 MR. COPPOLA: No objection. Thank you.

20 MR. MORISSETTE: Thank you. Attorney
21 Russo.

22 MR. RUSSO: No questions.

23 MR. MORISSETTE: No objection?

24 MR. RUSSO: No objection.

25 MR. MORISSETTE: Thank you. Attorney

1 Dobin.

2 MR. DOBIN: No objection.

3 MR. MORISSETTE: Thank you. Attorney
4 Hoffman.

5 MR. HOFFMAN: No objection for either
6 client.

7 MR. MORISSETTE: Thank you. The
8 exhibit is hereby admitted.

9 (Fairfield Station Lofts, LLC Exhibit
10 VI-B-1: Received in evidence - described in
11 hearing program.

12 MR. MORISSETTE: We will now continue
13 with the appearance of the Town of Fairfield for
14 no longer than one hour. Will the party present
15 its witness panel for the purpose of taking the
16 oath, and Attorney Bachman will administer the
17 oath.

18 Attorney Dobin.

19 MR. DOBIN: Thank you, Mr. Chairman.
20 I'd like to start with Mr. Bishop, Tim Bishop.
21 Are you aware -- Tim, are you on?

22 TIMOTHY BISHOP: Yes. Thank you.

23 MR. DOBIN: Are you aware of the town's
24 request for party status, Exhibit 1?

25 TIMOTHY BISHOP: Yes.

1 MR. DOBIN: And did you prepare the
2 Town of Fairfield conservation department
3 comments, dated February 21, 2023, Exhibit 2?

4 MS. BACHMAN: Attorney Dobin, if I
5 could just please interject. Can we put the
6 witness under oath, please?

7 MR. DOBIN: Yes.

8 MS. BACHMAN: Thank you. Mr. Bishop,
9 could you please raise your right hand.

10 T I M O T H Y B I S H O P,

11 having been first duly sworn by Attorney
12 Bachman, testified on his oath as follows:

13 MS. BACHMAN: Thank you.

14 MR. DOBIN: And I might as well at this
15 point put the entire panel under oath, Adam
16 Klyver, Matthew Schweisberg, Peter Vimini, Wes
17 Haynes, Refat Awad.

18 MR. MORISSETTE: Attorney Bachman,
19 please administer the oath.

20 MS. BACHMAN: If the additional
21 witnesses could please raise their right hand.

22 A D A M K L Y V E R,

23 M A T T H E W S C H W E I S B E R G,

24 P E T E R V I M I N I,

25 W E S H A Y N E S,

1 R E F A T A W A D,

2 having been first duly sworn by Attorney
3 Bachman, testified on their oaths as follows:

4 MR. MORISSETTE: Thank you, Attorney
5 Bachman.

6 Attorney Dobin, please begin by
7 verifying all the exhibits by the appropriate
8 sworn witnesses.

9 DIRECT EXAMINATION

10 MR. DOBIN: Okay. Timothy, Tim Bishop,
11 going back to you, did you prepare your prefile
12 testimony, dated November 2, 2023, Exhibit 5?

13 THE WITNESS (Bishop): Yes.

14 MR. DOBIN: Do you adopt the testimony
15 in Exhibit 5 as your testimony today?

16 THE WITNESS (Bishop): Yes.

17 MR. DOBIN: Are you aware of the Town
18 of Fairfield Harbor Management Commission
19 comments, dated November 16, 2023, Exhibit 11?

20 THE WITNESS (Bishop): Yes.

21 MR. DOBIN: Are Exhibits 1, 2, 5 and 11
22 true and accurate to the best of your knowledge
23 and belief?

24 THE WITNESS (Bishop): Yes.

25 MR. DOBIN: Do you have any revisions

1 or corrections to any of those exhibits?

2 THE WITNESS (Bishop): I do not.

3 MR. DOBIN: Do you request that the
4 Council except those exhibits as full exhibits?

5 THE WITNESS (Bishop): Yes.

6 MR. DOBIN: Adam Klyver, did you
7 prepare the Fairfield Historic District Commission
8 comments, dated September 21, 2023, Exhibit 3?

9 THE WITNESS (Klyver): Yes, I did.

10 MR. DOBIN: And did you prepare your
11 prefile testimony, dated November 2, 2023, Exhibit
12 6?

13 THE WITNESS (Klyver): Yes.

14 MR. DOBIN: Do you adopt the testimony
15 in Exhibit 6 as your testimony today?

16 THE WITNESS (Klyver): Yes, I do.

17 MR. DOBIN: Are Exhibits 3 and 6 true
18 and accurate to the best of your knowledge and
19 belief?

20 THE WITNESS (Klyver): Yes, they are.

21 MR. DOBIN: Do you have any revisions
22 or corrections to any of these exhibits?

23 THE WITNESS (Klyver): No.

24 MR. DOBIN: Do you request that the
25 Council accept these exhibits as full exhibits?

1 THE WITNESS (Klyver): Yes, I do.

2 MR. DOBIN: Mr. Schweisberg, Matt
3 Schweisberg, did you prepare your prefile
4 testimony, dated November 2, 2023, Exhibit 7?

5 THE WITNESS (Schweisberg): Yes, I did.

6 MR. DOBIN: Do you have any revisions
7 or corrections to that exhibit?

8 THE WITNESS (Schweisberg): No, I do
9 not.

10 MR. DOBIN: Is Exhibit 7 true and
11 accurate to the best of your knowledge and belief?

12 THE WITNESS (Schweisberg): Yes, it is.

13 MR. DOBIN: And do you adopt the
14 testimony in Exhibit 7 as your testimony today?

15 THE WITNESS (Schweisberg): Yes, sir, I
16 do.

17 MR. DOBIN: Do you request that the
18 Council accept this exhibit as a full exhibit?

19 THE WITNESS (Schweisberg): Yes.

20 MR. DOBIN: Thank you. Peter Vimini?

21 THE WITNESS (Vimini): Yes.

22 MR. DOBIN: Did you prepare the prefile
23 testimony, dated November 2, 2023, Exhibit 8?

24 THE WITNESS (Vimini): I did.

25 MR. DOBIN: Do you have any revisions

1 or corrections to that exhibit?

2 THE WITNESS (Vimini): I do.

3 MR. DOBIN: What revisions do you wish
4 to make to that document?

5 THE WITNESS (Vimini): On page 6 of the
6 document, second sentence of the second paragraph
7 of my testimony I stated, "Estimating the cost to
8 acquire the new permanent easements simply on a
9 cost per acre basis, which in this case would be
10 approximately 1,558,442, rounded, is woefully
11 deficient." I want to revise --

12 MR. DOBIN: Sorry. Why are you making
13 these revisions?

14 THE WITNESS (Vimini): Well, I want to
15 revise that sentence to state, "Estimating the
16 cost to acquire the total easements on a cost per
17 acre, which is in this case would be approximately
18 1,025,600, is woefully deficient."

19 MR. DOBIN: And why are you making
20 these revisions?

21 THE WITNESS (Vimini): Well, I
22 initially calculated that 1,558,442 per acre
23 estimate based on the testimony that I reviewed by
24 UI's witness, Mrs. Potasz, on page 25 of the
25 transcript of the July 25, 2023 hearing where she

1 testified that UI estimated \$32.2 million for
2 acquiring about 19.3 acres of permanent easements.

3 On November 2nd of 2023, my prefile
4 testimony was submitted. On that same day, Shawn
5 Crosbie from UI submitted a response to
6 Interrogatory Q-FAIRFIELD-16 which stated that UI
7 had estimated approximately 30 million for the
8 acquisition of all new easements for the project.

9 The record provides that UI is taking
10 approximately 19.25 acres of permanent easements
11 and an additional approximately 10 acres of
12 temporary easements. Therefore, UI is taking a
13 total of approximately 29.25 acres of easements.
14 Based on Mr. Crosbie's response to the
15 Interrogatory Q-FAIRFIELD-16, I divided the \$30
16 million acquisition number by 29.25 acres which
17 calculated an approximate 1,025,600 per acre cost
18 for the easements.

19 MR. DOBIN: With those revisions, is
20 Exhibit 8 true and accurate to the best of your
21 knowledge and belief?

22 THE WITNESS (Vimini): Yes.

23 MR. DOBIN: With those revisions, do
24 you adopt the testimony in Exhibit 8 as your
25 testimony today?

1 THE WITNESS (Vimini): Yes.

2 MR. DOBIN: And do you request that the
3 Council accept the exhibit as a full exhibit?

4 THE WITNESS (Vimini): Yes.

5 MR. DOBIN: With the Council's
6 permission, the town is able to submit a revised
7 prefile testimony on behalf of Mr. Vimini, if the
8 Council permits it. Would you like us to do that?

9 MR. MORISSETTE: Yes, please.

10 MR. DOBIN: Mr. Haynes, Wes Haynes? I
11 think you may be muted.

12 THE WITNESS (Haynes): Sorry.

13 MR. DOBIN: Good afternoon, sir. Did
14 you prepare your prefile testimony --

15 THE WITNESS (Haynes): Yes.

16 MR. DOBIN: -- dated November 2nd,
17 Exhibit 9?

18 THE WITNESS (Haynes): Yes.

19 MR. DOBIN: And do you have any
20 revisions or corrections to that exhibit?

21 THE WITNESS (Haynes): No.

22 MR. DOBIN: Is Exhibit 9 true and
23 accurate to the best of your knowledge and belief?

24 THE WITNESS (Haynes): Yes.

25 MR. DOBIN: And do you adopt the

1 testimony in Exhibit 9 as your testimony today?

2 THE WITNESS (Haynes): Yes, I do.

3 MR. DOBIN: Do you request that the
4 Council accept the exhibit as a full exhibit?

5 THE WITNESS (Haynes): Yes.

6 MR. DOBIN: Thank you. Refat Awad,
7 Mr. Awad?

8 THE WITNESS (Awad): Yes.

9 MR. DOBIN: Did you prepare the prefile
10 testimony, dated November 9, 2023, Exhibit 10?

11 THE WITNESS (Awad): Yes, I did.

12 MR. DOBIN: Do you have any revisions
13 or corrections to that exhibit?

14 THE WITNESS (Awad): No, there were no
15 corrections.

16 MR. DOBIN: Is Exhibit 10 true and
17 accurate to the best of your knowledge and belief?

18 THE WITNESS (Awad): Yes.

19 MR. DOBIN: Do you adopt the testimony
20 in Exhibit 10 as your testimony today?

21 THE WITNESS (Awad): Yes.

22 MR. DOBIN: Do you request that the
23 Council accept this exhibit as a full exhibit?

24 THE WITNESS (Awad): Yes, please.

25 MR. DOBIN: And Mr. Chairman, there is

1 one additional Exhibit, Exhibit 4, the prefile
2 testimony of Ms. Kupchick. She is unavailable to
3 testify today and we're not offering her prefile
4 testimony at this time. It's Exhibit 4.

5 Although, but if the Council and the other parties
6 do not object, we would like to offer that as her
7 testimony. She's indicated that if there is
8 another hearing day, she would be happy to testify
9 at that time and, if necessary, we'll file
10 whatever necessary documents in order to
11 authenticate that testimony. So I'm just asking
12 if there's any objection or the panel would allow
13 it to come in.

14 MR. MORISSETTE: Thank you, Attorney
15 Dobin. We will check with the parties and
16 intervenors. Does any party or intervenor object
17 to the admission of the Town of Fairfield's
18 Exhibits 1 through 11 with consideration of
19 Exhibit 4 that Ms. Kupchick is not available for
20 cross-examination?

21 Attorney McDermott?

22 MR. McDERMOTT: No objection, Mr.
23 Morissette.

24 MR. MORISSETTE: Is that with the
25 inclusion of Exhibit 4?

1 MR. McDERMOTT: With the inclusion of
2 Exhibit 4, correct.

3 MR. MORISSETTE: Thank you, Attorney
4 McDermott.

5 Attorney Mortelliti?

6 MR. MORTELLITI: We have no objections,
7 Mr. Chairman. Thank you.

8 MR. MORISSETTE: Thank you, including
9 Exhibit 4?

10 MR. MORTELLITI: Correct, yes,
11 including Exhibit 4, no objections.

12 MR. MORISSETTE: Attorney Coppola?

13 MR. COPPOLA: No objection,
14 Mr. Chairman, as well as with the inclusion of
15 Exhibit 4. Thank you.

16 MR. MORISSETTE: Thank you. Attorney
17 Russo?

18 MR. RUSSO: No objection, Mr.
19 Morissette, with the inclusion of Exhibit 4 as
20 well.

21 MR. MORISSETTE: Thank you. Attorney
22 Baldwin?

23 MR. BALDWIN: No objection, Mr.
24 Morissette, as the others with the inclusion of
25 Exhibit 4.

1 MR. MORISSETTE: Thank you. Attorney
2 Hoffman?

3 MR. HOFFMAN: Again, no objection by
4 either one of my clients to the inclusion of all
5 the exhibits, including Exhibit 4.

6 MR. MORISSETTE: Thank you, Attorney
7 Hoffman. The exhibits are hereby admitted,
8 Exhibits 1 through 11 with the inclusion of
9 Exhibit 4.

10 (Town of Fairfield Exhibits VII-B-1
11 through VII-B-11: Received in evidence -
12 described in hearing program.)

13 MR. MORISSETTE: We will begin with
14 cross-examination of the Town of Fairfield by the
15 Council starting with Mr. Perrone followed by Mr.
16 Silvestri.

17 Mr. Perrone.

18 CROSS-EXAMINATION

19 MR. PERRONE: Thank you, Mr.
20 Morissette.

21 My first question is for Mr. Bishop.
22 Mr. Bishop, the town conservation department
23 comments, dated February 21, 2023, at the top of
24 page 2 the department requests that the Council
25 require the replacement of lost vegetation from

1 construction activities with native plantings.
2 UI's response to Council Interrogatory 62
3 indicated that UI is amenable to developing a
4 restoration plan that includes native plant
5 species consistent with transmission requirements.
6 My question is, what native plant species do you
7 suggest be implemented in a restoration plan?

8 THE WITNESS (Bishop): I'm not a
9 registered landscape architect, but I think the
10 definition in the request speaks for itself with
11 the understanding that those species, again, be
12 native and adequate for habitat and soils in those
13 areas as well as meeting the requirements
14 requested by UI as far as growth and height
15 requirements in the railroad corridor.

16 MR. PERRONE: My next question is for
17 Mr. Vimini. On page 7 of your prefile testimony,
18 paragraph 1, you note that you do not believe that
19 UI would be able to obtain the permanent easements
20 at a cost of \$30 million. Do you have a ballpark
21 estimate that you believe would be suitable in
22 lieu of the 30 million?

23 THE WITNESS (Vimini): Thank you, Mr.
24 Perrone, and great question. I think that when
25 you look at all costs of acquisition, including

1 all costs, you're looking at probably somewhere
2 between three to five times that amount.

3 MR. PERRONE: Thank you. That's all I
4 have for the town.

5 MR. MORISSETTE: Thank you, Mr.
6 Perrone. We'll now continue with
7 cross-examination by Mr. Silvestri followed by Mr.
8 Golembiewski.

9 Mr. Silvestri.

10 CROSS-EXAMINATION

11 MR. SILVESTRI: Thank you, Mr.
12 Morissette. I'd like to reference Exhibit 11,
13 Town of Fairfield Harbor Management Commission
14 comments that were dated November 16, 2023.
15 Within that document it talks about the Exide
16 property remediation, and I have a few questions
17 on that one. Starting with was the remediation
18 actually completed in 2017?

19 MR. DOBIN: Is there anyone on the
20 panel who is able to answer that question?

21 MR. COPPOLA: Mr. Chairman, if I may
22 suggest for Commissioner Silvestri to give him a
23 response, I don't know if Mr. Schinella is still
24 on the call, but he may know the answer. He is
25 one of the principals that owns the property, if

1 that's helpful, Mr. Chairman.

2 MR. MORISSETTE: Thank you. He's not a
3 part of this panel and this is cross-examination
4 of this panel. So I would ask if anybody knows
5 that question; and if not, we will move on.

6 Attorney Dobin.

7 MR. DOBIN: Mr. Bishop, is that
8 something that you'd be comfortable answering with
9 respect to the status of that cleanup?

10 THE WITNESS (Bishop): Thank you. I
11 cannot confirm that date. That was prior to me
12 becoming a town employee here.

13 MR. DOBIN: If the Council permits, we
14 can conduct an investigation and submit a
15 Late-Filed exhibit.

16 MR. MORISSETTE: Well, we are not
17 accepting Late-Files at this point in the hearing.

18 Mr. Silvestri, is that critical in your
19 cross-examination?

20 MR. SILVESTRI: Well, the way it was
21 proposed was that, you know, if there were going
22 to be poles within that area they were worried
23 about contamination. And all of my questions were
24 based on what was going on at the Exide property,
25 when was it completed, what was actually

1 remediated, land, water, bottom of the water, is
2 something still there. But obviously if we can't
3 get answers to that, my questions at this point
4 are moot.

5 MR. MORISSETTE: Very good. Thank you,
6 Mr. Silvestri. Please continue.

7 MR. SILVESTRI: That's all I have, Mr.
8 Morissette. Thank you.

9 MR. MORISSETTE: Thank you. We'll now
10 continue with cross-examination by Mr.
11 Golembiewski followed by Mr. Lynch.

12 Mr. Golembiewski?

13 MR. GOLEMBIEWSKI: Thank you, Mr.
14 Morissette. I have no questions of the panel.

15 MR. MORISSETTE: Thank you, Mr.
16 Golembiewski. We'll now continue with Mr. Lynch
17 followed by myself.

18 Mr. Lynch?

19 MR. LYNCH: No questions.

20 CROSS-EXAMINATION

21 MR. MORISSETTE: Thank you. All right.
22 I have a few questions. I want to start off with
23 Mr. Awad.

24 THE WITNESS (Awad): Yes.

25 MR. MORISSETTE: Good afternoon.

1 THE WITNESS (Awad): Good afternoon.

2 MR. MORISSETTE: Okay. Your
3 underground estimate, if I recall correctly, is
4 27.1 million per mile?

5 THE WITNESS (Awad): That's correct.

6 MR. MORISSETTE: I'll ask the same
7 questions that I asked the previous panel. Did
8 that also include HDD and directional drilling?

9 THE WITNESS (Awad): Yes, one
10 directional drilling, one cable per phase for the
11 Ash Creek Substation; or two, if we're using two
12 cables per phase or two circuits as well.

13 MR. MORISSETTE: Was the substation
14 cost included in your total estimate?

15 THE WITNESS (Awad): Excuse me?

16 MR. MORISSETTE: Were the substation
17 costs included?

18 THE WITNESS (Awad): Only the duration
19 and the structure that goes with it.

20 MR. MORISSETTE: Very good. I noticed
21 that there is a 5 percent contingency in your
22 estimate. That appears to be a little low.

23 THE WITNESS (Awad): Yes. I allowed
24 for my estimate, I said minus 10 plus 25. It's
25 already in the text here on page 2. This is ample

1 to, because contingency really is for something
2 that is foreseen. If you've done your engineering
3 survey and thermal resistivity measurements. And
4 I worked with the city and got all the underground
5 existing infrastructure like pipes, gas pipes and
6 phone cables, although there's not much phone
7 cables anyways, not with the cell phone. But
8 anyways, whatever underground you can get, all the
9 ducts underground. And if you know all this there
10 would be very little surprise or surprises, I
11 should say, during the construction.

12 So normally I would put 10 percent, but
13 in this case I said if you do all the engineering,
14 because engineering is very, very important as a
15 first step. In fact, UI estimated engineering is
16 \$141 million which is an astronomical figure for
17 engineering. You could hire all the consultants
18 in the State of Connecticut and you wouldn't spend
19 that much. So basically the engineering survey of
20 the road, going to the city and getting all the
21 information about this upgrade, infrastructure
22 that exists already, and of course measuring the
23 thermal resistivity and collecting as much
24 information as possible. Because once you go for
25 the construction, if you're missing something

1 that's an open gate for the contractors to get
2 extras, and we're very, very careful with that.

3 MR. MORISSETTE: Thank you. In your
4 prefile testimony you indicated that it was a
5 budgetary estimate. To me that would indicate
6 that with a minus 10 percent plus 25 percent and a
7 5 percent contingency that is not a budgetary
8 estimate, that's something that is more in line
9 with something that is well developed in the
10 engineering stage.

11 THE WITNESS (Awad): Yes, that's a
12 fact, you're right about that. But in any project
13 you spend a little money on what we call
14 feasibility study, which is only a few million
15 dollars, and you get all the information I just
16 described a minute ago, and that will make you
17 very comfortable with a budgetary estimate.

18 What I saw from UI was what they called
19 an initiating or initiation budget which is very,
20 I called it noninitiation project because one
21 billion dollars would scare the heck out of
22 anybody. And I've never seen any project with 9
23 miles, including all the substations and all the
24 other items, that would cost one billion dollars.

25 On the New York to Montreal which is 5,

1 sorry, 347 miles of DC cables 400-kV, which
2 included two converter stations, it cost \$7
3 billion, and that's 50 times more than, you know,
4 7 miles or, if you divide it by 9, it's about 40
5 something times your project. So the project, the
6 estimate is astronomical, and I believe there's a
7 big mistake somewhere in the evaluation. The
8 biggest mistake, of course, in the AFUDC which is
9 \$253 million simply because we assume that it
10 would take ten years to build a 9 mile underground
11 cable just doesn't make any sense in my book.

12 MR. MORISSETTE: Thank you, Mr. Awad.
13 Now, is your estimate based on the Route 1
14 possibility or is it based on as outlined in the
15 application?

16 THE WITNESS (Awad): Yes, I based it on
17 the outline in the application because I wanted
18 to, not to start an argument why didn't you do the
19 other one. It is possible, of course, to do the
20 Route 1 close to the 345, but as I heard Mr. Orton
21 saying, you cannot decide what is the separation
22 between the existing and the new 115-kV unless you
23 do the thermal, which is called an ampacity
24 calculation, to make sure there's no mutual
25 heating between the two circuits. And this is

1 part of the engineering. This is a desktop
2 analysis that can be done in two days, you know,
3 with cable engineers, of course, not anybody else.

4 So cable engineers will analyze the
5 situation because we know you are not the first
6 guy to, or the first person to put an underground
7 cable. If you look at New York or Boston or
8 Montreal and so on, we have tons of underground
9 cables, and we have no choice but to put other
10 cables near them, so is it 5 feet or 10 feet and
11 so on. And if you put -- I put many circuits in
12 Montreal in the same duct bank. They are two
13 separate lines, but you can calculate the lines to
14 meet the maximum temperature of the conductor, and
15 the two cables will have no problem surviving the
16 load.

17 MR. MORISSETTE: Very good. So you
18 basically agree with the previous testimony?

19 THE WITNESS (Awad): (Inaudible) Okay.
20 Sorry.

21 MR. MORISSETTE: Okay. Thank you.
22 Let's see, Mr. Perrone asked my question relating
23 to the cost of easements. Thank you, Mr. Perrone.

24 My last question I was going to ask
25 First Selectman Kupchick, but I'll ask the panel

1 and maybe there's somebody that is representing
2 the town that can respond. What are your thoughts
3 or do you support the double circuit rebuild on
4 the north side of the track versus the install of
5 single circuit on the south side?

6 Attorney Dobin, do you have anybody
7 that could respond to that?

8 MR. DOBIN: I don't. If anyone is able
9 to respond, please do. I don't know if that's
10 been sufficiently explained in the application
11 papers. I think if there was some more detail, I
12 think we would need some time and take that into
13 consideration and review it, but I don't think
14 anyone at this point is able to provide that
15 response who's on the panel right now.

16 MR. MORISSETTE: Okay. Thank you,
17 Attorney Dobin. With the requested
18 interrogatories relating to this topic from UI
19 we've discussed it on several occasions. So there
20 is information on the record about the proposal to
21 do a rebuild on the north side of the tracks
22 eliminating the single circuit. But if nobody can
23 respond to that, we'll move on.

24 MR. DOBIN: I think to the extent that
25 it doesn't address the archeological and viewshed

1 concerns and I think the town would, you know, if
2 it doesn't address those concerns, then I think
3 the town's position stays the same, but I'll defer
4 to anyone on the panel who's able to answer the
5 question.

6 MR. MORISSETTE: I'd prefer a witness
7 respond, but if I hear no response, then we'll
8 move on. Okay, well, with that -- I'm sorry?

9 THE WITNESS (Bishop): Mr. Chairman, I
10 can only speak to that, at Attorney Dobin's
11 suggestion, to represent the town from at least a
12 conservation standpoint. I can, you know, again,
13 only speak to that. My only opinion would be in
14 favor of that only because from a wetlands and
15 watercourse standpoint, I think the disturbances
16 to the ground in the existing disturbed area may
17 reduce those adverse impacts to wetlands and
18 watercourses if those exist on the north side
19 where the existing monopole structures are.
20 Again, I can't confirm it and have very little
21 knowledge about current site conditions in those
22 locations, but, you know, common sense would
23 suggest that disturbing undisturbed areas versus
24 currently disturbed areas would benefit the
25 natural resources on the south side of the tracks.

1 Thank you.

2 MR. MORISSETTE: Very good. Thank you,
3 Mr. Bishop.

4 Okay. With that, we will continue with
5 cross-examination of the Town of Fairfield by the
6 applicant, Attorney McDermott.

7 MR. McDERMOTT: Thank you, Mr.
8 Morissette.

9 CROSS-EXAMINATION

10 MR. McDERMOTT: Mr. Awad, I was a
11 little bit confused when you were answering Mr.
12 Morissette's questions. When he was asking you
13 about your 5 percent contingency, I believe you
14 said you were able to get that level because
15 various engineering and other studies had been
16 completed and you knew what was underground. Is
17 that accurate?

18 THE WITNESS (Awad): Yes. When the
19 study is completed this would be very accurate.

20 MR. McDERMOTT: But you have not
21 completed engineering studies and you do not know
22 what's underground; is that correct?

23 THE WITNESS (Awad): No, I did not.

24 MR. McDERMOTT: So how were you able to
25 get to a 5 percent contingency if you don't know

1 what is underground and you have not completed
2 your engineering studies? Shouldn't your
3 contingency number be much higher, which is what I
4 believe Mr. Morissette was asking, but regardless,
5 shouldn't your contingency number be higher than 5
6 percent?

7 THE WITNESS (Awad): It could be 10 or
8 20, but it will not change drastically the cost
9 per mile. If you put it at 20, it's going to be,
10 you know, four times what I have, \$8 million, \$32
11 million, so it will not affect the average cost by
12 that much if you divide it by the length by the
13 circuit that we're proposing. So even if you do
14 the circuit by \$30 million per mile --

15 MR. McDERMOTT: Why did you choose 5
16 percent just to lower your overall number?

17 THE WITNESS (Awad): No, it's not.
18 What I said is if the feasibility study is well
19 done and all the information is documented and so
20 on. And I went to the Town of Fairfield and I met
21 the engineer, Bill Hurley, and I looked at all the
22 maps, you know, the roads of the 345, every
23 section. That's how also I placed my sections and
24 the 115-kV cable section that means between
25 joints, some at 1,600 feet because that's what

1 they used to run 345. I said it's possible to
2 pull that distance in that city considering all
3 the underground, you know, infrastructure that's
4 existing. There's nothing drastically different
5 than a small town, if you wish. I have seen worse
6 in Montreal and I have seen worse in other parts
7 of the world.

8 MR. McDERMOTT: Mr. Awad, you have not
9 done any underground survey, correct?

10 THE WITNESS (Awad): No, I did not.

11 MR. McDERMOTT: But you just looked at
12 a map of where the 345-kV transmission line in the
13 Post Road in Fairfield is; is that correct?

14 THE WITNESS (Awad): Yes.

15 MR. McDERMOTT: Thank you. And Mr.
16 Awad, you indicate that your report also includes
17 a realistic budget estimate variation of negative
18 10 percent to plus 25 percent?

19 THE WITNESS (Awad): Yes.

20 MR. McDERMOTT: Are you aware of ISO
21 Planning Procedure Number 4 which provides
22 variation, budgetary estimate variations?

23 THE WITNESS (Awad): Yes, I know the
24 estimation. You have 5, which is much, much
25 higher, you know, minus 50 plus 100, but in the

1 estimate of UI's minus, if my memory is correct, I
2 think it's minus 200 plus 300 percent, you know,
3 which is way out of whack in the estimation world.

4 MR. McDERMOTT: Mr. Awad, just so the
5 record is clear, UI's estimate was negative 50
6 percent to plus 200 percent. And subject to
7 check, would you -- well, I'm sorry, do you have
8 familiarity of PP4, Planning Procedure 4 of ISO
9 New England, in particular, attachment D, which is
10 where UI's accuracy range was determined?

11 THE WITNESS (Awad): No, I'm not
12 familiar with that, but I have done estimation for
13 many projects. I have 50 years of experience. I
14 was responsible for all the underground in
15 Hydro-Quebec which is a huge utility. It's the
16 second largest utility in North America next to
17 New York Edison. And I, you know, I requested the
18 information from the suppliers for the cables and
19 accessories. Unfortunately, of course, today if
20 you want to buy it at this price, the estimate was
21 valid for 90 days, and it has expired now. I can
22 renew it, if you wish, if you want to have --

23 MR. McDERMOTT: No, that's fine.

24 THE WITNESS (Awad): So the cable is
25 guaranteed. I went to contractors --

1 MR. McDERMOTT: Mr. Awad, sorry, let's
2 stay a little bit focused as time is not in our
3 favor, I think. But what is your level of project
4 definition at this point?

5 THE WITNESS (Awad): Okay. I know that
6 the --

7 MR. McDERMOTT: In other words, let me
8 give you some maybe terms. Is it concept, is it
9 proposed, is it planned, is it final design, is it
10 under construction, where is your design --

11 THE WITNESS (Awad): It's proposed
12 because --

13 MR. McDERMOTT: -- on this project at
14 this point, Mr. Awad?

15 THE WITNESS (Awad): It's proposed
16 because UI says I propose to replace the overhead
17 line by underground line with this distance and
18 this road, and I took their map and I measured all
19 the distances between the different segments
20 because of course nothing is a straight line in
21 life, and I come to the total. And then I ask
22 contractors to do the estimate for all the civil
23 work, and that includes everything, dewatering,
24 HDD with bentonite and all the questions where I
25 heard from UI earlier, and the duct banks, all the

1 soil that you are digging and replacing it, even
2 with sometimes with special backfilling material
3 like FTB or, you know, whatever is required for
4 that.

5 The contractor, I have the contractor
6 estimate right in front of me here.
7 Unfortunately, I did not want to disclose all the
8 numbers because nobody put the numbers in the
9 case --

10 MR. McDERMOTT: Perhaps the accuracy
11 range issue, would you agree, Mr. Awad, if UI is,
12 say, a concept level and you're a proposed level,
13 the accuracy range will differ because you all
14 think the project is at different levels. Is that
15 not a fair statement?

16 THE WITNESS (Awad): I agree, but it
17 doesn't go from minus 50 to plus 200. This is way
18 out of, like I don't know where the heck. I just
19 put one billion. It could be three billion
20 dollars. It could be 50 --

21 MR. McDERMOTT: But the fact remains,
22 Mr. Awad, isn't it true, that if UI is following
23 Planning Procedure 4 and they're following the ISO
24 rules that, you know, their level of project
25 definition may differ from yours and therefore

1 they would have a different accuracy range. Isn't
2 that true?

3 THE WITNESS (Awad): That is true
4 but --

5 MR. McDERMOTT: Thank you, Mr. Awad.

6 Mr. Awad, are you aware that the
7 Connecticut Department of Transportation does not
8 permit splice vaults within state roads?

9 THE WITNESS (Awad): What? Sorry,
10 repeat the question again.

11 MR. McDERMOTT: Are you aware that the
12 Connecticut Department of Transportation does not
13 permit splice vaults to be installed within state
14 roads?

15 THE WITNESS (Awad): Well, Route 1 is a
16 state road, okay, we're not taking Route 1, if you
17 wish. We have to select a road that accepts it.

18 MR. McDERMOTT: Mr. Awad, that was a
19 yes or no question, please. Do you know whether
20 or not the Connecticut Department of
21 Transportation permits splice vaults within state
22 roads?

23 THE WITNESS (Awad): Okay. No, I'm not
24 aware. But the route that was proposed, does it
25 accept or allow for splices and vaults?

1 MR. McDERMOTT: The route -- I'm sorry,
2 the route selected does not allow for splices and
3 vaults?

4 THE WITNESS (Awad): The route that is
5 proposed by UI, you know, the picture, photos 9.1
6 and 9.9 and 9.10 on the application, on your
7 statement, does it allow vaults and splices on
8 that road? Because if it doesn't allow, we both
9 are wrong.

10 MR. McDERMOTT: So, is it your
11 testimony that UI's proposed underground route is
12 not at all within state roads?

13 THE WITNESS (Awad): No. I'm asking
14 you is it a state road. I'm not familiar with all
15 the maps of Connecticut to say this is a state
16 road unless it's written on it, Route 1 or route
17 whatever. But what I'm asking is the UI proposed
18 route for the cable, does it allow vaults and
19 joints in it, splices or not?

20 MR. McDERMOTT: I'm going to decline
21 your offer to testify, Mr. Awad. I'll just accept
22 the fact that you don't know whether CT DOT allows
23 splice chambers within state roads.

24 But if we could, let's assume that that
25 statement is true that no state -- that splice

1 chambers are allowed within state roads. Where
2 would the splice vaults go? It's true, isn't
3 it that --

4 MR. DOBIN: I'm going to object.
5 Objection. He's assuming, unless it's in evidence
6 or he's provided some type of legal basis for
7 assuming that anything, assuming that it's true
8 regarding what he claims to be the law even though
9 the 345-kV line is also in the state road, I'm
10 objecting to that question. Assuming what he
11 claims to be the law is not a proper question.

12 MR. MORISSETTE: I agree with the
13 objection. The witness has already stated that he
14 doesn't know, so we don't need to continue with
15 the questioning along these lines.

16 MR. McDERMOTT: Mr. Awad, on page 5 of
17 your -- thank you, Mr. Morissette -- on page 5 of
18 your prefile testimony you say that UI estimates
19 the total cost for constructing an approximately
20 9.14 mile cable, but then on page 6 of your
21 testimony you discuss engineering cost estimates
22 for the underground installation of approximately
23 7.4 miles. Why the difference between 9.14 and
24 7.4 miles?

25 THE WITNESS (Awad): That's a very good

1 question. When I inspected the route, I found
2 that already UI is doing double line between
3 Congress Substation and the substation that's
4 called -- it's an Indian name -- Pequonnock?

5 MR. McDERMOTT: I believe it's
6 "Pequonnock," but yes, thank you.

7 THE WITNESS (Awad): Okay. Whatever.
8 Sorry about my pronunciation of the name.

9 MR. McDERMOTT: That's all right.

10 THE WITNESS (Awad): But anybody who's
11 already started doing the double line to loop into
12 that substation doesn't really plan to replace it
13 tomorrow morning with underground cable. It will
14 be waste of money because you're putting 20 miles
15 single poles -- a single pole for each circuit.
16 So I eliminated that section. I said what's left
17 is about 7.4. If I'm wrong, we can adjust it,
18 because what I was looking for what is the unit
19 price per mile for one circuit with one cable per
20 phase or one circuit with two cables per phase, or
21 you could call it double circuit, like you could
22 have the north and south circuits included in the
23 same duct bank with one cable each because the one
24 cable reach the ampacity of the existing lines
25 anyways.

1 MR. McDERMOTT: But Mr. Awad, just to
2 be clear, the double circuit connection between
3 Congress Substation and Pequonnock Substation is
4 not part of the proposed Fairfield to Congress
5 project; are you aware of that?

6 THE WITNESS (Awad): But I saw the
7 tower is built, so why do you have to continue
8 with underground to Congress from that point?

9 MR. McDERMOTT: But Mr. Awad, are you
10 aware that the double circuit configuration under
11 construction in Bridgeport is another approved
12 project and has been constructed as part of the
13 Pequonnock Substation rebuild project and is not
14 part of this project?

15 THE WITNESS (Awad): Okay. I agree.
16 So if it's 9.1, my figure will just be multiplied
17 by 9.1 over 7.4. That will bring probably the
18 cost per mile to about -- even less, if you wish,
19 because -- anyways, you can adjust it, like, you
20 know, what they call the pro rata, 7.4 will cost
21 you 200 million, so what's 9.1. You can do that
22 very easily mathematically because even the
23 contractor estimated what you call by segment,
24 like one segment is between two joint vaults. So
25 if you increase the number of joint vaults, you

1 increase it by one segment and have a price for
2 one segment. You have less, you remove the number
3 of segments that you don't need. So contractors
4 are very precise about that.

5 MR. McDERMOTT: Mr. Awad, your report
6 on page 5, Figure 3, is a proposed underground
7 cable route. Who provided you with that?

8 THE WITNESS (Awad): Well, that was in
9 your report, basically the submission. I took 9.1
10 and 9.2 and I went to the city, I said could you
11 measure the distances between the different
12 sections of this route, and we came up to 7.4.
13 You know, you could see the segments are measured
14 in feet like, you know, if you look at the --

15 MR. McDERMOTT: Okay. So you took UI's
16 route and you just added the --

17 THE WITNESS (Awad): Exactly.

18 MR. McDERMOTT: -- the lengths. Okay.
19 I see. Thank you.

20 THE WITNESS (Awad): And building an
21 underground circuit is not like building an atomic
22 bomb. It doesn't take that much. You need the
23 cables, you need the duct bank, and you need the
24 splices to do it, and you need to test it at the
25 end of the day and the job is done.

1 MR. McDERMOTT: Mr. Awad, on pages 9
2 and 10 of your report you have budgetary estimates
3 for a 115-kV underground circuit --

4 THE WITNESS (Awad): Yes.

5 MR. McDERMOTT: -- right? And the
6 differences between the two is one is a single
7 circuit and one is a double circuit, correct?
8 Correct? Is that correct, Mr. Awad?

9 THE WITNESS (Awad): Yes, yes.

10 MR. McDERMOTT: So you have a single
11 circuit underground cost of 172 million and a
12 double circuit underground cost of 200 million,
13 correct?

14 THE WITNESS (Awad): Yes, right.

15 MR. McDERMOTT: But neither of those
16 figures is a cost to construct the project
17 underground, correct?

18 THE WITNESS (Awad): Yes.

19 MR. McDERMOTT: Okay. And testifying
20 in response to Mr. Morissette's questions, did you
21 indicate that horizontal directional drill costs
22 were included in your project costs?

23 THE WITNESS (Awad): It's included.
24 And I can tell you the option for Ash Creek we
25 included one segment is \$1.9 million; if you have

1 two segments it's \$3.9 million.

2 MR. McDERMOTT: Okay. And within which
3 of your line item numbers would those numbers be
4 found?

5 THE WITNESS (Awad): This is only in
6 the tie-in for the Ash Creek, if we do the tie-in,
7 because it looked like looping in and out. So if
8 don't go to Ash Creek you don't need the HDD. If
9 you go to Ash Creek, you need the HDD to go there.

10 MR. McDERMOTT: Okay. If we assume
11 that we have to tie into Ash Creek, my question is
12 where in your line items, where did you place your
13 million to \$3 million estimate for horizontal
14 directional drilling?

15 THE WITNESS (Awad): It's included in
16 the total. I have the details of all the splicing
17 and the dewatering and the restoration, even
18 paving the road after we finish, because this is,
19 you don't just dig the streets with the duct bank
20 and joint vaults and go home, you have to
21 reinstate it. And sometimes even the city asks
22 you to pave the whole width of the street because
23 you don't want scars if the road would have been
24 paved in the last five years. This is one of the
25 roads I have in my backyard in Montreal.

1 MR. McDERMOTT: Thank you. So what is
2 your paving estimate?

3 THE WITNESS (Awad): Paving?

4 MR. McDERMOTT: What is your estimate
5 for paving?

6 THE WITNESS (Awad): I can tell you
7 paving, final paving it's \$353,000.

8 MR. McDERMOTT: For a 7 mile route?

9 THE WITNESS (Awad): No, no, the total
10 reinstatement is per segment, again. It's \$10.6
11 million.

12 MR. McDERMOTT: For 9 miles?

13 THE WITNESS (Awad): Yes.

14 MR. McDERMOTT: And how much did you
15 budget for dewatering activities?

16 THE WITNESS (Awad): Well, dewater is
17 included, traffic control they said included, and
18 lawn and yard fencing, security and restoration
19 included. You're not going to put how much you
20 pay for sod and how much you pay for a broken
21 fence. This is likely in the petty cash. This is
22 a contingency basically. You broke the fence,
23 sorry, you have to fix it. You don't want, \$200
24 million, and you look for how much does it cost to
25 fix a fence and paint it even if it's metal.

1 MR. McDERMOTT: That's very
2 interesting, but I did ask you what your
3 dewatering costs were. What are your dewatering
4 costs?

5 THE WITNESS (Awad): As I said, they
6 said everything is included in this, including
7 security, lawn and fencing, dewatering, everything
8 is included because of course -- and even laydown
9 areas because you need laydown areas for your
10 reels and they come from wherever, either from
11 Japan or United States, and so on depending on --

12 MR. McDERMOTT: Okay. So I'm going to
13 take it you don't have a cost for dewatering
14 activities.

15 THE WITNESS (Awad): No.

16 MR. McDERMOTT: How about the removal
17 of the bonnets from the existing catenaries, how
18 much did you allocate for that?

19 MR. DOBIN: I'm going to object. Mr.
20 Morissette, I'm going to object to that comment
21 and ask it to be stricken from the record.

22 MR. MORISSETTE: Yes, Attorney
23 McDermott. We're going to strike that from the
24 record. Thank you, Attorney Dobin.

25 MR. McDERMOTT: Mr. Awad, how much did

1 you allocate for the removal of the bonnets from
2 the existing catenaries?

3 THE WITNESS (Awad): Removal -- I'm
4 sorry, I didn't get that.

5 MR. McDERMOTT: How much did you
6 allocate for the removal of the bonnets from the
7 existing catenaries?

8 THE WITNESS (Awad): No, I did not
9 include that. That's very difficult to decide
10 because working on the railroad to remove the
11 catenary and so on, you have to work at night
12 because of the train schedule and so on. It's not
13 my specialty basically. I suppose UI has more
14 experience in that and you could add your figure
15 to that.

16 MR. McDERMOTT: Are you familiar with
17 the concept of AFUDC?

18 THE WITNESS (Awad): Yes.

19 MR. McDERMOTT: And how much did you
20 allocate for AFUDC for the project?

21 THE WITNESS (Awad): Again, I put the
22 financial administration similar to what Harry
23 Orton used. This is our, you know, way of finance
24 and administration, 20 percent is \$27.5 million
25 for one and then on the other one is \$32.2

1 million.

2 MR. McDERMOTT: So --

3 THE WITNESS (Awad): I estimated it
4 takes about 14 months to get your cable from the
5 supplier and accessories. It takes 22 months to
6 build the underground duct bank and vaults and so
7 on. So all in all, it's about three years.
8 You're not going to spend ten years making 9 miles
9 of underground cable.

10 MR. McDERMOTT: Okay.

11 THE WITNESS (Awad): We put 347 miles
12 between Montreal and New York in three years.

13 MR. McDERMOTT: Did you allocate costs
14 for substation modifications?

15 THE WITNESS (Awad): No, but
16 transformers, pad mount transformer for protection
17 I think is the same for overhead line. You're not
18 going to buy a new pad mount transformer to
19 measure the current and do your relay connection
20 with the impedance and so on because the changing
21 technology of transmission. Instead of being
22 overhead, go underground.

23 MR. McDERMOTT: Did you allocate any
24 costs for engineering due diligence such as soil
25 sampling or other engineering studies?

1 THE WITNESS (Awad): Okay. Design and
2 build option, which is engineering, is \$16 million
3 for the one circuit or one cable per circuit and
4 it is \$19 million for two.

5 MR. McDERMOTT: Okay.

6 THE WITNESS (Awad): Even from the
7 contractors said if I can do all the sampling, I
8 can do all this, I can do everything, I go to the
9 city and I get all the papers. Of course the
10 utilities will hire their own consultants. I'm
11 not pushing this. But these contractors are very
12 well used to work in the northeast states so they
13 know all the inside and out of how to do a project
14 basically.

15 MR. McDERMOTT: Okay. And any costs
16 for real estate acquisition in terms of either
17 property acquisition or permanent easements,
18 temporary easements, work areas, any --

19 THE WITNESS (Awad): You don't need
20 easements for underground cables if you go in
21 public roads. This is, okay, we call it
22 occupation, permanent occupation of this upgrade
23 of public roads. And I don't think the city would
24 charge you for that. They would charge you for
25 reinstating, if you don't do it they will charge

1 you for it, get their contractor to reinstate, and
2 you have to pay for it, but even our contractor
3 will do a reinstatement, everything. Believe me,
4 I estimated many, many circuits and I realized
5 many circuits in Montreal and big cities and so
6 on, and I've gone around the world and I know.
7 When we are comparing overhead to underground and
8 people say what is the ratio. You cannot talk
9 about ratio simply because it depends. It has to
10 be like for like, like 115 was so much,
11 underground is so much. You don't compare to
12 Tokyo or New York. We're not in Tokyo or New
13 York.

14 MR. McDERMOTT: Mr. Awad, if you could
15 return to Figure 3 of your testimony which is the
16 proposed 115-kV underground cable route. You'll
17 see that there's a call-out on the underground
18 portion of the route that says "This portion of
19 route through backyards." Are you aware of that?
20 Do you see that?

21 THE WITNESS (Awad): Yes, I see it, but
22 again --

23 MR. McDERMOTT: So if the cable goes
24 through backyards, Mr. Awad, how is it that UI
25 would be able to do that without the acquisition

1 of easements?

2 MR. DOBIN: Mr. Chairman, Attorney
3 McDermott has continuously cut off the witness
4 before giving his answer. So I'd ask that the
5 panel force Attorney McDermott to allow Mr. Awad
6 to answer the question before asking another
7 question.

8 MR. McDERMOTT: Mr. Morissette --

9 MR. MORISSETTE: Yes, Attorney
10 McDermott, please continue.

11 MR. McDERMOTT: I'm happy to do that,
12 and I apologize. I'd be more respectful of that.
13 I would ask that Mr. Awad just be a little more
14 concise in his answers. Some of these questions
15 are yes-no questions, and I'm just -- I think I'm
16 trying to kind of cut the run-on answer a little
17 bit, and I apologize for that. So I will be more
18 respectful of that, Attorney Dobin. Thank you.

19 MR. MORISSETTE: Thank you, Attorney
20 McDermott.

21 Attorney Dobin.

22 MR. DOBIN: If I may, whether it's a
23 yes or no answer, maybe it's a yes or no question
24 that he wants, but if it's not a yes or no answer,
25 then I think the witness is entitled to provide

1 the answer that is best suited to the question as
2 he sees fit.

3 MR. McDERMOTT: Okay.

4 THE WITNESS (Awad): I can answer the
5 question it's not included. But also, this
6 projected route of the circuit is a preliminary
7 projection that means it's not final. And if you
8 can ever avoid easement and encroachment on any
9 private property you would do that. With
10 underground it's really easy, you know, you could
11 put it in the sidewalk. You could put it in the
12 middle of the street. You could put it near the
13 sidewalk. Why should you encroach on private
14 property simply to shorten something? The cost
15 is -- it's definitely to avoid at any cost, if you
16 can, and that will be done, again, in the
17 engineering and the due diligence that we just
18 talked about.

19 MR. McDERMOTT: One minute, please, Mr.
20 Morissette, if I could have a second.

21 MR. MORISSETTE: Certainly. Attorney
22 McDermott, how much more time do you need?

23 MR. McDERMOTT: I'm hoping none. I am
24 in fact finished, Mr. Morissette. Thank you. And
25 thank you, Mr. Awad.

1 THE WITNESS (Awad): Thank you.

2 MR. MORISSETTE: Very good. Thank you,
3 Attorney McDermott. Okay. We're going to now
4 take a 10-minute break. We will come back here
5 at -- 13-minute break at 5:50 and at which time we
6 will continue with the cross-examination of the
7 Town of Fairfield and we will continue with
8 Superior Plating and the City of Bridgeport after
9 that. So we'll take a 13-minute break and we'll
10 see everybody at 5:50. Thank you.

11 (Whereupon, a recess was taken from
12 5:37 p.m. until 5:50 p.m.)

13 MR. MORISSETTE: So we are back on the
14 record. Let's see, where did we leave off? Okay.
15 We have cross-examination by Superior Plating --
16 I'm sorry, cross-examination of the Town of
17 Fairfield by BJ's Wholesale Club, Attorney
18 Mortelliti.

19 MR. MORTELLITI: Good evening, Mr.
20 Morissette. We have no questions at this time.

21 MR. MORISSETTE: Thank you, Attorney
22 Mortelliti.

23 MR. MORTELLITI: Thank you.

24 MR. MORISSETTE: We'll now continue
25 with cross-examination of the Town of Fairfield by

1 SCNET, Attorney Coppola.

2 Attorney Coppola? Attorney Coppola,
3 are you back with us?

4 (No response.)

5 MR. MORISSETTE: Attorney Bogan?

6 MR. BOGAN: There's Attorney Coppola.

7 MR. MORISSETTE: There he is. Very
8 good. Thank you.

9 MR. BOGAN: Thank you for your
10 patience, Mr. Morissette.

11 MR. MORISSETTE: Thank you. Attorney
12 Coppola, cross-examination, please.

13 MR. COPPOLA: Thank you, Mr. Chairman.

14 CROSS-EXAMINATION

15 MR. COPPOLA: Mr. Awad, Attorney
16 McDermott asked you lots of questions regarding
17 how you derive various costs that were part of
18 your estimate for the construction of an
19 underground route in your report, correct?
20 Mr. Awad, you have the mute button on. Could you
21 please take the mute button off and respond again?

22 THE WITNESS (Awad): Okay. I was
23 closing the cell phone as well. Sorry. The
24 answer is yes.

25 MR. COPPOLA: And did you have an

1 opportunity to view the hearing that took place on
2 November 16th before the Siting Council?

3 THE WITNESS (Awad): Yes.

4 MR. COPPOLA: And during that hearing
5 did I ask for UI's panel to provide information
6 regarding those same type of costs pertaining to
7 UI's cost estimate for the underground option?

8 THE WITNESS (Awad): Yes, you did.

9 MR. COPPOLA: And did UI object to
10 providing those costs?

11 THE WITNESS (Awad): Yes, they did.

12 MR. COPPOLA: And those are the same
13 costs that Attorney McDermott asked you about this
14 evening, correct?

15 THE WITNESS (Awad): Correct.

16 MR. COPPOLA: UI says that the purpose
17 of this project is simply a replacement project
18 and that the project has nothing to do with load.
19 In your experience, what is the meaning of a
20 replacement project?

21 THE WITNESS (Awad): Well, in my book
22 replacement means you replace something with like
23 for like, you know, if you replace an overhead
24 line, you replace an overhead line somewhere, in
25 another location, and this one is not suitable for

1 you. And if the project was really for
2 replacement, there's no need for increase in
3 loads.

4 MR. COPPOLA: So is UI's overhead
5 proposal actually a replacement project?

6 THE WITNESS (Awad): Definitely not,
7 because what they are proposing is much bigger
8 than what's existing right now. Now, for 1590
9 ACSS, which is a big step up from the 1590 which
10 has the same number but is really, it's circular
11 mil but it's not the same. This is ACSR and the
12 other one CSS which is -- ACSS which is aluminum
13 coated steel supported.

14 MR. COPPOLA: Is the ampacity of the
15 current 1590 ACSR conductors and the proposed 1590
16 ACSS conductors public information?

17 THE WITNESS (Awad): Yes, all the
18 ampacity of the overhead lines is in the public
19 domain. Southwire, which is the biggest supplier
20 of overhead conductors in North America, Alcoa and
21 others and so on, and they give you everything,
22 the conductor sizes, the dimension, the weight and
23 the number of strands and aluminum, copper --
24 sorry, aluminum and steel, and the rated ampacity,
25 rated strength, mechanical strength, and so on.

1 So everything is there.

2 MR. COPPOLA: What is the difference in
3 ampacity between these two conductors?

4 THE WITNESS (Awad): Well, according to
5 the table that we have here from Southwire, the
6 Lapwing for ACSR is 1,354 amps and the Lapwing,
7 which has the same size 1590 but it's ACSS, it
8 carries 2,560 amps which is much higher than the
9 existing one.

10 MR. COPPOLA: And do those two
11 conductors also run at different temperatures?

12 THE WITNESS (Awad): Yes, ACSR is not
13 allowed to go beyond 75 degrees centigrade, of
14 course, for sag and tension reasons while the
15 ACSS, which is a new technology for higher tension
16 of 200 degrees C. That's why it can carry a lot
17 more current compared to the ACSR.

18 MR. COPPOLA: On a percentage basis how
19 much more electricity can the 1590 ACSS Lapwing
20 conductors carry than the current conductors that
21 are on the lines today?

22 THE WITNESS (Awad): Roughly about 90
23 percent more.

24 MR. COPPOLA: Wow, that's a lot. Is
25 there any downside to using the 1590 ACSS Lapwing

1 conductors as UI proposes?

2 THE WITNESS (Awad): Yes, there are two
3 problems. The first one is what they're proposing
4 as ACSS is big and it has the same size as the
5 1590 ACSR, but it's mechanically much weaker. It
6 has a lower breaking strength, you know, I have
7 the tables here. You know, compared to the ACSR,
8 which is about 42,000 pounds, this one is 27,000
9 pounds. So it's a big problem for tension between
10 the poles. And of course the second problem is
11 because it heats up at 200 degrees, it will create
12 a huge sag or it will be a problem of clearance
13 for our friends at UI.

14 MR. COPPOLA: What is the problem with
15 having the lower mechanical strength that you just
16 talked about and greater sag in the line?

17 THE WITNESS (Awad): The mechanical
18 strength decides, you know, how long or how big
19 the spans will be because you have to tension your
20 conductors between the two supporting points. So
21 if you tension it too much, it will break, of
22 course, 27,000 pounds, so you have to reduce the
23 tension. That means shorter spans. And of
24 course, because of the sag, you still have to put
25 it much higher on higher poles to be able to meet

1 the National Electric Code clearance which is
2 standard for any 115 kV.

3 MR. COPPOLA: So is it fair to say that
4 by going to the 1590 ACSS Lapwing conductors that
5 it will result in the potential for greater sag
6 and therefore UI has to have higher poles?

7 THE WITNESS (Awad): Yes, definitely
8 you need higher poles because of the clearance
9 issue. And the other one was we discussed the
10 mechanical strength of the conductor itself is
11 much weaker --

12 MR. COPPOLA: Because --

13 THE WITNESS (Awad): -- on higher
14 poles.

15 MR. COPPOLA: I'm sorry, I didn't
16 realize you were -- I thought you were finished.
17 Sorry about that. Because UI is proposing higher
18 poles, does that require UI to conduct -- I'm
19 sorry, let me retract that question.

20 Because UI is proposing higher poles,
21 does that require UI to construct larger
22 foundations?

23 THE WITNESS (Awad): Well, this is
24 standard engineering. The taller the pole, the
25 deeper and larger foundation you need to support

1 it because these are just one single pole. So to
2 support it properly in the ground, you know, I had
3 poles anchored to the rock, you know, otherwise it
4 would fall.

5 MR. COPPOLA: Because UI needs to
6 construct larger foundations, does UI need to
7 construct the foundations further away from the
8 Metro-North railroad tracks?

9 THE WITNESS (Awad): Definitely.

10 MR. COPPOLA: Why?

11 THE WITNESS (Awad): Well, there are
12 rules for digging holes near railroads. And of
13 course if you dig a bigger hole, you have to stay
14 away from the railroad, you have to move away from
15 the railroad tracks. And the railroads are not
16 that easy to handle. They really measure the
17 vibration and measure the impact of the foundation
18 that you did on the railroad tracks.

19 MR. COPPOLA: So to continue to follow
20 me here, since the foundations will be further
21 away from the tracks, does that require the need
22 for taking more private property in the easements?

23 THE WITNESS (Awad): Yes, you're not in
24 the same right-of-way that you had before. If
25 you're choosing a different route, you need to

1 have a new easement wherever you want to put your
2 poles.

3 MR. COPPOLA: I want to move on to a
4 different subject here. The way that UI proposed
5 the overhead scheme, does it allow for UI in the
6 future to install bigger conductors such as the
7 2156 ACSS Bluebird conductors?

8 THE WITNESS (Awad): Yes. Well, the
9 poles will be strong enough to support the
10 Bluebird, which I have here is 2156 ACSS. Again,
11 it's much bigger than the Lapwing, the biggest one
12 which is a 1590 ACSS. And it also carries a hell
13 of a lot more current in this case simply because
14 it's operated at 200 degrees centigrade. So we
15 just mentioned that the ampacity went from 1554
16 for ACSR to 2560 for the Lapwing ACSS. Now it's
17 3130 for the Bluebird ACSS.

18 MR. COPPOLA: And so as the result, in
19 theory, to at some point in the future use those
20 Bluebird conductors, that would provide even
21 greater ampacity for UI; is that correct?

22 THE WITNESS (Awad): Definitely. 3130
23 is higher than the 2560 and double almost the
24 previous ACSR.

25 MR. COPPOLA: So are the 25 -- I'm

1 sorry, let me retract that question.

2 Are these 2156 ACSS Bluebird
3 conductors, are they greater -- you just testified
4 they're greater in ampacity. Are they also bigger
5 in diameter and in their weight?

6 THE WITNESS (Awad): Yes. The
7 construction is 54/7. That means 54 aluminum, 7
8 steel, and they weigh a lot more than the ACSR.
9 And of course if you increase the size from 1590
10 to 2156, you're increasing the weight again --

11 MR. COPPOLA: So -- I'm sorry, are you
12 finished?

13 THE WITNESS (Awad): Okay. Of course,
14 the poles that are proposed can take the Bluebird
15 ACSS, and I think it was mentioned in their
16 application in the future.

17 MR. COPPOLA: I just asked if you were
18 finished. Are you finished with your response?

19 THE WITNESS (Awad): Yes.

20 MR. COPPOLA: Thank you. So how does
21 the greater ampacity diameter and weight of the
22 2156 ACSS Bluebird conductors impact UI's proposed
23 construction project, or how would it?

24 THE WITNESS (Awad): How would it? Of
25 course, they have to build higher towers and they

1 have to have more easements and they stay away
2 from the railroad. This is basically the main
3 item that will affect the construction or what you
4 call replacement of the existing line.

5 MR. COPPOLA: So essentially in order
6 to give UI the opportunity to be able to in the
7 future, if it ever needed to, have bigger
8 conductors, as a result of that, it affects pole
9 height?

10 THE WITNESS (Awad): Yes, definitely.

11 MR. COPPOLA: UI admits that this, or
12 at least it states this project is not about load.
13 What possible explanation then could there be for
14 UI's proposal to build an overhead line with so
15 much greater capacity that you just talked about?

16 THE WITNESS (Awad): I think in the
17 last hearing we heard that they are planning to
18 have higher capacity of transmission. So that
19 will allow for wheeling, and wheeling is really
20 being able to transport energy from your network
21 to the neighboring networks, or one or more
22 networks, and that's very very lucrative, by the
23 way, the transportation since FERC decided that
24 you are paid for transporting energy from A to B.
25 So it's a very good -- it's a profit motivation

1 basically in this case.

2 MR. COPPOLA: That makes sense. Are
3 there other wires available that UI did not
4 explore that could be used to reduce the height of
5 the poles?

6 THE WITNESS (Awad): I looked at some
7 conductors that are, again, in the same family,
8 ACSS. You could use smaller conductors like the
9 Peacock is a 506. This is a 24/7, 24 aluminum, 7
10 steel, and it has 1397 amps ampacity, much lighter
11 and much smaller in diameter. So you don't need
12 the high towers because the sag would be much
13 less. So that option was not really investigated
14 by UI at all.

15 MR. COPPOLA: How about trapezoidal
16 wires, did UI consider that as an option as well?

17 THE WITNESS (Awad): No, I don't think
18 so. Trapezoidal are known to sort of -- the ice
19 does not stick to them because of the shape. It's
20 like hexagonal or multi-sides. It's not like a
21 round one. We had the ice storm in Connecticut in
22 1998 and we had 4 inches of ice on the conductors
23 and that made all the towers collapse. We lost
24 1,100 towers for that, so it's a good option.

25 MR. COPPOLA: So if UI had considered

1 different wires, as you've just suggested, is it
2 possible that their plan could have been revised
3 to have poles that are lower in height and reduce
4 the size of ultimately the foundations that they
5 would need as well?

6 THE WITNESS (Awad): Yeah. Personally,
7 I recommend that they look at the Southwire
8 documents here with all the ampacity and all the
9 sizes, and submit, hopefully, they submit a
10 review -- a revised estimate for the overhead line
11 because you need shorter poles, you need smaller
12 conductor and the investment would be definitely
13 much less than what they have now and take shorter
14 time as well to build. And again, we go to the
15 AFUDC issue which is the biggest item on their
16 estimate. I remember the figure \$253 million for
17 ten years. That will pay for my project of 9.1
18 even for two circuits done in three years.

19 MR. COPPOLA: With regard to
20 potentially lowering the height of the poles, is
21 it also possible to reduce the height of the poles
22 and ultimately the size of the foundations and the
23 size of the easements by reducing the spans in
24 between the poles?

25 THE WITNESS (Awad): Well, that's an

1 option for engineers to decide to use shorter
2 spans. Of course, the sag will be less and then
3 you have less tension on the conductors. You
4 don't need the 125 foot poles and 105, I heard so
5 many heights of poles, really higher even than the
6 steeples of all the churches we discussed here in
7 the certain districts. So definitely they can
8 consider that, smaller conductor, shorter poles.
9 They weigh less. They carry the same thing that
10 the 1597 Peacock ACSS.

11 MR. COPPOLA: Based on some of the
12 questions that came out today, especially from the
13 Council, I want to ask you about hybrid options.
14 In Section 9 of UI's application UI explained the
15 alternatives it considered, including a 9.1 mile
16 underground route. Are there shorter partial
17 underground and partial overhead hybrid options
18 that could be considered?

19 THE WITNESS (Awad): Yes, of course an
20 overhead line, if it passes through a sensitive
21 area or a circle area, you could underground that
22 section or many sections like between two or three
23 joint vaults and you still have your terminations
24 on each pole at the beginning and at the end, and
25 it doesn't scar the scenery of the historical

1 area. And by the way, there's a law in France for
2 crossing roads at 400 kV, they do now what they
3 call a siphon system which is you take the
4 overhead line with terminations on the tower, you
5 go under the road, and HDDs, and you go the other
6 side and continue with the overhead line. And by
7 the way, again, I saw in the underground magazine
8 some golf courses are using this undergrounding
9 the overhead line over the freeways so that the
10 players cannot hit the wires with the golf balls
11 and get penalties for that. So it is feasible and
12 it's common.

13 MR. COPPOLA: Earlier did you hear the
14 testimony of Ms. Coakley from Pequot Library in
15 response to questions from the Council and UI?

16 THE WITNESS (Awad): Yes.

17 MR. COPPOLA: So, we were just talking
18 about this hybrid option. Would that hybrid
19 option preserve the -- in your opinion, would that
20 hybrid option preserve the historic nature of the
21 Pequot Library?

22 THE WITNESS (Awad): Of course. You
23 will not have to cut all the trees that the
24 minister was talking about. You wouldn't have the
25 wires and the poles in the backyard where they

1 have the children, preschoolers and events for
2 whatever leisure or social events that they have
3 at the church. You know, the church is supposed
4 to be a sanctuary. You don't just rush in and cut
5 all the trees and put your poles and say sorry we
6 have to pass here, you know, it doesn't make any
7 sense in my book. And definitely undergrounding
8 in that area is more, you know, I would say that
9 UI is a corporate citizen that should -- serving
10 the community is also to be sensitive to the
11 needs, and you don't just push your solution
12 because it's cheaper, you know, sometimes you have
13 to wait a little extra but preserve the
14 environment, preserve the historic sites and so
15 on.

16 As they say, you know, when you have an
17 easement, there's a Chinese proverb, the man that
18 told his son buy land because God stopped making
19 it. So don't waste it in easements because you
20 are just mortgaging that space forever, or at
21 least 100 years, I'll be dead by then. I don't
22 think I'll live another 100 years to be 200. But
23 when you use the easement you don't allow anybody
24 to build anything in that easement which is too
25 much, and, you know, we cannot afford it today.

1 An underground easement is much, much, you know,
2 narrower if you take an easement, if you wish.
3 It's just the width of a truck, if you really want
4 to go on a private property, and public roads you
5 don't even need it. So that will preserve
6 definitely the churches and library and historical
7 sites.

8 Sorry, I talk a lot about my feelings
9 about underground because I've been there. I've
10 done overhead lines as well. They have their
11 place, by the way. They have them in rural areas.
12 They have them in the forest. We shaved a whole
13 forest in Quebec for 1600 kilometers like 1,000
14 mile all the way, to way get power from James Bay
15 in the north and invaded all the Indian land to
16 produce hydroelectric power. Anyway, that's not
17 our issue here. Sorry.

18 MR. COPPOLA: I want to ask you about
19 one underground cable, that option. In its
20 rejection of an underground alternative, UI
21 provided estimates assuming two cables per phase.
22 Do you think that's appropriate?

23 MR. McDERMOTT: Mr. Morissette, I'll
24 just object to the characterization. UI has never
25 rejected the underground alternative.

1 MR. COPPOLA: Well, UI actually said
2 it's not their preferred alternative, so
3 essentially they did reject it. They're
4 proposing, the option that's being proposed is the
5 above ground. I spent a lot of time in the last
6 few months, unless I missed something. Is UI
7 willing to do it underground?

8 MR. MORISSETTE: Attorney McDermott,
9 thank you for your comment.

10 And Attorney Coppola, please just
11 rephrase your question.

12 MR. COPPOLA: I will, Mr. Chairman.
13 Is it your understanding that UI
14 provided estimates assuming two cables per phase?

15 THE WITNESS (Awad): Yes, and that's
16 not really the case because it's not a
17 replacement. If you want to replace the 1554,
18 yeah, sorry, the 1554 amps of overhead line, one
19 cable per phase is more than ample.

20 MR. COPPOLA: So I believe you had
21 testified that the ampacity of the existing 1590
22 kcmil ACSR conductors was at -- I have it written
23 down here -- 1350 amperes.

24 THE WITNESS (Awad): Yes.

25 MR. COPPOLA: And that's at 75 degrees

1 C?

2 THE WITNESS (Awad): Yes.

3 MR. COPPOLA: Would you need two cables
4 per phase in order to achieve that level of
5 ampacity for an underground line? So essentially
6 if you want to get close to matching what's above
7 ground for ampacity and you want to do it
8 underground, do you need two cables per phase?

9 THE WITNESS (Awad): Well, UI already
10 talked about 5500 kcmil copper conductor and the
11 115-kV insulated cables, cross-lined-polyethylene
12 and circuit cable that operates at 90 degrees.
13 And this cable can carry already almost 1600 amps.
14 So there's no point in having two cables. If
15 there is no need for load increase in the area,
16 why do you need two cables per phase, I should
17 say.

18 MR. COPPOLA: Okay. So by assuming two
19 cables per phase, how does that impact UI's cost
20 estimate?

21 THE WITNESS (Awad): Well, of course
22 automatically you will increase the cost because
23 you have to have more cables, more splices, more
24 terminations in the substation and so on. The
25 project will take longer to build, you know,

1 slightly longer than the three years that we're
2 supposed to have. And of course the AFUDC would
3 skyrocket as well unnecessarily because there is
4 no need for the extra transmission capacity if
5 that's a replacement project.

6 MR. COPPOLA: Let's see if we can find
7 some other ways to try to make this work for UI to
8 go underground at a lower cost. Is there a way to
9 construct a large enough duct bank to accommodate
10 two cables in the future without incurring the
11 cost of installing two cables now?

12 THE WITNESS (Awad): Yes. In fact, in
13 my estimate I made the sketch for a duct bank with
14 six -- I'm sorry, a duct bank with six conduits in
15 it. So if I need one circuit or one cable per
16 phase today I can install that, but similar work
17 could be done with a duct bank to have the six
18 ducts already. And for the splicing we normally
19 try to stagger the joint vaults simply because
20 when you're working in a joint vault you don't
21 want to have another cable in your back or in
22 front of you because if something happens, God
23 forbid, an explosion of one joint or a failure of
24 something, people could die or get hurt. So we
25 build a duct bank, and where it comes to the

1 vaults we split them into two joint vaults. So
2 the civil work could be done.

3 And if the need in the future comes or,
4 you know, although they said there's no increase
5 in load for the next decade or more, even in one
6 decade, the civil work is done. You don't have to
7 go back to the city, ask for a permit. You don't
8 have to stop the traffic one more time and dig the
9 streets and put the other circuit because you
10 already have the six ducts. You could put the
11 second cable per phase at that time. All other
12 costs are just cables and accessories or splicing.
13 It's done. So you're saving the material cost of
14 the cable and accessories and installation at this
15 time.

16 MR. COPPOLA: We may have come up with
17 a good idea here for UI. We're on a roll here.
18 Let me try another one.

19 THE WITNESS (Awad): Okay.

20 MR. COPPOLA: I want to talk about
21 underground -- because this was something that was
22 asked about by the Council. The underground
23 alternative under the Post Road, you're familiar
24 with where the Post Road obviously is, correct?

25 THE WITNESS (Awad): Yes.

1 MR. COPPOLA: In its application UI
2 said it did not consider burying the 115-kV cables
3 under the Post Road in Fairfield because the
4 existence of the 345-kV cables under the --
5 because of the existence of the 345-kV cables
6 under the Post Road and the potential for mutual
7 heating that could adversely affect the ratings on
8 one or both of the transmission lines. And UI
9 stated that to avoid potential mutual heating
10 issues, the 345-kV and the 115-kV cables would
11 have to be separated by an estimated 10 to 12
12 feet.

13 Was it proper for UI to rule out siting
14 a 115-kV line under the Post Road merely because
15 of the existence of the 345-kV line that was under
16 the road?

17 THE WITNESS (Awad): I don't think so.
18 And I think Harry Orton answered it, and I gave
19 the same answer. You cannot decide what is the
20 minimum distance 10 to 12 feet before you do your
21 thermal analysis, what you call it also an
22 electrical engineering and underground ampacity
23 calculations. So you have to pick up all the
24 information about the existing line and the new
25 addition that you want to put close to it. So all

1 your cable construction, all the thermal
2 resistivity of the soil, all the properties of the
3 duct bank and all the soil on top of the duct bank
4 because all the heat from the losses in the cable,
5 you know, as you know, when electricity passes
6 through the conductor there's a loss of heat.
7 They call it the Joule effect. That's how your
8 heaters at home works, you know, you pass current
9 and resistance and it heats. So this heat has to
10 get dissipated all the way to the open air, just
11 like the overhead lines are cold by moving air.
12 And if you have wind that's fantastic for the
13 overhead lines. And if it's cold in the winter,
14 it's even more, you can pass more current.

15 So the cable has the same problem. All
16 the heat that's produced within the cable has to
17 dissipate into the air, and this is why we have to
18 do the thermal ampacity calculations. This is a
19 desktop calculation and all the cable engineers
20 around the world know it because at least three or
21 four computer programs that could do that,
22 provided that you have the information, of course.
23 You cannot calculate without data, so you have to
24 have the data collected and do it.

25 And then that will give you the exact

1 spacing between the two, is it 3 feet, is it 4
2 feet, it could be even next to it and there's no
3 mutual effect. Even if you want, there's no room,
4 you could even put it and then choose the
5 backfilling material by putting low resistance
6 thermal backfilling, what you call FTB, known as
7 thermal backfilling. There are lots of ways of
8 even reducing the spacing between them. I will
9 venture in saying it will be 4 feet or 5 feet. If
10 I have the parameters of both cables, I will do it
11 in two days.

12 MR. MORISSETTE: Attorney Coppola,
13 we've already gone through this testimony about
14 the spacing. And thank you, Mr. Awad, for
15 providing it earlier. We don't need to go through
16 it again. Thank you.

17 MR. COPPOLA: Moving on in the spacing
18 issue. It seems like we've established that it
19 could be done. I just want to, just as a
20 follow-up, one thing I do want to ask though
21 because it has not been clarified in this hearing.
22 UI talks about there having to be 10 to 12 feet
23 spacing between the 345-kV and the 115-kV cables.
24 Are you aware of any sort of a rule that prohibits
25 underground lines 10 to 12 feet from each other?

1 THE WITNESS (Awad): No. Again, there
2 are no rules by IEEE or any national standard.
3 The way to do it is to do the calculation, as I
4 said, the ampacity and thermal analysis, and that
5 will give you the minimum spacing between the two.

6 MR. COPPOLA: Thank you. I'm going to
7 keep moving along, Mr. Chairman. I'm going to try
8 to expedite this.

9 MR. MORISSETTE: Very good. Thank you.

10 MR. COPPOLA: So if UI developed an
11 underground route beneath the Post Road, would it
12 be more direct that route and would it allow UI to
13 avoid having to deal with the water crossings?

14 THE WITNESS (Awad): Yes, definitely,
15 because the route that we're proposing would have
16 two water crossings, basically South Harbor and
17 the other one is Ash Creek which you need HDDs for
18 crossing the water now. So that adds to the cost,
19 it adds to the delay of the construction of the
20 project itself. So if you run under the Post Road
21 it will eliminate these two problems.

22 MR. COPPOLA: By the way, you said
23 HDDs. I'm assuming you're referring to horizontal
24 directional drilling; is that correct?

25 THE WITNESS (Awad): That's correct.

1 MR. COPPOLA: Thank you. And when you
2 have a water crossing, in your experience, do you
3 need to get approval from the U.S. Army Corps of
4 Engineers?

5 THE WITNESS (Awad): Definitely, yes.
6 That takes a long time. We put some cable between
7 Connecticut and New York, and I still remember how
8 long it takes to get the permit.

9 MR. COPPOLA: I got it. I've lived it.
10 So if you go under the Post Road and avoid those
11 water crossings, you wouldn't need the Army Corps
12 Engineers' approval probably; is that correct?

13 THE WITNESS (Awad): Yes, yes.

14 MR. COPPOLA: And by not needing to
15 deal with the water crossings and not having to
16 obtain the U.S. Army Corps of Engineers' approval,
17 that would shorten the development time frame for
18 the project, correct?

19 THE WITNESS (Awad): That's correct,
20 and reduce your cost of the project.

21 MR. COPPOLA: All right. So it would
22 shorten the time and it will reduce the costs,
23 correct?

24 THE WITNESS (Awad): Yes.

25 MR. COPPOLA: Lastly, I just wanted to

1 ask about the pace of underground construction
2 because you were just talking about timing. So UI
3 states that assuming a 9.1 mile underground route
4 they would be able to construct 40 feet a day. Is
5 that a typical pace of construction in your
6 experience for an underground circuit?

7 THE WITNESS (Awad): I think that
8 question was asked also to Harry Orton, and he did
9 not believe it's possible to work at 40 feet per
10 day because it would take you ten years unless you
11 did it with a spoon to do the underground.

12 Normally a good contractor with good equipment and
13 good crews he can use more than one excavating
14 crew at different spots along the route. And then
15 today with all the technology of GPS and laser
16 beams, the conduits would connect properly. And
17 they can produce almost 500 feet a day if they use
18 four excavation crews. Machinery is much cheaper
19 or more efficient used and faster than using one
20 machine for ten years. You could use four
21 machines and you're finished in three years.

22 MR. COPPOLA: Thank you, Mr. Awad. I'm
23 finished questioning you. Thank you. I'd like to
24 move on to Mr. Haynes, please.

25 Is Wes Haynes here? There he is.

1 Mr. Haynes, did you watch the testimony
2 of David George at the evidentiary hearing on
3 November 16th?

4 THE WITNESS (Haynes): Yes.

5 MR. COPPOLA: Mr. George testified that
6 there was no specific set of guidelines for
7 preparing a Phase 1A report. Do you agree with
8 that statement?

9 THE WITNESS (Haynes): No, I don't.
10 There are very specific guidelines that are put
11 forth by the Advisory Council on Historic
12 Preservation and derivative guidelines that are
13 put forth by the Connecticut Department of
14 Transportation that because this is a public
15 process, and they spell out basically the level of
16 investigation that you need to go into for, and
17 accuracy, for a Phase 1A report.

18 MR. COPPOLA: In doing his research for
19 his report, Mr. George testified that he did not
20 consult the records of any colleges, universities,
21 local museums or local historic commissions. Do
22 you have any concerns that Mr. George did not
23 consult those resources in doing his research?

24 THE WITNESS (Haynes): Yes, because the
25 University of Connecticut, for example, is the

1 primary repository for the State Historic
2 Preservation records, the historic resource
3 inventories that have been prepared in the area.
4 There are at least two digital files at UConn.
5 And in terms of the local commission, the local
6 commission in Southport predates the National
7 Register District. It was formed beforehand. And
8 it has much more accurate up-to-date records on
9 where the historic resources are by address. And
10 those are two oversights of the report that I
11 found.

12 MR. COPPOLA: Mr. George testified that
13 he reviewed the list in your report of readily
14 available historical, archeological and
15 architectural resources that were not included in
16 his Phase 1A report. Do you have any concerns
17 that Mr. George did not consultant those resources
18 in his report?

19 THE WITNESS (Haynes): Yes, I do,
20 because, again, they should have been referenced.
21 The reports are for a number of interventions
22 under different state statutes for investigations
23 of cultural resources. It's another source of
24 information. And certainly if I was preparing a
25 preliminary project report like this, I would have

1 done that.

2 MR. McDERMOTT: Mr. Morissette -- I'm
3 sorry, Attorney Coppola. Mr. Morissette, I'd just
4 like to interject a little bit here that I think
5 we've lost the focus of the cross-examination of
6 the witness. This is now some form of direct
7 testimony that Attorney Coppola is eliciting from
8 this witness. We're impeaching Mr. George rather
9 than focusing on Mr. Haynes' prefile testimony
10 which is supposed to be the focus of today's
11 hearing.

12 MR. COPPOLA: That is absolutely
13 incorrect, Mr. Chairman. In fact, I didn't even
14 look, to prepare this cross-examination for the
15 most part I really didn't look at Mr. Haynes'
16 report or testimony. I did look at the testimony
17 that's been provided in the record, including at
18 the November 16th evidentiary hearing. It's
19 clearly fair game and permissible to have an
20 expert witness opine about the testimony of
21 another expert witness. In fact, if you look at
22 expert witness disclosures that take place in
23 cases, you're always providing that your expert
24 witness is not only going to provide testimony
25 regarding their findings or report but also

1 rebuttal testimony, the testimony of the other
2 expert witness.

3 And lastly I'll just point out, as
4 clarified by the executive director at one of the
5 hearings, I think on November 16th, this is a
6 battle of the experts. So clearly it's more than
7 reasonable and permissible for one expert witness
8 to opine about the opinions of another. It's
9 certainly ripe for cross-examination.

10 MR. McDERMOTT: Mr. Morissette,
11 Attorney Coppola has undermined his argument
12 there. The factors that he listed, impeachment of
13 witnesses, is the exact type of thing that happens
14 in direct testimony. It does not happen in
15 cross-examination.

16 MR. COPPOLA: That's not accurate.
17 That's actually not -- that's totally not
18 accurate.

19 MR. McDERMOTT: It's actually accurate.

20 MR. COPPOLA: If I may finish. The
21 questions are certainly appropriate and, quite
22 frankly, similar to the question that has been
23 provided by others throughout this hearing. So if
24 I may continue, Mr. Chairman.

25 MR. MORISSETTE: I got kicked off. I

1 didn't hear anything that was just said in regards
2 to the motion.

3 (AUDIO INTERRUPTION)

4 MR. McDERMOTT: I guess I should begin
5 since I was the objector. Did you hear my
6 objection, Mr. Morissette?

7 MR. MORISSETTE: It appears that my
8 internet has become unstable at this point, but
9 continue.

10 MR. McDERMOTT: Okay. Attorney
11 Bachman, should I restate my objection?

12 MS. BACHMAN: Thank you, Attorney
13 McDermott. I'm still trying to get Mr. Morissette
14 from a frozen screen. But he seems to be moving
15 now, and so I would repeat to the extent possible
16 because we will have a transcript. I summarized
17 what your argument was before Mr. Morissette
18 missed what you said and then Attorney Coppola
19 will have the same opportunity as long as we can
20 hear and see Presiding Officer Morissette who is
21 moving now. Thank you.

22 MR. McDERMOTT: Because he's frozen on
23 my screen so -- Mr. Morissette?

24 MR. MORISSETTE: I am here.

25 MR. McDERMOTT: Okay. I objected

1 because -- I was so artful the first time.

2 Anyway, I objected largely because the questions
3 that Attorney Coppola is asking is undermining a
4 witness rather than providing cross-examination of
5 Mr. Haynes' prefile testimony. I will advance
6 forward and say that, well, I don't know, Attorney
7 Coppola, then do you want to respond to what you
8 said and then I'll finish up what I was saying
9 after that?

10 MR. COPPOLA: Mr. Chair, I'll try to be
11 brief. First of all, counsel is out of order.
12 He's not counsel for this witness panel. So he
13 shouldn't even be objecting, first and foremost,
14 because he's out of order.

15 Secondly, these questions are
16 absolutely ripe for cross-examination. Quite
17 frankly, as a matter of fair treatment to all, my
18 cross-examination questions have not exceeded the
19 scope of what's appropriate for cross-examination.
20 I'd ask that I please have the opportunity to
21 continue my cross-examination because I feel like
22 I'm being penalized here unfairly by having to
23 argue an objection like this for so long and
24 losing out on the time that's been already capped
25 for us on the ability to cross-examine this

1 witness panel.

2 MR. MORISSETTE: Attorney McDermott,
3 you had a response?

4 MR. McDERMOTT: And I responded, first
5 off, Attorney Coppola, Mr. Morissette, as you
6 know, I'm not out of order and the Council has
7 taken these type of objections from other parties
8 before. I am trying to establish and get us back
9 to what was the focus of today's proceeding which
10 is the cross-examination of witness testimony. I
11 made the point on my last kind of remarks that the
12 type of impeachment testimony that Attorney
13 Coppola is going for is the type of testimony that
14 is generally made on direct examination, not on
15 cross-examination. I will say Attorney Coppola
16 then objected and said that is absolutely not
17 true, and that's where we lost you. So I think
18 that's a fair summary of the positions.

19 MR. MORISSETTE: Okay. Attorney
20 Bachman, do you have any comments on this waste of
21 time here?

22 MS. BACHMAN: Thank you, Mr.
23 Morissette. That is my exact sentiment. I think
24 Attorney Coppola can move on with any specific
25 targeted questions for Mr. Haynes based on his

1 experience as opposed to a critique of what
2 Mr. George had produced in UI's exhibits that
3 Mr. Coppola had an opportunity to cross-examine
4 Mr. George directly on. Thank you.

5 MR. MORISSETTE: Thank you, Attorney
6 Bachman. I agree.

7 Attorney Coppola, please continue.

8 MR. COPPOLA: Mr. Haynes, your report
9 provides that a consultant performing a Phase 1A
10 report should conduct a literature search. Could
11 you please explain why?

12 THE WITNESS (Haynes): So a literature
13 search, Phase 1A is sometimes called the desktop
14 survey or a literature search. It's a review of
15 what's on the record, what is in the files of the
16 SHPO's office and other resources. And then as a
17 company that informs the scope of a windshield
18 survey, if that's needed, to just sort of verify
19 the findings of it. So a literature search is
20 sort of fundamental to it, and you would have
21 expected a longer bibliography in the report.

22 MR. COPPOLA: With regard to this
23 application, was there an adequate literature
24 search that was performed?

25 THE WITNESS (Haynes): Not in my

1 opinion.

2 MR. COPPOLA: With regard to this
3 application, were cultural resources within a half
4 mile of the project area properly identified?

5 THE WITNESS (Haynes): Many of the
6 resources within a half mile were properly
7 identified, but as my report states, there were
8 many omissions in Southport and as well there are
9 additional omissions in Bridgeport.

10 MR. COPPOLA: Is it possible for there
11 to have been an adequate search of the cultural
12 resources within a half mile of the project area
13 without having consulted the many surveys and
14 documents that were referenced in your report but
15 omitted from consideration in the Phase 1A report?

16 THE WITNESS (Haynes): Well, the
17 materials you just mentioned are sort of
18 fundamental to shaping the nature of the
19 investigation. So you kind of pull all that
20 information together, historic resource
21 inventories, archeological studies that have
22 specific addresses to them and then you kind of
23 compile that. If you feel you need to go out and
24 look at it in the field with a windshield survey,
25 then you do that.

1 MR. COPPOLA: For the purposes of
2 providing a Phase 1A report for this type of
3 application, is it enough for the consultant to
4 just document previously identified cultural
5 resources that have been evaluated or listed on
6 the National Register or does that -- or the State
7 Register or does the consultant have to do more?

8 THE WITNESS (Haynes): The consultant
9 should also include properties that have been
10 identified in surveys as eligible for the National
11 Register but perhaps have not been listed at this
12 point. And some of the inventories that were done
13 in Southport, for example, did include those kind
14 of recommendations that have not been followed
15 through with full nominations.

16 MR. COPPOLA: With regard to the Phase
17 1A report, the viewshed analysis provided in this
18 application, did it properly consider properties
19 that were not on the national or state register
20 but which in fact were eligible or potentially
21 eligible?

22 THE WITNESS (Haynes): There were some
23 omissions in that case too of properties that were
24 very close. It was extensively, the
25 characterization of the Southport district was

1 undercounted, and there were many, many properties
2 within that district that would be impacted as
3 well as the south end of Bridgeport. It
4 overlooked Walters A.M.E. Church that's part of
5 Little Liberia, a very, very architecturally
6 important part of Connecticut.

7 MR. COPPOLA: Within this proceeding
8 there's been testimony that UI's monopoles and
9 transmission lines will not have a direct effect
10 on a historic building unless the project actually
11 touches the building. Do you agree with that
12 position?

13 THE WITNESS (Haynes): I disagree with
14 that position. The National Register doesn't just
15 list buildings. It lists property, land,
16 landscape, context around the buildings, and some
17 of the impacts of this power line will have very
18 direct impacts by removing vegetation and perhaps
19 taking easements that will restrict the use of the
20 actual National Register listed properties or
21 National Register eligible properties.

22 MR. COPPOLA: Did you have an
23 opportunity to hear at one of the hearings my
24 hypothetical questions about, you know, if there
25 was a proposed project similar to this one at the

1 Plantation at Monticello?

2 THE WITNESS (Haynes): Yes. I recall
3 that you asked the question would that be a direct
4 impact, the power line. And yes, I believe it
5 would be. Monticello is a National Historic
6 Landmark. This area is unusual because it has
7 three National Historic Landmarks in it, and
8 anything in the viewshed of a National Historic
9 Landmark, which is comparable in status to the
10 highest level of national recognition of federally
11 owned properties, for example, Mount Rushmore, you
12 wouldn't put a power line in front of Mount
13 Rushmore. We have three, potentially four, NHLs,
14 National Historic Landmarks, in this impact area.

15 MR. COPPOLA: With regard to Mount
16 Rushmore, if you had poles and transmission wires
17 constructed in front of Mount Rushmore but the
18 poles and the wires were not physically touching
19 Mount Rushmore, could that still be a direct
20 negative effect on that historic resource?

21 THE WITNESS (Haynes): Absolutely. If
22 they were in the way of the public's enjoyment and
23 view of Mount Rushmore, it would certainly be a
24 direct impact.

25 MR. MORISSETTE: Attorney Coppola,

1 you're going beyond the scope of the docket here.
2 If we can keep it within the filed testimony.

3 MR. COPPOLA: I will. I'll keep moving
4 along.

5 In your filed testimony you made
6 reference to the Pequot Library property; is that
7 correct, Mr. Haynes?

8 THE WITNESS (Haynes): Yes.

9 MR. COPPOLA: Do you believe that this
10 project directly impacts the library's viewshed?

11 THE WITNESS (Haynes): Oh, yes, I do.

12 MR. COPPOLA: Why?

13 THE WITNESS (Haynes): The removal of
14 trees, as has been mentioned already by several
15 witnesses this evening, will fundamentally change
16 the context and the setting of the Pequot Library,
17 and it's not in a good way.

18 THE WITNESS (Coppola): I want to ask
19 you briefly about the Southport Historic District.
20 What do you believe is the -- should be or is the
21 described significance of the Southport Historic
22 District?

23 THE WITNESS (Haynes): The described
24 significance, as Mr. George stated in his
25 testimony, is contained in the National Register

1 nomination. This is a very early nomination.
2 Mr. George's description of the nomination in the
3 Phase 1A report is not the same description that
4 is actually in the National Register nomination.
5 The National Register nomination refers to the
6 fact that the buildings within the district are
7 architecturally significant, and it also refers to
8 the place as being historically significant at the
9 national level as an important port between Boston
10 and the southern coast. The description that
11 Mr. George provided in the Phase 1A said that
12 basically it was an important commercial center
13 within the Town of Fairfield which suggested it
14 has limited local significance, but the
15 significance is much broader than that.

16 MR. COPPOLA: And UI has acknowledged
17 that the project would have adverse indirect
18 effects on historic resources, correct?

19 THE WITNESS (Haynes): Correct.

20 MR. COPPOLA: And UI has proposed that
21 whatever mitigation there is to try to mitigate
22 those adverse indirect effects should be
23 determined after the project plans are finalized
24 and essentially after the Siting Council has
25 rendered its decision, correct?

1 THE WITNESS (Haynes): Correct.

2 MR. COPPOLA: Do you agree that in
3 order to truly mitigate the adverse indirect
4 effects on historic resources, which both the
5 Council and SHPO has acknowledged, do you think
6 that it's appropriate to have the form of
7 mitigation be determined after the CSC makes its
8 decision and the project plans are finalized or
9 should that be done before the CSC makes its
10 decision here?

11 THE WITNESS (Haynes): That should be
12 done as part of this process. Putting it off till
13 after the decision has been made on the project to
14 just say we'll mitigate the damage that this
15 project does has already happened in Milford. And
16 I did speak to an attorney who was involved with
17 the Milford mitigation. He said it was not a very
18 happy situation in Milford that the town was
19 willing to go along with it because they had no
20 other recourse. SHPO wanted to do something
21 outside of the district area that was impacted,
22 whereas the town wanted to do something proactive
23 with some of the resources that were in the
24 historic district that were impacted. So no one
25 is happy with it. It is still not resolved, and

1 it really isn't going to mitigate anything about
2 the power line going through Milford.

3 MR. COPPOLA: You mentioned an attorney
4 in Milford. Who was the attorney that you spoke
5 to regarding the project?

6 THE WITNESS (Haynes): It was John
7 Knuff.

8 MR. COPPOLA: And was Mr. Knuff
9 representing -- I believe it's pronounced "Knuff"
10 -- was he representing the City of Milford in that
11 application?

12 THE WITNESS (Haynes): I believe that
13 was his role, yes.

14 MR. MORISSETTE: The situation in
15 Milford, Attorney Coppola, is outside the scope of
16 this proceeding, so please move on.

17 MR. COPPOLA: Did SHPO -- I would say
18 respectfully though, Mr. Chairman, the reason that
19 the testimony has been provided with regard to
20 that application is that it's an example of if you
21 wait until after the CSC makes its decision to
22 deal with the mit --

23 MR. MORISSETTE: Understood. We
24 got the point.

25 MR. COPPOLA: -- the mitigation it

1 would be too late.

2 MR. MORISSETTE: Yes. Understood. We
3 got the point. And Mr. Haynes was not part of
4 that discussion, so this is all information that
5 he's gotten third hand, but we understand what the
6 point is. So thank you.

7 MR. COPPOLA: In this case is it your
8 understanding that SHPO, the State Historic
9 Preservation Office, determined that the project
10 will adversely affect historic resources?

11 THE WITNESS (Haynes): Yes.

12 MR. COPPOLA: And how are you aware of
13 that position, from SHPO?

14 THE WITNESS (Haynes): From SHPO, yes.

15 MR. COPPOLA: And what is the
16 significance of SHPO's finding that the project
17 will adversely affect historic resources?

18 THE WITNESS (Haynes): Well, the
19 finding is that this project will interrupt the
20 current status quo of a historic resource in a
21 negative way either visually or physically, and it
22 either needs to be avoided or mitigated.

23 MR. COPPOLA: Finally, based on your
24 opinion about the impact of the project on
25 historic resources in the project area, do you

1 think the Siting Council should approve or deny
2 this application?

3 THE WITNESS (Haynes): Given the scope
4 of it, the quantity of resources that are in
5 Bridgeport and Fairfield, as well as the quality
6 of those resources, many of them of national
7 significance, I believe that mitigation would not
8 be sufficient, that avoidance is the proper
9 strategy to pursue.

10 MR. COPPOLA: Let me move on to Mr.
11 Vimini, and I'm getting close to being finished,
12 Mr. Chairman, with my cross-examination of the
13 panel.

14 MR. MORISSETTE: Thank you, Attorney
15 Coppola.

16 MR. COPPOLA: Mr. Vimini, is UI's
17 estimate of the cost of -- let me ask you this:
18 Based on the testimony you've given so far today,
19 do you disagree with UI's estimate for the cost of
20 the acquisition of land rights for this project at
21 approximately \$30 million?

22 THE WITNESS (Vimini): I do.

23 MR. COPPOLA: And based on your
24 testimony today, did you approximate the cost per
25 acre for the land acquisitions according to UI's

1 estimate at about 1,025,000 per acre?

2 THE WITNESS (Vimini): I did.

3 MR. COPPOLA: In order to develop its
4 estimate of the cost of the land acquisitions, is
5 it your understanding that UI considered value --
6 took into consideration evaluations done by the
7 Town of Fairfield tax assessor and City of
8 Bridgeport tax assessor?

9 THE WITNESS (Vimini): That is correct,
10 yes.

11 MR. COPPOLA: And do you happen to know
12 what was the year of revaluation in Fairfield?

13 THE WITNESS (Vimini): The year of
14 revaluation in the Town of Fairfield is October 1,
15 2020.

16 MR. COPPOLA: And how about for the
17 City of Bridgeport?

18 THE WITNESS (Vimini): The City of
19 Bridgeport did a revaluation in the same year with
20 an effective date of October 1, 2020.

21 MR. COPPOLA: Do you think there's a
22 problem with relying upon assessors's valuations
23 that were based on market conditions as of October
24 1, 2020?

25 THE WITNESS (Vimini): Clearly there

1 is, yes.

2 MR. COPPOLA: Why?

3 THE WITNESS (Vimini): Well, again, the
4 revaluations are done by a mass appraisal company,
5 and that revaluation process is not the same as
6 looking at a stand-alone appraisal taking all the
7 characteristics of a property into consideration.
8 So for the stand-alone appraisal it provides a
9 better valuation and technique. And of course the
10 valuation dates of both the Town of Fairfield and
11 the City of Bridgeport are, you know, three years
12 old, and by the time United Illuminating takes
13 eminent domain rights or acquires property it's
14 2024, you're talking four years have gone by. We
15 know what's happened in the past four years with
16 property values.

17 MR. COPPOLA: I don't think we all know
18 that. So why don't you just tell us, what do you
19 view as the difference in market conditions
20 between the fall of 2020 and early 2024 or I
21 should say late -- well, we're not in 2024 yet.
22 So how do you view the difference in market
23 conditions between the fall of 2020 and current
24 market conditions in late 2023?

25 THE WITNESS (Vimini): Property values

1 in Fairfield County, especially in the Town of
2 Fairfield, have skyrocketed since 2020. That's
3 due to demand from out-of-state buyers, also
4 instate buyers, along with the combination of
5 limited supply. So when you have limited supply
6 and strong demand, property values go up
7 significantly, and they did.

8 MR. COPPOLA: For its cost estimate did
9 UI conduct -- derive its value estimate based on
10 conducting a high level estimate per acre?

11 THE WITNESS (Vimini): Yes.

12 MR. COPPOLA: In your professional
13 opinion, is that an accurate way to estimate the
14 value of property rights that will be taken for
15 permanent and temporary easements on private
16 property?

17 THE WITNESS (Vimini): No, I don't
18 believe that's the appropriate method, yes.

19 MR. COPPOLA: Why?

20 THE WITNESS (Vimini): Well, again,
21 it's more of a higher global look at property
22 values, but you're not looking at all the
23 characteristics of the property. You're not
24 looking at all the features that a property has,
25 the market conditions and so forth. So it is

1 really an inappropriate level of estimation.

2 MR. COPPOLA: As part of your analysis
3 in this docket, did you review UI's standard
4 easement form?

5 THE WITNESS (Vimini): I did.

6 MR. COPPOLA: And based on the terms
7 set forth in the standard easement form that UI
8 has put into the record, without getting into
9 great detail because we don't have a lot of time,
10 just briefly how do you believe that the terms set
11 forth in that form easement agreement would affect
12 the value of properties where --

13 THE WITNESS (Vimini): I lost you.

14 MR. COPPOLA: -- excuse me, where a
15 permanent or temporary easement is taken?

16 THE WITNESS (Vimini): Certainly. So
17 in the valuation of an easement, permanent or
18 temporary, we look at the property value before we
19 call it taking the placement of the easement on
20 the property and then we look at the value of the
21 property after the easement or taking and of
22 course looking at highest and best use, use of the
23 property and such. So that before and after
24 valuation is how you look at the impact of the
25 easement that considers highest and best use,

1 zoning and so forth.

2 Also looking at how this easement could
3 stigmatize a property by causing an owner or
4 prospective owners to not buy the property because
5 of the unknown element of risk that's attached to
6 that easement. Clearly the UI easement, typical
7 of many power line easements or easements, it
8 gives, you know, the right to construct and
9 maintain equipment in perpetuity on the property,
10 but I also believe it gives them the right to go
11 on the property, even expand the line or add.
12 They've added cell towers, they've added other
13 things to these power lines or these towers. So
14 it gives UI a great deal of flexibility on. And
15 when you look at property values, we look at the
16 bundle of rights, and it does impact the bundle of
17 rights significantly. So that's how we value
18 property.

19 MR. COPPOLA: And you mentioned the
20 before and after rule. Is that a rule of, or a
21 manner in which you would be valuing as an
22 appraiser property that's subject to a taking?

23 THE WITNESS (Vimini): Yes.

24 MR. COPPOLA: And over the years have
25 you provided appraisal reports and testimony in

1 proceedings that involved the taking of property?

2 THE WITNESS (Vimini): Actually, yes, I
3 have.

4 MR. COPPOLA: And in all of those cases
5 to the best of your recollection in all of those
6 cases did the appraisers apply the before and
7 after rule in valuing the properties?

8 THE WITNESS (Vimini): Yes.

9 MR. COPPOLA: And with regard to UI's
10 high level estimate per acre approach, does that
11 take into account the issues that you just talked
12 about that would be taken into account when doing
13 a before and after valuation of a property?

14 THE WITNESS (Vimini): No, it does not.

15 MR. COPPOLA: And by failing to take
16 into -- taking into consideration -- by UI's
17 approach failing to take into consideration the
18 issues that an appraiser would take into
19 consideration for valuing a property with the
20 before and after taking standard, does that lead
21 you to be concerned about the effectiveness of
22 UI's approach to obtaining its value estimate?

23 THE WITNESS (Vimini): Oh, absolutely.
24 It's an inadequate methodology for evaluation of
25 damages and such for property values, and

1 therefore it really minimizes the effect.

2 MR. MORISSETTE: Attorney Coppola,
3 we're starting to go back on repeating questions
4 here that we've already established.

5 MR. COPPOLA: I will keep -- I will
6 continue to move quickly and expeditiously and I'm
7 almost finished with Mr. Vimini.

8 I believe earlier you testified that
9 you believe that the estimate that UI provided for
10 the total cost for all the land acquisition at \$30
11 million was too low, and I believe you provided a
12 range of values and you provided an estimate as to
13 what it should be; is that correct?

14 THE WITNESS (Vimini): Yes, there was a
15 question that was asked of me, yes.

16 MR. COPPOLA: And did you testify that
17 UI's estimate was off, that the actual cost of the
18 acquisition is probably three to five times higher
19 than what UI estimated?

20 THE WITNESS (Vimini): That's what I
21 said, the total cost acquisition, yes.

22 MR. COPPOLA: And just to be clear for
23 the record, if your estimate is three to five
24 times higher than UI's estimate, does that mean
25 that you believe that the total acquisition cost

1 would be approximately 90 to \$150 million?

2 THE WITNESS (Vimini): That would be
3 correct.

4 MR. COPPOLA: And my last question is
5 what is your experience, specific experience in
6 valuing properties? Because I did, by the way, I
7 did review your resume. I'm not asking you a
8 question that's repetitive of already what's in
9 there, but I think it's important for the Council
10 to know. What is your experience in specifically
11 valuing properties in the City of Bridgeport and
12 in the Town of Fairfield just in those two
13 municipalities?

14 THE WITNESS (Vimini): I've been
15 appraising properties since 1978. I have over 45
16 years of experience. I have appraised thousands
17 of properties in both Bridgeport and Fairfield
18 over that time period, all types of properties
19 from single family homes all the way to large
20 factories and even a lake.

21 MR. COPPOLA: And property tax
22 assessment appeals, over the years have you been
23 retained by the City of Bridgeport to perform
24 expert appraisal services?

25 THE WITNESS (Vimini): I have.

1 MR. COPPOLA: And have you testified as
2 an expert witness in court proceedings on behalf
3 of the City of Bridgeport over the years?

4 THE WITNESS (Vimini): I have.

5 MR. COPPOLA: And with regard to the
6 Town of Fairfield, have you performed appraisal
7 services for the Town of Fairfield over the years?

8 THE WITNESS (Vimini): I have.

9 MR. COPPOLA: Have you provided expert
10 testimony in court proceedings on behalf of the
11 Town of Fairfield regarding properties in
12 Fairfield over the years?

13 THE WITNESS (Vimini): I have, yes.

14 THE WITNESS: Have you also -- and my
15 last question for Mr. Vimini. Have you also
16 performed over the years numerous appraisals for
17 private property owners for properties in
18 Bridgeport and in Fairfield?

19 THE WITNESS (Vimini): Absolutely, yes,
20 many, many times, yes.

21 MR. COPPOLA: One last -- I'm all done
22 with Mr. Vimini. I'll move on to Mr. Schweisberg.
23 I just need a few minutes, Mr. Chairman, I
24 believe, and I can be finished with him.

25 MR. MORISSETTE: Thank you, Attorney

1 Coppola. Your time is running out. We've been at
2 it for some time now.

3 MR. COPPOLA: I have a lot more
4 questions to ask, but I'm aware of the time limit
5 imposed by the Council, and I'm trying to abide by
6 that.

7 MR. MORISSETTE: Very good. Thank you
8 for that.

9 MR. COPPOLA: I have my stopwatch here
10 on my phone. I have a few minutes left so I just
11 want to ask Mr. Schweisberg a few questions, if
12 he's on.

13 THE WITNESS (Schweisberg): I'm here.

14 MR. COPPOLA: Are you aware that the
15 Siting Council has a statutory obligation to
16 balance the alleged need for this project with
17 potential adverse environmental impacts?

18 THE WITNESS (Schweisberg): Yes, I am.

19 MR. COPPOLA: Based on your testimony,
20 it's my understanding that you reviewed the
21 application in its entirety and you inspected the
22 project area; is that correct?

23 THE WITNESS (Schweisberg): That's
24 correct.

25 MR. COPPOLA: Do you believe that UI

1 has provided sufficient information to allow the
2 Siting Council to engage in its required statutory
3 balancing?

4 THE WITNESS (Schweisberg): No, I do
5 not.

6 MR. COPPOLA: Why?

7 THE WITNESS (Schweisberg): Well,
8 having read through the application and looked at
9 all the exhibits, I think there is a fair amount
10 of information that's missing from the submission
11 that would inform the Council to make a good
12 decision. I think it's all absent right now.

13 MR. COPPOLA: What information are you
14 referring to that's missing?

15 THE WITNESS (Schweisberg): Well, for
16 instance, there is for the borings that were done
17 there's no or very little information about the
18 levels of contamination and the depths and where
19 they were found. Let me grab my -- and those
20 things would help inform the Council in
21 understanding the current situation as well as
22 there is little or no information about the kinds
23 of fish and wildlife that depend on the wetlands
24 and waterways that exist in the area and that
25 would be affected by the project, the proposed

1 project.

2 MR. COPPOLA: What are the risks of the
3 Siting Council approving this project without
4 having first received the information that you've
5 just talked about that you think is missing from
6 the application?

7 THE WITNESS (Schweisberg): Well, I
8 mean, in short, unintended consequences is how I'd
9 summarize it. You could or they could in digging
10 holes for foundations of the poles, the monopoles,
11 and other land work they could intercept
12 contaminated soils and resuspend material in the
13 waterways. It could spread to new areas,
14 including areas downstream, if you will, including
15 Long Island Sound.

16 MR. COPPOLA: In your professional
17 opinion if this application was approved without
18 further information that you've suggested is
19 missing, do you believe there could be serious
20 harm to waters?

21 THE WITNESS (Schweisberg): Oh,
22 absolutely. There could definitely be serious
23 harm to the waters, to all of the critters that
24 live in those waters and depend on them. There
25 are many water birds, waterfowl, ducks and geese

1 and shore birds and wading birds that use these
2 areas like egrets that would clearly be at risk.

3 MR. COPPOLA: If this application is
4 approved without further information as you've
5 suggested is necessary, do you believe there could
6 be serious harm to wetlands in the project area?

7 THE WITNESS (Schweisberg): Definitely
8 there could be serious harm. They could spread
9 contaminated or contaminants to lesser or
10 uncontaminated areas in wetlands and waters and
11 the sediment and that could be there for a long
12 time.

13 MR. COPPOLA: My last question. Based
14 on the information that has been provided so far
15 in this docket that you've reviewed, do you
16 believe that this project could be approved based
17 on the record?

18 THE WITNESS (Schweisberg): I don't see
19 how because it's missing a lot of key information
20 that I just talked about and is in my report to
21 the Council, so I don't see how it could be
22 approved.

23 MR. COPPOLA: Mr. Chairman, I have no
24 further questions at this time. I do actually,
25 but I'm being respectful of the one-hour time

1 limit. So based on that, I am finished.

2 MR. MORISSETTE: Thank you, Attorney
3 Coppola, much appreciated. We'll continue with
4 cross-examination of the Town of Fairfield by the
5 Grouped LLC Intervenors.

6 Attorney Russo?

7 MR. RUSSO: Mr. Morissette, thank you.

8 CROSS-EXAMINATION

9 MR. RUSSO: I only have questions for
10 Mr. Haynes, if he's available. Hi, Mr. Haynes.
11 Good evening.

12 THE WITNESS (Haynes): Good evening.

13 MR. RUSSO: Mr. Haynes, you are
14 currently preservation advisor to the Mary and
15 Eliza Freeman houses in Bridgeport, correct?

16 THE WITNESS (Haynes): That's correct.

17 MR. RUSSO: Can you describe what you
18 have done in your role and your affiliation with
19 the Freeman homes?

20 THE WITNESS (Haynes): Since about 2017
21 when I was on the staff of the Connecticut Trust
22 for Historic Preservation, now Preservation
23 Connecticut, I was the circuit rider assigned to
24 work with Freeman houses and I assisted in getting
25 the nomination to, the successful nomination for

1 the 11 most endangered properties in 2018 and the
2 first round of grant funding from the National
3 Trust for work on the houses, the planning of the
4 houses' restoration.

5 MR. RUSSO: And we've established that
6 you reviewed the applicant's UI's Phase 1A
7 cultural resource assessment, correct?

8 THE WITNESS (Haynes): Yes.

9 MR. RUSSO: And as part of your review,
10 you reviewed documentation on historic resources
11 in Fairfield, correct?

12 THE WITNESS (Haynes): Yes.

13 MR. RUSSO: And you also reviewed
14 documentation on historic resources in Bridgeport,
15 correct?

16 THE WITNESS (Haynes): Yes.

17 MR. RUSSO: In your prefile testimony
18 you spoke a lot about or wrote a lot about
19 inaccuracies and deficiencies of the cultural
20 resource assessment particularly with regards to
21 the Southport area. I'm wondering, did you find
22 similar inaccuracies and deficiencies with regard
23 to Bridgeport's historic resources?

24 THE WITNESS (Haynes): Yes. While I
25 didn't do a comprehensive survey in Bridgeport, I

1 did note that there were several pretty glaring
2 omissions in the south end, which I'm more
3 familiar with, in terms of properties that were
4 left out. The Mary and Eliza Freeman houses, for
5 example, were left out of one important discussion
6 as was Walters A.M.E. Zion Church which is across
7 the street from the houses. Those are the three
8 standing above-ground resources that are
9 associated with Little Liberia, a very unusual
10 resource on the east coast of the United States,
11 an early settlement of free people of color from
12 the early 19 century.

13 Also, the survey omitted the Bridgeport
14 Storage Warehouse Company, the Crown Corset and
15 Crown Paper Box Company factories, the Read
16 Company Warehouse, a Queen Anne style tenement
17 called 341 Broad Street, dozens of homes on Broad
18 Street, Park Avenue, Atlantic Street, Gregory
19 Street and Myrtle Avenue, Waldemere Hall, the
20 Bassick Company factory building and the Warner
21 Brothers Company factory building. These are all
22 National Register or National Register eligible
23 properties that weren't included in the survey.

24 MR. RUSSO: Can you explain the
25 historical and cultural significance of the

1 Freeman houses?

2 THE WITNESS (Haynes): So the Freeman
3 houses are one of a number of settlements along
4 the east coast, Weeksville in New York City,
5 there's a settlement in Newport, Rhode Island
6 where free people of color who were discriminated
7 against in white society found land and created
8 their own communities. And in terms of this
9 Little Liberia settlement, it was centered on the
10 Oyster fishery in Long Island Sound which was very
11 active at the time. It eventually got redeveloped
12 when P.T. Barnum became mayor and the area, the
13 community disbursed into the greater Bridgeport
14 community or elsewhere along the coast.

15 These communities are extremely rare.
16 Preservation, the field that I've been in for my
17 entire career, is really just coming to terms with
18 the fact that we have these really interesting
19 places that have almost been eradicated, but
20 Bridgeport is really lucky to have three
21 above-ground resources associated with this
22 community.

23 MR. RUSSO: The Freeman homes are on
24 the National Register of Historic Places, correct?

25 THE WITNESS (Haynes): Yes, as

1 individual properties.

2 MR. RUSSO: Are they a rarity on the
3 National Register of Historic Places?

4 THE WITNESS (Haynes): Yes. Only for
5 African-American resources. An estimated 2 to 3
6 percent of all properties on the National Register
7 are associated with Black Americans. And they're
8 even rarer in terms of properties that predate the
9 Civil War that there is something like less than
10 .2 percent of national register properties are
11 associated with Black Americans.

12 MR. RUSSO: And just to clarify, the
13 Freeman houses have historical significance to
14 Black heritage and date before 1850?

15 THE WITNESS (Haynes): Yes. They're
16 from the early to mid 19th century.

17 MR. RUSSO: How would UI's application
18 impact this historic resource?

19 THE WITNESS (Haynes): Well, in two
20 ways. In terms of the general Little Liberia
21 neighborhood, the site across the street between
22 Walters A.M.E. Methodist and also the Freeman
23 houses is a large empty lot today that had World
24 War II era housing that was a built on it without
25 excavated cellars. It's not really known what the

1 footprint of Little Liberia was. We know that
2 there was a hotel there. We know there had to be
3 a burial ground. This could be an extremely
4 archeologically sensitive site as cited by former
5 Bridgeport City Historian Charles Brilvitch, noted
6 architectural historian. So it's a really rare
7 place.

8 MR. RUSSO: So you believe there is
9 archeological work to be done in the Little
10 Liberia area?

11 THE WITNESS (Haynes): Yes. And it
12 wasn't identified as archeologically sensitive.

13 MR. MORISSETTE: Attorney Russo, you
14 indicated that it was your last question. We have
15 exceeded our time. So please wrap it up. I don't
16 want to cut you short, but please wrap it up as
17 quickly as possible.

18 MR. RUSSO: Sure, Mr. Morissette. I
19 only have a few more questions. What I think I
20 said is that he's the only witness I'm
21 questioning, but I am close.

22 Mr. Haynes, based on that information,
23 do you agree with SHPO's recommendation for a
24 delay in approval?

25 THE WITNESS (Haynes): Yes, I do.

1 Given the quality of the Phase 1A report and the
2 omissions in it, I think a delay is warranted
3 pending the filling in of all the blanks that are
4 in the report.

5 MR. McDERMOTT: Mr. Morissette, I'm
6 just going to object to the question. There's
7 been no request by SHPO for a delay. There's
8 nothing in the record to support that statement.

9 MR. MORISSETTE: Thank you, Attorney
10 McDermott.

11 Attorney Russo, any comment?

12 MR. RUSSO: I'm going to pull up the
13 letter, but I think it's exactly what they asked
14 for.

15 MR. MORISSETTE: Well, it's so noted.
16 Your objection is so noted. Please continue.

17 MR. RUSSO: Sure. Were there other
18 findings in the applicant's submission that you
19 believe were mischaracterizations with respect to
20 the City of Bridgeport?

21 THE WITNESS (Haynes): Yes, but in the
22 interest of time, I'll just leave it at yes.

23 MR. RUSSO: Okay. Are there other
24 impacts to Bridgeport historic resources that you
25 think the assessment should have mentioned?

1 THE WITNESS (Haynes): Yes. As I
2 mentioned before, in the Southport and the
3 Fairfield national historic landmarks we have one
4 of the most recent national historic landmarks
5 which is the Barnum Museum in Bridgeport. One of
6 the poles will be within 50 feet or so of the
7 Barnum Museum, and it's going to be a very
8 intrusive element.

9 MR. RUSSO: And I know you mentioned
10 them earlier in your testimony, NHLs. What are
11 NHLs?

12 THE WITNESS (Haynes): They are
13 properties of very high national significance at
14 the same level of properties that are owned by the
15 federal government that are easily recognized as
16 landmarks, Mount Vernon, Mount Rushmore, as I
17 mentioned before, but these are properties that
18 are privately owned or not owned by the federal
19 government. And they are afforded certain
20 privileges in terms of granting from the federal
21 government, the feds will give grants. They score
22 them higher in grant applications than other
23 properties.

24 MR. RUSSO: Can you describe the NHLs
25 in the vicinity of this project?

1 THE WITNESS (Haynes): Yes. The
2 Sturges cottage in Fairfield, the Barnum Museum,
3 as I mentioned, which in downtown just north of
4 the railroad tracks and I-95. And there's a
5 wildlife preserve in Fairfield that is within
6 close proximity to the project area.

7 MR. RUSSO: Would you characterize it
8 as rare for this many NHLs to be in such a close
9 proximity?

10 THE WITNESS (Haynes): Yes, in a
11 10-mile area to have three national historic
12 landmarks in Connecticut is unusual.

13 MR. RUSSO: Thank you, Mr. Haynes.

14 Mr. Morissette that ends my
15 questioning.

16 MR. MORISSETTE: Thank you, Attorney
17 Russo. We'll now -- we have run out of time for
18 the Town of Fairfield, but I will go through
19 Attorney Baldwin and Attorney Hoffman to see if
20 they have any follow-up questions.

21 Attorney Baldwin, any cross-examination
22 for the Town of Fairfield?

23 MR. SCHAEFER: Mr. Morissette, this is
24 Attorney Schaefer stepped in for Attorney Baldwin.
25 No questions at this time. Thank you very much.

1 MR. MORISSETTE: Thank you, Attorney
2 Schaefer.

3 Attorney Hoffman, any cross-examination
4 for the Town of Fairfield by Superior Plating or
5 the City of Bridgeport?

6 MR. HOFFMAN: Mr. Morissette, I don't
7 need anybody to supplant me, but no, we have no
8 questions.

9 MR. MORISSETTE: Thank you, Attorney
10 Hoffman. All right. Very good. We're going to
11 take a 13-minute break, and we will be back here
12 at 7:35. And at that time we'll continue with the
13 appearance by Superior Plating for no longer than
14 one hour and then we will continue with the City
15 of Bridgeport.

16 MS. BACHMAN: Excuse me, Mr.
17 Morissette. Did you mean 7:25?

18 MR. MORISSETTE: 7:25, yes.

19 MS. BACHMAN: Thank you.

20 MR. MORISSETTE: I must be getting
21 tired. Thank you.

22 MR. McDERMOTT: Mr. Morissette, is
23 there a witness for the City of Bridgeport?

24 MR. MORISSETTE: I don't believe there
25 is.

1 MR. HOFFMAN: If I may, Mr. Morissette?

2 MR. MORISSETTE: Certainly, Attorney
3 Hoffman.

4 MR. HOFFMAN: I think the only thing we
5 need to do for the City of Bridgeport is to enter
6 into the record the request for intervention which
7 I'm assuming, as was the case prior, will be done
8 without objection.

9 MR. MORISSETTE: Okay, yes. Thank you.
10 Well, why don't we take a quick break and we can
11 wrap it up very quickly at 7:25.

12 MR. HOFFMAN: Very good. Thank you.

13 MR. MORISSETTE: Thank you.

14 (Whereupon, a recess was taken from
15 7:13 p.m. until 7:25 p.m.)

16 MR. MORISSETTE: We are back on the
17 record, and we will now continue with the
18 appearance of Superior Plating for no longer than
19 one hour. Hopefully, we won't go that long.

20 Will the CEPA intervenor present its
21 witness panel for the purposes of taking the oath?

22 MR. HOFFMAN: Absolutely, Mr.
23 Morissette.

24 MR. MORISSETTE: Thank you, Attorney
25 Hoffman.

1 MR. HOFFMAN: Absolutely, Mr.
2 Morissette. So we have four exhibits for
3 identification. They are the request for
4 intervenor and CEPA intervenor status and then we
5 have the prefile testimony of Robert Lamonica,
6 David Rusczyk and Marlee Najamy Winnick, all of
7 whom are here. I would ask that those three
8 witnesses be sworn in at this time.

9 MR. MORISSETTE: Thank you, Attorney
10 Hoffman.

11 Attorney Bachman, please swear in the
12 witnesses.

13 MR. MORISSETTE: Thank you, Mr.
14 Morissette. Could the witnesses please raise
15 their right hand.

16 R O B E R T L A M O N I C A ,

17 D A V I D R U S C Z Y K ,

18 M A R L E E N A J A M Y W I N N I C K

19 having been first duly sworn by Attorney
20 Bachman, testified on their oaths as follows:

21 MS. BACHMAN: Thank you.

22 MR. MORISSETTE: Thank you, Attorney
23 Bachman.

24 Attorney Hoffman, please begin by
25 verifying all the exhibits by the appropriate

1 sworn witnesses.

2 MR. HOFFMAN: Thank you,
3 Mr. Morissette.

4 DIRECT EXAMINATION

5 MR. HOFFMAN: I'll start with you,
6 Mr. Lamonica. Mr. Lamonica, did you prepare or
7 cause to be prepared the prefile testimony that is
8 listed as Exhibit 2 in the hearing program?

9 THE WITNESS (Lamonica): Yes.

10 MR. HOFFMAN: And did you watch the
11 November 16th evidentiary session in this docket?

12 THE WITNESS (Lamonica): Yes, I did.

13 MR. HOFFMAN: And did you hear United
14 Illuminating's response to my cross-examination
15 during that time?

16 THE WITNESS (Lamonica): Yes.

17 MR. HOFFMAN: And as a result of that
18 cross-examination, do you have any edits to your
19 prefile testimony?

20 THE WITNESS (Lamonica): I do.

21 MR. HOFFMAN: And what would those
22 edits be?

23 THE WITNESS (Lamonica): Based on your
24 cross-examination, it appeared that United
25 Illuminating would be willing to move the pole

1 proposed to be on the Superior Plating property
2 out 250 feet to the west. If they were willing to
3 do that or were compelled to move that pole 250
4 feet to the west, I do not believe it would have
5 any adverse impacts on our current groundwater
6 containment system.

7 MR. HOFFMAN: And is that your only
8 edit?

9 THE WITNESS (Lamonica): That would be
10 my only edits, yes.

11 MR. HOFFMAN: And with that edit, do
12 you adopt your testimony as your sworn statement
13 in this docket or wish to have it made an exhibit
14 in this proceeding?

15 THE WITNESS (Lamonica): Yes.

16 MR. HOFFMAN: Very good. Mr. Rusczyk,
17 I'll turn to you. Did you prepare or cause to be
18 prepared the prefile testimony that was filed in
19 this docket that is listed as Exhibit 3 for
20 Superior Plating?

21 THE WITNESS (Rusczyk): Yes.

22 MR. HOFFMAN: And did you just hear
23 Mr. Lamonica edit his testimony?

24 THE WITNESS (Rusczyk): Yes.

25 MR. HOFFMAN: And do you agree with

1 Mr. Lamonica's edits?

2 THE WITNESS (Rusczyk): Yes, I do.

3 MR. HOFFMAN: And do you have any
4 further edits to your testimony?

5 THE WITNESS Rusczyk: I would just like
6 to adopt the revised testimony as mine.

7 MR. HOFFMAN: You have therefore
8 anticipated my next question. Thank you, sir.

9 Ms. Najamy Winnick, the same questions
10 for you. Did you prepare or cause to be prepared
11 the prefiled testimony that was filed in this
12 docket?

13 THE WITNESS (Najamy Winnick): Yes.

14 MR. HOFFMAN: And did you just hear
15 Mr. Lamonica edit his testimony?

16 THE WITNESS (Najamy Winnick): Yes.

17 MR. HOFFMAN: And do you agree with
18 Mr. Lamonica's edits?

19 THE WITNESS (Najamy Winnick): Yes.

20 MR. HOFFMAN: Do you have any further
21 edits to your testimony?

22 THE WITNESS (Najamy Winnick): No.

23 MR. HOFFMAN: And do you adopt your
24 prefile testimony as your sworn testimony here and
25 wish to make it an exhibit in this docket?

1 THE WITNESS (Najamy Winnick): Yes.

2 MR. HOFFMAN: Mr. Morissette, at this
3 time I'd ask that Exhibits 1 through 4 for
4 Superior Plating be admitted as full exhibits in
5 this docket and the witnesses be subject to
6 cross-examination.

7 MR. MORISSETTE: Thank you, Attorney
8 Hoffman. Does any party or intervenor object to
9 the admission of Superior Plating Company's
10 Exhibits 1 through 4?

11 Attorney McDermott?

12 MR. McDERMOTT: No objection. Thank
13 you.

14 MR. MORISSETTE: Thank you. Attorney
15 Mortelliti?

16 MR. MORTELLITI: No objections.

17 MR. MORISSETTE: Thank you. Attorney
18 Coppola?

19 MR. COPPOLA: No.

20 MR. MORISSETTE: Thank you. Attorney
21 Russo?

22 MR. RUSSO: No objections. Thank you.

23 MR. MORISSETTE: Thank you. Attorney
24 Baldwin?

25 MR. SCHAEFER: No objections.

1 MR. MORISSETTE: Thank you. Attorney
2 Schaefer, welcome back.

3 Attorney Dobin?

4 MR. BALL: Mr. Morissette, David Ball
5 for the Town of Fairfield. Mr. Dobin had to
6 attend a family function. We have no objection.

7 MR. MORISSETTE: Thank you, Attorney
8 Ball, and welcome.

9 Attorney Hoffman for the City of
10 Bridgeport?

11 MR. HOFFMAN: The City of Bridgeport
12 has no objections.

13 MR. MORISSETTE: Thank you. The
14 exhibits are hereby admitted.

15 (Superior Plating Company Exhibits
16 VIII-B-1 through VIII-B-4: Received in evidence -
17 described in hearing program.)

18 MR. MORISSETTE: We'll now begin with
19 cross-examination of Superior Plating Company by
20 the Council starting with Mr. Perrone.

21 Mr. Perrone?

22 MR. PERRONE: Thank you,
23 Mr. Morissette. I have no questions for SPC.

24 MR. MORISSETTE: Thank you, Mr.
25 Perrone. Mr. Silvestri followed by Mr.

1 Golembiewski.

2 Mr. Silvestri?

3 MR. SILVESTRI: Thank you, Mr.
4 Morissette.

5 CROSS-EXAMINATION

6 MR. SILVESTRI: Mr. Lamonica, I believe
7 my questions are geared toward you. Good evening,
8 sir.

9 THE WITNESS (Lamonica): Good evening.

10 MR. SILVESTRI: Question with your
11 prefiled testimony. There's existing
12 contamination in the groundwater. Do I have that
13 part of it correct so far?

14 THE WITNESS (Lamonica): Correct.

15 MR. SILVESTRI: Okay. And when did
16 remediation actually begin because I see a bunch
17 of dates and I'm not sure when.

18 THE WITNESS (Lamonica): Without
19 pulling up my testimony -- well, I can pull up my
20 testimony -- but I believe the intervention we did
21 began in 2009.

22 MR. SILVESTRI: 2009, yeah. I wasn't
23 sure if it was 6 or 9, so thank you for that one.

24 And it's continuing as we speak, also
25 correct?

1 THE WITNESS (Lamonica): Correct.

2 MR. SILVESTRI: Okay. Is there any
3 anticipated end date?

4 THE WITNESS (Lamonica): No. This
5 system has to remain in effect and continuing
6 operation until such time that we can more
7 aggressively address the contamination which is
8 very difficult in this geologic setting. So it
9 would have to remain indefinitely.

10 MR. SILVESTRI: Understood. Thank you
11 for your response. Now, it's my understanding I
12 think at this point that the lime sulphur
13 injection is trying to reduce the mass of
14 hexavalent chromium, correct so far?

15 THE WITNESS (Lamonica): Correct.

16 MR. SILVESTRI: Does that process
17 convert the hexavalent chromium to trivalent
18 chrome?

19 THE WITNESS (Lamonica): Yes, that's
20 the purpose.

21 MR. SILVESTRI: Okay. So you're
22 basically trying to neutralize the, shall we say,
23 the more hazardous hexavalent chrome to put it in
24 a less hazardous state with the trivalent, but
25 nonetheless somewhere along the line the trivalent

1 might have to get excavated as well?

2 THE WITNESS (Lamonica): Yes, that's
3 true.

4 MR. SILVESTRI: Okay. So the concern
5 is that even though the hexavalent might be
6 neutralized possibly in the areas that United
7 Illuminating is looking to put it in foundations,
8 there could still be the trivalent chrome that
9 might have to be dealt with, so far so good?

10 THE WITNESS (Lamonica): Yes, I agree
11 with everything you said.

12 MR. SILVESTRI: All right. That goes
13 back to my chemistry background, so I appreciate
14 that part of it. Very good.

15 Mr. Morissette, that's really all the
16 questions I had. Thank you.

17 And thank you, Mr. Lamonica.

18 MR. MORISSETTE: Thank you, Mr.
19 Silvestri. We'll now continue with
20 cross-examination by Mr. Golembiewski followed by
21 Mr. Lynch.

22 Mr. Golembiewski?

23 MR. GOLEMBIEWSKI: Good evening, Mr.
24 Morissette.

25 CROSS-EXAMINATION

1 MR. GOLEMBIEWSKI: I just had one
2 question. As I read the testimony, it sounded
3 like you did not want, for the purpose of the
4 system to work, you didn't want any long-term
5 outages during any of the project implementation;
6 is that correct?

7 THE WITNESS (Lamonica): Yes, that
8 would be correct.

9 MR. GOLEMBIEWSKI: Okay. So does that
10 mean that that would be part of your negotiation
11 with UI would be that you would either have to
12 have, either they would have to do the work and
13 not have some type of significant outage for your
14 facility?

15 THE WITNESS (Lamonica): Yes, that's
16 correct.

17 MR. GOLEMBIEWSKI: All right. That's
18 all I had. Thank you.

19 MR. MORISSETTE: Thank you, Mr.
20 Golembiewski. We'll now continue with
21 cross-examination by Mr. Lynch followed by myself.

22 Mr. Lynch?

23 (No response.)

24 MR. MORISSETTE: Very good. I don't
25 believe Mr. Lynch is still on the screen.

1 So I will continue with the
2 cross-examination. I do not have any questions
3 for Superior Plating Company. So with that, we
4 will now continue with cross-examination of
5 Superior Plating Company by the applicant.

6 Attorney McDermott?

7 MR. McDERMOTT: Thank you, Mr.
8 Morissette. No questions.

9 MR. MORISSETTE: Thank you, Attorney
10 McDermott. We'll now continue with
11 cross-examination by Attorney Mortelliti. I'll
12 get it right one of these times.

13 MR. MORTELLITI: Some day, Mr.
14 Morissette.

15 MR. MORISSETTE: Not today.

16 MR. MORTELLITI: Perhaps not, but
17 that's okay. We have no questions at this time.

18 MR. MORISSETTE: Thank you. We'll now
19 continue with cross-examination by SCNET by
20 Attorney Coppola.

21 Attorney Coppola?

22 MR. COPPOLA: No questions,
23 Mr. Chairman. Thank you.

24 MR. MORISSETTE: Thank you. We'll
25 continue with cross-examination by Attorney Russo.

1 Attorney Russo?

2 CROSS-EXAMINATION

3 MR. RUSSO: Yes. Could I just ask what
4 the height of the new pole that would be moved 200
5 feet to the west would be?

6 THE WITNESS (Lamonica): I believe it's
7 120 feet.

8 MR. RUSSO: That's all of our
9 questions. Thank you.

10 MR. MORISSETTE: Thank you, Attorney
11 Russo. We'll now continue with cross-examination
12 by Fairfield Station Lofts. Attorney Schaefer?

13 MR. SCHAEFER: No questions, Mr.
14 Morissette. Thank you.

15 MR. MORISSETTE: Thank you. We'll
16 continue with cross-examination by Attorney Ball.

17 MR. BALL: No questions. Thank you,
18 Mr. Morissette.

19 MR. MORISSETTE: Thank you. We'll now
20 continue with cross-examination by the City of
21 Bridgeport, Attorney Hoffman.

22 MR. HOFFMAN: I have no questions.
23 Thank you, sir.

24 MR. MORISSETTE: Thank you. Very good.
25 We will now continue with the appearance by the

1 City of Bridgeport for no longer than one hour.

2 Attorney Hoffman, there is one exhibit
3 for identification by the City of Bridgeport's
4 request for party and CEPA intervenor status,
5 dated November 22, 2023. And there are no
6 witnesses. Is that correct?

7 MR. HOFFMAN: That is correct, sir. It
8 is my hope that that exhibit, since it's already
9 been ruled on by the Council, can be entered into
10 the record without objection.

11 MR. MORISSETTE: Very good. Thank you.
12 Does any party or intervenor object to the
13 admission of the City of Bridgeport's exhibits?

14 Attorney McDermott?

15 MR. McDERMOTT: Thank you, Mr.
16 Morissette. No objection.

17 MR. MORISSETTE: Thank you. Attorney
18 Mortelliti?

19 MR. MORTELLITI: No objections,
20 Mr. Chairman. Thank you.

21 MR. MORISSETTE: Thank you. Attorney
22 Coppola?

23 MR. COPPOLA: No objections. Thank
24 you.

25 MR. MORISSETTE: Attorney Russo?

1 MR. RUSSO: No objections.

2 MR. MORISSETTE: Thank you. Attorney
3 Schaefer?

4 MR. SCHAEFER: No objections. Thank
5 you.

6 MR. MORISSETTE: Thank you. Attorney
7 Ball?

8 MR. BALL: No objections, Mr.
9 Morissette. Thank you.

10 MR. MORISSETTE: Thank you. Attorney
11 Hoffman?

12 MR. HOFFMAN: No objections.

13 (City of Bridgeport Exhibit IX-B-1:
14 Received in evidence - described in hearing
15 program.)

16 MR. MORISSETTE: Thank you. Very good.
17 That concludes our hearing for this afternoon.
18 Before closing this hearing, the Connecticut
19 Siting Council announces that briefs and proposed
20 findings of fact may be filed with the Council by
21 any party or intervenor no later than January 11,
22 2024. Submission of briefs and proposed findings
23 of fact are not required by this Council, rather
24 we leave it to the choice of the parties and
25 intervenors.

1 Anyone who has not become a party or
2 intervenor but who desires to make his or her
3 views known to the Council may file written
4 statements with the Council within 30 days of the
5 date hereof.

6 The Council will issue draft findings
7 of fact, and thereafter parties and intervenors
8 may identify errors or inconsistencies between the
9 Council's draft findings of fact and the record.
10 However, no new information, no new evidence, no
11 new arguments and no reply briefs without our
12 permission will be considered by the Council.

13 Copies of the transcript of this
14 hearing will be filed with the Bridgeport City
15 Clerk's Office and the Fairfield Town Clerk's
16 Office for the convenience of the public.

17 I hereby declare this hearing
18 adjourned. And thank you everyone for your
19 participation and cooperation this afternoon.
20 Thank you, everyone. Have a very good evening.

21 (Whereupon, the hearing concluded at
22 7:38 p.m.)

23
24 **CERTIFICATE FOR REMOTE HEARING**
25

1 I hereby certify that the foregoing 265 pages
2 are a complete and accurate computer-aided
3 transcription of my original stenotype notes taken
4 before the CONNECTICUT SITING COUNCIL of the
5 CONTINUED REMOTE HEARING IN RE: DOCKET NO. 516,
6 An Application from The United Illuminating
7 Company (UI) for a Certificate of Environmental
8 Compatibility and Public Need for the Fairfield to
9 Congress Railroad Transmission Line 115-kV Rebuild
10 Project that consists of the relocation and
11 rebuild of its existing 115-kilovolt (kV) electric
12 transmission lines from the railroad catenary
13 structures to new steel monopole structures and
14 related modifications along approximately 7.3
15 miles of the Connecticut Department of
16 Transportation's Metro-North Railroad corridor
17 between Structure B648S located east of Sasco
18 Creek in Fairfield and UI's Congress Street
19 Substation in Bridgeport, and the rebuild of two
20 existing 115-kV transmission lines along 0.23 mile
21 of existing UI right-of-way to facilitate
22 interconnection of the rebuilt 115-kV electric
23 transmission lines at UI's existing Ash Creek,
24 Resco, Pequonnock and Congress Street Substations
25 traversing the municipalities of Bridgeport and
Fairfield, Connecticut, which was held before JOHN
MORISSETTE, PRESIDING OFFICER, on December 12,
2023.

Lisa Warner

Lisa L. Warner, CSR 061
Court Reporter

I N D E X

*Administrative Notice Items I-B-24, I-B-34 and
I-B-40 received in evidence on page 14.

1 *Motion to strike granted on page 175/176

2 * * * *

3 BJ's WHOLESALE CLUB, INC:

4 BJ's Wholesale Club, Inc. Exhibits III-B-6 and
5 III-B-7: Received in evidence on page 18 -
6 described in hearing program.

7 * * * *

8 SCNET GROUP

9 SCNET Exhibits IV-B-1 through IV-B-24: Received
10 in evidence on page 44 - described in hearing
11 program.

12 WITNESSES: (Sworn on page 20)

- 13 Steven D. Trinkaus
- 14 Karim Mahfouz
- 15 Stephen Oyzck
- 16 Andrea Oyzck
- 17 David Parker
- 18 Laura Lawlor
- 19 John Traynor
- 20 Paul Whitmore
- 21 Thomas Schinella
- 22 Michael Schinella
- 23 Donald Sherman
- 24 Stephanie J. Coakley
- 25 Harold V. Schmitz
- Harold Orton

EXAMINERS:

	PAGE
Mr. Coppola (Direct)	20
Mr. Perrone (Start of cross)	45
Mr. Silvestri	46
Mr. Morissette	48
Mr. McDermott	58
Mr. Dobin	90

Index: (Cont'd)

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1 GROUPED LLC INTERVENORS AND CEPA INTERVENORS

2 Grouped Intervenor and CEPA Intervenor Exhibits
3 V-B-1 through V-B-17: Received in evidence on
4 page 131 - described in hearing program.

4 WITNESSES: (Sworn on page 128)
5 RAYMOND RIZIO
6 JACQUELYN THUNFORS

EXAMINERS:	PAGE
Mr. Russo (Direct)	128
Mr. Silvestri (Cross)	132

8 * * * *

9 FAIRFIELD STATION LOFTS

10 Fairfield Station Lofts, LLC Exhibit VI-B-1:
11 Received in evidence on page 137 - described in
12 hearing program.

12 * * * *

13 TOWN OF FAIRFIELD

14 Town of Fairfield Exhibits VII-B-1 through
15 VII-B-11: Received in evidence on page 148 -
16 described in hearing program.

16 WITNESSES: (Sworn on page 138/139)
17 Timothy Bishop
18 Adam Klyver
19 Matthew Schweisberg
20 Peter A. Vimini
21 Wes Haynes
22 Refat Awad

EXAMINERS:	PAGE
Mr. Dobin (Direct)	139
Mr. Perrone (Start of Cross)	148
Mr. Silvestri	150
Mr. Morissette	152
Mr. McDermott	160
Mr. Coppola	183
Mr. Russo	240

24 I n d e x: (Cont'd)

25 * * * *

1 SUPERIOR PLATING COMPANY

2 Superior Plating Company Exhibits VIII-B-1 through
3 VIII-B-4: Received in evidence on page 256 -
described in hearing program.

4 WITNESSES: (Sworn on page 251)
5 ROBERT LAMONICA
6 DAVID RUSCZYK
7 MARLEE NAJAMY WINNICK

EXAMINERS:	PAGE
Mr. Hoffman (Direct)	252
Mr. Silvestri (Start of Cross)	257
Mr. Golembiewski	260
Mr. Russo	262

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10
11 CITY OF BRIDGEPORT

12 City of Bridgeport Exhibit IX-B-1: Received in
13 evidence on page 264 - described in hearing
14 program.