



OCC Wins Connecticut Supreme Court Case Resolving Procedural Uncertainty in Administrative Appeals

A recent ruling of the Connecticut Supreme Court resolved a question of procedural interpretation in favor of OCC's position – thus ending a court appeal that began in May of 2010. That appeal arose out of an application of The Connecticut Light & Power Company (CL&P) for certificates of environmental and public need with the Connecticut Siting Council for two CL&P transmission projects: the Greater Springfield Reliability Project and the Manchester to Meekville Junction Separation Project. The Siting Council granted the application for the Springfield Project and decided to reconsider its initial decision to deny the Meekville Project.

The plaintiffs in the case, Citizens Against Overhead Power Line Construction and Richard Legere, a private citizen, appealed the Siting Council's decision to grant the Springfield Project at the Connecticut Superior Court. Seeking dismissal of that appeal, Victoria Hackett, on behalf of OCC, Assistant Attorney General Robert Marconi, on behalf of the Siting Council and Anthony Fitzgerald for CL&P, argued that the plaintiffs were too quick to appeal the Siting Council's decision, since the Siting Council's decision was still under reconsideration and was therefore not yet a final decision under the Uniform Administrative Procedures Act. The Connecticut Superior Court disagreed with this argument, but dismissed the case on other grounds.

When the plaintiffs appealed the dismissal of their case to the Appellate Court, OCC renewed its argument that the case should have been dismissed on the grounds that the appeal was not taken from a final decision of an administrative agency. The Appellate Court agreed with this alternative ground for dismissal. The plaintiffs then appealed to the Connecticut Supreme Court. Adopting the Connecticut Appellate Court's rationale, the Connecticut Supreme Court agreed with OCC's interpretation of the statute regarding the time to appeal a decision subject to reconsideration by an administrative agency, and upheld the Appellate Court decision.

Consumers stand to benefit from this victory due to the avoided cost of inefficient, duplicative, piecemeal, administrative court appeals.

For more information see:

Appellate Court Decision: *Citizens Against Overhead Power Line Construction v. Siting Council*, 139 Conn. App. 565 (2012)

Supreme Court Decision: (to be released on March 25, 2014) *Citizens Against Overhead Power Line Construction v. Siting Council*, ___ Conn. ___ (2014)