



SENT VIA EMAIL (Melanie.Bachman@ct.gov)

Melanie Backman, Executive Director
Connecticut Siting Council
10 Frankline Square
New Britain, CT 06051

**Re: United Illuminating Application for
Certificate of Environmental Compatibility and Public Need
Fairfield to Congress Railroad Transmission Line
Docket No. 516
Evidentiary Hearing, August 29, 2023**

August 28, 2023

Dear Ms. Backman:

As you know, this office represents the Town of Fairfield (the “Town”) before the Connecticut Siting Council (the “Council”) concerning the above referenced application by the United Illuminating Company (“UI”) as it relates to the Fairfield to Congress Railroad Transmission Line (the “Application”). Last week, the Town filed for intervenor status concerning the proposed Application.

Since that time, I have had the occasion to speak and confer with Attorney Michael Burdo, Attorney Joel Green and Attorney Christopher Russo, who are each representing various other intervenors concerning the proposed Application. Given the expanded scope of intervening parties and the intense public concern around this proposed Application, the Town plans on retaining third party experts to review and opine upon the proposed Application as well as rebut certain expert testimony and/or documents produced by the Applicant. The Town would respectfully request that in light of its recently filed application for intervenor status and the concerns articulated to me by counsel for other intervenors, if the public hearing proceeds tomorrow, our cross examination of any witnesses be reserved for a future evidentiary hearing. This will afford the Town and potentially other intervening parties with the opportunity to retain the necessary third-party engineers, consultants and professionals, which in turn will provide the Council with a more detailed body of evidence to aid in its decision-making process.

In the interests of fundamental fairness to the Town and its citizens, we would request that if the public hearing proceeds tomorrow, the Town be accorded an additional forty-five days after tomorrow to properly prepare for the next evidentiary hearing. The Town believes that any such

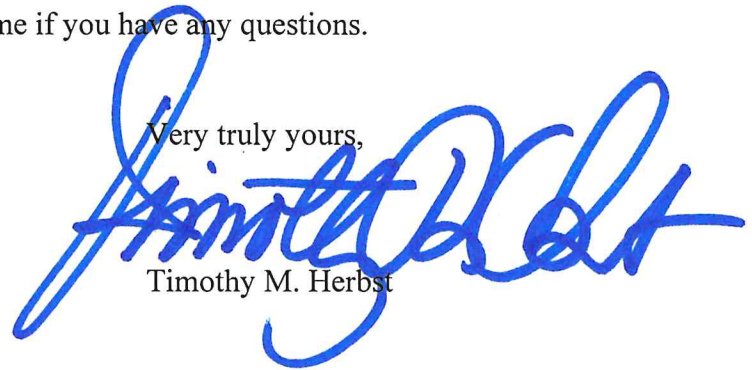
extension provided should also be extended to any other intervenors so as to assure that all parties have bene afforded a similar amount of time to present and solicit testimony.

Judicial review of administrative proceedings has long recognized that the administrative process is designed so agencies act upon evidence which is probative and reliable and also act in a manner that is fundamentally fair. *See Grimes v. Conservation Commission*, 243 Conn. 266, 273–74 (1997). Courts have also placed a tremendous emphasis on fairness and impartiality. *See Fletcher v. Planning & Zoning Commission*, 158 Conn. 497, 507 (1969).

We trust you will agree and it is our hope that counsel for UI will consent to this request. The purpose of these proceedings is to provide the Council with enough probative evidence, both pro and con, to make a reasoned and informed decision on the Application.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Timothy M. Herbst

CC: The Honorable Brenda Kupchick, First Selectwoman, Town of Fairfield
James Baldwin, Esq., Town Attorney
Bruce McDermott, Esq.
Michael Burdo, Esq.
Joel Green, Esq.
Christopher Russo, Esq.