

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 516

The United Illuminating Company Application for a
Certificate of Environmental Compatibility and
Public Need for the Fairfield to Congress Railroad
Transmission Line 115-kV Rebuild Project

Zoom Remote Public Hearing (Teleconference),
on Thursday, November 16, 2023, beginning at 2 p.m.

H e l d B e f o r e :

JOHN MORISSETTE, Member and Presiding Officer

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

2 **Council Members:**

3 **JOHN MORISSETTE, (Hearing Officer)**

4
5 **BRIAN GOLEMBIEWSKI,**

6 **DEEP Designee**

7
8 **Quat Nguyen,**

9 **PURA Designee**

10
11 **ROBERT HANNON**

12 **ROBERT SILVESTRI**

13
14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.,**

16 **Executive Director and Staff Attorney**

17
18 **MICHAEL PERRONE,**

19 **Siting Analyst**

20
21 **LISA FONTAINE,**

22 **Fiscal Administrative Officer**

1 **A p p e a r a n c e s:(cont'd)**

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1 **A p p e a r a n c e s:(cont'd)**

2 **For BJ's Wholesale Club, Inc. (BWC):**

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1 (Begin: 2 p.m.)

2
3 THE HEARING OFFICER: Good afternoon, ladies and
4 gentlemen. This continued evidentiary hearing is
5 called to order this Thursday, November 16, 2023,
6 at 2 p.m. My name is John Morissette, member and
7 Presiding Officer of the Connecticut Siting
8 Council.

9 If you haven't done so already, I ask that
10 everyone please mute their computer audio and/or
11 telephones now.

12 A copy of the prepared agenda is available on
13 the Council's Docket Number 516 webpage, along
14 with a record of this matter, the public hearing
15 notice, instructions for public access to this
16 remote public hearing, and the Council's citizens
17 guide to siting council procedures.

18 Other members of the Council are
19 Mr. Silvestri, Mr. Nguyen, Mr. Golembiewski, and
20 Mr. Hannon. Members of the staff are Executive
21 Director Melanie Bachman, siting analyst Michael
22 Perrone, and Fiscal Administrative Officer Lisa
23 Fontaine.

24 This evidentiary session is a continuation of
25 the public hearing held on July 25th, August 29th,

1 and October 17, 2023. It is held pursuant to
2 provisions of Title 16 of the Connecticut General
3 Statutes and of the Uniform Administrative
4 Procedure Act upon an application from the United
5 Illuminating Company for a certificate of
6 environmental compatibility and public need for
7 the Fairfield to Congress railroad transmission
8 line 115 kV rebuild project that consists of the
9 relocation of the rebuild, of its existing 115
10 kilovolt electric transmission line from the
11 railroad catenary structures to new steel monopole
12 structures, and related modifications along the
13 approximately 7.3 miles of the Connecticut
14 Department of Transportation's Metro North
15 Railroad corridor between structures B648S,
16 located east of Sasco Creek in Fairfield, and UI's
17 Congress Street substation in Bridgeport; and the
18 rebuild of two existing 115 kV transmission lines
19 along .23 miles of existing UI right-of-way to
20 facilitate interconnection of the rebuild of the
21 115 kV (inaudible) --

22 **A VOICE:** You're muted again, Mr. Morissette.

23 **THE HEARING OFFICER:** A verbatim transcript will be
24 made available this hearing and deposited in the
25 Bridgeport City Clerk's office and Fairfield Town

1 Clerk's office for the convenience of the public.

2 Attorney Bachman, did you hear my entire
3 opening statement or do I need to go back?

4 MS. BACHMAN: Unfortunately, Mr. Morissette, you
5 dropped off after you described the project. So
6 perhaps you can describe about the verbatim
7 transcript that would be posted in the Clerk's
8 Office, and move on from there.

9 THE HEARING OFFICER: Very good. I don't know why I'm
10 being put on mute -- but a verbatim transcript
11 will be made available of this hearing and
12 deposited with the Bridgeport City Clerk's office
13 and the Fairfield Town Clerk's office for the
14 convenience of the public.

15 The council will take a 10 to 15-minute break
16 at a convenient juncture around 3:30 p.m.

17 We have four motions to take care of. The
18 first motion is Jacquelyn Thunfors' request for
19 intervener and CEPA intervener status dated
20 November 9, 2023. Attorney Bachman may wish to
21 comment.

22 Attorney Bachman?

23 MS. BACHMAN: Thank you, Mr. Morissette.

24 Staff recommends granting this request and
25 grouping Jacquelyn Thunfors under Connecticut

1 General Statute Section 16-50n, Subsection C, with
2 the grouped LLC interveners, as they are all
3 represented by the same attorney.

4 THE HEARING OFFICER: Thank you, Attorney Bachman.

5 Is there a motion?

6 MR. SILVESTRI: Mr. Morissette, I'll make the motion to
7 approve that request.

8 THE HEARING OFFICER: Thank you, Mr. Silvestri.

9 Is there a second?

10 MR. HANNON: Hannon, second.

11 THE HEARING OFFICER: Thank you, Mr. Hannon.

12 We have a motion by Mr. Silvestri to approve
13 the request by Jacquelyn Thunfors, request for
14 intervener and CEPA intervener status, and we have
15 a second by Mr. Hannon.

16 We will now move to discussion.

17 Mr. Silvestri, any discussion?

18 MR. SILVESTRI: No discussion. Thank you.

19 THE HEARING OFFICER: Thank you. Mr. Nguyen?

20 MR. NGUYEN: No discussion. Thank you.

21 THE HEARING OFFICER: Thank you. Mr. Golembiewski?

22 MR. GOLEMBIEWSKI: No discussion. Thank you.

23 THE HEARING OFFICER: Thank you. Mr. Hannon?

24 MR. HANNON: No discussion. Thank you.

25 THE HEARING OFFICER: Thank you. And I have no

1 discussion.

2 We'll now move to the vote. Mr. Silvestri,
3 how do you vote?

4 MR. SILVESTRI: I vote to approve. Thank you.

5 THE HEARING OFFICER: Thank you. Mr. Nguyen?

6 MR. NGUYEN: Vote to approve. Thank you.

7 THE HEARING OFFICER: Thank you. Mr. Golembiewski?

8 MR. GOLEMBIEWSKI: Vote to approve. Thank you.

9 THE HEARING OFFICER: Thank you. Mr. Hannon?

10 MR. HANNON: Vote to approve. Thank you.

11 THE HEARING OFFICER: Thank you. And I vote to
12 approve. We have a unanimous decision. The
13 request for intervener and CEPA intervener status
14 is approved.

15 Moving onto motion number two by Sean Cowan's
16 request for intervener and CEPA intervener status
17 dated November 9, 2023. Attorney Bachman may wish
18 to comment. Attorney Bachman?

19 MS. BACHMAN: Thank you, Mr. Morissette.

20 Staff recommends granting the request and
21 grouping Sean Cowan under Connecticut General
22 Statute Section 16-50n, Subsection C, with the
23 grouped LLC interveners as they are all
24 represented by the same attorney.

25 THE HEARING OFFICER: Thank you. Attorney Bachman.

1 Is there a motion?

2 MR. SILVESTRI: Mr. Morissette, I'll move to approve
3 the request.

4 THE HEARING OFFICER: Thank you, Mr. Silvestri.

5 Is there a second?

6 MR. HANNON: Hannon, second.

7 THE HEARING OFFICER: Thank you, Mr. Hannon. We have a
8 motion by Mr. Silvestri to approve Sean Cowan's
9 request for intervener and CEPA intervener status,
10 and we have a second by Mr. Hannon.

11 We'll now move to discussion.

12 Mr. Silvestri, any discussion?

13 MR. SILVESTRI: No discussion. Thank you.

14 THE HEARING OFFICER: Thank you.

15 Mr. Nguyen, any discussion?

16 MR. NGUYEN: No discussion. Thank you.

17 THE HEARING OFFICER: Thank you.

18 Mr. Golembiewski, any discussion?

19 MR. GOLEMBIEWSKI: No discussion. Thank you.

20 THE HEARING OFFICER: Thank you.

21 Mr. Hannon, any discussion?

22 MR. HANNON: No discussion. Thank you.

23 THE HEARING OFFICER: Thank you. And I have no
24 discussion. We'll move to the vote.

25 Mr. Silvestri, how do you vote?

1 MR. SILVESTRI: I vote to approve. Thank you.

2 THE HEARING OFFICER: Thank you.

3 Mr. Nguyen, how do you vote?

4 MR. NGUYEN: Vote to approve. Thank you.

5 THE HEARING OFFICER: Thank you.

6 Mr. Golembiewski, how do you vote?

7 MR. GOLEMBIEWSKI: Vote to approve. Thank you.

8 THE HEARING OFFICER: Thank you.

9 Mr. Hannon, how do you vote?

10 MR. HANNON: Vote to approve. Thank you.

11 THE HEARING OFFICER: Thank you. And I vote to
12 approve. We have a unanimous decision. The
13 request for intervener and CEPA intervener status
14 by Sean Cowan is approved.

15 Moving onto motion number three, the motion
16 from National Trust for Historic Preservation,
17 request for intervener and CEPA intervener status
18 dated November 9, 2023. Attorney Bachman may wish
19 to comment. Attorney Bachman?

20 MS. BACHMAN: Thank you, Mr. Morissette. Staff
21 recommends granting the request on the condition
22 that Attorney Mayes is licensed to practice law in
23 the State of Connecticut. And if he's not
24 licensed to practice law in the state of
25 Connecticut, grouping the National Trust for

1 Historic Preservation under Connecticut General
2 Statutes Section 16-50n, Subsection C, with the
3 grouped LLC interveners with Attorney Russo acting
4 as the sponsoring attorney for the purposes of a
5 pro hac vice, which means for this matter only,
6 appearance.

7 THE HEARING OFFICER: Thank you, Attorney Bachman.

8 Is there a motion?

9 MR. SILVESTRI: Mr. Morissette, I'll move to approve
10 the request with the conditions as noted.

11 THE HEARING OFFICER: Thank you, Mr. Silvestri.

12 And is there a second?

13 MR. HANNON: Hannon, second.

14 THE HEARING OFFICER: Thank you, Mr. Hannon. We have a
15 motion by Mr. Silvestri to approve the request by
16 the National Trust for Historic Preservation,
17 their request for intervener and CEPA status, CEPA
18 intervener status with the conditions as stated by
19 Attorney Bachman. And we have a second by
20 Mr. Hannon.

21 We'll now move to discussion.

22 Mr. Silvestri, any discussion?

23 MR. SILVESTRI: No discussion, Mr. Morissette.

24 Thank you.

25 THE HEARING OFFICER: Thank you.

1 Mr. Nguyen, any discussion?

2 MR. NGUYEN: No discussion. Thank you.

3 THE HEARING OFFICER: Thank you.

4 Mr. Golembiewski, any discussion?

5 MR. GOLEMBIEWSKI: No discussion, thank you.

6 THE HEARING OFFICER: Thank you.

7 Mr. Hannon, any discussion?

8 MR. HANNON: No discussion, thank you.

9 THE HEARING OFFICER: Thank you. And I have no
10 discussion.

11 We'll now move to the vote.

12 Mr. Silvestri, how do you vote?

13 MR. SILVESTRI: I vote to approve. Thank you.

14 THE HEARING OFFICER: Thank you. Mr. Nguyen?

15 MR. NGUYEN: I vote to approve. Thank you.

16 THE HEARING OFFICER: Thank you. Mr. Golembiewski?

17 MR. GOLEMBIEWSKI: Vote to approve. Thank you.

18 THE HEARING OFFICER: Thank you. Mr. Hannon?

19 MR. HANNON: Vote to approve. Thank you.

20 THE HEARING OFFICER: Thank you. And I vote for
21 approval. We have a unanimous decision. The
22 request for intervener and CEPA status is
23 approved.

24 Motion number four, Sasco Creek Neighborhood
25 Environmental Trust motion to compel, dated

1 November 14, 2023. Attorney Bachman may wish to
2 comment. Attorney Bachman?

3 MS. BACHMAN: Thank you, Mr. Morissette. SCNET's
4 motion seeks an order from the Council to compel
5 UI to identify persons and produce documents
6 requested in its interrogatories.

7 UI objects to the request because the
8 information sought is irrelevant to the Council's
9 evaluation of the application, proprietary
10 information, and/or confidential critical energy
11 infrastructure information.

12 In support of its petition, SCNET relies on
13 the rules of Superior Court for discovery in civil
14 cases. Those rules do not apply in administrative
15 agency proceedings. This administrative
16 proceeding is governed by the Uniform
17 Administrative Procedure Act and the Council's
18 rules of practice and its regulations.

19 In further support of its position, SCNET
20 relies on an eight-year-old Superior Court order
21 in an undecided case related to cellular network
22 proprietary information for telecommunications
23 facilities, which is clearly distinguishable from
24 transmission facility proprietary information and
25 Federal Energy Regulatory Commission-defined

1 critical energy infrastructure information for
2 energy facilities.

3 The UI witness panel is prepared for
4 cross-examination this afternoon. The topics that
5 are relevant to the Council's evaluation of the
6 application including, but not limited to, the
7 Fairfield to New Haven Railroad corridor
8 transmission line asset condition assessment that
9 is in the record under Council Administrative
10 Notice Items Number 31 for Docket 3B, and Number
11 34 for Docket 508, as well as UI's responses to
12 Council interrogatories 5 and 6.

13 Furthermore, all the presentations related to
14 asset conditions along the existing transmission
15 line are publicly available on the ISO New
16 England's website.

17 Staff therefore recommends motion to compel
18 be denied.

19 THE HEARING OFFICER: Thank you, Attorney Bachman.

20 Is there a motion?

21 MR. GOLEMBIEWSKI: I'll make a motion to deny the
22 request to compel.

23 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

24 Is there a second?

25 MR. SILVESTRI: I'll second, Mr. Morissette.

1 THE HEARING OFFICER: Thank you, Mr. Silvestri.

2 We have a motion by Mr. Golembiewski to deny
3 the Sasco Creek Neighborhood Environmental Trust
4 motion to compel, and we have a second by
5 Mr. Silvestri. We will now move to discussion.

6 Mr. Silvestri, any discussion?

7 MR. SILVESTRI: No discussion. Thank you,
8 Mr. Morissette.

9 THE HEARING OFFICER: Thank you, Mr. Silvestri.

10 Mr. Nguyen, any discussion?

11 MR. NGUYEN: Thank you, Mr. Morissette.

12 Upon review -- and I appreciate the
13 information just provided, but with all due
14 respect, upon the review of the information that
15 we'll ask, I do see as -- it somewhat is relevant
16 to the transmission project. To the extent that
17 will the information be confidential, decided by
18 the Siting Council, then the Intervener must
19 execute a binding confidential agreement.

20 So to that extent, I would lean in supporting
21 the motion. Thank you.

22 THE HEARING OFFICER: Thank you, Mr. Nguyen.

23 Mr. Golembiewski, any discussion?

24 MR. GOLEMBIEWSKI: I have no discussion. Thank you.

25 THE HEARING OFFICER: Thank you.

1 Mr. Hannon, any discussion?

2 MR. HANNON: I have no discussion. Thank you.

3 THE HEARING OFFICER: Thank you. I agree with Attorney
4 Bachman's analysis of the information that was
5 submitted. And I believe that the information is
6 available through the cited reports, and anything
7 beyond that is unnecessary for the Council to make
8 its decision. So with that, we will now move to
9 the vote.

10 Mr. Silvestri, how do you vote?

11 MR. SILVESTRI: I vote to approve the motion to deny.

12 Thank you.

13 THE HEARING OFFICER: Thank you, Mr. Silvestri.

14 Mr. Nguyen, how do you vote?

15 MR. NGUYEN: I vote to deny the motion to deny.

16 Thank you.

17 THE HEARING OFFICER: Thank you, Mr. Nguyen.

18 Mr. Golembiewski?

19 MR. GOLEMBIEWSKI: I vote to approve the motion.

20 THE HEARING OFFICER: Thank you. Mr. Hannon?

21 MR. HANNON: I vote to approve the motion.

22 THE HEARING OFFICER: Thank you. And I vote to approve
23 the motion. We have a vote of four to approve and
24 one to deny. Therefore, the motion to deny is
25 approved. Thank you. We will now continue with

1 the appearance of the Applicant.

2 In accordance with the Council's October 19,
3 2023, continued evidentiary hearing memo, we will
4 continue with the appearance of the Applicant, the
5 United Illuminating Company, to verify the new
6 exhibits marked as Roman numeral two, items B19
7 through 24 of the hearing program.

8 Attorney McDermott, please begin by
9 identifying the new exhibits you have filed in
10 this matter and verifying the exhibits by the
11 appropriate sworn witnesses.

12 MR. McDERMOTT: Thank you, Mr. Morissette.

13 THE HEARING OFFICER: Please continue.

14 MR. McDERMOTT: Thank you, Mr. Morissette. Can you
15 hear me?

16 THE HEARING OFFICER: Yes, I can. Thank you.

17 MR. McDERMOTT: Okay. Thank you very much.

18 Good afternoon. Bruce McDermott from the law
19 firm of Murtha Cullina on behalf of the Applicant,
20 the United Illuminating Company. I will note for
21 the record, Mr. Morissette, that the witness panel
22 is the same as the last hearing, and all the
23 witnesses have previously been sworn.

1 C O R R E N E A U E R,
2 D A V I D R. G E O R G E,
3 S H A W N C R O S B I E,
4 M A T T H E W P A R K H U R S T,
5 M e e N A S A Z A N O W I C Z,
6 T O D D B E R M A N,

7 recalled as witnesses, having been previously
8 sworn, were examined and testified under oath
9 as follows:

10
11 MR. McDERMOTT: Of the six new exhibits, we have one
12 correction that we'd like to make, and I believe
13 Mr. Crosbie as the project manager can both
14 address the correction that needs to be made as
15 well as to verify the other exhibits.

16 So with that, Mr. Crosbie, are you familiar
17 with the Applicant's Exhibit Number 19, which are
18 the late-file exhibits dated November 2, 2023?

19 THE WITNESS (Crosbie): Yes, I am.

20 MR. McDERMOTT: And do did you prepare or oversee the
21 preparation of those exhibits?

22 THE WITNESS (Crosbie): Yes, I did.

23 MR. McDERMOTT: And do you have any changes or
24 revisions to those exhibits?

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

1 MR. McDERMOTT: And would you please identify the
2 changes you made?

3 THE WITNESS (Crosbie): In Late-File 3-6, as referenced
4 in the question, historic resource analysis for
5 double-circuit and monopole configuration, UI
6 answered in reference that U -- UI and Heritage
7 have reviewed the viewshed analysis and photo
8 simulation prepared by All-Points for Sasco Creek
9 to Ash Creek, 1130 line rebuild alternative,
10 double-circuit monopole configuration on the
11 northern side of the Metro North corridor.

12 Both the viewshed analysis and the photo
13 simulation show that the proposed alternative
14 double-circuit configuration does not appreciably
15 reduce the indirect visual impacts on the project
16 from the original single-circuit configuration on
17 the southern side of the Metro North corridor.

18 UI would like to strike a reference to photo
19 simulations in that response.

20 MR. McDERMOTT: Thank you. I think the short answer is
21 there are two references to All-Points conducting
22 photo simulations, and those were not conducted.
23 So we're just striking the references to the photo
24 simulations.

25 And if the Council wishes, I can certainly

1 file a revised response to that interrogatory
2 following the hearing, Mr. Morissette, so the
3 record is clear.

4 THE HEARING OFFICER: Thank you, Attorney McDermott,
5 but that's unnecessary. It's in the record as
6 being struck, so we will leave it at that.

7 Thank you.

8 MR. McDERMOTT: Okay. Thank you.

9 With that, Mr. Crosbie, do you adopt Exhibit
10 19 as a full exhibit here today?

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

12 MR. McDERMOTT: Okay. And regarding the Applicant
13 Exhibit Number 20, which are the responses,
14 responses to the SCNET Interrogatories Set 1 dated
15 November 2, 2023, did you prepare or oversee the
16 preparation of those responses?

17 THE WITNESS (Crosbie): Yes, I did.

18 MR. McDERMOTT: And do you have any changes or
19 corrections thereto?

20 THE WITNESS (Crosbie): No, I don't.

21 MR. McDERMOTT: And do you adopt it as a full exhibit
22 here today?

23 THE WITNESS (Crosbie): Yes, I do.

24 MR. McDERMOTT: And regarding Applicant Exhibit 21,
25 which are the responses to the SCNET

1 Interrogatories Set 2 dated November 2, 2023, did
2 you prepare or oversee the preparation of those
3 interrogatory responses?

4 THE WITNESS (Crosbie): Yes, I did.

5 MR. McDERMOTT: And do you have any changes or
6 revisions thereto?

7 THE WITNESS (Crosbie): No, I don't.

8 MR. McDERMOTT: And do you adopt that as a full exhibit
9 here today?

10 THE WITNESS (Crosbie): Yes, I do.

11 MR. McDERMOTT: And regarding Applicant Exhibit 22,
12 which are responses to the grouped LLC intervenor
13 interrogatories Set 1, dated November 2, 2023, did
14 you prepare or oversee the preparation of that
15 document?

16 THE WITNESS (Crosbie): Yes, I did.

17 MR. McDERMOTT: And any changes or revisions thereto?

18 THE WITNESS (Crosbie): No, I don't.

19 MR. McDERMOTT: And do you adopt that as a full exhibit
20 here today?

21 THE WITNESS (Crosbie): I do.

22 MR. McDERMOTT: And Applicant's Exhibit 23 are the
23 responses to the Town of Fairfield interrogatories
24 Set 1, dated November 2, 2023.

25 Did you prepare or oversee the preparation of

1 those interrogatory responses?

2 **THE WITNESS (Crosbie):** Yes, I did.

3 **MR. McDERMOTT:** And do you have any changes or
4 revisions thereto?

5 **THE WITNESS (Crosbie):** No, I don't.

6 **MR. McDERMOTT:** And do you adopt that as a full exhibit
7 here today?

8 **THE WITNESS (Crosbie):** Yes.

9 **MR. McDERMOTT:** Thank you. And then finally, Applicant
10 Exhibit 24 is a response to Town of Fairfield
11 Interrogatory Number 8, dated November 9, 2023.

12 Did you prepare or oversee the preparation of
13 that response?

14 **THE WITNESS (Crosbie):** Yes, I did.

15 **MR. McDERMOTT:** And any changes to that response?

16 **THE WITNESS (Crosbie):** No.

17 **MR. McDERMOTT:** And do you adopt that as a full exhibit
18 here today?

19 **THE WITNESS (Crosbie):** I do.

20 **MR. McDERMOTT:** Thank you.

21 And with that, Mr. Morissette, UI would ask
22 that Applicant Exhibits 19 through 24 be admitted
23 as a full -- as full exhibits, and the panel would
24 be ready for a cross-examination after that.

25 **THE HEARING OFFICER:** Thank you, Attorney McDermott.

1 Does any party or intervener object to the
2 admissions of the Applicant's new exhibits?

3 Attorney Casagrande or Attorney Mortelliti?

4 MR. CASAGRANDE: No, your honor. No objection.

5 THE HEARING OFFICER: Thank you, Attorney Casagrande.

6 Attorney Coppola, or Studer, or Bogan?

7 MR. COPPOLA: No objection.

8 THE HEARING OFFICER: Thank you, Attorney Coppola.

9 Attorney Russo?

10 MR. RUSSO: No objection, but as a point of

11 clarification for today's hearing, am I speaking
12 on behalf of the National Trust for Historic
13 Preservation? Or is their attorney present to
14 respond for them?

15 THE HEARING OFFICER: I'll ask Attorney Bachman if she
16 can answer that question for us.

17 Attorney Bachman?

18 MS. BACHMAN: Thank you, Mr. Morissette. I'm just
19 looking -- I did see a Mayes in the list, however.

20 MR. MAYES: Ms. Bachman, Mr. Mayes is here. The
21 information about being represented by Mr. Russo
22 is new information to us. I'd like to have an
23 opportunity to speak with him separately, but for
24 the purposes of this hearing if it's appropriate
25 for him to speak on our behalf, that is acceptable

1 to me pending further conversations with him.

2 I am not a member of the Connecticut Bar.

3 MS. BACHMAN: Okay. As long as you have given Attorney
4 Russo permission on the record to speak for the
5 National Trust, I don't think there would be an
6 issue, but I appreciate it.

7 MR. MAYES: Thank you. For the purposes of this
8 hearing, I consent to that.

9 And Mr. Russo, if we could have a follow-up
10 conversation following the hearing?

11 THE HEARING OFFICER: Thank you, Mr. Mayes.

12 And Attorney Russo, are you good with that?

13 MR. RUSSO: Yes, and no objection.

14 THE HEARING OFFICER: Thank you, Attorney Russo.

15 Attorney Schaefer?

16 MR. SCHAEFER: No objection. Thank you.

17 THE HEARING OFFICER: Thank you. Attorney Herbst or
18 Attorney Weaver?

19 MR. HERBST: No objection.

20 THE HEARING OFFICER: Thank you. Attorney Hoffman?

21 MR. HOFFMAN: No objection, Mr. Morissette.

22 THE HEARING OFFICER: Thank you. Attorney Mayes -- oh,
23 thank you. We just discussed that. Thank you.

24 MR. MAYES: Yes, thank you.

25 THE HEARING OFFICER: The exhibits are hereby admitted.

1 We'll now continue with cross-examination of
2 the applicants by BJ's Wholesale Club on the new
3 exhibits. Attorney Casagrande or Attorney
4 Mortelliti? Attorney Casagrande?

5 **MR. CASAGRANDE:** Yes. Thank you, Mr. Morissette. We
6 have no questions for the panel on these new
7 exhibits at this time.

8 **THE HEARING OFFICER:** Thank you, Attorney Casagrande.

9 We'll continue with cross-examination of the
10 Applicant by Sasco Creek Environmental Trust, Inc,
11 et al, On the new exhibits.

12 Attorney Coppola?

13 **MR. COPPOLA:** Yes, I do have questions of the panel
14 with regard to the new exhibits.

15 **THE HEARING OFFICER:** Thank you, please continue.

16 **MR. COPPOLA:** I'd like to start with Mr. David George.

17 **THE WITNESS (George):** Yes, sir. Here.

18 **MR. COPPOLA:** Thank you.

19 **THE WITNESS (George):** Thank you.

20 **MR. COPPOLA:** So in response to Interrogatory SCNET
21 2-5, you state that Heritage Consultants prepared
22 a phase one report. Could you please describe
23 what a phase 1A report is, and what purpose it
24 serves?

25 **THE WITNESS (George):** Yes, that the phase 1A report is

1 a high-level assessment report wherein the
2 consultant identifies previously identified
3 cultural resources and submits that material to
4 the SHPO for review. And then the SHPO determines
5 whether or not additional work needs to be done
6 based on the results of the survey.

7 MR. COPPOLA: And with regard to your phase one report
8 for this matter, what were the recommendations
9 from SHPO?

10 THE WITNESS (George): SHPO recommended that they
11 agreed -- well, they -- they had determined they
12 agreed with our recommendations of adverse
13 indirect effect on historic resources, and then
14 also agreed that some form of mitigation for the
15 project must take place once project plans are
16 finalized, and they will work with UI on that.

17 MR. COPPOLA: Approximately how many phase one reports
18 have you prepared in your career?

19 THE WITNESS (George): Well, my company has done over
20 3,000 projects. I've probably done personally
21 half of those.

22 MR. COPPOLA: Okay. So about 1500.

23 Is that correct?

24 THE WITNESS (George): Absolutely, yeah.

25 MR. COPPOLA: And how frequently percentage-wise does a

1 phase 1A report result in a phase 1B report?

2 THE WITNESS (George): I would say 30, 40 percent of
3 the time, depending on the type of project.

4 MR. COPPOLA: With regard to projects for utility
5 companies such as UI, what percentage would you
6 estimate of phase 1A reports that have resulted in
7 phase 1B reports?

8 THE WITNESS (George): I don't know that I could give
9 you a specific -- specific number, but I would
10 tell you that it's also dependent on the location
11 and the project type.

12 If I had to put a number on it, I would again
13 say maybe about 30, 40 percent.

14 MR. COPPOLA: And over the years how many reports have
15 you -- well, let me ask this. Over the years,
16 have you done reports for UI prior to this docket?

17 THE WITNESS (George): Yes.

18 MR. COPPOLA: Over the years how many reports would you
19 estimate you have done over the years for UI?

20 MR. McDERMOTT: Mr. Morissette, I'm going to object to
21 this line of questioning. I appreciate the fact
22 that Attorney Coppola was able to identify a
23 interrogatory response that mentioned the phase
24 one. He has now moved well beyond the
25 interrogatory response.

1 And if I'm correct in reading Attorney
2 Bachman's hearing memo, the questions are supposed
3 to be related to the interrogatories. This is the
4 type of questions that he could have asked at the
5 last hearing, but instead elected to not ask any
6 questions.

7 So I'd ask that we get back to the
8 interrogatory responses, not to the kind of
9 investigation of Mr. George's background and
10 professional pedigree.

11 MR. COPPOLA: If I may respond?

12 THE HEARING OFFICER: Certainly, you can.

13 MR. COPPOLA: If I may respond? First of all, that was
14 a very long objection. With regard to the
15 objection, a couple of things. One, at the last
16 hearing, we had only at that time been granted
17 intervener status for some of our -- some of the
18 parties. So there was not an opportunity prior to
19 that to prepare anything for cross-examination.

20 Second, many of the responses provided to our
21 interrogatories were not appropriate, quite
22 frankly -- or I should say did not provide a
23 response, a complete response to the request being
24 made.

25 Furthermore, many of them were objected to

1 for reasons that we disagreed with, as you know,
2 pursuant to our motion, many of which actually
3 were not -- the objections were not for the
4 purposes of confidentiality.

5 So with regard to the motion to compel, I
6 could have also addressed insufficient answers to
7 many of the interrogatories. I did attempt with
8 counsel last week to try to resolve objections.
9 During that discussion I was asked, you know, why
10 don't you to ask follow-up questions to some of
11 the interrogatories? And again, the concern was,
12 well, there would be an objection if I asked a
13 follow-up question, if I didn't get a sufficient
14 answer on the discovery responses.

15 This is -- we are entitled, our clients are
16 entitled to due process, to a fair hearing. And
17 to prevent us from asking questions that clearly
18 are followups to insufficient answers on responses
19 to interrogatories I think is unfair and a
20 deprivation of our due process rights, as well as
21 for the purpose of, as well as --

22 **THE HEARING OFFICER:** Concerning the questions at hand,
23 Mr. George has answered your initial questions
24 about his experience, and I think it has been well
25 established that he has experience in 1As and 1Bs.

1 And that beyond that, it's not necessary to
2 continue with this line of questioning.

3 The Council has already issued an order and
4 denied the motion to compel. So therefore, I'm
5 going to sustain the objection, and please
6 continue and move on beyond Mr. George's
7 qualifications.

8 MR. COPPOLA: Thank you. With regard to previous
9 projects, did these projects involve a direct or
10 indirect adverse impacts to the historic districts
11 listed on the National Register of Historic
12 Places, such as what we're dealing with here?

13 THE WITNESS (George): Are you asking specifically with
14 UI projects, or all projects in general?

15 MR. COPPOLA: With projects in general?

16 THE WITNESS (George): Yes.

17 MR. COPPOLA: And with regard to UI projects, have you
18 encountered dealing with adverse impacts to
19 historic districts that were listed on NRHPs?

20 THE WITNESS (George): I would have to go back through
21 our files, but I believe that is so.

22 MR. COPPOLA: And in any of those prior matters where
23 there was a -- where there was determined to be
24 adverse impacts to historic districts that were
25 listed on the NRHP, did you similarly determine

1 that there was not a need for a phase 1B report?

2 **THE WITNESS (George):** I don't -- I don't determine

3 whether there's a need for a phase 1B report, the
4 SHPO does.

5 **MR. COPPOLA:** Referring back to your response, the

6 response to interrogatory SCNET 2-5, you state

7 that Heritage Consultants performed extensive

8 research to identify existing resources listed on

9 the National Register of Historic Places, the

10 State Register of Historic Places and local

11 historic districts. Correct?

12 **THE WITNESS (George):** That's correct.

13 **MR. COPPOLA:** What are the guidelines for preparing a

14 phase 1A report?

15 **THE WITNESS (George):** There's no specific set of

16 guidelines. It's one that we use with SHPO all

17 the time, though it's a basic overview, background

18 research, review of SHPO site files, online

19 inter -- online Internet sites and other

20 information that may be related to historic

21 resources.

22 **MR. COPPOLA:** In this case, did you consult with the

23 SHPO records for purposes of your review?

24 **THE WITNESS (George):** Yes.

25 **MR. COPPOLA:** Did you consult with the records of any

1 local colleges or universities?

2 THE WITNESS (George): No.

3 MR. COPPOLA: Did you consult with the records of any
4 local libraries?

5 THE WITNESS (George): Yes.

6 MR. COPPOLA: Which ones?

7 THE WITNESS (George): We went to the library in
8 Fairfield. We went to the library in Bridgeport,
9 the public libraries.

10 MR. COPPOLA: Did you consult with any local museums?

11 THE WITNESS (George): No.

12 MR. COPPOLA: Did you consult with any local historical
13 societies?

14 THE WITNESS (George): We consulted with their online
15 documentation for local historic districts.

16 MR. COPPOLA: Did you actually attempt to have any
17 contact with any members of any local historic
18 societies?

19 THE WITNESS (George): I don't recall that we did.

20 Please forgive me. It's been a year since we
21 prepared the report, so.

22 MR. COPPOLA: Do you recall whether you had made any
23 requests for any information from any local
24 historic societies?

25 THE WITNESS (George): No, because that information was

1 provided on the Internet.

2 MR. COPPOLA: Did you consult with the local Bridgeport
3 Historic Commission?

4 THE WITNESS (George): No, sir.

5 MR. COPPOLA: Did you attempt to consult with the
6 Fairfield Historic Commission?

7 THE WITNESS (George): No, sir.

8 MR. COPPOLA: Did you -- prior to today, did you have
9 an opportunity to review the pre-filed testimony
10 of Wes Haynes that was filed by the Town of
11 Fairfield?

12 THE WITNESS (George): I was able to review.

13 MR. COPPOLA: And do you have an opportunity to review
14 his report?

15 THE WITNESS (George): I have not reviewed his report
16 in total.

17 MR. COPPOLA: Could you take a look at page 2 and 3 of
18 his report?

19 MR. McDERMOTT: Mr. Morissette, I'll object to the
20 question.

21 MR. COPPOLA: I haven't asked a question yet.

22 Maybe I should ask a question first before
23 there's an objection.

24 MR. McDERMOTT: No, thank you.

25 MR. COPPOLA: I haven't asked --

1 MR. McDERMOTT: I can base my objection on the fact
2 that you're referring to a document that's not in
3 evidence and has not been verified, so it's not
4 subject to cross-examination.

5 MR. COPPOLA: It is -- I disagree. It is subject to
6 cross-examination because he's just confirmed that
7 he's reviewed it. It goes to his knowledge. It
8 goes to what he's reviewed.

9 So Mr. Chairman?

10 And I'll also just -- Mr. Chairman, before
11 you make a ruling, just also add one more thing.
12 If in fact an objection like this was to stand,
13 then essentially I'm prevented from having any
14 cross-examination with UI's panel with regard to
15 filings from experts from our side of the ledger,
16 because their reports would not have already been
17 officially sworn in.

18 So there's an inherent unfairness as well in
19 the process if an objection like this was to be
20 able to stand.

21 MR. McDERMOTT: Again, Mr. Morissette -- and I
22 apologize for this, but the --

23 MS. BACHMAN: Gentlemen. Gentlemen, please?

24 Unfortunately, Mr. Morissette has dropped off the
25 meeting and we're going to give him an opportunity

1 to get back into the meeting. So if you could
2 just hold for a moment?

3 And he missed Attorney Coppola, I think your
4 entire -- what you just said. And Attorney
5 McDermott, if you could just hold off until we can
6 get Mr. Morissette back, we'd appreciate it.

7
8 (Pause.)

9
10 **THE HEARING OFFICER:** Unfortunately, I got
11 disconnected. I don't know if others did as well.

12 Attorney Bachman, can you update on where I
13 left off?

14 **MS. BACHMAN:** Mr. Morissette, Attorney Coppola was
15 responding to the objection from Attorney
16 McDermott. And I told him that he would have to
17 repeat it because that's about the time he dropped
18 off.

19 **THE HEARING OFFICER:** Unfortunately, I did not hear the
20 objection by Attorney McDermott either. So let's
21 start from the beginning.

22 Attorney McDermott, please repeat your
23 objection?

24 **MR. McDERMOTT:** Thank you, Mr. Morissette.

25 So my objection was to the fact that Attorney

1 Coppola is referring to a document, and asking
2 questions about a document that is not in
3 evidence, that has not been verified or
4 authenticated. And I have not had a chance to
5 object to the admission of that document -- so
6 that was it.

7 And I would also just add that Mr. George has
8 stated that he has not reviewed the document in
9 its entirety. So -- but anyway, the first part is
10 that it's a document not yet in the record.

11 **THE HEARING OFFICER:** Thank you, Attorney McDermott.

12 Attorney Coppola, any response?

13 **MR. COPPOLA:** A few. First of all, I never even asked
14 a question. So I think the objection procedurally
15 is out of line. I simply was starting to ask a
16 question. I got interrupted with the objection.

17 **THE HEARING OFFICER:** Very good. So with that, please
18 continue with your questioning, keeping in mind
19 that the document is not in evidence as of yet.

20 Thank you.

21 **THE WITNESS (George):** Attorney Coppola, could I just
22 clarify before we go back to this question? I
23 thought you were asking me about his pre-filed
24 testimony. So I said, I had reviewed that. I
25 have reviewed it, not totally.

1 So I don't know if I misunderstood your
2 question, sir.

3 MR. COPPOLA: No, you understood my question.

4 My question was -- well, let me ask this,
5 Mr. Chair, because I'm a little confused. Did you
6 want me to continue to respond to the objection?
7 Did you want to make a ruling on it? Or did you
8 prefer that I go forward with the question?

9 THE HEARING OFFICER: Move forward with your questions,
10 but keep in mind the objection that has just been
11 raised. That is not part of the record as of yet.

12 MR. COPPOLA: But the objection hasn't been ruled upon
13 yet. Correct?

14 THE HEARING OFFICER: I sustained.

15 MR. COPPOLA: I'm sorry. I'm confused. You what?

16 THE HEARING OFFICER: I sustained the objection.

17 MR. COPPOLA: Well, I never -- could I have a
18 reconsideration of your determination on the
19 objection, because I actually didn't have an
20 opportunity to finish responding to it?

21 THE HEARING OFFICER: Very good. Please finish.

22 MR. COPPOLA: Okay. So the first point was that I
23 didn't even ask a question before, when the
24 objection was lodged.

25 THE HEARING OFFICER: Yes, understood.

1 MR. COPPOLA: Secondly, I'm entitled to be able -- I
2 should be entitled to be able to ask questions
3 about a witness's understanding of what they had
4 reviewed.

5 So you know, for example, every record that a
6 witness reviews is not necessarily a record within
7 the application. Witnesses certainly have an
8 opportunity to review all sorts of documentation
9 that's not necessarily put into the record as
10 evidence.

11 And within the rules of practice, when it
12 comes to asking questions to expert witnesses, and
13 Mr. George is being put forward as an expert
14 witness in this proceeding and is considered by
15 the Council to be one, presumably, that you have
16 the opportunity to ask them about information and
17 documentation they had an opportunity to review.
18 And that's, you know, also set forth, the law on
19 that is set forth in my motion to compel.

20 So -- and furthermore, to prevent us from
21 asking questions about any witness's review of
22 certain documents because they were not yet put
23 into the record, approved in the record, is an
24 absolute deprivation of our due process rights.
25 It's unfair because our opportunity to

1 cross-examine the UI panel is now.

2 And so we lose the opportunity to cross
3 examine them about documents that they reviewed
4 and took into consideration prior to giving the
5 testimony today.

6 THE HEARING OFFICER: Very good, thank you. Thank you
7 for your comments.

8 I'll ask Attorney Bachman to see if she has
9 any response to both the objection and the
10 comments by Attorney Coppola. Attorney Bachman?

11 MS. BACHMAN: Thank you, Mr. Morissette.

12 I could propose a solution here. And if
13 Attorney Coppola could ask questions generally, as
14 opposed to specifically related to evidence that
15 may not be in the record yet -- but certainly the
16 topics of that pre-filed testimony, if Mr. George
17 is the appropriate Witness to answer the question,
18 certainly he can answer the question, but I don't
19 think it should be specifically tied to pre-filed
20 testimony.

21 I believe Attorney Coppola -- and I'm
22 confident in Attorney Coppola that he can rephrase
23 those questions so they don't refer specifically
24 to the pre-filed testimony. Thank you.

25 THE HEARING OFFICER: Thank you, Attorney Bachman.

1 Attorney Coppola?

2 MR. COPPOLA: I don't know if I can, actually. I could
3 try. I think the issue is that if a witness looks
4 at a document, if an expert witness looks at a
5 document, then there's every right on
6 cross-examination to be able to ask them about
7 what they've reviewed.

8 And so again, as I said before, there's many
9 documents that expert witnesses within this
10 proceeding have reviewed and have then provided
11 testimony with regard to those documents that had
12 not yet -- that had not been put into the record.

13 And in fact, this Witness has certainly
14 considered documents and information that's not
15 within the record. He just told us he went on the
16 Internet and checked on the websites of historic
17 societies. Whatever he would
18 say (unintelligible) --

19 THE HEARING OFFICER: Okay. With that -- to interrupt
20 you, if we could continue? And if you could try
21 to rephrase your questions such that we can not
22 directly be questioning the documents in question?

23 Please continue.

24 MR. COPPOLA: Thank you.

25 Mr. George, on pages 22 and 23 of your phase

1 one report, it appears that you referenced four
2 literary resources pertaining to the
3 identification of historic and cultural resources
4 in the town of Fairfield and the village of
5 Southport. Is that correct?

6 THE WITNESS (George): I'm not sure which, which items
7 you're referring to in the report.

8 MR. COPPOLA: On page 22 and 23 of your phase 1A
9 report, you made reference, it appears, to four
10 literary resources which pertain to the historic
11 and cultural resources located in the town of
12 Fairfield and the village of Southport.

13 Is that correct?

14 THE WITNESS (George): I -- I don't know how to answer
15 that, because I'm not sure which literary
16 resources you're referring to. I'm sorry, I don't
17 have the report in front of me.

18 MR. COPPOLA: I could tell you the reference?

19 THE WITNESS (George): That would be great. Thank you.

20 MR. COPPOLA: And just for the record, this is your
21 report on pages 22 and 23. One was the -- and I'm
22 towards the bottom of page 22, a document titled,
23 Fairfield, Town of, 2021, highlights of
24 Fairfield's history; Fairfield Museum and History
25 Center, 2021, describe the articles way back when.

1 Another one is Hurd, Hamilton, that's dated
2 1881, History of Fairfield County, Connecticut,
3 with illustrations, biographical sketches of its
4 prominent men and pioneers.

5 **THE WITNESS (George):** Yeah.

6 **MR. COPPOLA:** J.W. Lewis, Philadelphia. And lastly,
7 what appears to be a publication by Lavin,
8 Lucianne, 2013, Connecticut's Indigenous Peoples:
9 What Archeology History and Oral Traditions Teach
10 Us About Their Community and Cultures, Yale
11 University Press, New Haven, Connecticut.

12 **THE WITNESS (George):** Yes, sir. I recall those.

13 **MR. COPPOLA:** And is it your understanding that there
14 are many, many other readily available historical,
15 archeological and architectural surveys or
16 documents pertaining to the historic and cultural
17 resources within or adjacent to this Southport
18 Historic District that were not referenced in your
19 report?

20 **THE WITNESS (George):** Yes, sir. The -- the idea of
21 the phase 1A is to provide -- provide a broad
22 overview of the area historically. It's not to
23 exhaustively research a particular location.

24 But I am aware that there are other, other
25 resources out there.

1 MR. COPPOLA: And is one reason you're aware of that is
2 that you had an opportunity -- is because you had
3 an opportunity to review Mr. Haynes' testimony
4 where he cited numerous sources that you had
5 omitted that were not included in your report?

6 THE WITNESS (George): I did read --

7 MR. McDERMOTT: I'll object to the question,
8 Mr. Morissette, for the reasons previously stated.

9 MR. COPPOLA: For the reasons --

10 THE HEARING OFFICER: Go ahead. Go ahead, Attorney
11 Coppola?

12 MR. COPPOLA: Also for the reasons previously stated, I
13 respond to the objection, again. And just adding
14 that this is something that's going to continue to
15 come up as an attempt to prevent us from
16 cross-examining expert witnesses.

17 I think the case law is abundantly clear,
18 including with administrative proceedings that
19 information and documentation that an expert
20 witness relies upon is subject to
21 cross-examination. And quite frankly, I am very
22 confident that's throughout any jurisdiction in
23 the United States, aside from Connecticut.

24 THE HEARING OFFICER: Very good, thank you.

25 I will let the Witness answer the question.

1 Please, go ahead.

2 THE WITNESS (George): I'm sorry. Could you repeat the
3 question? I lost the thread.

4 MR. COPPOLA: I'd ask the reporter to please repeat
5 that question. Is that possible, Mr. Chairman?

6 THE HEARING OFFICER: Yes, it is.

7 Court reporter, could you please repeat the
8 last question, please?

9 THE REPORTER: I'm having some technical difficulties,
10 but I can play back the audio if you'd like, if
11 you'd give me a moment.

12 THE HEARING OFFICER: Certainly.

13 MR. COPPOLA: I could -- okay.

14 THE HEARING OFFICER: Would you like to ask it again?

15 MR. COPPOLA: Whatever's easier. If I have to --

16 THE HEARING OFFICER: I think it would be easier for
17 you to repeat the question.

18 MR. COPPOLA: I'll do that, thank you.

19 Mr. George, is your understanding that there
20 are numerous other historical, architectural and
21 archeological surveys or documents pertaining to
22 the history and cultural resources within or
23 around the Southport Historic District known to
24 you because there was a list of those resources
25 that were omitted from your report in the

1 testimony by Mr. Haynes?

2 THE WITNESS (George): I did review his testimony and I
3 did see that list.

4 MR. COPPOLA: And did that list that you reviewed
5 confirm for you that there were more than 20
6 readily available other resources that could have
7 been considered in your report?

8 THE WITNESS (George): Yes.

9 MR. COPPOLA: As part of the charge for your phase 1A
10 report did you attempt to evaluate the cultural
11 resources that were within a half mile of the
12 project area.

13 THE WITNESS (George): Our job as a consultant is not
14 to evaluate historic resources. It's simply to
15 provide an inventory for SHPO for their
16 consideration for project effects.

17 MR. COPPOLA: So let me ask you this, then. As part of
18 your job was it to identify cultural resources
19 within a half mile of the project area?

20 THE WITNESS (George): Yes, and we did that in a
21 good-faith effort.

22 MR. COPPOLA: How could you adequately or appropriately
23 identify those, all the cultural resources that
24 are within a half mile of the project area without
25 consulting the many surveys and documents that are

1 referenced in the Haynes report, but omitted from
2 consideration in your phase 1A report?

3 **THE WITNESS (George):** I think there might be some
4 confusion here. Our job is to document previously
5 identified cultural resources that have been
6 evaluated or listed on the National Register of
7 Historic Preservation.

8 It is not our mandate in a phase 1A to
9 identify other objects or items, or buildings that
10 are not listed in those registries, and therefore,
11 recognized by SHPO.

12 **MR. COPPOLA:** And I understand that.

13 **THE WITNESS (George):** Okay.

14 **MR. COPPOLA:** I guess my question is, though, that
15 those -- those other resource, those other
16 resources would/could have potentially provided
17 you with an opportunity to identify other cultural
18 resources that were not identified in your report
19 within a half mile of the project area.

20 Is that correct?

21 **THE WITNESS (George):** And again, I think we have --
22 may have a terminology issue. You're saying
23 resources. We, in my business we talk resources,
24 a historic resource. You're talking about
25 documents and maps and things like that.

1 MR. COPPOLA: Let me -- let me ask you this.

2 Maybe I could be a little clearer.

3 THE WITNESS (George): Sorry.

4 MR. COPPOLA: No, I appreciate that.

5 So with regard to your charge, it's to
6 identify historic resources or historic properties
7 within the project area. Correct?

8 THE WITNESS (George): No, our charge is only to
9 identify those historic resources in the project
10 area that have been listed on the National
11 Register, not all -- not all resources.

12 MR. COPPOLA: I want to ask you about how you consider
13 the -- well, let me ask this.

14 Did you consider within your report the
15 Southport Historic District?

16 THE WITNESS (George): Yes.

17 MR. COPPOLA: And did you consider it as one resource?

18 THE WITNESS (George): The Southport Historic District
19 has a boundary, and then within it there are
20 contributing elements that I believe are on our
21 maps.

22 MR. COPPOLA: If you look at page 17 of your report,
23 your phase 1A report, there was a table there.

24 THE WITNESS (George): Uh-huh.

25 MR. COPPOLA: And there were properties that were

1 considered as part of your viewshed analysis.

2 Correct?

3 **THE WITNESS (George):** I believe so.

4 **MR. COPPOLA:** And you had the Southport Historic
5 District listed as one asset on that table.

6 Is that correct?

7 **THE WITNESS (George):** Correct.

8 **MR. COPPOLA:** Approximately how many historic
9 properties are located within the Southport
10 Historic District?

11 **THE WITNESS (George):** I do not have that number
12 memorized.

13 **MR. COPPOLA:** Do you know the approximate number of
14 properties that were within the district?

15 **THE WITNESS (George):** In reviewing this project we
16 considered something like 800 historic resources.
17 I don't know exactly how many were in the
18 Southport Historic District. I'd have to go
19 through the report and look at that.

20 **MR. COPPOLA:** If I was to tell you around 220
21 properties -- I don't know.

22 Would that ring a bell for you?

23 **THE WITNESS (George):** That is possible.

24 **MR. COPPOLA:** Okay. Why did you -- let me ask, as you
25 sit here today is it your understanding that the

1 historic Southport Historic District consisted of
2 numerous historic properties?

3 THE WITNESS (George): It contains the boundary of
4 itself and many contributing elements to the
5 district. So yes, there's multiple properties.

6 MR. COPPOLA: Okay. So if that's the case, then why
7 list the Southport -- if the Southport Historic
8 District consists of numerous properties, why list
9 the south -- within your report, list -- why list
10 the Southport Historic District as a single
11 resource?

12 THE WITNESS (George): The Southport Historic District
13 is listed on the National Register as a single
14 resource. Therefore, we have to list it in our
15 report that way.

16 MR. COPPOLA: Is it your standard practice in these
17 types of reports to list properties within an
18 historic district as a single resource?

19 THE WITNESS (George): No, and we did not do that here.
20 They're part of a larger resource area.

21 MR. COPPOLA: In your phase 1A report it appears that
22 you identified 20 historic properties located in
23 Southport. Is that correct?

24 THE WITNESS (George): Again, I don't have the report,
25 but that is possible.

1 MR. COPPOLA: Do you recall -- well, as you sit here
2 today, you said you had an opportunity to review
3 testimony from Mr. Haynes. As you sit here today
4 do you know how -- approximately based on your
5 review, on that review, how many historic
6 properties are within the Southport area?

7 THE WITNESS (George): I do not know how many
8 properties Mr. Haynes reported. I only know what
9 is on the SHPO's files, and that's what's reported
10 in our phase 1A report.

11 MR. McDERMOTT: Mr. Morissette, I am sorry, but I was
12 wondering if we could -- or you could ask Attorney
13 Coppola to perhaps return to the new exhibits that
14 are part of the October 19, 2023, memo from
15 Attorney Bachman?

16 THE HEARING OFFICER: Yes, we seem to be going a little
17 bit of stray here, Attorney Coppola. If we could
18 limit it, limit it to the extent of the new
19 filings?

20 MR. COPPOLA: Let me ask a question, Mr. Chairman.
21 What opportunity is there with -- to cross-examine
22 expert witnesses on UI's panel regarding pre-filed
23 testimony that has been filed as of this date,
24 which the expert witnesses have reviewed, which
25 has not yet been accepted within the record?

1 Is there another opportunity to have a second
2 round of cross-examination of the Witnesses after
3 they -- after the pre -- after that pre-filed
4 testimony has been accepted within the record?

5 **THE HEARING OFFICER:** Well, this is the fourth hearing
6 that we've had that. You had the opportunity to
7 do cross-examination the panel at the last
8 hearing, and that opportunity was passed.

9 So we are moving forward, and this hearing is
10 restricted to information that was recently filed
11 after the third hearing.

12 **MR. COPPOLA:** That's exactly what I'm referring to.

13 **THE HEARING OFFICER:** That -- so you were referring to?

14 **MR. COPPOLA:** I'm exactly referring to pre-filed
15 testimony which has been filed in a timely manner
16 since the last hearing, but has not yet been
17 accepted in the record.

18 And it seems that this is an issue we keep
19 butting up against as a problem here in that I'm
20 not having an opportunity to cross-examine UI's
21 panel as to review of that testimony.

22 **THE HEARING OFFICER:** Well, it's Mr. Haynes' testimony.
23 So you're asking Mr. George to testify about his
24 testimony and his report. So the appropriate
25 questioning should be to Mr. Haynes when he is

1 sworn in, and then the testimony is sworn in.

2 But with that, I will ask Attorney Bachman if
3 she has any ideas how to get around this --
4 because I don't see it. Attorney Bachman?

5 MS. BACHMAN: Thank you, Mr. Morissette. I don't see
6 any way around it either. Referring to a report
7 that's not in evidence as of yet, any objections
8 to having it submitted into the record, which when
9 it's verified, that's there's an opportunity to do
10 that. I don't think the topic is any -- it's a
11 topic for which the Council has a responsibility
12 to review impacts to historic resources.

13 So Mr. George has a report. That's his
14 pre-filed testimony. He has portions of the
15 application that's fair game for cross
16 examination, but referring to a report that's not
17 already in evidence and asking Mr. George to opine
18 on someone else's report that hasn't been
19 verified, I would not recommend that.

20 So that's why I made the recommendation that
21 Attorney Coppola take the questions that he had
22 related to any pre-filed testimony that's not in
23 the record, and to turn them into general
24 questions.

25 For the UI's panel's purposes, all the

1 exhibits have already been verified. They're all
2 in the record. Certainly, any questions could be
3 asked particularly on the responses to SCNET's
4 interrogatories for which they filed a motion to
5 compel. Questions related to those
6 interrogatories can and should be asked at this
7 moment.

8 THE HEARING OFFICER: Thank you, Attorney Bachman.

9 So with that, please continue Attorney
10 Coppola.

11
12 (Pause.)

13
14 MR. McDERMOTT: Attorney Coppola, if you're talking,
15 you're on mute.

16 MR. COPPOLA: Thank you. So I got muted. Sorry. I
17 didn't realize somebody had done that.

18 Could you please refer to your responses
19 to -- or I'm sorry could you please refer to UI's
20 responses to interrogatory SCNET 29?

21 Mr. George, if you don't have that in front
22 of you, I could repeat what the response was.

23 THE WITNESS (George): Yes, please.

24 MR. COPPOLA: And actually, I was going to ask about --
25 really asking about the second paragraph which was

1 with regard to direct impacts. So for the
2 response to A, SCNET 29, second paragraph was, a
3 direct impact is one that will occur within the
4 footprint of a known archaeological site, or will
5 cause direct impact to an aboveground resource.

6 Direct impacts of any archaeological sites
7 that may result from the project will not be
8 identified until the construction of the project
9 commences. To assess the potential for such
10 impacts UI will retain an archaeological expert
11 from Heritage to be present on site to perform
12 construction monitoring, and then it goes on.

13 So I wanted to ask you about the -- and by
14 the way, this response was provided by the Witness
15 Correne Our [phonetic]. I hope I'm pronouncing
16 your name correct -- A-u-e-r.

17 Do you agree with -- do you agree with her
18 definition of direct impact?

19 **THE WITNESS (George):** Yes, sir.

20 **MR. COPPOLA:** If you agree with her definition of
21 direct impact, then is it your position that UI's
22 proposed monopoles and transmission lines within
23 the area around -- of properties that have
24 historic buildings will not directly impact those
25 historic buildings unless the construction of the

1 poles and transmission lines directly harm the
2 building?

3 THE WITNESS (George): Yes. Unless that project
4 actually touches the building, there is no direct
5 effect.

6 MR. COPPOLA: If that's the case, then let's assume a
7 public utility exercise its right of eminent
8 domain and took a 20 to 40-foot permanent easement
9 over a portion over a national historic resource
10 such as the plantation at Monticello -- I assume
11 you're familiar with that property, Mr. George?

12 THE WITNESS (George): Yes, yes.

13 MR. COPPOLA: Okay. And then -- and located a drilled
14 foundation, similar to what's being proposed here,
15 and a hundred -- a hundred-plus foot monopole on
16 site or adjacent to the site with high-voltage
17 transmission lines running over the property. In
18 an instance like that, in your professional
19 opinion as a historic expert, would that not
20 constitute a direct impact to an aboveground
21 historic resource?

22 THE WITNESS (George): I think you're -- you're talking
23 about a hypothetical situation that's not been
24 studied in any detail. So there is no real way to
25 give an answer to that question. That would have

1 to be studied in order to --

2 MR. COPPOLA: With respect -- you're an -- in this
3 proceeding are you providing testimony as an
4 expert witness?

5 THE WITNESS (George): Yes, for this project.

6 MR. COPPOLA: And it's fair game then to ask you
7 hypothetical questions about your opinions.

8 Correct?

9 THE WITNESS (George): Sure.

10 MR. COPPOLA: So again, if there's -- if there's facts
11 in the pattern that you don't -- that are -- that
12 you, you don't understand, please let me know and
13 I'll rephrase the question. But I'm asking --

14 THE WITNESS (George): Understand.

15 MR. COPPOLA: I'm asking you that based on -- with
16 that, keeping that in mind, I'm asking you that
17 based on this definition of direct impact I'm
18 trying to understand --

19 THE WITNESS (George): Okay.

20 MR. COPPOLA: -- your testimony in regard to it.

21 So again, if -- if hypothetically there's a
22 utility that took eminent domain for a 20 to
23 40-foot easement over a portion of a national
24 historic resource such as the plantation at
25 Monticello, and then attempted to construct a

1 project similar to this one with a drilled
2 foundation and a hundred-plus foot monopole in the
3 area of the property with high-voltage
4 transmission lines running over the property.

5 THE WITNESS (George): Uh-huh.

6 MR. COPPOLA: Under that hypothetical scenario, in your
7 professional opinion would that not constitute a
8 direct impact on an aboveground resource, historic
9 resource?

10 THE WITNESS (George): Leaving out the part of eminent
11 domain, because that's way out of my wheelhouse.

12 MR. COPPOLA: No problem.

13 THE WITNESS (George): I would say, you know, depending
14 on where that item is built on the property, if it
15 is way far away from the prop -- or the main house
16 on the edge of the property, they -- that would
17 not be a direct effect.

18 And in some cases even if it's built right
19 next to the property but is not destroying the
20 prop -- the resource, it's not a direct effect.
21 It's an indirect effect.

22 MR. COPPOLA: So based on your -- does that reiterate
23 your prior testimony that unless the project is
24 actually impairing, physically impairing the
25 building, that it's not -- it doesn't have a

1 direct impact on that historic resource?

2 THE WITNESS (George): That's correct.

3 It would be an indirect impact -- effect.

4 MR. COPPOLA: As you sit here today have you had an
5 opportunity to at some point review renderings
6 which show the proposed poles and transmission
7 lines in and around the historic Pequot library
8 building?

9 THE WITNESS (George): Are you referring to the photo
10 simulations?

11 MR. COPPOLA: Yes.

12 THE WITNESS (George): Yes, I have seen those.

13 MR. COPPOLA: And were those, the photo simulations
14 you're referring to, are those the ones from just
15 UI? Or did you also have an opportunity to review
16 the photo simulations produced by Mr. Parker?

17 THE WITNESS (George): I have not reviewed those.

18 MR. COPPOLA: Okay. So are you just referring to the
19 photo simulations produced by UI?

20 THE WITNESS (George): Yes, produced by All-Points.

21 MR. COPPOLA: Okay. And what was your impression of
22 the impact on that historic resource result, as a
23 result of the schematics that you had an
24 opportunity to review?

25 THE WITNESS (George): Sure. We are in agreement with

1 SHPO that it is an indirect adverse effect to the
2 library.

3 MR. COPPOLA: Could you give further explanation as to
4 what that means by indirect effect on the library?

5 THE WITNESS (George): That means it's in the viewshed
6 of the library and not directly at the library's
7 building itself.

8 MR. COPPOLA: So will the project directly impact the
9 library's viewshed.

10 THE WITNESS (George): It will -- it will provide an
11 indirect visual effect to the library.

12 I'm not a viewshed expert, sir.

13 MR. COPPOLA: Okay. Did you did you have an
14 opportunity to similarly review simulated plans
15 with regard to how the project would appear in the
16 area of the historic Southport Congregational
17 Church building?

18 THE WITNESS (George): I believe that was in the photo
19 simulations as well.

20 MR. COPPOLA: And what was your opinion of the manner
21 in which the project will impact that historic
22 resource?

23 THE WITNESS (George): I would have to look at those
24 photos again to -- to come up with that
25 determination. If I recall, that may have been an

1 indirect effect as well.

2 MR. COPPOLA: Do you have the photos in front of you?

3 THE WITNESS (George): I do not.

4 MR. COPPOLA: In your phase 1A report what did you
5 describe as the historic significance of the
6 Southport Historic District.

7 THE WITNESS (George): I can't recall exactly what I
8 wrote. I -- I am confident I referred to it as
9 significant for the reasons listed on the national
10 registry form.

11 MR. COPPOLA: In your report -- if I could be helpful
12 to you?

13 THE WITNESS (George): Sure.

14 MR. COPPOLA: I believe you stated that the Southport
15 Historic District is considered significant
16 because it was the center of trade and commerce in
17 the town of Fairfield in the 18th and 19th
18 centuries?

19 THE WITNESS (George): That is correct.

20 MR. COPPOLA: So does that seem to be an accurate
21 description of what you had described as the
22 significance of the Southport Historic District?

23 THE WITNESS (George): That is not how I described the
24 significance. That is what was on the national
25 register form that was produced by another

1 consultant years ago.

2 We just provided that information to SHPO so
3 that they could review our report.

4 MR. COPPOLA: Well, let me ask you this. Then did you
5 have any opinion as to the -- whether there was
6 any significance to the fact that the Southport
7 Historic District was at one time the center of
8 trade and commerce in the town of Fairfield dating
9 back to the 18th and 19th centuries?

10 THE WITNESS (George): I have faith in the person who
11 put the form together to have been representing
12 that accurately, and I have no reason to disagree.

13 MR. COPPOLA: But isn't part of your duty -- is to
14 determine whether a particular historic district
15 has significance?

16 THE WITNESS (George): No, sir. My duty is to -- to
17 respond to SHPO with an inventory for them to
18 review. The consultant never makes determination,
19 only a recommendation.

20 SHPO always makes the determination.

21 MR. COPPOLA: When you -- you're talking about the
22 distinction between determination and
23 recommendation. Correct?

24 THE WITNESS (George): Correct.

25 MR. COPPOLA: Okay. So did you make a recommendation

1 with regard to the Southport Historic District
2 that took into account its historic significance?

3 THE WITNESS (George): No, sir, because that's
4 established in the national register form.

5 MR. COPPOLA: So is your determination as to what
6 properties you would recommend to SHPO limited to
7 whether or not the property is listed on a state
8 or national register?

9 THE WITNESS (George): At the phase one level of
10 research that is correct.

11 MR. COPPOLA: So --

12 MR. McDERMOTT: I'm sorry to interrupt, Attorney
13 Coppola.

14 Mr. Morissette, I'm wondering if we could
15 return to some of the recently filed exhibits in
16 this docket?

17 THE HEARING OFFICER: Yes, I think we're spending a lot
18 of time on the phase 1A report that is part of the
19 record, and is available for review. If we could
20 limit our discussion or our questions to the
21 information that was filed most recently since the
22 last hearing, Attorney Coppola?

23 MR. COPPOLA: Thank you.

24 THE HEARING OFFICER: Thank you.

25 MR. COPPOLA: If I may move onto another witness?

1 THE HEARING OFFICER: Certainly.

2 MR. COPPOLA: Ms. Correne Auer? And I'd ask if she
3 could please pronounce her name so that I
4 correctly do so when I ask her questions going
5 forward.

6 THE WITNESS (Auer): It's Correne Our [phonetic].

7 MR. COPPOLA: Thank you. I want to refer you to
8 interrogatory SCNET 2-11, and your response that
9 no properties on the project are anticipated to be
10 subject to eminent domain.

11 THE WITNESS (Auer): I have that in front of me.

12 MR. COPPOLA: Okay. So could you explain, please
13 explain how UI is anticipating that in order to
14 move forward with this project it will not have to
15 proceed with eminent domain against any properties
16 in the project area?

17 THE WITNESS (Crosbie): Good afternoon, Attorney
18 Coppola. This is Shawn Crosbie with UI. I wanted
19 to also recognize that I was a witness on that
20 response.

21 As referenced in that response, UI has worked
22 to design a project so that we stay along the
23 corridor of Connecticut DOT property. Our goal is
24 not to have any eminent domain on the project, so
25 that we work through the process as it's defined

1 in needs for easements for the project, along with
2 maintenance activities.

3 MR. COPPOLA: But with regard to this response it
4 doesn't talk about the goal of UI. It says that
5 UI -- it's, UI is informing the docket that it
6 does not anticipate that any of the properties
7 will be subject to eminent domain.

8 Is that correct?

9 THE WITNESS (Crosbie): That that is correct.

10 Yes, that's what it says.

11 MR. COPPOLA: Okay. So is it your belief as you sit
12 here today that UI will not have to take any
13 property rights by eminent domain for this
14 project.

15 THE WITNESS (Crosbie): UI's goal would not be
16 performing any eminent domain --

17 MR. COPPOLA: And did that --

18 THE WITNESS (Crosbie): Would be not to. I apologize.

19 MR. COPPOLA: That response is not responsive to my
20 question. My question wasn't with regard to the
21 UI's goal. My question was a followup to
22 understand a statement made by UI in its discovery
23 responses. And the response was that UI doesn't
24 anticipate -- does not anticipate that any
25 properties within the project are going to be

1 subject to eminent domain.

2 So I'm asking if, as you sit here today, is
3 it your belief that the UI will not have to take
4 any property rights for this project by eminent
5 domain?

6 THE WITNESS (Crosbie): Yes. We do not know what
7 property owners will have in terms of conversation
8 with us when we get to that point in the process.

9 MR. COPPOLA: I understand that you don't know what
10 property owners will do as far as reacting to
11 the -- to your request.

12 However, I'm asking what you anticipate, what
13 UI anticipates today with regard to what it's
14 going to have to do with regard to private
15 property rights in order to go forward with this
16 project?

17 MR. McDERMOTT: Mr. Morissette, I'll object to the
18 question. It's been asked and answered three
19 times at this point.

20 THE HEARING OFFICER: I'll ask the Witness to answer
21 the question, because I don't think it's been
22 answered. He's stated what the goal is.

23 A VOICE: (Unintelligible) -- answered.

24 THE HEARING OFFICER: Excuse me?

25 MR. COPPOLA: Thank you.

1 MR. McDERMOTT: Well, mr. Morissette he -- okay.

2 That's fine. Mr. Crosbie, just -- I believe if
3 you repeat your last answer, whatever your answer
4 is?

5 THE WITNESS (Crosbie): So UI, during the process when
6 we get to the point of easements for the project,
7 pending the Siting Council decision, UI would
8 negotiate easements with property owners to
9 attempt to gain access for construction and for
10 maintenance long term.

11 MR. COPPOLA: And as you sit here today do you
12 anticipate that you'll be able to obtain all of
13 the necessary easements without having to exercise
14 eminent domain?

15 THE WITNESS (Crosbie): Attorney Coppola, you're asking
16 me my opinion, and the answer is yes to that.

17 That is our goal as we stated.

18 MR. McDERMOTT: No, will you be -- will you be able to
19 do it, he's asking.

20 MR. COPPOLA: Yeah, I'm not asking what your goal is.
21 I'm asking as you sit here today in your -- well,
22 let me take a step back. Maybe this will be
23 helpful.

24 Have you been involved in prior UI projects
25 where the company had to proceed with obtaining

1 property rights such as temporary and permanent
2 easements on private property?

3 THE WITNESS (Crosbie): Yes.

4 MR. COPPOLA: And how long have you -- what's been your
5 experience in terms of years and in projects with
6 UI in that regard?

7 THE WITNESS (Crosbie): I've been at it about now for
8 approximately 13 years. I've been involved with
9 the project along the railroad corridor since its
10 onset, I believe, in 2011, 2012, when we began
11 evaluation of this corridor and our assets.

12 I've had different roles along the project
13 team. I'm standing here today as the unit manager
14 for the transmission line department and managing
15 the Fairfield Congress project. Again, you know,
16 our process set forth, Attorney Coppola, is to
17 obtain easements through a fair process with each
18 individual property owner.

19 What the property owner wants to do in terms
20 of return of that discussion, that is not up to
21 UI.

22 MR. COPPOLA: In your past experience with UI, has UI
23 had to take property rights from private property
24 owners by way of eminent domain?

25 THE WITNESS (Crosbie): My understanding is, yes, we

1 have had experience in that.

2 MR. COPPOLA: Have you been involved in any projects in
3 which UI had to take private property rights by
4 eminent domain?

5 THE WITNESS (Crosbie): I have not, Attorney Coppola.

6 MR. COPPOLA: Are you familiar with the property at
7 2190 Post Road in Southport, Connecticut?

8 THE WITNESS (Crosbie): If you give me a moment, I -- I
9 can look it up and familiarize myself.

10 MR. COPPOLA: Take your time.

11 THE WITNESS (Crosbie): Thank you.

12 THE HEARING OFFICER: Would you please indicate the map
13 sheet?

14 THE WITNESS (Crosbie): Chairman Morissette, yes, I
15 will once I get there.

16 THE HEARING OFFICER: Great. Thank you.

17
18 (Pause.)

19
20 THE WITNESS (Crosbie): Attorney Coppola, just to
21 confirm? I believe we have this listed in our
22 volume two of our application, which is our
23 project mapping and drawings, on page 63 of 134.

24 And if I am correct in stating, that 2190 is
25 SAS 1717 -- also referred to as sheet 6 of 29 --

1 apologize -- on the 100 scale maps.

2 **MR. COPPOLA:** And if I could be helpful as well to you
3 and to the Council? The property is also referred
4 by UI in its responses to interrogatories SCNET
5 2-40, and is also shown on a plan provided by UI,
6 which is known as attachment SCNET 2-40-1.

7 **THE WITNESS (Crosbie):** Thank you, Attorney Coppola.

8 I'm ready for your question.

9 **MR. COPPOLA:** All right. So on that property if you
10 take a look at SCNET, to the attachment SCNET
11 2-40-1, does UI propose to construct three
12 monopoles over a hundred feet in height
13 immediately around that, the subject property?

14 **THE WITNESS (Crosbie):** Attorney Coppola, I'm going to
15 refer your question to Matt Parkhurst to better
16 provide an accurate answer for you.

17 **THE WITNESS (Parkhurst):** Hi, Mr. Coppola. Yes, there
18 are three proposed monopoles adjacent to the
19 subject property monopoles. The monopoles
20 themselves are on the CT DOT right of way.

21 **MR. COPPOLA:** And if you're looking at that map, it
22 appears that there's -- that one of the poles is
23 about six feet from the property line.

24 Is that correct?

25 **THE WITNESS (Parkhurst):** That's correct.

1 MR. COPPOLA: And it appears that another pole is,
2 apparently, is around eleven feet from the
3 property line. Is that correct?

4 THE WITNESS (Parkhurst): That's correct.

5 MR. COPPOLA: Finally, it appears that a third pole is
6 about 13 feet from the property line.

7 Is that correct?

8 THE WITNESS (Parkhurst): That's correct as well.

9 MR. COPPOLA: And on these poles will be transmission
10 lines. Is that correct?

11 THE WITNESS (Parkhurst): Correct.

12 MR. COPPOLA: And those transmission lines will be
13 essentially over the property. Is that correct?

14 THE WITNESS (Parkhurst): The -- the conductors
15 themselves would be over the CT DOT portal.

16 MR. COPPOLA: Anybody looking up from the property
17 we'll see the poles and transmission lines.

18 Is that correct?

19 THE WITNESS (Parkhurst): Yes.

20 MR. COPPOLA: Mr. Parkhurst, I don't know if this
21 question is relevant to you, to Ms. Auer, or the
22 gentleman who just spoke before you -- I'm just
23 missing his name -- but the question is, with
24 regard to the easements on this property.

25 So is UI, as part of the project, proposing

1 to take both temporary and permanent easements on
2 this property?

3 THE WITNESS (Crosbie): Attorney Coppola, the answer
4 that -- this is Shawn Crosbie. I was the person
5 you're referring to in the name that you missed.

6 MR. COPPOLA: Thank you.

7 THE WITNESS (Crosbie): And the answer is, yes.

8 MR. COPPOLA: Okay. Mr. Crosbie, as a result of taking
9 these easements do you know if the result of the
10 easements will impact the -- let me take it a step
11 back.

12 Do you understand that this -- is your
13 understanding that this property is a vacant
14 piece, a vacant piece of property?

15 THE WITNESS (Crosbie): Yes.

16 MR. COPPOLA: Is it your understanding that the
17 property is currently on the market?

18 THE WITNESS (Crosbie): I -- I wouldn't know that.

19 I'm not in real estate.

20 MR. COPPOLA: Okay. Do you know -- do you have any
21 knowledge of the potential development of this
22 property?

23 THE WITNESS (Crosbie): I don't have anything on record
24 in terms of information. I could have heard in a
25 discussion previously in September that there

1 might have been some development in passing. No
2 official plans have been provided to me
3 specifically.

4 **MR. COPPOLA:** Irrespective of what's officially before
5 you, let me ask you this. As you sit here today,
6 do you know whether the easements that are being
7 proposed to be taken on this property will impact
8 the ability to develop the property?

9 **THE WITNESS (Crosbie):** I do not.

10 **MR. COPPOLA:** Are you aware of whether the property
11 owner has made any filing providing concerns with
12 regard to the manner in which the easements will
13 impact this property?

14 **THE WITNESS (Crosbie):** No.

15 **MR. COPPOLA:** So as you sit here today, is it fair to
16 say that you do not know whether the impact of
17 these easements will result in the property not
18 being able to be developed for its highest and
19 best use?

20 **THE WITNESS (Crosbie):** No.

21 **MR. COPPOLA:** As you sit here today, do you know
22 whether the easement land rights proposed to be
23 taken by UI on this property will have a negative
24 impact on the ability to develop the property
25 under the Town of Fairfield zoning regulations?

1 MR. McDERMOTT: I'm just going to object to the,
2 slightly to the phraseology. Easements are not
3 taken. Easements are negotiated.

4 THE HEARING OFFICER: Thank you, Attorney McDermott.
5 Please continue.

6 MR. COPPOLA: I asked a question. So would you like
7 the question repeated?

8 THE HEARING OFFICER: Could you restate the question,
9 please?

10 MR. COPPOLA: Is it possible for the Reporter to do
11 that?

12 THE REPORTER: Yes.

13 THE HEARING OFFICER: Go ahead.

14 MR. COPPOLA: Thank you.

15
16 (Reporter reads back.)
17

18 MR. McDERMOTT: Thank you.

19 THE HEARING OFFICER: So please continue. Please
20 restate the question, and don't refer to taken?

21 THE WITNESS (Crosbie): Chairman Morissette, I -- oh,
22 I'm sorry.

23 MR. COPPOLA: Could you ask -- could the Reporter do
24 that, please?

25 THE REPORTER: Would you like -- do you need the same

1 question repeated?

2 MR. COPPOLA: The Chairman asked that it be, I believe,
3 repeated without the word "taken."

4 THE HEARING OFFICER: No, I'm asking you to repeat the
5 question without the word "taken."

6 MR. COPPOLA: Oh, you would like me to rephrase it?

7 Okay. Thank you.

8 THE HEARING OFFICER: Yes, please? Rephrase.

9 MR. COPPOLA: Do you know whether the easements being
10 proposed on this, on this property will negatively
11 impact the potential development of the property
12 under the town of Fairfield zoning regulations?

13 THE WITNESS (Crosbie): No.

14 MR. COPPOLA: If in fact the easements that UI is
15 proposing to take on this property will prevent
16 the property from being developed for its highest
17 and best use, would UI consider revising the
18 project plans to not have to take the proposed
19 easements on this property?

20 THE WITNESS (Crosbie): Could you rephrase? Could you
21 ask your question again, Attorney Coppola, just so
22 I clearly understand it I.

23 MR. COPPOLA: I'd just ask the Reporter to please
24 repeat the question?

25

1 (Reporter reads back.)

2
3 THE WITNESS (Crosbie): I'm not sure I follow the
4 question. Can you ask it another way?

5 MR. COPPOLA: I could try. I thought -- I don't know
6 how much more direct I could be, but let me try to
7 break it down for you.

8 So let's assume that -- well, first of all,
9 you testified earlier you didn't know whether the
10 proposed easements will prevent the property from
11 being developed for its highest and best use.

12 Correct?

13 THE WITNESS (Crosbie): Yes, I believe that's correct.

14 MR. COPPOLA: And you also testified that you didn't
15 know whether the proposed easements would impact
16 the ability to develop the property under the
17 local zoning regulations. Correct?

18 THE WITNESS (Crosbie): I believe that's correct, yes.

19 MR. COPPOLA: So if the proposed easements will, in
20 fact, prevent this property from being developed
21 for its highest and best -- well, let me take a
22 step back.

23 Do you do you understand what is the highest
24 and best use of a property for evaluation
25 purposes?

1 THE WITNESS (Crosbie): Yes, I don't -- but I think the
2 area we -- I'm stumbling on is the development of
3 the property. We don't have information, as I
4 testified before, about the development, Attorney
5 Coppola.

6 And you're asking us if we move our easements
7 or adjust our locations of our foundations, how
8 can we maximize the development of that property
9 by adjusting our location? So that, that's what
10 I'm a bit confused on. So we don't have plans
11 from the owner or the developer.

12 How -- how would you like me to answer that
13 question?

14 MR. COPPOLA: I think you could answer the question
15 irrespective of plans you've reviewed on the --
16 whether or not you've reviewed plans with regard
17 to the potential development of the property.

18 I was asking you essentially in the abstract,
19 if the proposed easements, if as a result of
20 the -- a result of the proposed easements the
21 property will not be able to be developed for its
22 highest and best use, is UI willing to consider
23 revising the project to remove the proposed
24 easements on this property?

25 THE WITNESS (Crosbie): I believe the design that we

1 have set forth that you see in our application
2 is -- is -- contribute to the best use of the
3 property for the future development that UI
4 doesn't have plans on.

5 **MR. COPPOLA:** Okay. But that's not the question -- but
6 that's not responsive to the question. The
7 question was, if the proposed easements are going
8 to prevent the highest and best -- the development
9 of the property for its highest and best use, is
10 UI then willing to consider revising the design of
11 the project to have to no longer take those
12 easements on the property?

13 **THE WITNESS (Berman):** Mr. Coppola, this is Todd Berman
14 for UI.

15 So the highest and best use question is -- is
16 such a broad hypothetical we don't know -- we
17 don't know about setbacks that are required, what
18 is the highest and best use of that. It -- it --
19 there are so many layers of assumption there. You
20 know every -- every property is subject to that
21 sort of same standard.

22 High -- highest and best use, you know, it's
23 a very nuanced real estate term. We don't know
24 what the developer has proposed. In all cases we
25 try to work with proposed developers to minimize

1 impacts.

2 MR. COPPOLA: Sir, it's actually not a nuanced term.
3 It's a fairly -- it's a fairly simple term.
4 That's -- it's actually a defined term in the
5 world of valuation.

6 It's a defined term by the Appraisal
7 Institute. It's a defined term in the Uniform
8 Standards of Appraisal Practice. The highest and
9 best use being that which derives the highest
10 profit or sale price of a property.

11 It's a fairly simple concept. Right?

12 THE WITNESS (Berman): I would say that it is probably
13 the subject of easement negotiations with all the
14 property owners.

15 MR. COPPOLA: Sir, is it your understanding that it's
16 basically black-letter law, that for an appraiser,
17 in the first step in his or her analysis in doing
18 an appraisal to determine what is the highest and
19 best use of the property?

20 MR. McDERMOTT: Object to the question. No one -- no
21 one here has held themselves out as an appraisal
22 expert, Attorney Coppola -- I'm sorry,
23 Mr. Morissette. So I'll object to the question.

24 THE HEARING OFFICER: Yes, the objection is sustained.

25 Let's move on, Attorney Coppola.

1 MR. COPPOLA: I guess that the question is, assume --
2 not to argue about what is the highest and best
3 use of the property, but assuming that it could be
4 proven by the property owner that the proposed
5 easements will prevent the highest and best use of
6 the property, let's assume that.

7 Under those circumstances is UI willing to
8 consider revising the project design to not take
9 the easements on the property, thereby resulting
10 in preventing the highest and best use of its
11 development?

12 THE WITNESS (Berman): I think that that property or
13 any property, you know, that is part of the
14 easement negotiation. Typically, the property
15 owners are compensated for that. The property
16 owners are well represented in those negotiations,
17 I'm sure.

18 MR. COPPOLA: Sir, your response is non-responsive to
19 my question. My question wasn't whether somebody
20 will be appropriately compensated with regard to
21 payment for an easement. My question was a
22 relatively simple one.

23 If in fact it could be confirmed for UI that
24 the property cannot be developed for its highest
25 and best use as a result of the proposed easements

1 that would be taken on the property under those
2 circumstances, would UI be willing to consider
3 revising the project design to not take those
4 easements on the property, thereby preventing the
5 development where it's highest and best use?

6 THE WITNESS (Crosbie): Attorney Coppola, Shawn Crosbie
7 again. No.

8 MR. COPPOLA: Similarly, let's assume that it could be
9 confirmed for UI that as a result of the proposed
10 easements the property under the local zoning
11 regulations cannot be approved for it's desired
12 use under those circumstances, would UI be willing
13 to consider revising the project design to not
14 have to take easements on that property?

15 THE WITNESS (Crosbie): Attorney Coppola, if I
16 understand your question correctly, you're asking
17 us, based on our easement needs in comparison to
18 the Fairfield requirements, causing the property
19 to become out of compliance, would we adjust our
20 easements? Is that what you asked?

21 MR. COPPOLA: No, that's not the question I asked. I
22 asked if, as a result of the easements, the
23 property cannot be approved under there, under the
24 local zoning regulations for the preferred use,
25 under those circumstances would UI be willing to

1 consider revising the project design to no longer
2 take those easements on the property?

3 **THE WITNESS (Crosbie):** No.

4 **MR. COPPOLA:** Now I'll get to the question that you
5 were asking. Let's assume that as a result of the
6 easements that UI is going to take on a particular
7 property, the property would then become
8 non-compliant with the provision of the local
9 zoning regulations.

10 If that were to be the case, would UI
11 consider revising the property design in order to
12 not have to -- not have to take the easements on
13 that property?

14 **THE WITNESS (Crosbie):** Are we talking about the same
15 property at 2192 Post Road, Attorney Coppola?

16 **MR. COPPOLA:** I'm talking about any property. If
17 there's any, any property in which UI is proposing
18 to take an easement and as a result of doing so
19 will make the property non-compliant with some
20 provision of the local zoning regulations, under
21 those circumstances will UI consider revising the
22 project design in order to not have to take the
23 easements there, and thereby make the property
24 non-compliant from zoning?

25 **THE WITNESS (Crosbie):** No.

1 MR. COPPOLA: I just want to make sure I heard that.

2 It was a little faint. You said no. Correct?

3 THE WITNESS (Crosbie): Yes, that's correct.

4 MR. COPPOLA: Thank you.

5 With regards to the property we were talking
6 about, which is 2190 Post Road in Southport? As
7 you sit here today, are you aware of concerns that
8 the property owner has raised in this docket with
9 regard to the proposed easements and development
10 of the project as it would affect this property?

11 MR. McDERMOTT: I'll object to the question. There's
12 no evidence about the property owner's position on
13 easements in the record.

14 MR. COPPOLA: If I could retract the question,
15 Mr. Chairman?

16 THE HEARING OFFICER: Yes, you can. Please continue.

17 MR. COPPOLA: As you sit here today, Mr. Crosbie, have
18 you had an opportunity to read anything provided
19 to you which came from the property owner stating
20 concerns that the property owner has about the
21 proposed easements in the project on the potential
22 development of this property?

23 THE WITNESS (Crosbie): No.

24 THE HEARING OFFICER: Okay. Attorney Coppola, do you
25 have much -- well, we're going to take a 15-minute

1 break at this point. And we will come back at
2 five of four and continue with the
3 cross-examination at that point.

4 So that will be 3:55, and we will continue at
5 that point.

6 MR. COPPOLA: Mr. Chairman?

7 THE HEARING OFFICER: Yes?

8 MR. COPPOLA: Before we go off, do you know when this
9 hearing will end today from a time standpoint?

10 THE HEARING OFFICER: We typically end at five and
11 we'll see how we're going at that point. And then
12 I'll decide at that point in time as to whether we
13 adjourn for the day or continue.

14 MR. COPPOLA: Thank you, Mr. Chairman.

15 THE HEARING OFFICER: Thank you.

16
17 (Pause: 3:40 p.m. to 3:55 p.m.)
18

19 THE HEARING OFFICER: Welcome back, ladies and
20 gentlemen. Is the Court Reporter with us?

21 THE REPORTER: I am here, and we are on the record.

22 THE HEARING OFFICER: Very good. Thank you.

23 MR. CASAGRANDE: Mr. Morissette, this is Dan
24 Casagrande. I'm sorry to interrupt.

25 THE HEARING OFFICER: Yes?

1 MR. CASAGRANDE: I just -- through you, the Chair, I
2 would ask Attorney Coppola if he intends on
3 continuing the cross-examination through the end
4 of the session?

5 If he does, I have Mr. Natreba's who on, to
6 introduce our, BJ's late-file testimony. But if
7 it's going to go through -- and again, I'm not
8 asking Mr. Coppola to give a detailed answer, but
9 if he anticipates going beyond, you know, five
10 o'clock tonight, I'd ask that Mr. Natreba be
11 excused for the day.

12 THE HEARING OFFICER: I'll say this, Attorney
13 Casagrande, we have the rest of the interveners to
14 cross-examine the witness panel, and then we also
15 have the Council themselves. So we'll be
16 fortunate if we get through that this afternoon.

17 MR. CASAGRANDE: Right.

18 THE HEARING OFFICER: So Attorney Coppola, would you
19 like to respond to Attorney Casagrande?

20 MR. COPPOLA: I think he knows the answer. I do not
21 anticipate that we'll be done in the next hour, in
22 the next hour and five minutes -- so if that's
23 helpful to him?

24 MR. CASAGRANDE: Thank you. Thank you, Attorney
25 Coppola.

1 So with that, Mr. Chairman, may I have the
2 Council excuse Mr. Netreba for today?

3 THE HEARING OFFICER: Certainly.

4 MR. CASAGRANDE: Thank you very much.

5 A VOICE: Thank you, Mr. Chair.

6 THE HEARING OFFICER: Thank you. Okay. With that,
7 Attorney --

8 MR. HOFFMAN: Mr. Chair?

9 THE HEARING OFFICER: Yes, Attorney Hoffman.

10 MR. HOFFMAN: I think with that statement, since my
11 witnesses are further down the list, may the
12 Council also excuse Mr. Lamonica and the witnesses
13 from GZA?

14 THE HEARING OFFICER: Yes, they can be dismissed.
15 Thank you.

16 MR. HOFFMAN: Thank you, Mr. Chairman.

17 MR. RUSSO: Chair, I apologize. Can I ask a
18 clarification then on that? Is the Council
19 intending to conclude the session today at five
20 o'clock?

21 THE HEARING OFFICER: That's yet to be determined.
22 We'll see where we are at five o'clock.

23 MR. RUSSO: Okay. Thank you, Chair.

24 THE HEARING OFFICER: Thank you.

25 Okay. Attorney Coppola, would you continue

1 with your cross-examination?

2 MR. COPPOLA: Yes.

3 Ms. Auer, if she's back on?

4 MR. McDERMOTT: Sure.

5 MR. COPPOLA: I'd like to ask about her response with
6 regard to Interrogatory 2-11.

7 From your response, is it correct that you
8 anticipate that no properties designated on the
9 National Registrar of Historic Places, State
10 Registrar of Historic Places, or properties
11 eligible for such designations will be subject to
12 eminent domain?

13 THE HEARING OFFICER: Attorney Coppola, we already went
14 through all this. It has been determined that the
15 company does not anticipate utilizing eminent
16 domain for any properties. So we don't need to go
17 over this again, please?

18 MR. COPPOLA: Mr. Chairman, I was asking about
19 properties that -- was going to attempt to ask
20 about questions, questions with regard to
21 properties that are designated on the National
22 Register of Historic Properties or the State
23 Register of Historic Properties.

24 THE HEARING OFFICER: Well, the earlier response was
25 all properties. So I'm not -- I'll let you

1 continue with your questions, but I'm not going to
2 let you go too far with it, please.

3 MR. COPPOLA: Thank you.

4 Ms. Auer?

5 THE WITNESS (Auer): We would look at all properties
6 the same, regardless of if they're on the State
7 Register or National Register of Historic Places.
8 They would be treated equally.

9 MR. COPPOLA: So is it fair to say that there's no
10 specific deference given then to those properties,
11 which would be listed on a National Register of
12 Historic Places, or on the State Register of
13 Historic Places where UI is planning to take an
14 easement on those properties?

15 THE WITNESS (Auer): Correct, all properties would be
16 treated the same.

17 MR. COPPOLA: Thank you. In response to SCNET
18 Interrogatory 2-9, you stated in the proposed
19 monopole locations within these districts, there
20 are not aboveground structures or elements that
21 contribute to a national register -- to the
22 National Register of Historic Places, the State
23 Register of Historic Places or a local historic
24 district eligible of these districts.

25 Could you please explain your response there?

1 THE WITNESS (Auer): I'm sorry. What paragraph?

2 MR. COPPOLA: The last pair -- The last paragraph of
3 your response to 2-9. If you could repeat it and
4 then just explain that statement?

5 THE WITNESS (Auer): According to SHPO's determination
6 of our project's impacts, they've determined that
7 we don't have any direct impacts to any
8 aboveground historic resources.

9 MR. COPPOLA: So is the taking of permanent easements
10 not a direct impact on those properties?

11 MR. McDERMOTT: Perhaps Mr. George, could answer for
12 that for you, Attorney Coppola.

13 MR. COPPOLA: Thank you.

14 MR. McDERMOTT: Mr. George?

15 THE WITNESS (George): Yes? I'm sorry. Can you repeat
16 that question?

17 MR. COPPOLA: Is the taking of permanent easements on
18 these historic resources not a direct impact?

19 THE WITNESS (George): I do not believe so.

20 MR. COPPOLA: Why is that the case?

21 THE WITNESS (George): Unless the construction directly
22 affects the resource, it's not a direct impact.

23 MR. COPPOLA: If the proposed construction does affect
24 the resource, then is it a direct effect?

25 THE WITNESS (George): If it affects an aboveground

1 resource directly, as we've talked previously,
2 then it would be.

3 MR. COPPOLA: Is it possible for the removal of
4 vegetative screening around a historic resource to
5 be a direct impact?

6 THE WITNESS (George): No, sir.

7 MR. COPPOLA: And is it possible for the suspending
8 high-voltage transmission lines over a property to
9 not be a direct impact?

10 THE WITNESS (George): As long as it's not touching the
11 property, it's not a direct impact.

12 MR. COPPOLA: I'd like to ask a question of
13 Mr. Parkhurst, please?

14 Mr. Parkhurst, if you could please refer to
15 your response to interrogatory SCNET 2-28?

16 MR. McDERMOTT: Matt?

17 THE WITNESS (Parkhurst): Yes, I am, Mr. Coppola.

18 MR. COPPOLA: Thank you.

19 THE WITNESS (Parkhurst): This is Matthew Parkhurst.
20 I'm at that. I'm at that reference.

21 MR. COPPOLA: I just wanted to ask you one with regard
22 to one portion of your response, which was that no
23 inland wetlands are located near tower -- Pole
24 P655S. You went on to say, one watercourse
25 identified as WC2 on the project mapping is

1 located immediately west of, but not -- but will
2 not be affected by the work pad for P665S.

3 Could you please provide a further
4 explanation of that response?

5 THE WITNESS (Parkhurst): So the work pad, that is
6 basically an area of allowable work for our
7 vehicle staging and vehicle operation to construct
8 the monopole. It will be located west -- or east,
9 yeah, east of the watercourse. It will not
10 expand. We will not require -- be required to
11 cross or traverse the watercourse. So in that
12 regard, there would be no impacts to the
13 watercourse.

14 We would also be laying our E and S controls,
15 erosion sediment controls around the work pad, the
16 work area in order to protect the watercourse.

17 MR. COPPOLA: Has UI submitted detailed construction
18 sequencing plans?

19 MR. McDERMOTT: I'm sorry. Attorney Coppola, I can
20 tell by the Witnesses' faces, I'm not sure what
21 that is. Can you help us with what you're looking
22 for there?

23 MR. COPPOLA: It's typical in the construction of a
24 project of this size and this area, with a
25 significant project area that there would be plans

1 for, detailed plans for construction sequencing.

2 So my question was, has UI submitted any
3 plans, any detailed -- any plans for construction
4 sequencing in this project?

5 THE WITNESS (Crosbie): Attorney Coppola, this is Shawn
6 Crosbie with UI. No, we have not.

7 MR. COPPOLA: Does UI plan on doing so prior to the
8 close of the application process here?

9 THE WITNESS (Crosbie): UI would submit a form of
10 construction sequencing in its D and M plan.

11 MR. COPPOLA: And what time does that take place?

12 THE WITNESS (Crosbie): Attorney Coppola, I'm going to
13 ask my attorney for a reference.

14 From the time a decision is rendered on our
15 application, approximately how long do we have to
16 issue a D and M plan?

17 MR. McDERMOTT: No, there's no time limit.

18 THE WITNESS (Crosbie): There's no time limit? Okay.

19 So right now we don't. We don't have a time
20 limit set forth.

21 MR. COPPOLA: Would that D and M plan include a soil
22 and erosion sedimentation plan?

23 THE WITNESS (Crosbie): Yes, it would.

24 MR. COPPOLA: And would that D and M plan also include
25 a stormwater management plan?

1 THE WITNESS (Crosbie): It -- it would make reference
2 to one, yes.

3 MR. COPPOLA: So is it fair to say that as the Council
4 makes this decision with regard to this project,
5 it doesn't have the benefit of reviewing those
6 plans such as construction sequencing plans, a
7 soil erosion and sediment control plan, or a
8 stormwater management plan?

9 THE WITNESS (Crosbie): My understanding of the Siting
10 Council process is it would not be submitted in
11 our application at this time. It would be
12 something that we would submit in the D and M
13 plan.

14 MR. COPPOLA: So therefore, is it fair to say that as
15 far as you understand, that the Siting Council
16 wouldn't have an opportunity to review those plans
17 prior to making a decision on this application?

18 Is that correct?

19 MR. McDERMOTT: Mr. Morissette, I'm going to object and
20 ask -- first off, it's already been asked and
21 answered. And I'm sure the Siting Council is
22 quite familiar with this process. It's typical
23 that those plans are submitted as part of the D
24 and M plan.

25 The project cannot begin construction until

1 the D and M plan, as you know, is approved by the
2 Siting Council. Those plans would be provided to
3 at least the Town for review and consideration.
4 You know, so there is a process in all those
5 plans.

6 So I kind of -- so I think we can move on.
7 I'm sure this is not helpful cross-examination for
8 the Council.

9 THE HEARING OFFICER: I agree, the Council has a
10 detailed process of receiving D and M plans and
11 reviewing. And if this project is approved, the
12 project that is approved -- if this is the
13 project -- would go through that process and it is
14 thoroughly vetted through the Council.

15 So thank you. We can move on, Attorney
16 Coppola.

17 MR. COPPOLA: Thank you. If I could just have a
18 moment, please?

19
20 (Pause.)

21
22 MR. COPPOLA: Thank you, Mr. Chairman.

23 I'd like to refer the panel to some of the
24 questions we had asked in Interrogatories 1-18
25 through 1-22, which were objected to. I'd like to

1 ask either Mr. Crosbie or Ms. Sazanowicz to please
2 respond.

3 MR. McDERMOTT: Excuse me, Mr. Morissette. So the
4 preface was, he's asking about questions that we
5 were objected -- we objected to. Our objections
6 were sustained by the Council, and now Attorney
7 Coppola seems to be asking questions about the
8 questions that are, I guess --

9 MR. COPPOLA: Which is standard practice to try to, if
10 an objection is sustained, to try to revise the
11 question in order to ask it with the understanding
12 of the objection being sustained.

13 So again, just trying to point reference to
14 new filed exhibits for purposes of my
15 cross-examination.

16 THE HEARING OFFICER: I'll let you ask your question,
17 but you're going to be on a short leash.

18 MR. COPPOLA: Thank you. Thank you very much.

19 Is it correct that this project is designed
20 to accommodate a larger wire than what is
21 presently being used?

22 THE WITNESS (Sazanowicz): That is correct.

23 MR. COPPOLA: And why would UI need a larger wire size?

24 THE WITNESS (Sazanowicz): This, the need for this
25 project is based on asset condition. However, UI

1 is constructing the lines to maintain the existing
2 capacity needed, plus any additional capacity in
3 the future.

4 MR. COPPOLA: Does a larger wire require taller
5 monopoles?

6 THE WITNESS (Sazanowicz): No.

7 MR. COPPOLA: Does a larger wire require -- well,
8 you're saying it doesn't. So is it your position
9 then that the height of the monopoles is not
10 affected by the size of the wire that is going to
11 be located on it?

12 THE WITNESS (Sazanowicz): The height of the poles is
13 based upon the maximum sag dependent upon the wire
14 that is installed on the poles, and the
15 appropriate clearances that we need to maintain
16 for national safety guidelines and UI design
17 criteria.

18 MR. COPPOLA: Does a larger wire require the pole to be
19 constructed with a deeper foundation?

20 THE WITNESS (Sazanowicz): Yes.

21 MR. COPPOLA: And does a larger wire require the
22 utility to have to take larger rights-of-way in
23 order to construct the more significant
24 foundations?

25 THE WITNESS (Sazanowicz): Larger rights-of-way to

1 construct the foundations? No.

2 MR. COPPOLA: So the size of the foundations does not
3 affect the size of the rights-of-way that need to
4 be taken?

5 THE WITNESS (Sazanowicz): No, that does not impact.
6 It's not the governing factor in determination of
7 the easements required.

8 MR. COPPOLA: Is a larger wire required to accommodate
9 a larger load on the system?

10 THE WITNESS (Sazanowicz): Yes.

11 MR. COPPOLA: Does UI anticipate the need to
12 accommodate a larger load within the next five
13 years?

14 THE WITNESS (Sazanowicz): Currently, there is no
15 planning need for the 2156 conductor. That would
16 be the future conductor for the project.

17 MR. COPPOLA: In terms of years then, does UI -- so
18 then if that's the case, does UI anticipate the
19 need to accommodate a larger load within the next
20 20 years?

21 THE WITNESS (Sazanowicz): No, there's no planning need
22 for the future 21 ACSS conductor.

23 MR. COPPOLA: If there's no identifiable need at this
24 time, for any time in the foreseeable future for
25 the lines to take on a larger load, then could you

1 please explain what would be the benefit for the
2 Siting Council and the public to have the project
3 accommodate a larger wire size, or a potential
4 larger load that is not identified now as being
5 necessary?

6 THE WITNESS (Sazanowicz): The -- the cost differential
7 between the -- the larger conductor size is
8 incremental compared to needing to go back and
9 replace towers, replace foundations, rebuild and
10 reconstruct the entire line for larger conductors.

11 So it is prudent to design with our current
12 1590 ACSS and then have the ability to upgrade
13 that conductor in the future should there be a
14 capacity need.

15 Mr. Coppola, I believe you're on mute.

16 Sorry.

17 MR. COPPOLA: Thank you. I want to -- appreciate that.

18 I want to refer you to your response
19 interrogatory SCNET 2-34. You state that the new
20 monopoles will be inherently more resilient and
21 that they're constructed to the latest safety and
22 UI design criteria.

23 THE WITNESS (Sazanowicz): Yes.

24 MR. COPPOLA: What are the capabilities of the existing
25 structures with respect to radical ice and wind

1 loading?

2 THE WITNESS (Sazanowicz): It is my understanding these
3 structures were built to -- the UI transmission
4 infrastructure was built to the NESC 1961 code,
5 which did not have extreme ice or extreme wind
6 loadings.

7 MR. COPPOLA: Has there been an experience of any
8 outages on the system in recent years due to ice
9 or wind loading at the existing facilities?

10 THE WITNESS (Sazanowicz): One moment, please?

11 MR. McDERMOTT: Mr. Morissette, I'm struggling to find
12 it, but I believe that was an interrogatory that
13 Attorney Coppola asked that we objected to that
14 was sustained, so.

15 THE HEARING OFFICER: I really don't see the relevancy
16 of the question considering that this is an
17 asset-condition project.

18 So Attorney Coppola, if you could move on?

19 MR. McDERMOTT: For the record, Mr. Morissette, it was
20 Interrogatory 1-22.

21 THE HEARING OFFICER: Thank you.

22 MR. COPPOLA: The question was not the same. So that
23 specified years, quite frankly, I don't -- I
24 didn't understand why it was objected to, but
25 nonetheless.

1 Ms. Sazanowicz, if you could please refer to
2 your response to Interrogatory 2-35?

3 I had asked about costs with regard to
4 undergrounding the project and any annualized
5 operation and maintenance costs. And you referred
6 me to your life cycle, to the life cycle report.

7 Correct?

8 THE WITNESS (Sazanowicz): Yes.

9 MR. COPPOLA: It's my understanding that the Siting
10 Council issued interrogatories to the transmission
11 owners, UI and Eversource, in order to complete
12 its 2022 life cycle cost analysis. Were you
13 involved in preparing UI's responses to the Siting
14 Council's interrogatories for that purpose?

15 THE WITNESS (Sazanowicz): Yes.

16 MR. COPPOLA: In that report, I believe it was page 11,
17 it stated that UI has not constructed any 115 volt
18 or other similar type transmission lines
19 underground. Is that accurate?

20 MR. McDERMOTT: I'm sorry, Attorney Coppola. Where on
21 page 11 are you referring?

22 MR. COPPOLA: That was off my memory. So let me just
23 double check and make sure I had that correct,
24 please.

25

1 (Pause.)

2
3 MR. COPPOLA: If you look at the top of page 11 of 32
4 of the life cycle report, the first line?

5 THE WITNESS (Sazanowicz): Give me a moment
6 again for --

7 MR. McDERMOTT: I have it.

8 THE WITNESS (Sazanowicz): Okay. Okay?

9 MR. COPPOLA: And this report is not promulgated by UI.
10 Correct?

11 THE WITNESS (Sazanowicz): Say that again? I didn't
12 understand your question.

13 MR. COPPOLA: The life cycle report was not published
14 by UI. Is that correct?

15 THE WITNESS (Sazanowicz): That's correct.

16 MR. COPPOLA: Okay. So I want to ask you if the
17 statement contained therein is accurate, that
18 since 2017 UI has not constructed any of these
19 described transmission lines?

20 THE WITNESS (Sazanowicz): Since 2017, yes, that is
21 correct. At the time -- I'd like to add, at the
22 time of the interrogatories.

23 MR. COPPOLA: As of now, has that -- would that
24 response change?

25 THE WITNESS (Sazanowicz): We are currently under

1 construction for extension of pipe type, as well
2 as XLPE transmission lines.

3 MR. COPPOLA: And where is that?

4 THE WITNESS (Sazanowicz): Bridgeport, as part of the
5 Pequonnock rebuild project.

6 MR. COPPOLA: With regard to that project, what is the
7 cost per line associated with it -- I'm sorry,
8 what is the cost per mile associated with it?

9 THE WITNESS (Sazanowicz): I don't have that off the
10 top of my head, Mr. Coppola.

11 MR. COPPOLA: Is that information that you would be
12 able to provide if this docket was continued
13 beyond today?

14 THE WITNESS (Sazanowicz): Yes.

15 MR. McDERMOTT: Mr. Morissette, we're happy to take a
16 late file.

17 THE HEARING OFFICER: We're staying away from late
18 files.

19 MR. McDERMOTT: Okay.

20 THE HEARING OFFICER: We've been at it for -- this is
21 our fourth hearing. If that's something that is
22 possibly to be obtained within the next half hour
23 or so, that would be extremely welcome.

24 MR. McDERMOTT: Okay. Can I have just one second?
25

1 (Pause.)

2
3 MR. McDERMOTT: Okay. Mr. Morissette, perhaps I think
4 the issue is that the project is currently under
5 construction. Ms. Sazanowicz could elaborate, but
6 I think the end result is that there's no final
7 construction costs.

8 So that she -- even if we have heard it
9 during the hearing, we're not going to be able to
10 provide a thorough and -- so.

11 THE HEARING OFFICER: Thank you, Attorney McDermott.
12 Attorney Coppola?

13 MR. COPPOLA: I guess I would ask, if you're not able
14 to give a precise number at this, at this very
15 moment, is it possible to give an approx -- I
16 would assume to at least give an approximate cost
17 per mile for that project?

18 MR. McDERMOTT: I will ask the team to see what they
19 can come up within the next 36 minutes.

20 THE HEARING OFFICER: Very good. Thank you.

21 Let's continue, please? Thank you.

22 MR. COPPOLA: With regard to this project that you just
23 referred to, is the construction of that line
24 being done underground?

25 THE WITNESS (Sazanowicz): Construction, so we're

1 relocating seven lines as part of that project.

2 Three of them are underground and four of them are
3 overhead.

4 **MR. COPPOLA:** If you're constructing a project within
5 the area in which three of the lines are
6 underground, would that be information that would
7 be relevant to what the cost would be to similarly
8 construct lines for this project underlying --
9 underground?

10 **THE WITNESS (Sazanowicz):** The composition of the XLPE
11 cable that we are installing is not comparable to
12 what we have developed in the conceptual analysis
13 of an underground route for the Fairfield to
14 Congress project. So no, they would not be
15 comparable.

16 And the other two underground lines are of
17 complete different underground transmission
18 technologies, so they would also not be
19 comparable.

20 **MR. COPPOLA:** So I've learned a lot about these
21 underground construction projects over the last
22 months. In order to complete the construction of
23 the three underground lines in that project, do
24 you need a supply of cables and accessories?

25 **MR. McDERMOTT:** Mr. Morissette, I'm going to just,

1 again, kind of renew my continuing objection that
2 we focus on today's agenda, which was the
3 cross-examination of the new exhibits.

4 **MR. COPPOLA:** This is absolutely relevant to the new
5 exhibits. It's relevant to a request we made in
6 an interrogatory in which the response was
7 essentially non-responsive, just giving reference
8 to a report that wasn't even published by UI. And
9 so I'm trying to get an appropriate response.

10 I certainly think that the costs associated
11 with the undergrounding of lines in the area, the
12 immediate -- in the area of this project is
13 relevant to the considerations of the Siting
14 Council.

15 Now if the Witness is going to say that, that
16 she doesn't think it's comparable, I have every
17 right to be able to ask why, and to ask those
18 follow-up questions. I'm simply asking follow-up
19 questions in response to the testimony she
20 literally just gave.

21 I'd like to have that opportunity, please.

22 **THE HEARING OFFICER:** I think the cost question
23 associated with this is a question that needs to
24 be answered. And I also think that for the
25 record, we need to understand the scope of the

1 project, and I don't think it's clear at this
2 point -- but that's as far as we should go.

3 So if we could answer the scope question,
4 then we can move on?

5 MR. COPPOLA: That's where I'm trying -- and I'm trying
6 to get to that, Mr. Chairman.

7 THE HEARING OFFICER: Okay.

8 MR. COPPOLA: So with regard to this project, are you
9 going to need a supply of cables and accessories
10 in order to complete it?

11 THE WITNESS (Sazanowicz): Yes.

12 MR. COPPOLA: Are you going to need hardware for cables
13 and joints, and the support?

14 THE HEARING OFFICER: Let me interrupt --

15 MR. COPPOLA: I'm sorry, for cables and joints -- yes?

16 THE HEARING OFFICER: Let me interrupt here. We're not
17 talking about the scope of this project. We're
18 talking about the detailed parts associated with
19 building this underground line.

20 The scope needs to be identified as to what
21 is being accomplished at that project.

22 MR. COPPOLA: I'd ask the Witness if she could please
23 answer that question from the Chairman. Now I
24 maybe misunderstood what he was looking for. If
25 you could please respond to that?

1 THE WITNESS (Sazanowicz): Are you looking for the
2 scope of the XLPE installation as part of
3 Pequonnock?

4 THE HEARING OFFICER: I'm not going to. As the
5 Chairman, I'm not going to ask the question. I'll
6 let the attorney ask the question.

7 MR. COPPOLA: Yes, I would like a response to that
8 question, please?

9 THE WITNESS (Sazanowicz): The scope of the XLPE
10 installation at Pequonnock is a 115 kV underground
11 cable with not -- with three cables per phase for
12 a total of nine cables.

13 The scope of the project for the other two
14 underground transmission lines are a pipe-type
15 cable, which is not equivalent to the XLPE
16 technology for installation.

17 Also, that the distance of the overall route
18 for the XLPE lines and HPGF lines, for that
19 matter, at Pequonnock are -- are a relocation of
20 less than a mile worth of transmission.

21 MR. COPPOLA: It seems like you provide a lot of
22 reasons why it's not comparable, but let me ask
23 you this. In what ways is the manner of
24 construction and the construction that's taking
25 place in that project for the underground lines

1 actually similar to this project?

2 **THE WITNESS (Sazanowicz):** For the Fairfield to
3 Congress project, we anticipate under our
4 conceptual level for a view of an underground
5 alternative that the duct bank for a single
6 circuit between pole 648S and as part of the
7 proceeding Ash Creek substation, the duct bank
8 size would be approximately the same for that
9 distance.

10 **MR. COPPOLA:** So is it fair to say that in this project
11 you're talking about, there it's going to be
12 constructed in a similar manner as this project,
13 where you're going to be -- where this project,
14 the manner in which this project would be
15 constructed underground, for example, with a duct
16 bank, with a supply of cables and accessories and
17 an appropriate hardware, et cetera.

18 Is that correct?

19 **THE WITNESS (Sazanowicz):** For parts of the underground
20 section for Fairfield to Congress, yes, that is
21 correct. However, there are specialized locations
22 such as river crossings and wetlands where we may
23 have to do a non-traditional open trench duct
24 bank.

25 **MR. COPPOLA:** For example, you may have to do, like,

1 horizontal drilling. Correct?

2 THE WITNESS (Sazanowicz): Correct.

3 MR. COPPOLA: Okay. And you're talking about this, if
4 you were to underground this particular project,
5 that's subject to this proceeding. Correct?

6 THE WITNESS (Sazanowicz): Yes.

7 MR. COPPOLA: So if you're comparing apples to, you
8 know, to apples -- let me put it this way. Is it
9 fair to say maybe a comparison of apples to
10 apples; one may be a gala apple, one may be a
11 Macintosh, but at the end of the day, the project
12 you're talking about would involve the
13 construction of the lines, underlying underground,
14 you know, doing the construction of the duct banks
15 and the joint vaults, the installation of the
16 cables and the accessories, that the manner in
17 which you would construct, you're going to
18 construct that underground is similar to how you
19 would do it here in this project?

20 Albeit with this project, there may be some
21 obstacles to get around, such as under a waterway
22 with horizontal drilling, et cetera.

23 Is that correct?

24 THE WITNESS (Sazanowicz): I will also add that for the
25 section between the Ash Creek to Pequonnock to

1 Congress, you would have a double circuit
2 underground configuration, which would require
3 twelve, a total of twelve cables, or two cables
4 per phase for each circuit.

5 And in order to maintain the required
6 ampacity for that underground line, the duct bank
7 would also have to be larger than your typical
8 duct bank that we would be building under
9 Pequonnock.

10 MR. COPPOLA: But respectfully, I think here your
11 answer is non-responsive to the question. You're
12 telling me why it would be different. And my
13 question specifically was asking you to confirm
14 whether the manner of construction, the type of
15 construction between the project you're talking
16 about, this unknown project, and -- and the
17 subject project, which if it went underground?

18 THE WITNESS (Sazanowicz): So if we're talking basics,
19 digging up trench, putting conduit in, filling
20 with backfill -- not talking specifics about
21 dimensions, number of splice chambers, number of
22 splices, number of cables -- then yes, the basic
23 installation is the same between the two.

24 MR. COPPOLA: All right. So the reason I ask that is I
25 want to start with the basic premise that this

1 other project that you're doing right now sounds
2 substantially similar to the subject project as
3 far as the basics for the construction of it.

4 Correct?

5 THE WITNESS (Sazanowicz): Sure.

6 MR. COPPOLA: So are you -- and similarly, are you
7 familiar with a project in Norwalk that's, I
8 think, been approved but not yet constructed,
9 where there it was approved to have a transmission
10 line underground in the area of the walk bridge in
11 Norwalk?

12 MR. McDERMOTT: I'm sorry. Attorney Coppola, can you
13 refer us to what the project is?

14 MR. COPPOLA: I'd have to --

15 MR. McDERMOTT: Because I think there's two projects
16 currently in Norwalk, both involving -- both
17 involving bridge walks.

18 MR. COPPOLA: Fair enough. The project that I was
19 referring to was the one, I believe it's 0.66
20 acres of line, and it's proposed to go
21 underground. And so that that was the one I was
22 referring to.

23 Are you generally familiar with that project?

24 MR. McDERMOTT: Do you know about the project?

25 THE WITNESS (Sazanowicz): I generally know about the

1 project, yes.

2 MR. COPPOLA: And that project is being -- approved for
3 Eversource. Correct?

4 THE WITNESS (Sazanowicz): I'm not aware of the status
5 of the project.

6 MR. COPPOLA: Okay. You know what? Maybe I know more
7 than others about that project, so I'll just --
8 I'll move on.

9 So is it fair to say then with the project,
10 this other project we're talking about in
11 comparison to the subject project, if it were to
12 go underground, that the basics of the
13 construction would be similar, but there would be
14 some changes in the manner in which the project
15 would have to be constructed underground for the
16 subject route to take into account challenges with
17 topography, et cetera. Is that correct?

18 MR. McDERMOTT: Do you understand the question?

19 THE WITNESS (Sazanowicz): Yes.

20 MR. COPPOLA: Okay. And with regard to comparing the
21 two projects, is it fair to say that the civil
22 construction, the manner in which the civil
23 construction would take place would be comparable?

24 THE WITNESS (Sazanowicz): Those, the same -- typically
25 the same. The method would be the same, yes.

1 MR. COPPOLA: Okay. With regard to this other project,
2 following up on some testimony you just gave a
3 little while ago about the type of cable, I think
4 it's the XLP cable -- but in that project, what is
5 the size of that cable?

6 THE WITNESS (Sazanowicz): I do not know.

7 MR. COPPOLA: And so do you know -- let me ask you
8 this. Do you know if this project for the subject
9 application was to be constructed underground,
10 would the size of the cable be similar to the size
11 of the cable in that project?

12 THE WITNESS (Sazanowicz): I don't know what the size
13 of the cable is to the other project.

14 So I can't confirm or deny.

15 MR. COPPOLA: Okay. So at this point it's fair to say
16 that it could be the -- it could potentially be
17 the exact same size cable that you could
18 conceivably use to construct the line underground
19 in this project?

20 MR. McDERMOTT: Mr. Morissette, she doesn't know the
21 size of the other cable. So she can't answer any
22 questions about the other cable.

23 MR. COPPOLA: Excuse me. Excuse me, I asked a
24 follow-up question, a simple follow-up question,
25 which was -- I'd asked the Court Reporter to

1 repeat it. I think it was a follow-up question,
2 and it was --

3 THE HEARING OFFICER: Excuse me, I got knocked off. I
4 got knocked off. So I'm catching up here. I take
5 it that Mr. McDermott objected to the question,
6 and I didn't hear his basis for his objection.

7 MR. McDERMOTT: I was -- my position, Mr. Morissette
8 that she -- sorry, Ms. Sazanowicz is being asked
9 questions about the size of a cable. She doesn't
10 know the size of it. She doesn't know any --
11 she's not on the project for the Pequonnock
12 substation. So she's indicated that she doesn't
13 know the size of the cable.

14 THE HEARING OFFICER: Thank you.

15 And Attorney Coppola, your rebuttal?

16 MR. COPPOLA: My response to that is, I understand.
17 She testified to that. I asked the follow-up
18 question, which was, is it possible then that if
19 the subject property was to be designed to be
20 constructed underground, that we could -- you
21 could use a similarly -- it's possible that you
22 could use a similarly sized cable? That was the
23 follow-up question.

24 And by the way, the reason I asked it is
25 because previously when I had asked about this

1 project, her initial response was, well, it's not
2 comparable. And they tell me all the reasons it
3 wasn't comparable. I'm trying to figure out how
4 it is comparable.

5 And so --

6 THE HEARING OFFICER: I think we're spending a lot of
7 time on a project -- what was it, a half-a-mile
8 project in trying to compare. I'll let the
9 Witness answer the question.

10 MR. COPPOLA: Thank you.

11 THE HEARING OFFICER: But we need to move off of this
12 line of questioning, please?

13 Could you repeat the question one more time,
14 Attorney Coppola?

15 MR. COPPOLA: With regard to comparing the two
16 properties, I'm sorry, the two projects, if you
17 were to construct the subject project underground,
18 is it possible that the size of the cable would be
19 similar to the size of the cable that you are
20 using in this other project?

21 THE WITNESS (Sazanowicz): Possible, but the size of
22 the cable is dependent upon the ampacity that you
23 need for the underground transmission line.

24 MR. COPPOLA: And what is the capacity in that project?

25 THE WITNESS (Sazanowicz): Are we talking about the

1 Pequonnock project? Or are we talking about the
2 walk bridge project?

3 MR. COPPOLA: We're off the walk bridge project. I
4 started to introduce some questions on it and
5 decided to stop.

6 THE WITNESS (Sazanowicz): Sorry.

7 MR. COPPOLA: So I appreciate the clarification there.
8 I'm referring to the Pequonnock project, which is
9 one, that my understanding from your testimony, is
10 being constructed at this time by UI.

11 THE WITNESS (Sazanowicz): So the ampacity ratings and
12 loads of our transmission facilities is critical
13 energy infrastructure information.

14 So I cannot share that with you.

15 MR. COPPOLA: How long is the line that's being
16 constructed underground in the Pequonnock project?

17 THE WITNESS (Crosbie): Attorney Coppola, this is Shawn
18 Crosbie. It's approximately 500 feet.

19 MR. COPPOLA: And my understanding from the testimony
20 was that there's three lines being constructed
21 underground in that project. Is that correct?

22 THE WITNESS (Sazanowicz): No, there's one line being
23 constructed as part of that project -- I'm sorry,
24 yes. Three total lines. One cross-linked
25 polyethylene line that's LPE line, yes. And two

1 pipe-type cable lines.

2 MR. COPPOLA: Going back to the life cycle report, have
3 you reviewed the first cost provided by Eversource
4 for the new single-circuit underground lines on a
5 million dollar -- on a dollar per mile basis?

6 THE WITNESS (Sazanowicz): What page of the life cycle
7 report, Mr. Coppola, are you referencing?

8 MR. COPPOLA: Let me maybe be helpful to expedite this.
9 My understanding is that Eversource's first cost
10 per mile for the new circuit, for the new single
11 circuit -- was, transmission line was 20,840,000
12 per mile. Does that sound correct to you?

13 THE WITNESS (Sazanowicz): I can see it here in the
14 document. Yes.

15 MR. COPPOLA: Okay. Could you please explain the
16 difference between the first cost figure cited in
17 this, in this life cycle report in comparison to
18 UI's budgetary analysis that's also in this
19 docket?

20 THE WITNESS (Sazanowicz): It is my understanding that
21 the first, first costs that are provided in the
22 life cycle report for the XLPE 115 kV underground,
23 it does state it is single circuit. I believe
24 that this is of a typical design, which would be
25 one cable per phase.

1 The underground installation for the
2 Fairfield to Congress project, in order to get the
3 ampacity that is needed would be two cables per
4 phase for the single circuit. And then we would
5 also have a double-circuit section that would also
6 require two cables per phase. So a total of six
7 cables per phase for a single circuit for the
8 Fairfield to Congress project, and then for the
9 double circuit would be 12 cables.

10 MR. COPPOLA: And what was Eversource's cost per mile
11 for the double circuit?

12 THE WITNESS (Sazanowicz): It is not in this report, so
13 I do not know.

14 MR. COPPOLA: But does the report provide any estimate
15 for the cost per mile for a double circuit?

16 MR. McDERMOTT: Attorney Coppola, I think part of the
17 problem is that Ms. Sazanowicz was not prepared to
18 answer questions on the life cycle report. Yes,
19 she participated in the response to the
20 interrogatories from the company to the Siting
21 Council on it, but I -- my sense in conversations
22 with her very quickly off mic were that she has
23 not reviewed the report in its entirety, so.

24 MR. COPPOLA: In fairness, the reason I am asking about
25 it is because it was the response to an

1 interrogatory request that was provided.

2 **MR. McDERMOTT:** Yes, but it was a specific -- it was a
3 specific reference to get you to the information
4 that you needed in response to the interrogatory,
5 and I do not think it opened her up to questioning
6 of the entire report, so.

7 Sorry, Mr. Morissette. I should be
8 addressing all this to you. I apologize.

9 **THE HEARING OFFICER:** Thank you, Attorney McDermott,
10 and I agree. The Witness is not the author of the
11 report. The Siting Council is.

12 So if we could move off of asking her
13 questions about it, the report stands on its own
14 and reads for itself. Thank you.

15 **MR. COPPOLA:** Thank you. Did you provide UI's cost
16 estimate for the construction to underground the
17 wires associated with this project?

18 **THE WITNESS (Sazanowicz):** Yes.

19 **MR. COPPOLA:** And what was your estimated cost for the
20 undergrounding of this project?

21 **THE WITNESS (Sazanowicz):** I don't know where it is.

22 **MR. McDERMOTT:** Mr. Morissette, she's just getting the
23 information in front of her so she can properly
24 responded.

25 **THE HEARING OFFICER:** Very good. Thank you.

1 (Pause.)

2
3 THE WITNESS (Sazanowicz): Apologies. Okay.

4 Please repeat the question?

5 MR. McDERMOTT: I think it was the general question,
6 did you prepare the costs?

7 THE WITNESS (Sazanowicz): Yes, I did prepare the
8 costs.

9 MR. COPPOLA: If you look at your costs, starting with
10 CS -- well, you know, let's start with CSC-14-1,
11 the attachment.

12 MR. McDERMOTT: Sorry. Attorney Coppola, our response
13 to the Siting Council interrogatory?

14 MR. COPPOLA: It was CSC-14-1, but maybe I could be
15 more helpful if we instead use the other cost
16 estimate -- if it's helpful to you?

17 THE HEARING OFFICER: I believe he's referring to
18 attachment CSC-14-1.

19 MR. COPPOLA: Yes, dash one.

20 THE WITNESS (Sazanowicz): Okay. I'm there.

21 MR. COPPOLA: Your total cost estimate was how much?

22 THE WITNESS (Sazanowicz): For which option?

23 The all underground?

24 MR. COPPOLA: The underground trans -- yes, thank you.
25 The underground transmission line.

1 THE WITNESS (Sazanowicz): \$1,585,500.

2 MR. COPPOLA: And your cost estimate for the
3 transmission line costs associated with this
4 option was how much?

5 THE WITNESS (Sazanowicz): I'm unsure which alternative
6 you're talking about.

7 MR. COPPOLA: The underground transmission line.

8 THE WITNESS (Sazanowicz): For the entire route is what
9 I just provided.

10 MR. COPPOLA: I was actually going through the
11 breakdowns, but let me -- so let me move forward.
12 This may be easier. If I could draw your
13 attention to your pre-filed testimony dated
14 October 3, 2023? And it looks like an updated
15 cost estimate on page 3 for the undergrounding of
16 the entire project.

17 MR. McDERMOTT: Attorney Coppola, we're going to need a
18 second to get to that. Mr. Morissette, I
19 apologize, but we weren't expecting the
20 cross-examination on things like her pre-filed
21 testimony from a few months ago. So we just need
22 a second to get it.

23 THE WITNESS (Sazanowicz): The numbers are the same.

24 MR. COPPOLA: Okay. With regard to the cost estimates,
25 how did you derive those estimates for each of the

1 categories?

2 THE WITNESS (Sazanowicz): Based on engineering
3 experience and costs from previous projects.

4 MR. COPPOLA: In providing the cost estimates, did you
5 rely upon any specific plans?

6 THE WITNESS (Sazanowicz): The plans that were relied
7 upon in terms of the route are -- are based on
8 review of Google Maps and any knowledge of
9 underground transmission in the area, and to
10 provide the shortest route between the
11 substations.

12 MR. COPPOLA: What design documents did you use to
13 provide your estimates?

14 THE WITNESS (Sazanowicz): Are you talking about
15 standards? I'm not sure what you mean.

16 MR. COPPOLA: I'm asking, did you look at any specific
17 design documents in order to -- in order to come
18 up with this number of a billion dollars?

19 For example, with regard to the duct bank
20 installation, you have a cost of \$229 million.
21 Correct?

22 THE WITNESS (Sazanowicz): Yes.

23 MR. COPPOLA: How did you come to a cost of \$229
24 million for the construction, for the duct bank
25 installation?

1 THE WITNESS (Sazanowicz): So the -- the overall input
2 to the estimate was based on conceptual level
3 ampacity analysis of what cross-section of a duct
4 bank would be needed for the project for both the
5 single circuit and the double circuit section of
6 the line. So that's how we determined the cable
7 size and the cross-section of the duct banks.

8 The single-circuit duct bank, knowing that we
9 would need a total of six cables, we used our
10 typical duct bank that would accommodate that.

11 MR. COPPOLA: Did you approximate the number of, for
12 example, manholes when estimating the cost for the
13 duct bank installation?

14 THE WITNESS (Sazanowicz): Yes.

15 MR. COPPOLA: And did you estimate the number of
16 splices that would be needed in order to estimate
17 the cost for the duct bank installation?

18 THE WITNESS (Sazanowicz): Yes.

19 MR. COPPOLA: And did you estimate the size of the
20 conductor in order to estimate the duct bank
21 installation?

22 THE WITNESS (Sazanowicz): Yes.

23 MR. COPPOLA: And is that documentation provided within
24 the record of this proceeding?

25 THE WITNESS (Sazanowicz): I believe so, yes.

1 MR. COPPOLA: And where is that documentation that you
2 relied upon to provide the estimate for the duct
3 bank installation provided within the record?

4 THE WITNESS (Sazanowicz): Provide the detailed
5 calculations, however, the assumptions are noted
6 in this pre-file testimony as well as some details
7 in section 9 for the all underground cable route
8 as part of the alternatives analysis.

9 MR. COPPOLA: But I'm not interested in assumptions.
10 I'd like to know where the actual calculations are
11 provided for in the record. Is there somewhere in
12 the record where the actual calculations that you
13 did in order to furnish the estimate, is that in
14 the record?

15 THE WITNESS (Sazanowicz): Are you talking about
16 per-unit dollar amounts for each item, a line item
17 list?

18 MR. COPPOLA: Yes. For example, you have the duct bank
19 installation. Is there a document or documents
20 within the record that confirm the manner in which
21 you estimated that -- you came up with a cost of
22 over \$229 million?

23 THE WITNESS (Sazanowicz): Yes, again as -- as part of
24 the late file and also section 9 does state, I
25 believe, approximately how many splice chambers

1 would be needed based on, you know, 1800 foot
2 increments for splice chambers around -- along the
3 route, and all the assumptions that have gone into
4 the process.

5 MR. COPPOLA: And I see that in the pre-filed
6 testimony. I'm asking where the numbers are
7 associated with it so we can see how you got to
8 two-hundred-twenty -- over \$229 million just for
9 the duct bank installation.

10 THE WITNESS (Sazanowicz): So you're asking for a line
11 item list cost? No, a detailed line item list was
12 not provided.

13 MR. COPPOLA: Not even a detailed line item list.
14 Essentially, it seems like you've -- correct me if
15 I'm wrong. It seems like you've provided what
16 you've considered, but you haven't provided us
17 with any numbers showing how you got to the
18 numbers. The ultimate number, for example, on the
19 duct bank installation of \$229,200,000. Correct?

20 MR. McDERMOTT: Mr. Morissette, Ms. Sazanowicz is happy
21 to do that now. I mean, she can say how many
22 splice vaults she considered, how much she thought
23 for each splice vault. We can.

24 We can help out if he would ask that
25 question, or we can spend time on what is not in

1 the record. So that's what this cross-examination
2 is for.

3 **THE HEARING OFFICER:** Well, the Witness --

4 **MR. COPPOLA:** That would be helpful.

5 **THE HEARING OFFICER:** Excuse me. The Witness has
6 already said what's in the record, which is the
7 attachment to the pre-filed in section nine of the
8 filing. If you have detailed questions and the
9 panel can answer them, let's do that.

10 Let's continue.

11 **MR. COPPOLA:** For purposes of trying to expedite this
12 process, I was starting with the simpler question
13 of, do the calculations exist within the record?
14 It seems like the answer is no to that. I just
15 want to make sure that that's correct.

16 Is that correct?

17 **THE WITNESS (Sazanowicz):** Correct.

18 **MR. COPPOLA:** Okay. So can you provide us with the
19 calculations that you used in order to come up
20 with the number of \$229,200,000 for the duct bank
21 installation?

22 **THE WITNESS (Sazanowicz):** Can we have a moment,
23 please?

24
25 (Pause.)

1 MR. McDERMOTT: So Mr. Morissette, I'm going to refer
2 you to, if I could, the Council to Interrogatory
3 1-37, which Attorney Coppola asked for the
4 analysis, internal evaluation, cost estimate,
5 and/or appraisal, which comprise the project
6 costs, including UI's proposed transmission
7 facilities.

8 UI objected to that because on two grounds,
9 including the fact it was proprietary and
10 confidential information. And that objection was
11 sustained by the Council. And I think those, the
12 questions that Attorney Coppola is asking are
13 essentially identical to what he asked for in
14 1-37.

15 So Attorney -- Ms. Sazanowicz is struggling
16 because she's appreciating the confidential
17 proprietary nature of some of the information,
18 which is why the kind of line item detail of the
19 cost was not provided.

20 MR. COPPOLA: If I could respond, Mr. Chair?

21 THE HEARING OFFICER: Thank you. Thank you, Attorney
22 McDermott. Go ahead, Attorney Coppola.

23 Please respond.

24 MR. COPPOLA: This is the problem, because there's been
25 testimony provided in the record as to costs for

1 the underground construction of this project,
2 which is a critical issue for the Council to
3 consider, especially considering the fact that
4 there's going to be additional witnesses that will
5 be sworn in to provide testimony to the contrary.

6 And therefore, the manner in which they
7 calculated numbers is subject to
8 cross-examination. Their expert witness is
9 providing expert testimony. With all due respect,
10 I can't just trust UI. Just because they said,
11 here's the number, trust me. You know, we got
12 there in a good way and you could trust us, but
13 I'm not going to show you how we did it.

14 It's not something that I could accept.
15 Quite frankly, it's not something my clients could
16 accept. It's an absolute deprivation of their due
17 process, due process rights. It is fundamentally
18 unfair for an expert witness to provide testimony
19 on a critical issue such as the costs for an
20 alternative to this project, which is not UI's
21 preferred alternative.

22 And then to say, I'm not going to show you
23 how I got to the numbers. You've got to just
24 trust me. You know, I'll tell you what I
25 considered, but I won't tell you how I considered

1 it. That's fundamentally unfair. And you know,
2 so she's provided testimony with regard to, for
3 example, the costs for the duct bank installation.
4 That cost is different than what other expert
5 witnesses are going to testify to later in this
6 docket.

7 **THE HEARING OFFICER:** Thank you, Attorney Coppola. We
8 have already rendered a decision in this matter,
9 and at the beginning of the hearing. So the
10 assumptions, we are relying on the assumptions and
11 the value that UI has provided, and we will not
12 compel them to provide the raw data at this point.

13 Attorney Bachman, do you have any comments to
14 add to this discussion?

15 **MS. BACHMAN:** Thank you, Mr. Morissette. I don't have
16 any comments to add to the discussion, but I will
17 note that we have discussed cost at length.

18 And under the ISO process, I believe UI
19 Witness Mr. Logan has testified extensively as to
20 how costs are allocated and how ISO arrives at
21 what will be regionalized and what they have be
22 localized. So certainly, I think we've addressed
23 this issue.

24 And Attorney Coppola, knowing that he does
25 have a witness that may disagree with UI's expert

1 witness, that that's acceptable. It's called
2 battle of the experts and it happens often in
3 administrative proceedings. And it's up to this
4 Council to determine which expert they believe.

5 So thank you.

6 THE HEARING OFFICER: Thank you, Attorney Bachman.

7 With that, Attorney Coppola, please continue.

8 MR. COPPOLA: Mr. Chairman, if I may -- just to
9 respond? With regard to a battle of the experts,
10 it's an unfair battle, because on the one hand,
11 our experts are subject to cross-examination as to
12 how they got to their cost estimates -- or they at
13 least will be, I presume. And what I'm being told
14 is that it seems like the Council will not allow
15 us to be able to similarly inquire with UI as to
16 how they estimated certain costs.

17 Now if there is some sort of an actual need
18 for confidentiality or some sort of proprietary
19 nature as to the data, which I'm requesting in
20 specific questions -- which by the way is
21 different than what I requested in the discovery
22 requests. I'm asking follow-up questions here.

23 I think that with all due respect, the
24 Council should allow for a process for
25 confidentiality. And that's already been done, I

1 believe, in this docket with regard to BJ's. We
2 can enter into a confidentiality agreement. We
3 could seal the record. There's a solution here if
4 there's actually data that's truly confidential,
5 but to know how there's already -- the information
6 is already being provided in the testimony, and
7 I'm just using the example of the duct bank
8 installation. It's already been provided.

9 THE HEARING OFFICER: Yes, thank you, Attorney Coppola.
10 We do have a process in which confidentiality is
11 able to be shared information. But again, we
12 have -- the Council has already provided a
13 decision with regards to this information.

14 Attorney McDermott, do you have any further
15 discussion in this matter?

16 MR. McDERMOTT: No, thank you, Ms. Morissette.

17 THE HEARING OFFICER: And Attorney Bachman, anything
18 else?

19 MS. BACHMAN: So I disagree with Attorney Coppola's
20 characterization of violation of due process when
21 we have reports from two different experts that
22 will be subject to cross-examination by each and
23 every party and intervener in this proceeding when
24 they are given that opportunity.

25 And so I just suggest that we move on from

1 the cost topic, or at least the dataset that
2 Ms. Sazanowicz used to create her assumptions.

3 Thank you.

4 **THE HEARING OFFICER:** Very good. Thank you, Attorney
5 Bachman.

6 So with that, Attorney Coppola, please move
7 on?

8 **MR. COPPOLA:** I'm moving on here. Then with the duct
9 bank, with the example of the duct bank install,
10 the cost associated with the duct bank
11 installation, my understanding is that you're
12 unable to provide us, or unwilling -- unable or
13 unwilling to provide us with the numbers that you
14 calculated in order to conclude a value of
15 \$229,200,000 for that line item. Is that correct?

16 **MR. McDERMOTT:** Sorry. I'm not sure if that question
17 was to me, Attorney Coppola, but yes, that's what
18 I objected to. And that was --

19 **MR. COPPOLA:** No, it was not. It was not to you. It
20 was to the Witness. I'm asking her to respond to
21 my question. Would the Witness like the Court
22 Reporter to repeat the question?

23 **THE HEARING OFFICER:** I will ask the court reporter to
24 repeat the question if it's necessary -- but I
25 will ask you to repeat the question so the witness

1 can understand it.

2 **MR. COPPOLA:** Okay. Mr. Chairman, the only reason I
3 suggested the Court Reporter, I want to make sure
4 that I -- if I'm asked to do it again, I thought
5 it would be more accurate that way, but I'll try
6 my best.

7 **THE HEARING OFFICER:** Thank you.

8 **MR. COPPOLA:** With regard to your determination of the
9 cost for the duct bank installation, is it fair to
10 say that you are unwilling or unable to provide
11 any of the calculations that demonstrated that, or
12 would demonstrate how you concluded a value of
13 \$229,200,000 for that line item?

14 **THE WITNESS (Sazanowicz):** The information is
15 considered protected and proprietary information,
16 and per the prior discussion, we will not be
17 sharing that information.

18 **MR. COPPOLA:** With regard to your estimate for
19 engineering and indirects, you had a value of
20 \$141,650,000. Is that correct?

21 **THE WITNESS (Sazanowicz):** Yes.

22 **MR. COPPOLA:** As we sit here today, is it fair -- is it
23 your position that you are either unwilling or
24 unable to provide to us the calculations that you
25 used in order to determine that value for the

1 engineering and indirects?

2 **THE WITNESS (Sazanowicz):** Based on my previous
3 response, yes.

4 **MR. COPPOLA:** With regard to the cable installation
5 accessories and commissioning, did you estimate a
6 value of \$148,383,000?

7 **THE WITNESS (Sazanowicz):** Yes.

8 **MR. COPPOLA:** As we sit here today, is it your position
9 that you're either unwilling or unable to provide
10 to us the calculations that led you to that
11 determination of value for that line item?

12 **THE WITNESS (Sazanowicz):** Based on my previous
13 response, yes.

14 **THE HEARING OFFICER:** Attorney Coppola, could we just
15 cut to the chase here and group all the line items
16 that are shown on the exhibit and get this over
17 with, please?

18 **MR. COPPOLA:** Yes, Mr. Chairman. To conclude this
19 particular line of questioning, as you sit here --
20 as we sit here today, is it your position that UI
21 is unwilling or unable to provide to the
22 intervening parties and the Council any of the
23 numbers that were used to calculate your cost
24 estimates for the undergrounding of the project?

25 **THE WITNESS (Sazanowicz):** Based on my previous

1 response, yes.

2 MR. COPPOLA: And in your attachment to your pre-filed
3 testimony dated October 3, 2023, you also provided
4 a cost estimate to underground the transmission
5 line for a shorter route between P648S and the Ash
6 Creek substation. Is that correct?

7 THE WITNESS (Sazanowicz): Yes.

8 MR. COPPOLA: Okay. And with regard to -- and I'm
9 going to, Mr. Chairman, I'm going to -- I promise
10 I'll only ask one question here. Well, maybe two
11 questions, just I want to make sure I get it
12 right.

13 So what was your cost estimate for that
14 portion of the project to go underground?

15 THE WITNESS (Sazanowicz): Total cost for underground
16 for this option between 648S and Ash Creek was
17 \$317,125,800.

18 MR. COPPOLA: I think I may know -- I think I may know
19 the answer to this question, but I'm going to ask
20 it. Are you able to provide us with the costs
21 that you calculated in order to come to this
22 conclusion of value, or the estimate for this
23 portion of the line?

24 THE WITNESS (Sazanowicz): This is proprietary and
25 confidential information, and we will not be

1 sharing that.

2 MR. COPPOLA: Within this record, did you provide cost
3 estimates for the construction of the line above
4 ground?

5 THE WITNESS (Sazanowicz): Yes.

6 MR. COPPOLA: And what was your ultimate estimate of
7 cost to construct the project above ground?

8 THE WITNESS (Sazanowicz): The -- the proposed project
9 in the Siting Council application is approximately
10 \$255 million.

11 MR. COPPOLA: And where are your calculations in the
12 record for your cost estimate of \$255 million for
13 the construction above ground?

14 THE WITNESS (Sazanowicz): Again, we do not have a
15 broken -- line-by-line breakdown of the costs for
16 that project, for that estimate.

17 MR. COPPOLA: Are there any -- how did you -- in what
18 manner did you estimate the cost for the
19 aboveground construction?

20 THE WITNESS (Parkhurst): Hi, Mr. Coppola. This is
21 Matthew Parkhurst. We looked at various costs to
22 install foundations, costs to procure and install
23 steel poles, ducture, hardware, costs to acquire
24 new easements, costs to -- to our engineering due
25 diligence, our environmental due diligence, costs

1 for matting in the field, all those components --
2 so in developing the cost estimate.

3 MR. COPPOLA: And one of those items was the cost for
4 installing the foundations. Is that correct?

5 THE WITNESS (Parkhurst): Repeat that question?

6 MR. COPPOLA: One of the cost items that you just
7 referenced was the cost for installing the
8 foundations. Is that correct?

9 THE WITNESS (Parkhurst): That's a component of the
10 estimate, correct.

11 MR. COPPOLA: Is there any documentation in the record
12 establishing how the UI calculated its estimate,
13 estimate for the cost for installing those
14 foundations for the aboveground option?

15 THE WITNESS (Parkhurst): I don't have that offhand.

16 MR. COPPOLA: It's okay if you don't have it offhand,
17 but do you know if it was put into the record?

18 THE WITNESS (Parkhurst): No.

19 MR. COPPOLA: Is it that it was not put in the record?
20 I'm just confused by your answer. Or that you
21 don't know if it was put in the record?

22 THE WITNESS (Sazanowicz): No, we do not have a
23 line-by-line breakdown of the overhead costs for
24 the proposed project as it's listed in the
25 application.

1 MR. COPPOLA: As you sit here today -- and I believe
2 this, this question may be directed to
3 Ms. Sazanowicz who provided the cost estimates.
4 As you sit here today, have you had an
5 opportunity -- has there been new information
6 brought to your attention about other cost
7 estimates for undergrounding the line for this
8 project?

9 THE WITNESS (Sazanowicz): Well, Mr. Coppola, what are
10 you referring to?

11 MR. COPPOLA: I'm asking whether, as you sit here
12 today -- well, let me step back. This may be
13 helpful to you.

14 Today you're providing testimony as an expert
15 witness with regard to the costs for different
16 alternatives for this project, whether it be
17 underground construction or aboveground
18 construction. Is that correct?

19 MR. McDERMOTT: Mr. Morissette, just to be clear,
20 Ms. Sazanowicz is an employee and engineer at the
21 United Illuminating Company. I don't know that
22 she's been presented as an expert.

23 But Ms. Sazanowicz, if you want to answer the
24 question, please do?

25 THE HEARING OFFICER: Thank you, Attorney McDermott.

1 Please continue.

2 MR. COPPOLA: Well, if it's --

3 THE WITNESS (Sazanowicz): No -- go ahead. I'm sorry.

4 THE HEARING OFFICER: I think we're waiting for a
5 response.

6 MR. COPPOLA: Thank you.

7 THE WITNESS (Sazanowicz): I lost the question.

8 I'm sorry.

9 MR. COPPOLA: Sure. Let me try to move this forward
10 quickly. So when it comes to providing estimates
11 on cost in this proceeding for UI, are you the
12 person designated to do that?

13 THE WITNESS (Sazanowicz): I am not the sole person
14 that puts together estimates. It is a team effort
15 based on everyone's expertise, say, environmental,
16 overhead design, permitting, land rights, et
17 cetera.

18 MR. COPPOLA: Let me ask this. Earlier, Attorney
19 Bachman talked about the battle of the experts in
20 this proceeding. Are you aware that the Town and
21 the interveners have retained other experts with
22 regard to cost estimates for this project?

23 THE WITNESS (Sazanowicz): Yes.

24 MR. COPPOLA: And have you had an opportunity to review
25 the testimony provided by those other experts?

1 THE WITNESS (Sazanowicz): I've had a chance to look
2 over it, but not with you in totality.

3 MR. COPPOLA: So as Attorney Bachman had described, if
4 this becomes a battle of the experts in this
5 proceeding, who is -- I think we know -- we'll
6 know who the expert is for the Town on the cost
7 estimates for undergrounding. We'll know who the
8 expert is for the interveners.

9 Who is the expert on -- if there is any.
10 There may not be. Who would be the expert for UI
11 for the cost estimates?

12 MR. McDERMOTT: Mr. Morissette, I objected to the use
13 of the word "expert." I think as Attorney Coppola
14 knows, an expert is generally a consultant or
15 somebody who's been brought into a proceeding in
16 order to testify about their area of expertise.

17 I was only noting that Ms. Sazanowicz has not
18 been presented as an expert. She is obviously the
19 right person, as you know, from the past three
20 and -- almost four days of hearings to discuss the
21 costs and the project design along with
22 Mr. Parkhurst.

23 So I think she -- she is the right person. I
24 didn't mean to create more cross-examination
25 questions, but she is obviously the right person.

1 I was just noting that, like I said, she was not
2 identified as an expert.

3 THE HEARING OFFICER: Thank you, Attorney McDermott.

4 I think that she's the person. So let's move
5 on.

6 MR. COPPOLA: Do you have any experience in designing
7 projects for underground construction --

8 THE WITNESS (Sazanowicz): Yes, I do.

9 MR. COPPOLA: -- of transmission lines?

10 And what is your experience?

11 THE WITNESS (Sazanowicz): Yes, I do. I have
12 experience in the Pequonnock project. As we have
13 noted, we also had a project in New Haven; the
14 Grand Ave project, which was construction of a new
15 substation and relocation of two overhead lines,
16 two underground pipe-type cable lines -- I'm
17 sorry. I believe it was three overhead lines, and
18 one low-pressure oil-filled transmission line.

19 I've also been involved in the analysis and
20 conceptual project for potentially rebuilding
21 other low-pressure oil-filled age -- aging
22 infrastructure within the New Haven area.

23 MR. COPPOLA: Is it fair to say, then, that your
24 experience in project design for underground
25 construction is limited to the three projects that

1 you just talked about?

2 **THE WITNESS (Sazanowicz):** In specific design and
3 construction? Yes.

4 **MR. COPPOLA:** And so you had already talked about the
5 Pequonnock project, and I believe your counsel is
6 trying to find us some additional information
7 prior to the close of this hearing to avoid a
8 late -- potential late filing with regard to some
9 information I had requested there.

10 With regard to the Grand Ave project, that's
11 in -- is that in New Haven?

12 **THE WITNESS (Sazanowicz):** Yes.

13 **MR. COPPOLA:** And how -- and was that underground
14 construction of a transmission line?

15 **THE WITNESS (Sazanowicz):** Yes, three underground
16 transmission lines, two pipe-type and one
17 low-pressure oil-filled.

18 **MR. COPPOLA:** And what was the approximate length of
19 that line?

20 **THE WITNESS (Sazanowicz):** I don't remember off the top
21 of my head, but it was less than a mile.

22 **MR. COPPOLA:** And how long ago was that?

23 **THE WITNESS (Sazanowicz):** I believe it was in
24 twenty -- around 2012.

25 **MR. COPPOLA:** And the other, and the third project you

1 referenced was an analysis. I was a little
2 confused by that response. What project? Could
3 you just further briefly describe that project?

4 **THE WITNESS (Sazanowicz):** Yes, this is a conceptual
5 level study for replacement of some underground
6 115 kV transmission facilities that we have in the
7 city of New Haven.

8 **MR. COPPOLA:** Is that a current analysis that's in
9 process?

10 **THE WITNESS (Sazanowicz):** It's internally, yes.

11 **MR. COPPOLA:** And do you -- is there an estimate for
12 the cost, for example, cost per mile for the
13 undergrounding, for the reconstruction of the
14 underground lines for that part, as part of that
15 analysis?

16 **THE WITNESS (Sazanowicz):** We have not gotten that far
17 in the -- in the study analysis.

18 **MR. COPPOLA:** Is there any information in that study
19 analysis regarding costs associated with the
20 underground construction of the transmission
21 lines?

22 **THE WITNESS (Sazanowicz):** No, we have not gotten that
23 far in the analysis.

24 **MR. COPPOLA:** With regard to your prior experience,
25 what is your prior experience with regard to

1 estimating costs for underground construction?

2 **MR. McDERMOTT:** Mr. Morissette, I think Attorney
3 Coppola -- even though I, you know, said
4 Ms. Sazanowicz is not an expert, he's trying to
5 question her capabilities, and almost question
6 whether she's capable as an expert in this field,
7 in which again, she's not been presented as an
8 expert.

9 And I'm not sure that we're helping the
10 Council with some information that will lead to
11 the Council's consideration of this application
12 and these questions.

13 **THE HEARING OFFICER:** Thank you, Attorney McDermott.

14 I'm not finding it helpful at all. We've
15 gone over the same question three times. Attorney
16 Coppola, it's getting late.

17 Let's move on, please?

18 **MR. COPPOLA:** Mr. Chairman, I have no further questions
19 at this time.

20 **THE HEARING OFFICER:** Thank you, Attorney Coppola.

21 Attorney McDermott, do you have a response to
22 Attorney Coppola's question concerning the
23 Pequonnock undergrounding estimate?

24 **MR. McDERMOTT:** We do. We were able to reach the
25 project manager, Rich Pinto, who's in charge of

1 the Pequonnock project. And Mr. Crosbie can
2 provide the information that was requested.

3 THE HEARING OFFICER: Thank you.

4 THE WITNESS (Crosbie): Good evening, Chairman
5 Morissette. So the estimate for approximately 500
6 feet of XLPE Cable is around \$5 million. That
7 includes around 2.6 for materials, 1.2 for civil
8 construction, some overheaded indirect costs that
9 are around 30 percent of those numbers.

10 We have -- we are using the existing splice
11 chamber. So there is no splice chamber associated
12 with this underground line -- that's being new
13 construction, excuse me.

14 THE HEARING OFFICER: Thank you, Mr. Crosbie, for that
15 response. And thank you for UI obtaining that
16 information in short order. I certainly do
17 appreciate it.

18 With that, I will ask Attorney Russo if he's
19 prepared to cross-examine. We've got a little bit
20 of time left. If he'd like to get started this
21 evening, we probably can give him a half an hour.
22 If not, we'll close it down and continue cross
23 examining at a future date. Attorney Russo.?

24 MR. RUSSO: Chairman, if we could do it at a later
25 date, it would be greatly appreciated. And

1 because I know there's also a question, too -- I
2 think we've worked it out with Ms. Bachman, but
3 the representation of the new intervener, who I
4 actually haven't even met and talked with yet, I
5 kind of feel uncomfortable representing them.

6 I could in the future if I have a
7 conversation with them, but at this time I haven't
8 even had a conversation with that new intervener.

9 THE HEARING OFFICER: Okay. Very good. Given that and
10 given the hour, we're willing to --

11 MR. HOFFMAN: Mr. Morissette, if I may?

12 THE HEARING OFFICER: Yes? Attorney Hoffman, yes.

13 MR. HOFFMAN: I could complete my cross-examination in
14 less than five minutes, and I guarantee you, you
15 can cut me off if I can't.

16 THE HEARING OFFICER: Thank you, Attorney Hoffman.

17 Okay. Well, let's do that. We are going to
18 continue with cross-examination with Mr. Hoffman.

19 MR. RUSSO: Chairman, can I just -- sorry, Chairman.

20 THE HEARING OFFICER: Yes.

21 MR. RUSSO: Sorry to interrupt. I just want to make
22 sure. So I would be able to cross-examine at the
23 next, the next hearing?

24 THE HEARING OFFICER: Yes, you will be the first up at
25 the next hearing.

1 MR. RUSSO: Thank you. Thank you, Chairman.

2 Appreciate it.

3 THE HEARING OFFICER: Thank you. And thank you,
4 Attorney Hoffman, for jumping in. And let's see
5 if we can get this done here.

6 MR. HOFFMAN: Certainly. For the record, Lee Hoffman
7 for Superior Plating, one of the interveners. I'm
8 not quite certain who to direct my question to,
9 but since I represent Superior Plating, I'm
10 wondering if any of the UI Witnesses are familiar
11 with the environmental remediation conditions
12 present at the Superior Plating site, specifically
13 the pump and treat groundwater system?

14 THE WITNESS (Sazanowicz): Yes.

15 MR. HOFFMAN: Are you familiar with the fact that the
16 groundwater exists at approximately ten, ten feet
17 at the Superior Plating site?

18 THE WITNESS (Sazanowicz): Yes.

19 MR. HOFFMAN: And your proposed pole where we go on the
20 Superior Plating site now, would that be greater
21 than or less than the ten feet to groundwater?

22 THE WITNESS (Sazanowicz): The foundation would be --

23 THE WITNESS (Parkhurst): This is Matthew Parkhurst.

24 The foundation would be greater than ten feet, or
25 greater. So into the ground.

1 MR. HOFFMAN: Thank you. And if the Siting Council
2 were to find that there would be no adverse
3 environmental effect to the groundwater system, if
4 the pole were moved approximately 250 feet to the
5 west of its current location for the Superior
6 Plating site, would United Illuminating be willing
7 to do that?

8 THE WITNESS (Parkhurst): Yes.

9 MR. McDERMOTT: No --

10 MR. HOFFMAN: I'm sorry. Who said yes?

11 THE WITNESS (Crosbie): Attorney Hoffman, this is Shawn
12 Crosbie with UI. I'll answer your question. Yes.

13 MR. HOFFMAN: Thank you.

14 Mr. Chairman, let the record reflect that I
15 did that in two minutes, not five.

16 I have no further questions.

17 THE HEARING OFFICER: Thank you. Attorney Hoffman.

18 Okay. All right. The Council announces that
19 it will continue the evidentiary hearing session
20 of this public hearing on Tuesday, November 28,
21 2023 at 2 p.m. Via Zoom remote conferencing.

22 A copy of the agenda for the continued
23 evidentiary session will be available on the
24 Council's docket 516 webpage, along with a record
25 of this matter, the public hearing notice,

1 instructions for public access to this remote
2 evidentiary hearing session, and the citizens
3 guide to Siting Council's procedures.

4 Please note that anyone who hasn't become a
5 party or an intervenor, but who desires to make
6 his or her views known to the Council may file
7 written statements to the Council until the record
8 closes. A copy of the transcript of this hearing
9 will be filed with the Bridgeport City Clerk's
10 Office and the Fairfield Town Clerk's Office for
11 the convenience of the public.

12 I hereby declare this hearing adjourned and
13 thank you everyone for participating this
14 afternoon. Thank you and have a good evening.

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16 (End: 5:27 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 150 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting of The Connecticut Siting Council in Re: DOCKET NO. 516, THE UNITED ILLUMINATING COMPANY APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE FAIRFIELD TO CONGRESS RAILROAD TRANSMISSION LINE 115-KV REBUILD PROJECT, which was held before JOHN MORISSETTE, Member and Presiding Officer, on November 16, 2023 (via teleconference).



Robert G. Dixon, CVR-M 857
Notary Public
My Commission Expires: 6/30/2025

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