

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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March 17, 2005

The Honorable Richard Blumenthal
Attorney General
55 Elm Street
Hartford, Connecticut 06106

RE: DOCKET NO. 272 - The Connecticut Light and Power Company and The United Illuminating Company application for a Certificate of Environmental Compatibility and Public Need for the construction of a new 345-kV electric transmission line and associated facilities between the Scovill Rock Switching Station in Middletown and the Norwalk Substation in Norwalk, Connecticut.

Dear Attorney General Blumenthal:

The Council is in receipt of your most recent correspondence, dated March 15, 2005, in which you recommend that the Connecticut Siting Council (Council) "immediately rescind" the Electric and Magnetic Field (EMF) Best Management Practices (Practices). Thank you.

As has been discussed, Section 12 of Public Act No. 04-246 required the Council to report to the General Assembly "the council's most recent version of its" Practices in January, 2005. Despite the best efforts of the Council to comply with this directive, the timeframe provided for completing this work simply did not permit the type of "open and transparent process, allowing comment and an opportunity for discussion" by all concerned persons and organizations, called for by your most recent correspondence.

You have recommended that the Council "immediately rescind" the revised Practices. Thus, in accordance with your letter of March 15, 2005, I am writing to you today to advise you that pursuant to this request I will advise that the Council do so as soon as possible. I will further recommend, as you have, that the Council readopt its earlier version of its Practices which were first adopted on February 11, 1993. Indeed, the Council notes that your office was an active participant in the EMF Interagency Task Force Work Group prior to your withdrawal from further participation in February, 1994.

As noted previously, the statutory reference to the adoption and revision of "best management practices for electric and magnetic fields for electric transmission lines" contained in Conn. Gen. Stat. § 16-50t (c), reads as follows:

(c) The council shall adopt, and revise *as the council deems necessary*, standards for best management practices for electric and magnetic fields for electric transmissions lines. Such standards shall be based on the latest completed and ongoing scientific and medical research on electromagnetic

fields and shall require individual, project-specific assessments of electromagnetic fields, taking into consideration design techniques including, but not limited to, compact spacing, optimum phasing of conductors, and applicable and appropriate new management technologies. Such standards shall not be regulations for purposes of chapter 54.

Conn. Gen. Stat. § 16-50t (c) (emphasis added).

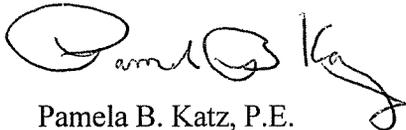
Significantly, the statute cited above requires that the Council revise the Practices “as the council deems necessary.” This language provides, indisputably, a great deal of discretion to the Council in this matter.

As you are aware given your active involvement in this proceeding, the Council has collected an enormous amount of information and evidence related to Electric and Magnetic Fields. The Council is confident that this evidence in the record, coupled with the Council’s earlier Practices, will provide ample information to render a decision in this matter. Moreover, given that no party or intervenor was denied the opportunity to present evidence in this area and your strong recommendation to rescind, it is clear that the revised Practices are not necessary for the Council to issue a Final Decision in this matter.

Finally, notwithstanding action to rescind and readopt the earlier version of its Practices as I have outlined above, I wish to remark that the Council recognizes that further efforts to adopt an updated set of practices – in the manner that you have described – would be appropriate and desirable. To that end, I wish to bring to your attention that the Council has already initiated the process to hire an independent consultant via an open-bid process that will help update the Practices, consistent with the tenets of Public Act No. 04-246. Once this consultant completes their report we will hold a public hearing to collect input. Please rest assured that this process will provide for the opportunity of all concerned persons to make comments and recommendations about the content of these practices before they are adopted by the Council.

Mr. Blumenthal, I again thank you for your attention to these matters. I am pleased that the Council has been presented with this opportunity to be responsive to you in these regard and that we have been able to resolve these matter successfully.

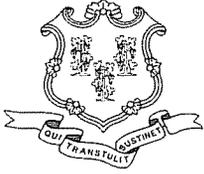
Very truly yours,



Pamela B. Katz, P.E.
Chairman

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c: Service List
Robert L. Marconi, Esq. (AAG)



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NOTICE OF SERVICE

I hereby affirm that a photocopy of this document was sent to each Party and Intervenor on the service list dated January 26, 2005.

Dated: March 17, 2005

Lisa Fontaine
Custodian of Docket No. 272