

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 516

The United Illuminating Company (UI) Application for a Certificate of Environmental Compatibility and Public Need for the Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project that Consists of the Relocation and Rebuild of its Existing 115-Kilovolt (kV) Electric Transmission Lines from the Railroad Catenary Structures to New Steel Monopole Structures and Related Modifications Along Approximately 7.3 miles of the Connecticut Department of Transportation's Metro-North Railroad Corridor Between Structure B648S Located East of Sasco Creek in Fairfield and UI's Congress Street Substation in Bridgeport, and the Rebuild of Two Existing 115-kV Transmission Lines Along 0.23 mile of Existing UI Right-Of-Way to Facilitate Interconnection of the Rebuilt 115-kV Electric Transmission Lines at UI's Existing Ash Creek, Resco, Pequonnock and Congress Street Substations Traversing the Municipalities of Bridgeport and Fairfield, Connecticut

Zoom Remote Council Meeting (Teleconference),
on Tuesday, August 29, 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 SILVESTRI**

12 **ROBERT HANNON**

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)**

2 **For APPLICANT (UI)**

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13 **30 Main Street, Suite 204**

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

2 **For INTERVENOR (2190 Post Road, et at):**

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10 **For INTERVENOR (Fairfield Station Lofts):**

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18 **For INTERVENOR (Sasco Street Trust):**

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

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1 (Begin: 2 p.m.)

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3 THE HEARING OFFICER: Good afternoon, ladies and
4 gentlemen. Can everyone hear me okay?

5 Very good. Thank you very much. We'll now
6 proceed.

7 This continued remote evidentiary hearing
8 session is called to order this Tuesday, August
9 29, 2023, at 2 p.m. My name is John Morissette,
10 Member and Presiding Officer of the Connecticut
11 Siting Council.

12 If you haven't done so already, I ask that
13 everyone please mute their computer audio and
14 telephones now.

15 A copy of the prepared agenda is available on
16 the Council's Docket Number 516 webpage, along
17 with the record of this matter, the public hearing
18 notice, instructions for public access to this
19 remote public hearing, and the Council's Citizens
20 Guide to Siting Council Procedures.

21 Other members of the Council are
22 Mr. Silvestri, Mr. Nguyen, Mr. Golembiewski, and
23 Mr. Hannon.

24 Members of the staff are Executive Director
25 Melanie Bachman, Siting Analyst Michael Perrone,

1 and Fiscal Administrative Officer Lisa Fontaine.

2 This evidentiary session is a continuation of
3 the public hearing held on July 25, 2023. It is
4 held pursuant to the provisions of Title 16 of the
5 Connecticut General Statutes and of the Uniform
6 Administrative Procedure Act, from the United
7 Illuminating Company for a certificate of
8 environmental compatibility and public need for
9 the Fairfield to Congress Railroad transmission
10 line 115 kV rebuild project that consists of the
11 relocation and rebuild of the existing 115
12 kilovolt electric transmission line from the
13 railroad catenary structures to new steel monopole
14 structures, and related modification along
15 approximately 7.3 miles of the Connecticut
16 Department of Transportation Metro North Railroad
17 corridor between structures B648S, located east of
18 Sasco Creek in Fairfield, and UI's Congress Street
19 Substation in Bridgeport; and the rebuild of two
20 existing 115 transmission lines along .23 miles of
21 existing UI right-of-way to facilitate
22 interconnection of the rebuilt 115 electric
23 transmission line at UI's existing Ash Creek,
24 Resco, Pequonnock, and Congress Street
25 Substations, transversing the municipalities of

1 Bridgeport and Fairfield, Connecticut.

2 A verbatim transcript will be made available
3 of this hearing and deposited in the City Clerk's
4 office of Bridgeport and the Town Clerk's office
5 of Fairfield for the convenience of the public.

6 We will take a 10 to 15-minute break at a
7 convenient juncture around 3:30 p.m.

8 We have four motions on the agenda this
9 afternoon, the first of which is on August 23,
10 2023, Sasco Creek Neighborhood Environmental Trust
11 Incorporated, Stephen Oyzck, Andrea Ozyck, Karin
12 Mahfouz, William Danylko, and David Parker
13 submitted a request for intervenor and CEPA
14 Intervenor status.

15 On August 28, 2023, UI filed an objection.

16 Attorney Bachman may wish to comment.

17 Attorney Bachman?

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

19 Beside the objection and the timing, staff
20 does recommend approval of the request.

21 Thank you.

22 THE HEARING OFFICER: Thank you, Attorney Bachman.

23 Is there a motion?

24 MR. SILVESTRI: Mr. Morissette, I'll move approval.

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

1 Is there a second?

2 MR. NGUYEN: Quat Nguyen, second.

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

4 We have a motion by Mr. Silvestri to approve
5 the request for intervener and CEPA intervener
6 status, and we have a second by Mr. Nguyen.

7 We'll now move to discussion.

8 Mr. Silvestri, any discussion?

9 MR. SILVESTRI: No discussion.

10 Thank you, Mr. Morissette.

11 THE HEARING OFFICER: Thank you.

12 Mr. Nguyen, any discussion?

13 MR. NGUYEN: I have no discussion. Thank you.

14 THE HEARING OFFICER: Thank you.

15 Mr. Golembiewski, any discussion?

16 MR. GOLEMBIEWSKI: No discussion. Thank you.

17 THE HEARING OFFICER: Mr. Hannon, any discussion?

18 MR. HANNON: No discussion. Thank you.

19 THE HEARING OFFICER: Thank you. And I have no
20 discussion. We'll now move to the vote.

21 Mr. Silvestri, how do you vote?

22 MR. SILVESTRI: Vote to approve. Thank you.

23 THE HEARING OFFICER: Thank you.

24 Mr. Nguyen, how do you vote?

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

1 THE HEARING OFFICER: Thank you.

2 Mr. Golembiewski, how do you vote?

3 MR. GOLEMBIEWSKI: Vote to approve.

4 THE HEARING OFFICER: Thank you.

5 Mr. Hannon, how do you vote?

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

7 THE HEARING OFFICER: Thank you. And I vote to
8 approve. We have a unanimous decision. The
9 motion passes. The request for intervenor and
10 CEPA intervenor status is approved.

11 Moving on to motion number two. On August
12 24, 2023, the following entities requested
13 interveners and CEPA intervenor status, and an
14 additional evidentiary hearing. Those parties are
15 2190 Post Road, LLC; Invest II International
16 Investors; Pequot Realty, LLC; 916 Post Road
17 Associates, LLC; SF Station Street, LLC; Maura
18 Garych; Metro Holding Company, LLC; SG Pequot 200,
19 LLC; 516 Paci Restaurant; 461 Broad Street, LLC;
20 and Bridgeport 11823, LLC.

21 On August 28, 2023, UI filed an objection.

22 Attorney Bachman may wish to comment.

23 Attorney Bachman?

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

25 Again, beside the timing, staff recommends

1 that we grant the request for intervener and CEPA
2 intervener status, and group the LLCs together
3 under General Statutes Section 16-50n, subsection
4 c, on the basis that they have similar interests
5 and they are all represented by Attorney
6 Christopher Russo.

7 And we also recommend granting the request
8 for the additional evidentiary hearing.

9 Thank you.

10 THE HEARING OFFICER: Thank you, Attorney Bachman.

11 Is there a motion?

12 MR. SILVESTRI: Mr. Morissette, I'll move to approve
13 the requests for the grouped parties, if you will,
14 as well as the additional hearing.

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

16 Is there a second?

17 MR. HANNON: Hannon, second.

18 THE HEARING OFFICER: Thank you, Mr. Hannon. We have a
19 motion by Mr. Silvestri to approve the request to
20 group intervener and CEPA intervener status with
21 an additional evidentiary hearing, and we have a
22 second by Mr. Hannon.

23 We'll now move to discussion.

24 Mr. Silvestri, any discussion?

25 MR. SILVESTRI: No discussion, Mr. Morissette. Just to

1 comment about the timing -- but right now I guess
2 it's moot. Thank you.

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

4 Mr. Nguyen, any discussion?

5 MR. NGUYEN: I have no discussion. Thank you.

6 THE HEARING OFFICER: Thank you.

7 Mr. Golembiewski, any discussion?

8 MR. GOLEMBIEWSKI: I have no discussion.

9 THE HEARING OFFICER: Thank you.

10 Mr. Hannon, any discussion?

11 MR. HANNON: No discussion. Thank you.

12 THE HEARING OFFICER: Thank you. And I have no
13 discussion. We'll now move to the vote.

14 Mr. Silvestri, how do you vote?

15 MR. SILVESTRI: Vote to approve. Thank you.

16 THE HEARING OFFICER: Mr. Nguyen, how do you vote?

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

18 THE HEARING OFFICER: Thank you.

19 Mr. Golembiewski, how do you vote?

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

21 THE HEARING OFFICER: Mr. Hannon, how do you vote?

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

23 THE HEARING OFFICER: Thank you. And I vote to

24 approve. We have a unanimous decision. The

25 grouping of intervener and CEPA intervener status

1 is approved with the addition of an additional
2 hearing, evidentiary hearing. Thank you.

3 Moving on to motion number three.

4 On August 28, 2023, Fairfield Station Lofts,
5 LLC, requested intervener status and CEPA
6 intervener status, and an additional evidentiary
7 hearing.

8 On August 28, 2023, UI filed an objection.

9 Attorney Bachman may wish to comment.

10 Attorney Bachman?

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

12 Again, aside from the timing, staff
13 recommends approval of intervener status and CEPA
14 intervener status, as well as the additional
15 evidentiary hearing. Thank you.

16 THE HEARING OFFICER: Thank you, Attorney Bachman.

17 Is there a motion?

18 MR. HANNON: Hannon, motion to approve the request.

19 THE HEARING OFFICER: And the hearing as well,

20 Mr. Hannon?

21 MR. HANNON: That is correct.

22 THE HEARING OFFICER: Thank you.

23 Is there a second?

24 MR. GOLEMBIEWSKI: I'll second.

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

1 I have a motion by Mr. Hannon to request to
2 approve the intervener status and CEPA intervener
3 status along with the additional evidentiary
4 hearing, and we have a second by Mr. Golembiewski.

5 We'll now move to discussion.

6 Mr. Silvestri, any discussion?

7 MR. SILVESTRI: No discussion.

8 Thank you, Mr. Morissette.

9 THE HEARING OFFICER: Mr. Nguyen, any discussion?

10 MR. NGUYEN: No discussion. Thank you.

11 THE HEARING OFFICER: Thank you.

12 Mr. Golembiewski, any discussion?

13 MR. GOLEMBIEWSKI: No discussion, thank you.

14 THE HEARING OFFICER: Mr. Hannon, any discussion?

15 MR. HANNON: No discussion. Thank you.

16 THE HEARING OFFICER: Thank you. And I have no
17 discussion. We'll now move to the vote.

18 Mr. Silvestri, how do you vote?

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

20 THE HEARING OFFICER: Mr. Nguyen?

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

22 THE HEARING OFFICER: Mr. Golembiewski?

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

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

25 MR. HANNON: I vote to approve. Thank you.

1 THE HEARING OFFICER: Thank you. And I vote to
2 approve. We have a unanimous decision. Fairfield
3 Station Lofts, LLC, is granted intervener status
4 and CEPA intervener status along with an
5 additional hearing, evidentiary hearing.

6 Moving on to motion number four. On August
7 28, 2023, the Town of Fairfield requested party
8 status and an additional evidentiary hearing.

9 Attorney Bachman may wish to comment.

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

11 Consistent with the other recommendations, we
12 recommend that -- staff recommends to grant party
13 status, and the request for the additional
14 hearing. Thank you.

15 THE HEARING OFFICER: Thank you, Attorney Bachman.

16 Is there a motion?

17 MR. GOLEMBIEWSKI: I'll make a motion to approve the
18 intervener status -- or party status and the
19 additional evidentiary hearing.

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

21 Is there a second?

22 MR. NGUYEN: Nguyen, second.

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

24 We have a motion by Mr. Golembiewski to grant
25 the Town of Fairfield party status and to approve

1 the additional evidentiary hearing, and we have a
2 second by Mr. Nguyen.

3 We'll now move to discussion.

4 Mr. Silvestri, any discussion?

5 MR. SILVESTRI: No discussion.

6 Thank you, Mr. Morissette.

7 THE HEARING OFFICER: Mr. Nguyen, any discussion?

8 MR. NGUYEN: No discussion. Thank you.

9 THE HEARING OFFICER: Mr. Golembiewski, any discussion?

10 MR. GOLEMBIEWSKI: No, no discussion. Thank you.

11 THE HEARING OFFICER: Mr. Hannon, any discussion?

12 MR. HANNON: No discussion. Thank you.

13 THE HEARING OFFICER: Thank you. And I have no
14 discussion. We'll now move to the vote.

15 Mr. Silvestri, how do you vote?

16 MR. SILVESTRI: Vote to approve. Thank you.

17 THE HEARING OFFICER: Mr. Nguyen, how do you vote?

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

19 THE HEARING OFFICER: Mr. Golembiewski, how do you
20 vote?

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

22 THE HEARING OFFICER: Mr. Hannon, how do you vote?

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

24 THE HEARING OFFICER: Thank you.

25 And I vote to approve. The Town of Fairfield

1 is granted party status and an additional
2 evidentiary hearing. Thank you, everyone. We'll
3 now continue with the appearance of the Applicant.

4 In accordance with the Council's July 27,
5 2023, continued evidentiary hearing memo, we will
6 continue with the appearance of the Applicant, the
7 United Illuminating Company, to swear in their new
8 witnesses, David Leslie and Matthew Scully, and
9 verify the new exhibits marked as Roman numeral
10 two, items B11 and '13 on the hearing program.

11 S H A W N C R O S B I E,
12 C O R R E N E A U E R,
13 M A T T H E W P A R K H U R S T,
14 B R I A N G A U D E T,
15 T O D D B E R M A N,
16 Z A C H L O G A N,
17 M e e N A S A Z A N O W I C Z,

18 recalled as witnesses, having been previously
19 sworn, were examined and testified under oath
20 as follows:

21
22 THE HEARING OFFICER: Attorney Bachman, can you please
23 begin by swearing in Mr. Leslie and Mr. Scully?
24
25

1 D A V I D L E S L I E,

2 M A T T H E W S C U L L Y,

3 called as witnesses, being first duly sworn
4 by ATTORNEY BACHMAN, were examined and
5 testified under oath as follows:

6
7 THE HEARING OFFICER: Thank you, Attorney Bachman.

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 witness?

12 Attorney McDermott, thank you.

13 MR. McDERMOTT: Mr. Morissette, good afternoon.

14 Mr. Leslie, Applicant's Exhibit Number 11 is
15 your resume, which was received by the Council on
16 August 11, 2023.

17 Are you familiar with that document?

18 THE WITNESS (Leslie): I am.

19 MR. McDERMOTT: And do you have any changes or
20 revisions to that document?

21 THE WITNESS (Leslie): I do not.

22 MR. McDERMOTT: And do you adopt that as Applicant's
23 Exhibit 11 in this proceeding?

24 THE WITNESS (Leslie): I do.

25 MR. McDERMOTT: Thank you.

1 And Mr. Crosbie, as the senior member of the
2 panel, are you familiar with the company's
3 responses to the Council's Interrogatory Set 3
4 dated August 22, 2023, which is Applicant's
5 Exhibit Number 12?

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

7 MR. McDERMOTT: And do you have any changes or
8 revisions to those interrogatory responses?

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

10 MR. McDERMOTT: And do you adopt those as a full
11 exhibit in this proceeding?

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

13 MR. McDERMOTT: And are you familiar with Applicant's
14 late-filed exhibits that are dated August 22,
15 2023, Applicant's Exhibit Number 13?

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

17 MR. McDERMOTT: And do you have any changes or
18 revisions to those late files?

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

20 MR. McDERMOTT: And do you adopt them as an exhibit in
21 this proceeding?

22 THE WITNESS (Leslie): Yes, I do.

23 MR. McDERMOTT: Thank you. Mr. Morissette, I'd ask
24 that Exhibits 11, 12, and 13 be admitted as full
25 exhibits in this proceeding?

1 THE HEARING OFFICER: Thank you, Attorney McDermott.

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

4 Attorney Casagrande, or Attorney Mortelliti?

5 MR. CASAGRANDE: No, your Honor, we do not object.

6 THE HEARING OFFICER: Thank you, Attorney Casagrande.

7 Attorney Burdo?

8 MR. BURDO: No.

9 THE HEARING OFFICER: Very good.

10 Attorney Russo?

11 MR. RUSSO: No.

12 THE HEARING OFFICER: Thank you.

13 Attorney Schaefer?

14 MR. SCHAEFER: No, thank you.

15 THE HEARING OFFICER: Thank you.

16 Attorney Herbst?

17 MR. HERBST: No objection.

18 THE HEARING OFFICER: Thank you.

19 The exhibits are hereby admitted.

20 We will begin with cross-examination of the
21 Applicant by BJ's Wholesale Club, Inc. Attorney
22 Casagrande, are you going to take the honors?

23 MR. CASAGRANDE: Yes, Mr. Morissette. Thank you.

24 THE HEARING OFFICER: Very good. Thank you.

25 Please continue.

1 MR. CASAGRANDE: Good afternoon, everyone. I wanted to
2 drill down first on the total project cost. And
3 I'm referring to UI's response to the Council's
4 Interrogatory 11, which is UI's Exhibit 3 in this
5 hearing.

6 And in that response, the witness panel
7 indicated that -- and I believe it was
8 Mr. Ragozzine and Mr. Crosbie -- that the total
9 project costs would be \$255 million, and that's
10 also referred to on page 2-17 of the application.

11 The Witnesses indicated at that time that the
12 cost could be up to 50 percent higher, or 25
13 percent lower. Have you drilled down on whether
14 that range can be narrowed as of this date, of
15 total project cost?

16 THE WITNESS (Crosbie): Good afternoon.

17 This is Shawn Crosbie with UI.

18 Currently, the project total cost that we
19 indicated, two-fifty-five -- 255 million, sits at
20 that amount. As we progress and our engineering
21 design headed towards IFC drawings, or issue for
22 construction, finalizing that based on any
23 potential adjustments to the design related to the
24 Siting Council conditions, we would refine those
25 costs as necessary.

1 MR. CASAGRANDE: Thank you. Thank you, Mr. Crosbie.

2 I'd like to talk a little bit about the
3 effect on the project on existing land uses. And
4 I'm referring, Mr. Morissette, to Exhibit 3, UI
5 Exhibit 3, which is UI's response to Council
6 Interrogatory 48.

7 And in that exhibit, I believe it was
8 Ms. Auer -- if I have the name right -- said that
9 the project is fully consistent with FERC
10 guidelines which advocate the prioritization of
11 the use of existing rights of way by different
12 kinds of utilities in order to avoid or minimize
13 impacts to existing land uses and environmental
14 resources.

15 So my question is, FERC advocates staying
16 within the existing right-of-way whenever possible
17 to avoid impacts to existing land uses. Correct?

18 THE WITNESS (Auer): Thank you. This is Correne Auer.

19 Correct.

20 MR. CASAGRANDE: And that's not just effect on
21 environmental resources, but any existing land
22 uses. Correct?

23 THE WITNESS (Auer): I believe so, yes.

24 It's to stay within the utility corridor.

25 MR. CASAGRANDE: Okay. And you --

1 THE WITNESS (Auer): (Unintelligible) --

2 MR. CASAGRANDE: I'm sorry. Did you finish?

3 I didn't mean to interrupt.

4 THE WITNESS (Auer): Just as much as you can, yeah, as
5 much as possible.

6 MR. CASAGRANDE: Thank you. And UI tried to comply
7 with that objective, did it not, in preparing this
8 application?

9 THE WITNESS (Auer): Yes.

10 MR. CASAGRANDE: All right. And in fact, I'll just
11 refer the Council to the application pages ES-10,
12 which refers -- says that UI considered options to
13 avoid or minimize impacts to existing land uses.

14 That's a fair summary of your position,
15 Ms. Auer?

16 THE WITNESS (Auer): Yes, with -- I would say with a
17 focus on avoidance of the environmental resources.

18 MR. CASAGRANDE: Okay. But again, the FERC guidelines
19 is not limited to just avoiding environmental
20 impacts. It's avoiding or minimizing impacts on
21 any existing land uses. Correct?

22 THE WITNESS (Auer): Correct.

23 MR. CASAGRANDE: All right. So for instance, I'd like
24 to invite the panel's attention to the July 25th
25 hearing, and I'm referring to pages 73 to 74 of

1 that hearing. And on those pages, Mr. Silvestri
2 asked a few questions about the location of Pole
3 745N, which again, for the record is depicted on
4 sheet 21 of 29 in volume 2 of the application.

5 Do you have that sheet 21 in front of you?

6 MR. McDERMOTT: Attorney Casagrande, can you give us
7 the page number again just so we're all --

8 MR. CASAGRANDE: The page number of the hearing?

9 MR. McDERMOTT: No, the page -- the map number.

10 MR. CASAGRANDE: Oh, sure. It's page 21 of 29.

11 MR. McDERMOTT: Thank you.

12 MR. CASAGRANDE: And so Mr. Silvestri asked the panel
13 to address that, that location. And he asked the
14 panel, why couldn't you just stay on the south
15 side of the tracks instead of crossing the tracks
16 to put it on the north side?

17 And Mr. Parkhurst, is he here today -- by the
18 way, Mr. Parkhurst?

19 MR. McDERMOTT: He is, yes.

20 MR. CASAGRANDE: Okay, thank you. At pages 74 to 75 of
21 the hearing transcript, Mr. Parkhurst said this.

22 He said, starting at Pole 738, which is on
23 sheet 20 of 29, that was on the north side of the
24 tracks, as that is a currently vacant lot. Do you
25 remember that testimony, Mr. Parkhurst?

1 THE WITNESS (Parkhurst): Yes, I do.

2 MR. CASAGRANDE: And then you said as you get closer to
3 Howard Avenue, you get to a multi-story -- I
4 believe it was an apartment building, and that was
5 one of the items we tried to stay away from.

6 Remember that?

7 THE WITNESS (Parkhurst): Yes, I do.

8 MR. CASAGRANDE: And you also said we looked at the
9 built environment a lot, and that's why within
10 this congested area we do go from the north side
11 to the south side and then back. Correct?

12 THE WITNESS (Parkhurst): In that area, yes.

13 That's correct.

14 MR. CASAGRANDE: And then just directing your attention
15 to page 105 of the hearing transcript,
16 Mr. Parkhurst, you went on to say this.

17 You said, we tried to stay away from the
18 higher congested residential areas in Bridgeport
19 and north of the corridor, and east of 740 between
20 Pole 745 and Pole 752. That is why we cross south
21 with both circuits, as that area is residential in
22 nature and quite -- I would classify it as urban
23 in nature up in Bridgeport.

24 Between 737 and 745, the land, there was more
25 available land on the north side of the railroad

1 corridor. In addition, that there was a
2 multi-story building that we wanted to avoid on
3 the south side of the corridor just west of Pole
4 745 and -- 745S and existing UI pole RT5.

5 Do you remember that testimony,
6 Mr. Parkhurst?

7 THE WITNESS (Parkhurst): Yes, I do.

8 MR. CASAGRANDE: All right. So at least in that
9 instance UI decided to cross the tracks from south
10 to north and then back in order to minimize the
11 effect on existing uses in that corridor.

12 Correct?

13 THE WITNESS (Parkhurst): In that area, yes.

14 MR. CASAGRANDE: And I'd like now to direct the panel's
15 attention to UI Exhibit 8, Hearing Exhibit 8,
16 which is UI's answer to BJ's Interrogatories 1 and
17 2. That's the July 18, 2023 filing.

18 You have said already -- the panel has
19 already said you considered options to avoid
20 impacting existing uses. Correct?

21 THE WITNESS (Parkhurst): Correct.

22 MR. CASAGRANDE: All right. Now in that interrogatory
23 exhibit, or in those responses you were responding
24 to questions about Feroletto Steel, the property
25 immediately to the east of the BJ's property on

1 the south side of the tracks. And that is
2 shown -- if I could direct your attention to sheet
3 17 of 29, which is in attachment V2.4 of the
4 application, just to orient you with what we're
5 looking at?

6 In your response to those interrogatories by
7 BJ's you said, UI has not approached Feroletto to
8 discuss the placement of the transmission poles on
9 that property or the existing -- or how it will
10 affect the existing impacts on that property, nor
11 have you approached any other property owner.

12 Correct?

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

14 MR. CASAGRANDE: And you also said -- and this is on
15 page 23 of the hearing transcript, Mr. Parkhurst,
16 you stated that UI has considered no other
17 alternative design configurations between
18 structures 721 south and 725 south. Correct?

19 THE WITNESS (Parkhurst): At that time? No.

20 MR. CASAGRANDE: You mean, at the time you filed the
21 application?

22 MR. McDERMOTT: I believe you referenced a transcript
23 cite, Attorney Casagrande?

24 MR. CASAGRANDE: Yes.

25 MR. McDERMOTT: I believe he was saying at the time of

1 the transcript that was the -- you were accurate.

2 MR. CASAGRANDE: Okay. Thank you, Attorney McDermott.

3 So as of that hearing date, July 25th, you
4 had not even considered the alternative of moving
5 Pole 724S from the BJ's property onto the Ferroletto
6 property to the east. Correct? As of that date?

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

8 MR. CASAGRANDE: What is your understanding of the
9 nature of the business of Ferroletto Steel?

10 I'm not sure who on the panel would want to
11 respond to that, but a general question, what is
12 the panel's understanding of the nature of
13 Ferroletto Steel's business on that property?

14 THE WITNESS (Crosbie): This is Shawn Crosbie with UI.

15 They're a commercial steel operations that
16 conducts business at that address.

17 MR. CASAGRANDE: All right. And I also want to refer
18 to UI's answers to BWC's Interrogatory Number 2,
19 which is the July 18th submission. And in that
20 answer, Mr. Parkhurst said -- you said the entire
21 Ferroletto lot is paved, and thus in an effort to
22 not encumber the paved area it is placing Pole
23 725S north of the paved area. Correct?

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

25 MR. CASAGRANDE: And you said that this would result in

1 this Pole 725S having to support the Metro North
2 signal wires at that location. Correct?

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

4 **MR. CASAGRANDE:** So it is feasible to have your
5 monopoles support Metro North signal wires in at
6 least some locations? A fair statement?

7 **THE WITNESS (Parkhurst):** That's fair.

8 **MR. CASAGRANDE:** Now, have you determined whether the
9 paved area that you referred to in your answer on
10 the Feroletto property is necessary for the
11 operation of its business in any way?

12 **THE WITNESS (Crosbie):** No -- Attorney Casagrande, this
13 is Shawn Crosbie. Could you just repeat that
14 question one more time for me?

15 **MR. CASAGRANDE:** Sure. Have you determined whether the
16 paved area on the Feroletto property is necessary
17 for the operation of its business on that
18 property?

19 **THE WITNESS (Crosbie):** One more time -- so I can
20 understand it, a third time?

21 **MR. CASAGRANDE:** Have you determined or at least looked
22 into whether the paved area on the Feroletto
23 property is necessary for the operation of its
24 business?

25 **THE WITNESS (Crosbie):** We've had no discussion with

1 Feroletto Steel to determine if they need to have
2 that asphalt area for their business relative to
3 the design of our construction project.

4 MR. CASAGRANDE: Are you all done, Mr. Crosbie? Sorry.

5 THE WITNESS (Crosbie): Yes, I'm -- yes, I'm finished.

6 Thank you.

7 MR. CASAGRANDE: Okay. Thank you. And then the same
8 answer to BJ's Interrogatory 2 in the July 18th
9 response, you said when locating Pole 724S, which
10 is the pole at the northeast corner of BJ's
11 property, you said UI is utilizing an undeveloped
12 piece of land adjacent to the railroad corridor.

13 Correct?

14 THE WITNESS (Parkhurst): Correct.

15 MR. CASAGRANDE: And when you said the undeveloped
16 piece of land, you're referring to BJ's Wholesale
17 property?

18 THE WITNESS (Parkhurst): I'm referring to the grassy
19 outcrop on BJ's Wholesale property. Correct.

20 MR. CASAGRANDE: Well, that -- that and any other
21 portion of BJ's property. Were you just focusing
22 on the grassy portion to the north?

23 THE WITNESS (Parkhurst): Yes.

24 MR. CASAGRANDE: Okay.

25 And that is BJ's Wholesale property?

1 THE WITNESS (Parkhurst): Correct.

2 MR. CASAGRANDE: Now what's the basis for your
3 assertion that this property is undeveloped?

4 THE WITNESS (Parkhurst): During numerous site walks,
5 we -- we noticed that it is unpaved, unused.
6 There's barriers on all the sides, including a
7 fence separating the steel company property and
8 this grassy outcrop.

9 And there's also bollards separating the
10 driveway on BJ -- on the BJ's wholesale property,
11 and this grassy area that appears to have
12 previously been home to a railroad spur.

13 MR. CASAGRANDE: So when you were focusing on the word
14 "undeveloped," you meant the grassy area.

15 Correct?

16 THE WITNESS (Parkhurst): Correct.

17 MR. CASAGRANDE: All right. Now the right-of-way which
18 UI seeks goes farther south from the grassy area
19 into BJ's loading dock operations.

20 Does it not?

21 THE WITNESS (Parkhurst): I believe the grassy area
22 is -- is north of the bollards. So the bollards
23 would be inhibiting vehicle traversing.

24 MR. CASAGRANDE: Yeah, but that's not my question. My
25 question is the right-of-way easement that you're

1 seeking goes south of the bollards, and several
2 feet into BJ's Wholesale loading dock area.

3 Correct?

4 THE WITNESS (Parkhurst): The easement, yes.

5 MR. CASAGRANDE: Okay. Now have you seen -- and
6 Mr. Morissette, I'll be guided by your judgment on
7 this.

8 But I just want to ask the panel if they had
9 seen Mr. Natriba's pre-filed testimony that we
10 filed on August 22nd. I'm not asking you to
11 comment on it. I'm just -- have you seen it?

12 THE HEARING OFFICER: You are asking the panel to
13 confirm that they've seen it?

14 MR. CASAGRANDE: No, I'm asking the Witnesses to
15 confirm that they've seen it.

16 THE HEARING OFFICER: Okay. Very good.

17 THE WITNESS (Parkhurst): May I have the question asked
18 again?

19 MR. CASAGRANDE: Have you seen Mr. Natriba's prefiled
20 testimony that we filed last week on August 22nd?

21 MR. McDERMOTT: Attorney Casagrande, you know, I don't
22 know if you want each of the members of the panel
23 to say they've seen it or not -- or the company
24 has seen it and received it? Yes.

25 MR. CASAGRANDE: I just -- well, I was wondering

1 particularly whether Mr. Parkhurst had seen it,
2 because he is the engineer on the project.

3 **THE WITNESS (Parkhurst):** Yes, I have.

4 **MR. McDERMOTT:** And to be clear, Mr. Parkhurst is one
5 of several engineers on the project.

6 Ms. Sazanowicz is also an engineer on the project,
7 and she's part of the panel as well.

8 **MR. CASAGRANDE:** Okay. Thank you for that.

9 So after reviewing Mr. Natriba's testimony,
10 are you willing to modify or amend the assertion
11 that the property south of the bollards is
12 undeveloped?

13 **THE WITNESS (Parkhurst):** South of the bollards?

14 No, that -- that's not undeveloped.

15 **MR. CASAGRANDE:** Do you have any reason to disagree
16 with Mr. Natriba's testimony about the impact that
17 locating this easement on BJ's property will have
18 on its business operations at that location?

19 **MR. McDERMOTT:** I'm going to object to the question
20 given the fact that none of mister -- that
21 testimony Attorney Casagrande is referring to is
22 not in evidence and hasn't been subject to
23 cross-examination at this point.

24 So it's not appropriate to rely on it at this
25 point.

1 THE HEARING OFFICER: Any comment, Mr. Casagrande?

2 Go ahead.

3 MR. CASAGRANDE: Yeah. I mean, it is -- it's an
4 exhibit. I'm asking the Witness not to comment on
5 the substance of the exhibit. The exhibit will be
6 introduced through Mr. Natriba in a little while.

7 And all I'm asking them is, based on review
8 of that exhibit, do they still stand by their
9 position that the easement on BJ's property will
10 not have an impact on its business operations?

11 MR. McDERMOTT: Well, that's just the point,
12 Mr. Morissette. We don't know at this point what
13 the testimony is about BJ's operations. So it's
14 not possible for this panel to opine about whether
15 they agree with something that's not in the record
16 at this point.

17 THE HEARING OFFICER: Very good. Thank you,
18 Mr. McDermott. Do any of the other attorneys have
19 an opinion on this? Attorney Burdo?

20 MR. BURDO: Not at this time.

21 THE HEARING OFFICER: Attorney Russo?

22 MR. RUSSO: Not at this time.

23 THE HEARING OFFICER: Attorney Schaefer?

24 MR. SCHAEFER: Not at this time. Thank you.

25 THE HEARING OFFICER: Thank you. And Attorney Herbst?

1 (No response.)

2
3 THE HEARING OFFICER: Attorney Bachman, do you have an
4 opinion on this?

5 MS. BACHMAN: Thank you, Mr. Morissette. I don't have
6 an opinion on it. I was just going to see if I
7 could ask Attorney Casagrande if perhaps he can
8 ask his question in more general terms, rather
9 than refer specifically to something that is not
10 at present in the record.

11 THE HEARING OFFICER: Thank you, Attorney Bachman.
12 Attorney Casagrande?

13 MR. CASAGRANDE: Yes. Thank you, Attorney Bachman.

14 Let me try it this way. Do you have any
15 reason to believe, as you sit here today, that the
16 easement going south onto BJ's property into its
17 loading dock operations will not interfere with
18 its business on that location?

19 THE WITNESS (Crosbie): This is Shawn Crosbie with UI.
20 So the easement that you're requesting, Attorney
21 Casagrande, is that the easement that you believe
22 UI is requesting for the activity of constructing
23 the pole on -- in that area?

24 MR. CASAGRANDE: Well, I guess I'm asking both. I
25 mean, there's going to be activity in constructing

1 the pole, which I assume would involve use of the
2 loading dock and also post construction.

3 THE WITNESS (Crosbie): We would not have the use of
4 your loading dock, and we would work to work with
5 BJ's as the property occupant for our construction
6 activities to minimize, if any, impacts to your
7 operation.

8 MR. CASAGRANDE: All right. Let's move on to a little
9 bit -- a few more questions on Ferroletto's
10 application. I'd like to show you, the panel,
11 appendix C to the application. And I'm
12 specifically referring to sheet 22 of 39.

13 And I know this is an environmental
14 simulation, but I think it gives the panel a
15 pretty good idea of Ferroletto's operations to the
16 east of the BJ's building, and in the far right of
17 that, of that photo.

18 Just to be clear, does that photo fairly
19 depict the BJ's property and the Ferroletto property
20 to the east of it?

21 THE WITNESS (Gaudet): This is Brian Gaudet with
22 All-Points. Which photo is that again, Attorney
23 Casagrande?

24 MR. CASAGRANDE: Sheet 22 of 39, which is appendix C to
25 the application.

1 THE WITNESS (Gaudet): Give me one minute to find that
2 and make sure I'm on the right page here.

3 MR. CASAGRANDE: Sure.

4 THE WITNESS (Gaudet): Is it a photo number that you
5 can reference on there?

6 MR. CASAGRANDE: It's hard to read the exhibit. It's
7 really fine print, but it's sheet 22.

8 If you look in the legend, it says, sheet 22
9 of 39, down in the bottom right-hand corner of the
10 legend.

11 MR. McDERMOTT: So appendix C, Attorney Casagrande, is
12 photo simulations?

13 MR. CASAGRANDE: Yes.

14 MR. McDERMOTT: Submitted by All-Points?

15 MR. CASAGRANDE: Yes.

16 MR. McDERMOTT: So can you identify the photo? Each of
17 the photos has a photo number on it.

18 MR. CASAGRANDE: 22 of 39.

19 THE WITNESS (Gaudet): If I'm looking at the
20 (unintelligible) attachment to the CSC page here,
21 sheet 22.

22 Appendix C appears to be, at least what I'm
23 looking at, it's the Dupont Avenue out in front of
24 the library. It seems like that would be the
25 inaccurate location. I'm looking at --

1 MR. CASAGRANDE: (Unintelligible) --

2 THE WITNESS (Gaudet): -- photo twelve, which is
3 labeled, Ash Creek Boulevard, Fairfield.

4 There's a water tank to the right.

5 Is that the photo you're referencing?

6 MR. CASAGRANDE: No. I mean, it's in the record.

7 It's appendix C, sheet 22 of 39.

8 MR. McDERMOTT: Attorney Casagrande, appendix C to the
9 application is entitled, visual assessment report
10 including photo simulations. There is no
11 numbering system on the photos that you're using.

12 So the photos are 1, 2, 3, 4, 5, and they go
13 up to photo 22. We are unable to identify what
14 you're looking at.

15 MR. CASAGRANDE: All right. Well, let me try it this
16 way. The photo is described as Fairfield to
17 Congress 115 kilovolt T-line project; Fairfield
18 County, Connecticut, water resources delineation
19 map.

20 MR. McDERMOTT: Okay. So --

21 MR. CASAGRANDE: Yeah, that's what I was -- I said it
22 was an environmental simulation.

23 But my question is, in looking at that photo
24 does it accurately depict the BJ's property and
25 the Ferroletto property to the east, at least from

1 an aerial point of view?

2 MR. McDERMOTT: So do we have that in front of us?

3 THE WITNESS (Auer): It's in the wetlands report.

4 THE WITNESS (Berman): This is Todd Berman for the
5 Applicant. I'm going to address that.

6 So that, that photograph would represent a
7 Google Earth-based -- based map. We can't really
8 make a representation on what it does or doesn't
9 include.

10 MR. CASAGRANDE: Well, do you disagree that in the
11 right-hand corner you have that very lengthy
12 rectangular building, which is off of Black Rock
13 Turnpike? That is BJ's property. Is it not?

14 THE WITNESS (Berman): I'm not -- I'm just going to
15 cite to the source of the base map. I'll let
16 Correne Auer from my team comment.

17 THE WITNESS (Auer): Thank you. This is Correne Auer.

18 I have the map in front of me, sheet 22 of
19 39. Is there a certain resource map? Or is it
20 just called the background resource map?

21 MR. CASAGRANDE: It's called water resources
22 delineation map.

23 THE WITNESS (Auer): Okay.

24 MR. CASAGRANDE: I'm just asking a simple question.

25 Does this, at least from an aerial point of

1 view, show the location of the BJ's property and
2 the Ferroletto Steel manufacturing plant to the east
3 of the property? That's all I'm asking.

4 THE WITNESS (Auer): (Inaudible.)

5 MR. McDERMOTT: I don't know if you heard that. She
6 said, yes, Attorney Casagrande.

7 MR. CASAGRANDE: She said, yes? Okay. Thank you.

8 Now looking at that photo and looking at the
9 Ferroletto's building to the east of the BJ's
10 property, does that depict any loading areas on
11 the north side of the Ferroletto's Steel plant?

12 THE WITNESS (Auer): I'm not sure what would
13 necessarily classify it as a loading area, and I
14 can't say just from a snapshot aerial view whether
15 it's a loading area or not.

16 MR. CASAGRANDE: Okay. Let me ask it this way. Is the
17 UI panel aware that there are any loading
18 operations of any significance in the area north
19 of the Ferroletto's building?

20 THE WITNESS (Crosbie): Attorney Casagrande, we're not
21 aware of any loading operations.

22 MR. CASAGRANDE: Thank you. Are you aware that the
23 Ferroletto's loading operations are actually located
24 on the southwest side of the Ferroletto's property?

25 THE WITNESS (Crosbie): This is Shawn Crosbie with UI.

1 Again, and we're not aware of that.

2 MR. CASAGRANDE: You didn't think it would be important
3 to find that out?

4 MR. McDERMOTT: Objection, argumentative.

5 MR. CASAGRANDE: I'll move on.

6 Do you agree that placing Pole 724S on the
7 Feroletto's property would have minimal impact on
8 Feroletto's operations?

9 Or you just do not know the answer to that?

10 THE WITNESS (Crosbie): Shawn Crosbie again with UI.

11 We wouldn't know the answer to that. Sorry.

12 MR. CASAGRANDE: By the way, I just want to -- I know
13 this is an environmental, or water resources map,
14 sheet 22 of 20 -- 39.

15 But can you tell me, if you look at the map
16 right down the center, going north to south is
17 Black Rock Turnpike. Is that a fair statement?

18 THE WITNESS (Auer): Yes, I believe you are correct.

19 MR. CASAGRANDE: Okay. What I'm asking is, what are
20 the double yellow lines on that sheet depicting?

21 In other words, specifically, it shows a
22 double yellow line that proceeds west off of Black
23 Rock Turnpike. Then it proceeds north along the
24 BJ's parking area and deck.

25 What does this purport to depict?

1 What's the point of that?

2 **THE WITNESS (Auer):** That was our proposed access route
3 adjacent to the railroad corridor at the time of
4 the report.

5 **MR. CASAGRANDE:** Now, are you aware that there are
6 weight restrictions in the parking deck area in
7 front of BJ's operations, weight restrictions on
8 the tonnage of vehicles that can traverse that
9 area?

10 **THE WITNESS (Crosbie):** We would get into those
11 conversations with the property owner post
12 approval of our project to determine those kinds
13 of things, but weight restrictions and other
14 components of property owner's property that
15 restricts or constrains our activities, we would
16 acknowledge that post approval.

17 **MR. CASAGRANDE:** Let me just drill down on that a bit.

18 You're proposing an accessway easement coming
19 in from Black Rock Turnpike over the parking deck,
20 then proceeding north in front of the building,
21 presumably to get to the right-of-way at the north
22 end of the building. Why?

23 Why wouldn't it be appropriate to drill down
24 that information before you even file this
25 application?

1 THE WITNESS (Crosbie): Again, we do not typically talk
2 to property owners pre-filing the application.
3 These are conceptualized proposed access routes to
4 the best case of our design, as we see it.

5 As mentioned previously, Attorney Casagrande,
6 we continue to refine our design related to our
7 financials and other components such as wetland
8 impacts, areas that we access, et cetera.

9 Right now, this is our proposed activity for
10 our Fairfield/Congress project that we saw when we
11 were generating this, this document as appendix B,
12 so.

13 MR. CASAGRANDE: Okay. Thank you. And just to put a
14 pin on this, I take it you have not determined at
15 this point whether heavy construction or
16 maintenance equipment that UI would need to
17 traverse this area would exceed any weight
18 restrictions in this parking area. Correct?

19 THE WITNESS (Crosbie): That's correct, but as -- as I
20 mentioned, we would work with the property owner
21 as we became closer to finalizing construction
22 activity.

23 MR. CASAGRANDE: Well, isn't it true that if you --
24 let's say you changed the access easement to go
25 through the Feroletto property. Couldn't it be

1 shifted onto the Feroletto's property in order to
2 avoid this, access in this, what I understand is a
3 very sensitive area in terms of weight loads?

4 Is that not feasible?

5 THE WITNESS (Crosbie): That would be by the property
6 owner's standpoint, and we could get to that point
7 as we work with them through things post
8 application approval.

9 MR. CASAGRANDE: But you're asking for this application
10 to be approved, to approve this existing
11 right-of-way on BJ's property using these egress
12 and ingress routes.

13 What happens if there's an approval?

14 I mean, why wouldn't it have been appropriate
15 to approach Feroletto's before this application was
16 filed to see if you could avoid the impacts on
17 BJ's property by just accessing the, you know, the
18 right-of-way in Pole 724S from Feroletto's?

19 MR. McDERMOTT: I'm going to object to the question. I
20 think it's important to keep in mind that prior to
21 BJ's becoming involved we had no reason to reach
22 out to Feroletto's.

23 The company has proposed what it thinks is a
24 very appropriate design in the BJ's area. So it's
25 only because BJ's now disagrees that Feroletto is

1 part of this property. And the job of the Siting
2 Council, as you know, is to consider the proposal
3 by the company.

4 If it's decided that this is not a good
5 location and Ferroletto's is the appropriate
6 location, that's fine, but there was no reason for
7 the company to start reaching out to Ferroletto's
8 because it thinks it has a workable and
9 appropriate and cost-effective proposal that is
10 involved, you know, in the BJ's area.

11 So you know, if Attorney Casagrande wants to
12 reach out to Ferroletto's and have a discussion with
13 them, he's welcome to do that. The company's
14 policy and what is required by the Siting
15 Council's statutes and regulations is to bring a
16 proposal to the Council for its consideration and
17 approval. The company has done that.

18 We don't go up and down the right-of-way
19 asking each property owner if they like the
20 proposal and if they're comfortable with the
21 proposal. We have a lot of design criteria that
22 are used in the design of the project. We follow
23 those and we present the project to the Council
24 for its consideration.

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

1 Attorney Casagrande, any response?

2 MR. CASAGRANDE: I mean, I guess what I'm asking is, is
3 UI saying it was my client's responsibility to
4 contact Feroletto's, as opposed to UI's
5 responsibility to contact both Feroletto's and BJ's
6 before it filed this application?

7 Is that the testimony?

8 MR. McDERMOTT: Well, to the extent I'm a lawyer, I'm
9 not testifying -- but I'm objecting to your
10 position that the company had some responsibility
11 to approach Feroletto's. We did not.

12 We designed the, as I said, the project as --
13 and I apologize for saying we.

14 UI has designed the project in accordance
15 with its design standards and best practices and
16 keeping costs into consideration, and we have
17 presented the -- UI has presented the proposal to
18 the Council.

19 BJ's doesn't like the proposal and wants us
20 to go somewhere else -- but you know, to my point,
21 UI does not walk up and down the transmission line
22 looking for receptive property owners that would
23 like to have this project in their backyard.

24 That's not the system that is set forth in
25 the Siting Council statutes.

1 THE HEARING OFFICER: Thank you, Attorney McDermott.

2 Attorney Casagrande, would you kindly ask the
3 question in a different way so we can get an
4 answer for you?

5 MR. CASAGRANDE: I'm not sure I remember the question
6 at this point.

7 THE HEARING OFFICER: I'm not sure I do either, but
8 please, let's continue?

9 MR. CASAGRANDE: Well, let me just add -- and I guess
10 I'll direct this to the panel. So if the Council
11 determines that the proposed location on BJ's is
12 not feasible, it will have a significant
13 disruption. Then you're saying, that's when you
14 would approach Feroletto's?

15 THE WITNESS (Berman): We will -- this is Todd Berman
16 speaking. We will wait for the Council to render
17 a decision on the process that we are embarked on
18 right now tonight. And when that happens and that
19 gets adjudicated, that will inform our next steps.

20 MR. CASAGRANDE: Okay. Thank you. I'd like to focus
21 on the actual pole locations for a minute. And I
22 guess the best way to refer to that would be to
23 refer to sheet 17 of 29, which is volume 2 of the
24 application.

25 Do you have that in front of you?

1 MR. McDERMOTT: I think we're all set, Attorney
2 Casagrande. Thank you.

3 MR. CASAGRANDE: Okay. Great. So -- and again, I know
4 this is very hard to read, but Pole 723S is
5 located toward the northwestern corner of BJ's.
6 Correct?

7 THE WITNESS (Crosbie): This is Shawn Crosbie with UI.
8 Yes.

9 MR. CASAGRANDE: And Pole 724S is located pretty much
10 directly north of the loading area on BJ's
11 property. Correct?

12 THE WITNESS (Crosbie): Yes.

13 MR. CASAGRANDE: And Pole 725 -- I'm sorry, 725 -- 255,
14 sorry. No, wait, 725S is located north of the
15 Feroleto property. Correct?

16 THE WITNESS (Crosbie): Yes.

17 MR. CASAGRANDE: Okay. So let's just focus on Pole
18 723S for a minute. In the November 25 hearing, I
19 believe it was Mr. Parkhurst who said that UI had
20 agreed to move that pole 18 inches north so it is
21 off BJ's property entirely. Correct?

22 THE WITNESS (Parkhurst): Mr. Casagrande, this is
23 Matthew Parkhurst. Yes, that's correct.

24 MR. CASAGRANDE: Okay. And that would put that pole in
25 the Metro North right-of-way. Correct?

1 THE WITNESS (Parkhurst): Correct.

2 MR. CASAGRANDE: Now, 724S is partially on BJ's
3 property, as shown on sheet 17 of 29.

4 But in fact, just not focusing on the pole,
5 the proposed easement area onto the BJ's property
6 extends south onto BJ's property all along its
7 northern border. Correct?

8 THE WITNESS (Crosbie): Shawn Crosbie with UI.

9 Yes, that's correct.

10 MR. CASAGRANDE: And by my math -- and you can correct
11 me if I'm wrong, it extends 37 feet into BJ's
12 property, and specifically the loading area.

13 Correct?

14 THE WITNESS (Parkhurst): No.

15 No, I do not believe that's correct.

16 MR. CASAGRANDE: What's your best estimate on how far
17 it extends?

18 THE WITNESS (Parkhurst): We -- so the -- the permanent
19 easement would be 18 feet from the old center line
20 south.

21 MR. CASAGRANDE: Okay. But it would extend
22 significantly into the loading operations area.

23 Correct?

24 THE WITNESS (Parkhurst): Within about 18 feet, yes.

25 MR. CASAGRANDE: And the area of the easement, I think

1 Mr. Crosbie testified on July 25th, that would be
2 required from BJ's is between a half and three
3 quarters of an acre. Correct?

4 THE WITNESS (Crosbie): This is Shawn Crosbie with UI.

5 Yes, I believe that was said.

6 Attorney Casagrande, it would help if, you
7 know, you're referring to -- when you say easement
8 or temporary construction easement, or permanent
9 easement, for the purposes of maintenance long
10 term there are different complexities as it
11 relates to what we do for construction and
12 operational purposes.

13 So when you ask the question, it would help
14 so we could understand how you'd like the answer
15 back from UI with our expert testimony.

16 MR. CASAGRANDE: Okay. That's helpful. Thank you. I
17 guess my point is the right-of-way easement
18 doesn't distinguish between construction
19 activities and maintenance activities.

20 Right? It's one permanent easement.

21 THE WITNESS (Crosbie): Yes, that's correct. If
22 there's -- there -- yes, the permanent easement is
23 defined as, it's in sheet 17 of 29 as you
24 referenced it, and as Mr. Parkhurst referenced the
25 dimension.

1 MR. CASAGRANDE: Thank you. Now at the July 25th
2 hearing, Mr. Perrone asked Mr. Parkhurst if Pole
3 724S could be shifted into the Metro North
4 right-of-way.

5 Do you remember that question, Mr. Parkhurst?

6 And I'm referring to page 22 and 23 of the
7 July 25th hearing.

8 THE WITNESS (Parkhurst): Yes, I do remember that.

9 MR. CASAGRANDE: All right. And you responded that in
10 order to do that, place the pole, shift it onto
11 the railroad right-of-way, UI would have to
12 support the Metro North signal's wires at that
13 location, which as now we are monitoring complete
14 separation between the Metro North and UI
15 infrastructure. Correct?

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

17 MR. CASAGRANDE: Okay.

18 THE WITNESS (Parkhurst): The Pole 724S --
19 (unintelligible).

20 MR. CASAGRANDE: Okay. Now -- but it could be done.

21 Right? It would be technically feasible to
22 do that?

23 THE WITNESS (Parkhurst): Yes.

24 MR. CASAGRANDE: In fact, you're doing it for Pole
25 725S. Aren't you? You're shifting that pole

1 entirely off of the Feroletto property into the
2 right-of-way. Right?

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

4 MR. CASAGRANDE: Okay. Mr. Perrone also asked the
5 panel about if you could get the Council the
6 approximate cost of shifting Pole 724. This is on
7 page 23 of the hearing transcript. And I believe
8 Attorney McDermott said that UI would report back.

9 And I understand that you have filed a
10 Late-Filed Exhibit 1 on August 22, to which I
11 would direct your attention, and specifically I'm
12 referring to attachment LF-1-1.

13 And if you can get to that, you'll see that's
14 a cost table that you provided for locating the
15 proposed structures and the associated foundations
16 off of BJ's property.

17 Do you have that in front of you, panel?

18 THE WITNESS (Parkhurst): Yes, I do.

19 MR. CASAGRANDE: Okay. So in that, in that table you
20 said that the cost of relocating 723S into the
21 Metro North right-of-way would be zero dollars.

22 Correct?

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

24 MR. CASAGRANDE: And the cost of relocating Pole 724S
25 fully off of BJ's property -- and I assume that

1 means onto the Farolito property -- would be
2 \$72,100. Correct?

3 THE WITNESS (Parkhurst): Mr. Casagrande, I'd like to
4 make a correction. So that would -- the 72,100
5 and the 60,000; E-1 and E-2 would be the
6 relocation of the Pole 724S off of BJ's Wholesale
7 Club property onto Metro North CT, that property.

8 MR. CASAGRANDE: Okay. Thank you. So the total
9 incremental cost to this project of locating Pole
10 724S off of BJ's and into the Metro North corridor
11 is between 60,000 and 72,000. Correct?

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

13 MR. CASAGRANDE: And as you testified, the total
14 project cost for this project is around \$255
15 million. Correct?

16 THE WITNESS (Crosbie): Attorney Casagrande, this is
17 Shawn Crosbie with UI. So the dollar value
18 represented in what was just asked of
19 Mr. Parkhurst includes the -- the redesign and
20 relocation of it.

21 There are additional costs that are accounted
22 for relative to adjustments made at this point, or
23 any point in a project related to costs of
24 internal employees and other evaluations, material
25 costs that potentially cascade out. So there are

1 additional costs that we have.

2 When we design a project, we design it for
3 the most cost-efficient, effective, compliant to
4 the design criteria that we have. So that was
5 what's in front of the Council right now as our --
6 as our project.

7 MR. CASAGRANDE: Okay. But by your best current
8 estimate, that it's going to be about 72,000, give
9 or take. Correct?

10 THE WITNESS (Crosbie): Yes.

11 MR. CASAGRANDE: All right. So by my math, if you take
12 \$72,000 and you divide it by \$255 million, that
13 comes out to .00028235 percent.

14 Do you agree with me? I mean, you could do
15 the math yourself, but that, that's what my math
16 comes up with.

17 THE WITNESS (Crosbie): Shawn Crosbie.

18 Yes, I believe you, Attorney Casagrande.

19 MR. CASAGRANDE: Okay. And that's almost -- that's
20 negligible in terms of this overall project cost.

21 Is it not?

22 THE WITNESS (Crosbie): Attorney Casagrande, I
23 wouldn't disagree it's negligible, but as I
24 mentioned, there are other factors that go into it
25 in terms of just -- than just the cost.

1 MR. CASAGRANDE: Well, but just in terms of the cost
2 it's really a rounding error. Is it not?

3 THE WITNESS (Crosbie): I'm not sure I understand the
4 rounding error -- but for one location the project
5 is, you know, a hundred-plus locations that we're
6 doing this for, so.

7 And again, we presented our application as we
8 feel our project is most compliant with the
9 mechanisms, that we redesign it and submit it to
10 the Council for review for it.

11 So this one location, yes, I don't disagree.
12 \$72,000 as referenced, is that percentage, but we
13 look at the project as a whole when we develop a
14 transmission line, we build a project like this.

15 MR. CASAGRANDE: Thank you. Let's assume for the
16 moment that BJ's agreed to reimburse UI for all or
17 the part of the costs of relocating that pole,
18 either onto Metro North or onto Feroletto.

19 I believe at the last hearing, the panel
20 said, well, it's not just a matter of writing a
21 check. You'd have to get PURA approval for that.

22 Correct?

23 MR. McDERMOTT: I'm going to say, I don't agree with
24 that. I think PURA was probably not mentioned in
25 that conversation. It was probably the Siting

1 Council. But if it was PURA, it probably should
2 have been the Siting Council.

3 So let's put it that way.

4 MR. CASAGRANDE: Okay. Fine. That's fine. So you're
5 saying, you'd have to get the Siting Council's
6 approval for that cost reimbursement?

7 MR. McDERMOTT: Oh, a cost reimbursement?

8 MR. CASAGRANDE: Yeah, yeah.

9 MR. McDERMOTT: So who wants to?

10 THE WITNESS (Berman): I'll take a whack at that. This
11 is Todd Berman for United Illuminating. I -- I
12 don't even really know whether that's allowed for
13 in the statutory framework of the Siting Council.
14 I think it's -- it's a question based on -- on an
15 assumption.

16 I don't really understand where it's going.

17 MR. CASAGRANDE: Well, would you not agree with me that
18 by having BJ's privately fund the cost of moving
19 the poles, all other things being equal, that
20 would lower the rate base for this project.

21 Correct?

22 THE WITNESS (Berman): No. No, I -- I do not agree
23 with your fundamental assertion.

24 MR. CASAGRANDE: Why not?

25 THE WITNESS (Berman): Because there are so many

1 complexities to what you just outlined in a bumper
2 sticker that I don't think it's at all a fair
3 representation of the kind of due diligence that
4 goes into these efforts one bit.

5 MR. CASAGRANDE: Okay. So you're saying, you'd have to
6 do some due diligence. Correct?

7 THE WITNESS (Berman): No. No, I'm not saying we would
8 have to do more diligence.

9 MR. CASAGRANDE: At the last hearing the panel said --
10 and maybe it was PURA. Maybe it was the Siting
11 Council, but they said that you'd have to get
12 approval for that.

13 All I'm asking is that, you could get that
14 approval.

15 MR. McDERMOTT: Can I just ask -- yeah, I think he's
16 remote. Is Mr. Logan on, on with us?

17 THE WITNESS (Logan): Yes, I am, Mr. McDermott.

18 MR. McDERMOTT: I feel like this was probably your area
19 of testimony since it has to do with cost recovery
20 of the project. Maybe you could address Attorney
21 Casagrande's line of questions?

22 THE WITNESS (Logan): I can certainly try to address
23 those questions. Mr. Casagrande, these lines are
24 ISO New England classified as pool transmission
25 facilities. So these costs are not just borne by

1 Connecticut ratepayers, but these costs are
2 regionalized amongst all the New England
3 transmission owners per -- based on load share.

4 So it's -- it's not as simple as just
5 focusing on one structure's cost.

6 MS. BACHMAN: All I'm asking --

7 THE WITNESS (Logan): (Unintelligible) --

8 MR. CASAGRANDE: Go ahead. I'm sorry.

9 THE WITNESS (Logan): No, I was just going to say that
10 that's -- completes my answer.

11 MR. CASAGRANDE: All right. And all I'm asking is
12 whether, if the Council decided that you should
13 move the pole, would you not at least consider
14 BJ's offer to pay for that expense?

15 I'm not saying it would go through, but would
16 you at least not -- would you consider it? Right?

17 THE WITNESS (Logan): No. Mr. Casagrande, this is Zach
18 Logan. No, I don't believe we can even consider
19 it. It's not statutorial-ized.

20 I don't think we can even do that.

21 MR. CASAGRANDE: And do you have any statutory
22 authority for that?

23 I know I'm springing this on you now.

24 THE WITNESS (Logan): Right. Maybe "statutory" wasn't
25 the right word, but -- again, this is Zach

1 Logan -- more in a regulatory framework. We're
2 dabbling into what we would consider a
3 customer-funded project, and those have their own
4 complexities and regulatory guidelines and
5 regulations that need to be followed.

6 So that's getting a little bit out of my area
7 of expertise. So I don't know if I -- I shouldn't
8 comment any further on that, but I know there's
9 specific recovery mechanisms for each and it's --
10 it's difficult to blur those two lines.

11 MR. CASAGRANDE: All right. Thank you.

12 Mr. Morissette, would it be appropriate at
13 this time to ask the Council to ask UI to submit a
14 late-filed exhibit that addresses that issue of
15 whether and how if BJ were to agree to fund the
16 relocation of Pole 724S, what would be the
17 procedure for doing that?

18 THE HEARING OFFICER: I'll ask Attorney Bachman to
19 comment on this issue. She may have some advice
20 as to how this best could be handled.

21 Attorney Bachman?

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

23 I believe what Mr. Logan was getting at was
24 that ISO New England has a planning advisory
25 committee that meets to discuss transmission cost

1 allocation throughout the New England region.

2 Perhaps it might be helpful and responsive to
3 Attorney Casagrande if we could see the
4 guidelines, or at least a link to guidelines that
5 would show a customer, you know, a customer-funded
6 project.

7 Although I do understand those are merchant
8 projects, but if he could see maybe the difference
9 between how full transmission facilities and
10 customer-funded projects are treated at ISO New
11 England, I think that might answer the question.

12 THE HEARING OFFICER: Okay.

13 MR. McDERMOTT: If I may, Mr. Morissette?

14 If I could, Mr. Morissette?

15 To the extent that Attorney Casagrande is
16 asking for, you know, statutory or legal analysis,
17 I'm prepared to address that in the brief. I
18 don't know that that's appropriate for a late
19 file.

20 I acknowledge Attorney Bachman's suggestion
21 is a little bit more in keeping with what's
22 customary at the Council in terms of late files,
23 but you know, if we want to brief the statutory
24 provisions regarding customer-funded projects and
25 whether or not this project could accept the

1 21,000 -- or 71,000 dollars, I'm prepared to do
2 that in the brief.

3 But we can certainly do what Attorney Bachman
4 just suggested in terms of the ISO committee
5 information.

6 **THE HEARING OFFICER:** Well, I'm leaning towards a late
7 file explaining how a customer-funded project
8 would be treated, and also links to the ISO's
9 treatment of customer-funded projects.

10 Just so that's clear, going forward that if
11 it is available and available to UI, then we
12 should understand it. So if we could do that,
13 that will be a Late-File 1. Thank you.

14 **MR. CASAGRANDE:** Thank you, Mr. Morissette.

15
16 (Late-Filed Exhibit Number 1, marked for
17 identification and noted in index.)

18
19 **MR. CASAGRANDE:** I'd like to address the issue of the
20 issue of span length between poles, and I'm
21 referring to pages 60 to 61 of the July 25th
22 hearing.

23 And at that hearing, Mr. Parkhurst, I believe
24 you said that when you increase the span lengths
25 between poles, that would require higher poles and

1 larger foundations, and therefore additional
2 easements to account for more blowout in the swing
3 between the poles. Is that a fair statement?

4 THE WITNESS (Parkhurst): Yes, I think as a general
5 statement, yes.

6 MR. CASAGRANDE: Okay. But it is feasible, is it not,
7 to install what I understand are called
8 anti-galloping devices on the new lines in order
9 to minimize swing events during wind events?

10 Correct?

11 THE WITNESS (Sazanowicz): Attorney Casagrande, this is
12 MeeNa Sazanowicz. Anti-galloping devices are used
13 and installed specifically for galloping events,
14 which is when you have ice accretion or ice flow
15 around the conductors and a certain wind blowing
16 on that ice flow.

17 That causes the galloping phenomena.

18 MR. CASAGRANDE: Okay. But my point is it would be
19 feasible to install an anti-galloping device,
20 let's say, between Pole 723 South and Pole 725
21 South so as to eliminate the need for Pole 724
22 South. Fair statement?

23 THE WITNESS (Sazanowicz): I think these are separate
24 discussions. Just installing anti-galloping
25 devices does not equate to elimination of poles in

1 a span.

2 MR. CASAGRANDE: Well, let's talk about that. At page
3 68 and 69 of the hearing, Mr. Silvestri asked the
4 panel whether it had considered anti-galloping
5 devices to reduce the number of mid-span
6 structures.

7 And Mr. Parkhurst answered -- again, this is
8 page 69 of the transcript. He said anti-galloping
9 devices can be installed on new lines, but it's
10 sound engineering practice to try to stay away
11 from those for new lines or rebuilding existing
12 lines unless we really have to.

13 Remember that, Mr. Parkhurst?

14 THE WITNESS (Parkhurst): Yes, Mr. Casagrande.

15 I remember that.

16 MR. CASAGRANDE: Okay. So it can be done. Correct?

17 THE WITNESS (Parkhurst): Correct.

18 MR. CASAGRANDE: And would you agree that when UI
19 considers whether you really have to, in your
20 words, whether you really have to install
21 anti-galloping devices, would you agree that an
22 important factor is whether the anti-galloping
23 device off of BJ's property would either eliminate
24 the need for a mid-span pole, i.e., 724S, or at
25 least reduce the right-of-way area onto the BJ's

1 property?

2 **THE WITNESS (Sazanowicz):** Mr. Casagrande,
3 anti-galloping devices will not decrease any
4 blowout. They're not used for increasing
5 right-of-way lifts. They're used to eliminate the
6 vibrations of the conductors when ice is accreted
7 on the conductors with wind blowing on them.

8 So use of anti-galloping devices is not
9 equivalent to reduction of a pole. It's used to
10 aid in eliminating a specific phenomenon of ice on
11 the conductors.

12 **MR. CASAGRANDE:** But it would reduce the area of the
13 right-of-way that you would need onto adjacent
14 properties. Correct?

15 **THE WITNESS (Sazanowicz):** That's not what they are
16 designed for.

17 **MR. CASAGRANDE:** Well, I'm just going back to page 68
18 and 69 of the transcript, and that's what
19 Mr. Parkhurst said.

20 **THE WITNESS (Parkhurst):** Mr. Casagrande, this is
21 Matthew Parkhurst. So we're looking -- I think
22 we're looking at two different issues here.

23 So the -- yes, certain spans could have
24 anti-galloping devices installed that will allow
25 for maybe a shorter decreased space, spacing

1 separation between the wires vertically.

2 But if you have a longer span length, longer
3 than 470 feet, and we know that you -- your
4 required right-of-way to blowout will start to
5 increase from that 18-foot value UI provided
6 before, that you raise here to accommodate for
7 conductor blowout. Movement left to right as the
8 wind blows, that is not controlled by
9 anti-galloping devices. Two different issues.

10 MR. McDERMOTT: And Mr. Morissette, I should say also
11 for the record to be complete on page 68,
12 Mr. Parkhurst does say, in addition and with
13 regard to anti-galloping devices, although yes,
14 they can be installed on new lines, it's sound
15 engineering practice to stay away from these for
16 new lines or rebuilding existing lines unless --
17 unless we really have to.

18 So I just want to give complete context to
19 Mr. Parkhurst's answer.

20 MR. CASAGRANDE: Well, I just quoted that from his
21 testimony. So I think we already have the
22 context.

23 So just to wrap this up, is it a fair
24 statement that UI did not consider installing an
25 anti-galloping device between Poles 723 and 725 in

1 order to eliminate the need for Pole 724, or to
2 reduce the area of the right-of-way? Correct?

3 THE WITNESS (Sazanowicz): UI did not perform a
4 galloping analysis in this area.

5 And the anti-galloping devices, again are for
6 reduction of the high-amplitude/low-frequency
7 events of the conductors as they gallop and create
8 a wave, so you don't have conductors touching and
9 have a flashover. That's the purpose of the
10 anti-galloping devices.

11 It is not to eliminate a pole, and it is not
12 to eliminate additional right-of-way because of
13 blowout issues. They're two separate items.

14 MR. CASAGRANDE: What is it? What's the length between
15 Pole 723 South and Pole 725 South?

16 What's the span?

17 THE WITNESS (Sazanowicz): Give me one moment to find
18 the map.

19 THE WITNESS (Parkhurst): Mr. Casagrande, this is
20 Matthew Parkhurst. Approximately 738 feet.

21 MR. CASAGRANDE: Okay. Thank you. Just a few more
22 questions, Mr. Morissette. I want to talk about
23 the lay-down area during construction. My
24 question to the panel is, could this lay-down area
25 be located in another area of BJ's property?

1 I'm specifically referring to the northwest
2 corner of BJ's property. If you look at sheet 17
3 of 29, there's, you know, a lot of parking area in
4 that northwest corner. Why wouldn't it be
5 feasible to just put the lay-down area in that
6 northwest corner so it wouldn't interfere during
7 construction with BJ's loading operations?

8 MR. McDERMOTT: Sorry. Attorney Casagrande, you're
9 saying the company has identified a lay-down area?

10 MR. CASAGRANDE: I frankly don't know if you have or
11 not -- but the question is, where do you intend to
12 put it? And could you put it in the northwest
13 corner away from the loading operations so as to
14 avoid interruptions with those operations?

15 MR. McDERMOTT: Okay. I'm sorry to be difficult, but
16 are you talking work pad, or are you talking
17 lay-down area?

18 MR. CASAGRANDE: Both.

19 MR. McDERMOTT: Okay. The lay-down area is typically a
20 D and M plan. So the company has not identified
21 any lay-down areas at this point to my knowledge.

22 So I'll ask the panel to just answer on
23 perhaps the work area, or the work pad area.

24 THE WITNESS (Crosbie): Attorney Casagrande, this is
25 Shawn Crosbie with the UI. So as Attorney

1 McDermott said, the lay-down area would be
2 identified in the D and M plan. The work pad, or
3 the work area that we identified, you can refer to
4 it on sheet 17 of 29.

5 That again is a proposed area where we would
6 have our construction vehicles going in and out of
7 there. Again, we can work with the property owner
8 on times that, you know, we -- we get in and out
9 of that property to perform our needed
10 construction as we have proposed it within our
11 application.

12 You know, we -- we propose a general area
13 that work activities would occur and we
14 anticipate, you know, that's what we need to
15 perform safe operations of that transmission line
16 construction. And again, we work with our
17 property owners along the way and try and identify
18 the most efficient means of the area needed for a
19 work area.

20 **MR. CASAGRANDE:** Thank you. A quick question on
21 whether or not it's feasible to place underground
22 lines between 723, and either 724 or 725.

23 Would it be feasible to install the
24 transmission line between those poles underground
25 using a directional boring procedure?

1 THE WITNESS (Sazanowicz): Mr. Casagrande, this is
2 MeeNa Sazanowicz with UI.

3 It is cost prohibitive to install this
4 particular section of transmission line
5 underground just based on the physical needs for
6 needed required ampacity of the overhead section,
7 as well as the additional complexities of the
8 protection and control equipment that would be
9 needed to -- to enable us to do that.

10 To do an underground section between 723 and
11 725 would also be inclusive of a transition
12 station, which would include a small fenced-in
13 yard with a control house. Also we would need two
14 riser poles at each side of the transition.

15 So a much larger construction area, and
16 certainly not the most cost effective solution for
17 this project.

18 MR. CASAGRANDE: Do you have any idea what the cost
19 would be for just the underground between these
20 two locations?

21 THE WITNESS (Sazanowicz): I do not have that
22 calculated. That's something that we can look
23 into, if requested.

24 MR. CASAGRANDE: Okay. I'd like to ask for a
25 late-filed exhibit on that, please, Mr.

1 little bit redundant, so forgive me -- but I just
2 want to make sure I've covered everything.

3 If Pole 724 were to be located in the
4 northeasterly most corner of BJ's, which is where
5 it's proposed, would it be feasible to have the
6 construction and maintenance areas on the Feroletto
7 property to avoid disturbing the loading
8 operations at BJ's?

9 THE WITNESS (Sazanowicz): Mr. Casagrande, this is
10 MeeNa Sazanowicz.

11 To have the pole the most furthest north
12 and -- and close to the -- the fence line abutting
13 the Feroletto's property, for pole setting and --
14 and some other activities, I believe you would be
15 a smaller work pad in that area that may come
16 across a portion, a small portion of the paved
17 area on the -- the BJ's wholesale club.

18 But the -- the remainder of the pad would be
19 further north.

20 MR. CASAGRANDE: Okay. But after construction, would
21 it not be feasible to have the maintenance
22 easement area located on the Feroletto's property,
23 as opposed to BJ's property to avoid disruptions
24 to BJ's business?

25 THE WITNESS (Sazanowicz): Mr. Casagrande, this is

1 MeeNa Sazanowicz again.

2 Anticipation for any future maintenance as it
3 stands today would be limited to aerial thermal
4 imaging of the transmission lines to investigate
5 hot spots, or potential vegetation management to
6 maintain clearances to the lines, as well as
7 physical boots on the ground inspectors to do
8 visual inspections of the line.

9 There is not any anticipated reoccurring need
10 to get onto the property with large bucket trucks
11 or -- or vehicles.

12 MR. CASAGRANDE: All right. This is an exhibit from
13 the previous testimony, so I won't get into it --
14 but I just want to ask the panel, are you familiar
15 with the fact that there are large poles to the
16 north of Ferroletto's property?

17 And I think it's part of the lattice -- or I
18 think it's UI's poles that seem to have space on
19 one of the gantry arms for additional wires.

20 Are you aware of those, that large pole north
21 of Ferroletto's?

22 THE WITNESS (Sazanowicz): Yes, we are aware of those.

23 MR. CASAGRANDE: Okay. Why wouldn't it be feasible to
24 locate the easement or the poles on those large
25 poles, as opposed to a separate 724S poles?

1 THE WITNESS (Sazanowicz): Yes, Mr. Casagrande. Those
2 are structures that were built, I believe, in the
3 late 'nineties. And our steel monopoles are built
4 per specific loading requirements and weather
5 events.

6 As such, we would not be able to have
7 additional wires on the poles, as well as they are
8 physically designed only to maintain one service.
9 We would not be able to add additional wires.

10 MR. CASAGRANDE: Okay. Thank you.

11 Mr. Morissette, I have no further questions.

12 THE HEARING OFFICER: Thank you, Attorney Casagrande.

13 At this point, before we continue with
14 cross-examination of the Applicant by the Council,
15 we're going to take a ten-minute break. So we
16 will return at 3:40, and we will continue with the
17 cross-examination of the Applicant by the Council.

18 Thank you, everyone.

19 We'll see you in 10 minutes.

20
21 (Pause: 3:30 p.m. to 3:40 p.m.)
22

23 THE HEARING OFFICER: Thank you, everyone.

24 Is the Court Reporter back?

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

1 THE HEARING OFFICER: Very good. Thank you.

2 And thank you, everyone.

3 We will continue with cross-examination of
4 the Applicant by the Council on the new exhibits,
5 starting with Mr. Perrone, followed by
6 Mr. Silvestri. Mr. Perrone?

7 MR. McDERMOTT: Mr. Morissette?

8 THE HEARING OFFICER: Yes?

9 MR. McDERMOTT: Sorry. I didn't let you get very far,
10 but we do have an answer to the undergrounding, if
11 you want to do that now? Or we can hold on that.

12 THE HEARING OFFICER: Let's do it now. Thank you.

13 MR. McDERMOTT: I think Ms. Sazanowicz has that
14 information regarding the cost of the
15 undergrounding between the two poles that Attorney
16 Casagrande had mentioned.

17 THE HEARING OFFICER: Very good. Thank you.

18 THE WITNESS (Sazanowicz): Thank you. This is MeeNa
19 Sazanowicz with the UI.

20 So in looking at the approximate 738-foot
21 difference for the -- the span length between 723S
22 to 725S, we anticipate a cost estimate to
23 underground that section of around \$30 million.

24 This is inclusive of the larger-sized duct
25 bank that we would need, along with the transition

1 station and all the equipment that would be
2 associated with undergrounding the section.

3 **THE HEARING OFFICER:** Very good.

4 Thank you for that response.

5 With that, we will continue with
6 cross-examination by Mr. Perrone, followed by
7 Mr. Silvestri. Mr. Perrone?

8 **MR. PERRONE:** Thank you, Mr. Morissette.

9 On page 26 of the transcript of the last
10 hearing, I had asked Mr. Logan about the type of
11 projects eligible for the ISO New England asset
12 condition list.

13 My additional question is, generally is there
14 also a cost minimum to be eligible for the asset
15 condition list, such as 5 million in pool
16 transmission costs?

17 **THE WITNESS (Logan):** Yes, Mr. Perrone.

18 This is Zach Logan. You are correct. The
19 minimum cost to get on the asset condition list is
20 \$5 million.

21 **MR. PERRONE:** And turning to Late-File Exhibit Number
22 1, which is the cost alternatives for BJ's, the
23 items 2-1 and 2-2, could you explain the
24 differences between a dead-end structure and a
25 suspension structure for P724S?

1 THE WITNESS (Parkhurst): Hi, Mr. Perrone. This is
2 Matthew Parkhurst.

3 A dead-end structure is where the conductors
4 basically terminate, and then where various reels
5 of conductor are connected together at that dead
6 end. And those structures are designed so that
7 they can support one -- one side of the conduct --
8 one side of the pole having no conductor on them,
9 and the other side of the -- the pole having all
10 the conductors intact.

11 A suspension structure is basically just like
12 a mid-span support where it's there just to hold
13 the conductor. So it's designed for a lot less
14 loads, and typically much smaller than a dead-end
15 structure.

16 MR. PERRONE: Would the suspension structure require
17 guy-wires?

18 THE WITNESS (Parkhurst): No, Mr. Perrone, it would
19 not. All of these structures would be supported
20 on concrete drilled piers, eliminating the need
21 for guy-wires.

22 MR. PERRONE: Now returning to the BJ's property on
23 sheet 17 of 29, looking at the proposed work pad
24 area, which areas would UI anticipate having
25 construction matting with that, especially

1 relative to P724S?

2 THE WITNESS (Scully): So, Mr. Perrone, this is Matthew
3 Scully, UI Construction Manager.

4 We would only have to mat really the grassy
5 area around structure 724S. We would use some
6 individual matting for crane operations that would
7 go under their outriggers, but they would be
8 removed at the end of every day.

9 We may have to do a small lip to get up over
10 the curb onto the grassy area behind BJ's parking
11 lot, but nothing that would really prohibit truck
12 access around their loading docks.

13 MR. PERRONE: Returning to a cost topic. In response
14 to Council Interrogatory 14, there was the cost
15 table -- and I'm going to focus on column A, which
16 is the transmission costs.

17 Alternative number 6, which was all
18 underground through streets, a little over 9 miles
19 long, and about 977 million for transmission
20 costs. Looking at Docket 508, the cost table,
21 which is Figure 15, their option G had a
22 comparable line length, about nine and a half
23 miles, and the transmission costs were about 290
24 million.

25 So for comparable lengths, we're looking at

1 977 million versus 290 million.

2 Could UI explain the difference?

3 **THE WITNESS (Crosbie):** Mr. Perrone, this is Shawn
4 Crosbie.

5 Can you just give us the reference to what
6 you're looking at in terms of UI's response again?

7 **MR. PERRONE:** Sure. The UI's cost table under response
8 to Council Interrogatory 14, that will be
9 alternative number 6, transmission costs. And
10 that will be compared to Docket 508, option G,
11 which is figure 15, the transmission costs for
12 that there.

13 So the all underground through streets
14 comparisons.

15 **THE WITNESS (Crosbie):** Mr. Perrone, this is Shawn
16 Crosbie. You're going to -- I respectfully ask we
17 get back to you on that so we can pull both of
18 those attachments and give you a complete answer?

19 **MR. PERRONE:** Sure.

20 Moving onto Council Interrogatory 86, which
21 is in set 3, the NESC conductor clearance
22 requirements for a billboard were identified.

23 My question is, for the billboard that was
24 mentioned in Council Interrogatory Number 3, the
25 one off of Washburn Street, W-a-s-h-b-u-r-n, in

1 Bridgeport -- my question is, would UI's project
2 comply with NESC clearance requirements relative
3 to that billboard?

4 THE WITNESS (Parkhurst): Mr. Perrone, this is Matthew
5 Parkhurst. Yes, it will.

6 MR. PERRONE: Moving onto the July 24, 2023, letter
7 from the State Historic Preservation Office, has
8 UI had any discussions with SHPO since that letter
9 regarding possible mitigation measures relative to
10 the three historic districts, Southport, Barnum
11 and Bishop, or the railroad itself?

12 THE WITNESS (Auer): Hi, this is -- Mr. Perrone, this
13 is Correne Auer.

14 There hasn't been additional correspondence
15 regarding mitigation at this point.

16 MR. PERRONE: Also on the historic topic mentioned in
17 the July 24th SHPO letter on page 2, I'm going to
18 focus on the railroad itself.

19 Are there portions of the railroad corridor
20 that are more historically sensitive than others?
21 Or is the historic sensitivity of the railroad
22 corridor basically uniform for the project?

23 THE WITNESS (Leslie): This is David Leslie from UI.

24 The entire corridor is sensitive.

25 MR. PERRONE: Does it make any difference for the style

1 of the catenaries, because there's the original
2 lattice-style catenary and there's some newer ones
3 that have the cross-armed catenary?

4 THE WITNESS (Leslie): This is again David Leslie from
5 UI. Could you repeat that question?

6 MR. PERRONE: In terms of the historic sensitivity of
7 the railroad right-of-way itself, some of the
8 catenary structures are the original lattice type,
9 and there's also some that were upgraded to a
10 cross-arm type.

11 From a historic sensitivity perspective, does
12 that make much difference?

13 THE WITNESS (Leslie): Sure. So I think that SHPO
14 would be the one to opine on this, but they --
15 they do not -- they view it all as the same
16 resource. And so any impact to whether it's the
17 new or updated, or the older version is an impact
18 to it. So it's all the same to them, generally.

19 MR. PERRONE: Thank you. That's all I have for UI.

20 THE HEARING OFFICER: Thank you, Mr. Perrone.

21 We will now continue with cross-examination
22 by Mr. Silvestri, followed by Mr. Nguyen.

23 Mr. Silvestri, good afternoon.

24 MR. SILVESTRI: Good afternoon, Mr. Morissette, and
25 thank you, and good afternoon to everyone.

1 I did want to follow up to the line of
2 questioning from Attorney Casagrande, and just now
3 with Mr. Perrone, regarding the August 22, 2023,
4 late file and getting back to Q-LF-1, and the
5 attachment that goes with that.

6 When it was discussed about item number 2-1
7 and 2-2, do you know the approximate location
8 where the pole would be put, that's P724S, where
9 it would be put off of the BJ property?

10 Or did it just go north onto the Metro North
11 right-of-way, or somewhere else?

12 THE WITNESS (Parkhurst): Good afternoon,
13 Mr. Silvestri. This is Matthew Parkhurst.

14 So 2-1 and 2-2 were both -- had the pole
15 moved nine -- approximately nine foot east, closer
16 to Feroleto Steel, then they moved
17 approximately -- approximately five to six foot
18 north, so that the entire foundation would be
19 placed on Metro North property.

20 MR. SILVESTRI: Thank you for that response.

21 And would there be adjustments -- I believe
22 you mentioned this -- in height for either of
23 those two options?

24 THE WITNESS (Parkhurst): For both of those options,
25 Mr. Silvestri, it would require a five-foot

1 increase in height per side.

2 MR. SILVESTRI: And if you went with a dead end, it
3 would probably need a deeper foundation.

4 Would that be correct?

5 THE WITNESS (Parkhurst): Deeper and wider, that's
6 correct.

7 MR. SILVESTRI: Okay. Putting costs aside for a
8 moment, would there be a preference for UI between
9 item 2-1 and 2-2?

10 THE WITNESS (Parkhurst): I believe 2-2, that is the --
11 the suspension structure at that location.
12 Changing that, changing that structure from a dead
13 end to a suspension would put the dead end, the
14 required dead end at 720, which overall is a
15 better, better construction approach and design
16 approach.

17 Having the suspension structure at 720 for --
18 also allows a smaller -- a smaller work pad on --
19 on the BJ's property.

20 MR. SILVESTRI: I'm not sure which one was preferred.

21 THE WITNESS (Parkhurst): The -- the suspend -- 2-2
22 for -- for anything including Pole 724S being the
23 suspension-type structure.

24 MR. SILVESTRI: Very good. Thank you.

25 And how would that affect the proposed UI

1 permanent easement that appears, say, on drawing
2 sheet 17 of 29?

3 THE WITNESS (Parkhurst): The structure type would --
4 would not affect the permanent easement. The
5 permanent easement of the southern boundary is
6 based on 25 foot from conductor, or 18 foot in
7 this case from pole center line.

8 And so if 724 is just shifted up 5 feet,
9 that, the right-of-way line would also be shifted
10 up 5 foot at that, the node for 724S.

11 MR. SILVESTRI: So a couple feet, but nothing
12 substantial?

13 THE WITNESS (Parkhurst): No.

14 MR. SILVESTRI: Okay. Thank you. That's all I had for
15 that particular line of questioning, but I need to
16 go back to volume one, the original submittal, to
17 try to clear some stuff up in my head.

18 And I'd like you to go to volume one. It's
19 page 9-9 and page 9-10. This talks about the
20 all-underground route that could be a possible
21 alternative, if you will.

22 Just let me know when you have that drawing,
23 and I'll continue?

24 THE WITNESS (Sazanowicz): Mr. Silvestri, we have
25 the -- have that figure in front of me.

1 This is MeeNa Sazanowicz.

2 MR. SILVESTRI: Very good, thank you.

3 My understanding is the potential cost for
4 going underground with the route that's depicted
5 in those two figures would surpass \$1 billion.

6 Is that correct?

7 THE WITNESS (Sazanowicz): Based on our conceptual cost
8 estimates, that is correct, Mr. Silvestri.

9 MR. SILVESTRI: Okay. Then the related question,
10 there's a note in there that describes and says a
11 portion of the route would go through back yards,
12 and I believe that's around or in the South Gate
13 Lane area.

14 If I'm correct at that, why would it have to
15 go through backyards?

16 THE WITNESS (Sazanowicz): Mr. Silvestri, this is MeeNa
17 Sazanowicz.

18 The reasoning why that you are correct in
19 that one section would be through the back yards;
20 due to our continued communications with CT DOT,
21 the underground transmission line would not be
22 able to be installed within the railroad corridor.

23 And the only -- based on the sensitive areas
24 to the west of our connection point, the easiest
25 route, I guess, to a public street node we'd be

1 able to exit would be parallel to the railroad
2 tracks there, but would need to be on private
3 property.

4 MR. SILVESTRI: Okay. Then maybe one more question on
5 that. When you look at page 9-10, the underground
6 route, it starts on the north side of the tracks,
7 if you will, and then kind of cuts across the
8 tracks around the Fairfield metro area where you
9 have an interconnection to Ash Creek Substation,
10 and then it would continue south.

11 Why would that occur, crossing the tracks, if
12 you will?

13 THE WITNESS (Sazanowicz): Mr. Silvestri, the reason
14 why the line diverges and -- and goes north in
15 that area is because of the existing 345 kV
16 underground transmission line.

17 So we would not want to parallel that
18 existing installation or ratings inserts, and
19 physical, you know, ability to install the -- the
20 115 kV lines.

21 MR. SILVESTRI: Understood, thank you. The last
22 question I do have is, if that were to come to
23 fruition, or at least in the hypothetical aspect
24 of it, where it goes underground towards Ash Creek
25 Substation, you would also be going underneath Ash

1 Creek itself?

2 THE WITNESS (Sazanowicz): Mr. Silvestri, that would be
3 correct. Yes, we would go under the -- the entire
4 route underground would include an underground or
5 HDD section to get to Ash Creek.

6 MR. SILVESTRI: Very good, thank you.

7 Thank you for your response.

8 Mr. Morissette, that is all I have.

9 Thank you.

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

11 We'll now continue with cross-examination by
12 Mr. Nguyen, followed by Mr. Golembiewski.

13 Mr. Nguyen?

14 MS. BACHMAN: Mr. Morissette, I believe Mr. Nguyen had
15 to leave.

16 THE HEARING OFFICER: Very good. Thank you, Attorney
17 Bachman.

18 We'll now continue with cross-examination by
19 Mr. Golembiewski, followed by Mr. Hannon.

20 Mr. Golembiewski?

21 MR. GOLEMBIEWSKI: Thank you, Mr. Morissette.

22 I do not have any questions at this time.

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

24 We'll now continue with cross-examination by
25 Mr. Hannon, followed by myself. Mr. Hannon?

1 MR. HANNON: Thank you. I do have a couple of
2 follow-up questions from the meeting, I guess, or
3 the hearing on the 25th, which ties in with the
4 late file that came in August 22, 2023, from UI.

5 Question number three -- and it talks, again,
6 this deals with the wetland area. And it states
7 in the answer, all floodplain areas were field
8 investigated for the presence of poorly drained,
9 very poorly drained alluvial floodplain soils and
10 submerged soils.

11 I guess my question is -- because I'm looking
12 back at volume one -- actually volume 1A in the
13 appendices. I mean, it talks about soil samples
14 were taken by a hand boring to document soil
15 morphology and characterize the wetland and upland
16 areas. But yet, some of the deep test pits that
17 were dug, you know, five feet below the surface,
18 there was water.

19 So I'm curious, I mean, does anybody have any
20 information as to how far the testing was done by
21 hand, the hand borings? Because I'm familiar with
22 some situations in my hometown where they actually
23 had to go down seven, eight feet before they found
24 alluvial soils because of fill that's been brought
25 in.

1 I'm assuming that there's a lot of urban fill
2 associated with this entire line, the railway
3 line. So can anybody answer that?

4 THE WITNESS (Auer): Thank you for your question,
5 Mr. Hannon. This is Correne Auer.

6 I would have to go back and look through
7 the -- the logs and confer with the soil and
8 wetland scientists that took the samples just to
9 give you an accurate answer on that.

10 So is that something we can provide?

11 MR. HANNON: Yeah, because also in the answer it talks
12 about these areas failed to meet the federal
13 definition of wetlands.

14 It's not state definition of wetlands.

15 But I'm just having a hard time understanding
16 how if the testing was done by hand -- I can
17 understand typically you may go down 18 inches, 24
18 inches, something like that, but yet so many of
19 the test pits have water even at 5, 6 feet.

20 I'm just curious as to, again how everybody
21 came up with the definition of the wetland areas
22 where floodplain just seems to be totally outside
23 that area. So that, that's still an issue that I
24 have.

25 But following up on what was presented in

1 volume one, this is sort of a general question.
2 This is on page 6-12 and 6-13.

3 So 6-12 is the listing, I think, of the
4 proposed monopoles and the area that is
5 anticipated to impact flood storage volume.

6 Do you have that one?

7 THE WITNESS (Auer): I do.

8 MR. HANNON: Okay. So I guess my question is twofold.
9 One is, are there any plans to do any type of
10 mitigation for the 4100 cubic feet of lost flood
11 storage capacity?

12 But I want to tie that in with the last
13 sentence on page 6-13, where UI will coordinate
14 with Connecticut DEEP. Have you done anything or
15 had any conversations with DEEP to determine
16 whether or not there might be some mitigation
17 required?

18 THE WITNESS (Auer): Not at this time. That would be
19 done during our permitting process, and -- and we
20 have not filed or submitted applications for
21 permits yet.

22 MR. HANNON: Thank you. I do not have any other
23 questions at this point in time -- but again, I'm
24 still sort of hung up on the wetlands and
25 floodplain definition. So thank you.

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

2 So we have one outstanding question
3 associated with Late-File Number 3 relating to the
4 wetlands and flood/floodplain testing protocols.

5 Is that correct?

6 MR. HANNON: Yes. And again, it's specifically
7 mentioned in volume 1A that they did hand testing
8 or hand augering.

9 I'm just kind of curious as to the depth they
10 went to based on the fact that if there's a lot of
11 urban fill, they may not have gone down far enough
12 to find the very poorly, poorly drained -- very
13 poorly drained alluvial or floodplain soil.

14 So that's my question.

15 THE HEARING OFFICER: Very good. Thank you,
16 Mr. Hannon.

17 Okay. I do have some questions. I would
18 like to try to clarify something here relating to
19 the situation at BJ's. And I'm going to throw
20 this out, if it's possible to provide a drawing as
21 to that corner where structure P724S is proposed
22 to be located?

23 And within that drawing, outline the
24 locations associated with what's in the
25 application, and the location which is going to

1 be -- was proposed in 2-1 and 2-2, and then the
2 proposed location in 2-3 and '4.

3 Well, there will be three locations, but I
4 would also like to make sure that -- I think
5 there's a little confusion as far as what is
6 overhead easement rights and the easement for
7 installing the pole.

8 And if we could clearly outline in this
9 drawing that I'm asking for what is associated
10 with the aerial easement, and what is necessary
11 for the easement for installing the pole. So it's
12 clearly identified how far with the work pad, of
13 what I heard from the construction manager this
14 afternoon, that the work pad would not go too far
15 beyond the bollards so the work may be contained
16 within the bollards and in the corner of the
17 proposed, I'll call it, the construction easement.

18 I think a picture is worth a thousand words
19 in this, in this situation. And I think if we had
20 that, it may help the Council determine which way
21 to go on this particular case.

22 So Attorney McDermott, do you think that's
23 something that we could be provided?

24 MR. McDERMOTT: Absolutely, Mr. Morissette.

25 We can certainly do that.

1 THE HEARING OFFICER: Thank you.

2 MR. McDERMOTT: And I will just say there is no concept
3 of aerial easements, but we understand the
4 assignment, so.

5 THE HEARING OFFICER: Okay. Very good. Well, let me
6 make sure I understand then. In 17 of 29, the
7 easement that is the proposed UI permanent
8 easement, isn't that the 18-foot aerial easement?

9 MR. McDERMOTT: Yeah -- well, I guess -- perhaps,
10 Ms. Potasz is on the panel.

11 She's from the company's real estate group,
12 and I think probably best that I go on mute and
13 let her answer your question.

14 THE HEARING OFFICER: Thank you, Attorney McDermott.

15 THE WITNESS (Potasz): Good afternoon.

16 THE HEARING OFFICER: Good afternoon.

17 THE WITNESS (Potasz): If someone can tell me if you
18 see me and hear me? I'm not quite sure.

19 THE HEARING OFFICER: I can hear you, but I can't see
20 you.

21 THE WITNESS (Potasz): Okay. Let me check.

22 THE HEARING OFFICER: But as long as we hear you,
23 that's fine.

24 THE WITNESS (Potasz): Okay. My computer says you
25 should be able to see me -- but be that as it may,

1 here I am.

2 **THE HEARING OFFICER:** There you are.

3 **THE WITNESS (Potasz):** Okay. So my name again is
4 Annette Potasz for UI, and thank you for the
5 question.

6 And the concept of aerial easement, we have
7 to be careful about, you know, how we present that
8 to you. The purpose of our easement, of course,
9 we have wires up in the air, and in those
10 particular locations there is nothing on the
11 ground.

12 We just have our wires, but the purpose of
13 the easement is also to protect the wires from
14 everything below it, down to the ground and all
15 the way up into infinity. So we don't want to
16 mislead anybody by saying, well, we have an aerial
17 easement, but that doesn't mean we control what's
18 underneath it.

19 Part of the purpose is to make sure that you
20 don't put a permanent structure, and there's
21 language in our easements to protect that. We
22 have vegetation management concerns. If there was
23 trees, we'd have to make sure that we trim the
24 trees.

25 So I always just get a little uncomfortable

1 with that concept of aerial, because I don't want
2 the customers to be misled about what we mean by
3 it.

4 It's an overhead easement, rights for the --
5 for the lines to be above, but it also gives us
6 the right to make sure nobody does something all
7 the way down to the ground that impacts our
8 rights.

9 MR. HANNON: Turning to page 17 of 29, the permanent
10 easement that is shown between P724S and P725S,
11 that is an aerial easement. Is that correct?

12 THE WITNESS (Potasz): It's an overhead easement, yes.

13 THE HEARING OFFICER: Yes. Okay.

14 THE WITNESS (Potasz): Yeah.

15 THE HEARING OFFICER: So that doesn't mean just because
16 the aerial easement, which is 18 feet from the
17 center line, which we heard today, does not limit
18 the property owner to utilize that facility as
19 long as it has no permanent structures built
20 within that area?

21 THE WITNESS (Potasz): Correct. Yes, they retain their
22 rights to use the land.

23 THE HEARING OFFICER: Okay. So I think the drawing
24 hopefully will help clarify a little bit of what
25 we're dealing with here, because I'm interested to

1 see the area -- I'm going to call it the aerial
2 easement, versus what you need for the actual
3 work, work pad easement to construct and install
4 the facility. Okay? So sorry to belabor the
5 point, but I thought that would be helpful for the
6 Council to see that.

7 I'm going to go back to some testimony that
8 was relating to design criteria. We've gotten a
9 lot of comments about the designing the facilities
10 to be able to withstand impact of greater than
11 category three hurricanes.

12 And my first question is, the design criteria
13 in which you are utilizing is both UI's internal
14 criteria for a cat-three, but there is an
15 overriding governing body -- and I think that is
16 National Electric Code. Is that correct?

17 Or could you please explain which, which
18 dictates the category three?

19 **THE WITNESS (Sazanowicz):** Mr. Morissette. This is
20 MeeNa Sazanowicz.

21 The category three wind loading is a UI
22 criteria. That is not a requirement in the NESC,
23 which -- which is what we designed to.

24 **THE HEARING OFFICER:** Okay. So the NESC is silent on
25 the design criteria for hurricane loading?

1 THE WITNESS (Sazanowicz): For hurricane wind loading,
2 yes, that is correct.

3 THE HEARING OFFICER: Okay. All right. Now to design
4 for category four, obviously your structures would
5 need to be much more robust, and there would be a
6 delta cost associated with it.

7 Is there a magnitude associated with that,
8 that you can share with us?

9 THE WITNESS (Sazanowicz): Mr. Morissette, this is
10 MeeNa Sazanowicz again.

11 We have not evaluated those higher wind
12 speeds. We have utilized the category three wind
13 speeds in our design criteria. That is what we
14 have historically been exposed to here in
15 Connecticut in the -- in the past couple years.

16 THE HEARING OFFICER: Okay. So it's really based on
17 historically, historically what we have seen in
18 Connecticut, and category three is your design
19 criteria?

20 THE WITNESS (Sazanowicz): That is correct.

21 THE HEARING OFFICER: Okay. Very good. Thank you.

22 Okay. I'd like to go to the response to
23 Siting Council Question Number 83, and it has to
24 do with the 1430 line and Eversource's portion
25 going to Sasco Creek.

1 Now in the response it basically indicated
2 that eversource and UI, well, would have to
3 constrain the 1430 line, because -- up until the
4 time that Eversource would upgrade their portion
5 of the line -- which is not very much, which is
6 .68 of a mile.

7 First of all, I know this isn't -- you may
8 not know this, but I'm going to ask it anyways.
9 Has Eversource indicated when they're going to
10 upgrade their portion of the line?

11 **THE WITNESS (Sazanowicz):** Mr. Morissette, this is
12 MeeNa Sazanowicz again. We -- we do have
13 coordination meetings with them, however I am not
14 aware of a final and, sort of, the state for their
15 section of line.

16 **THE HEARING OFFICER:** Okay. Fair enough. Okay. Now
17 the operationally constraining the line, what
18 impact will that have? Obviously, you're
19 increasing the conductor size to 1590, so
20 therefore you have operation capabilities to go
21 higher, but the 1272 is limiting you.

22 Is that going to be an issue, or is it
23 within -- you're well within the parameters, and
24 it's nothing to worry about?

25 **THE WITNESS (Sazanowicz):** Mr. Morissette, this is

1 MeeNa Sazanowicz again.

2 There are no concerns with having the
3 existing 1272 and UI's 1590 conductors in terms of
4 UI's needs.

5 THE HEARING OFFICER: Okay. Is that a short-term
6 answer or a long-term answer?

7 Or it doesn't matter?

8 THE WITNESS (Sazanowicz): I am not aware of any UI
9 needs for the full capacity of the -- the -- of
10 not having the full capacity of the 1590 ACSS
11 conductor, however I can't speak at this time to
12 the needs of the -- the Eversource system.

13 THE HEARING OFFICER: Okay. All right. Thank you.

14 Okay. Now I'm going to turn to Attachment
15 CSC-79-1, and thank you for providing this. I
16 found it very useful.

17 The first thing that kind of jumped out at me
18 was, we've got the 1130 line on the north side of
19 the track, and that's on a single monopole. And
20 it's approximately, let's say -- let's call it
21 four miles.

22 Is UI's first pole, the 736N, is that UI's
23 first pole in this, and the rest of it is
24 Eversource's?

25 THE WITNESS (Parkhurst): Mr. Morissette, this is

1 Matthew Parkhurst. Can you repeat that question?

2 THE HEARING OFFICER: Sure. I'm sorry. I'm on
3 attachment CSC-79-1, which is the one-line diagram
4 you provided for me with the line numbers on it.
5 Again, thank you very much.

6 The north side of the track, the 1130 line,
7 UI's first pole -- is that 735 north?

8 THE WITNESS (Sazanowicz): Mr. Morissette, this is
9 MeeNa Sazanowicz.

10 UI owns up to the sixth pole that is parallel
11 to the bottom, at 648S. I don't have the pole
12 number off the top of my head, but that's
13 something that I can look up.

14 THE HEARING OFFICER: Okay. All right. So that was
15 P648S. So if I go across from that, that's where
16 the pole is on 1130.

17 So my question -- let me just get to the
18 point here. Is it possible to move the 1430 line
19 north on double circuit monopoles with the 1130
20 line?

21 THE WITNESS (Sazanowicz): Mr. Morissette, this is
22 MeeNa Sazanowicz.

23 Are you asking about completely rebuilding
24 the 1430 line with -- I'm sorry, 1130 line with
25 double circuits containing the 1130 and 1430 line,

1 and not modification of the 1130 line, double
2 circuit (unintelligible) the poles, that is.

3 THE HEARING OFFICER: Well, first of all, can the 1130
4 line structures accommodate an additional circuit?

5 THE WITNESS (Sazanowicz): No. Mr. Morissette, this is
6 MeeNa Sazanowicz. They -- they cannot accommodate
7 an additional circuit based on their configuration
8 and also loads that they were specifically
9 designed for.

10 THE HEARING OFFICER: Considering their loads, does
11 that include foundation and structures?

12 THE WITNESS (Sazanowicz): Physical loads of the
13 conductors along with the -- the different weather
14 cases. Yes -- I'm sorry. Yes, structures and
15 foundations, not a --

16 THE HEARING OFFICER: Okay.

17 THE WITNESS (Sazanowicz): (Unintelligible.)

18 THE HEARING OFFICER: Okay. So to accommodate the 1430
19 line with the 1130, it would be a complete
20 rebuild.

21 THE WITNESS (Sazanowicz): That is correct.

22 THE HEARING OFFICER: Okay. And a complete rebuild
23 will require new foundations and stronger poles in
24 a double circuit configuration?

25 THE WITNESS (Sazanowicz): That is correct.

1 THE HEARING OFFICER: So technically it is achievable,
2 assuming that you have the proper easements and so
3 forth?

4 THE WITNESS (Sazanowicz): That is correct.

5 THE HEARING OFFICER: But technically it's feasible.
6 Economically, that's a question we probably need
7 to answer, whether rebuilding that portion -- and
8 it's about, probably about 4 miles, 3.75 to 4
9 miles of double-circuit monopoles on the north
10 side of Metro North Railroad, and then crossing
11 over to Ash Creek.

12 Have you looked at that?

13 THE WITNESS (Sazanowicz): Mr. Morissette, this is
14 MeeNa Sazanowicz. We have not looked at that.

15 THE HEARING OFFICER: Okay. Well, can you look at it?

16 THE WITNESS (Sazanowicz): Yes.

17 THE HEARING OFFICER: Okay. All right. I think that
18 would be helpful.

19 I suspect the delta is to bring those to
20 double monopoles, double circuit monopoles. And
21 constructability is going to be extremely
22 expensive, but I think having that on the record
23 would be helpful.

24 The other alternative is to underground it
25 from there, too. And as you stated before 720

1 feet was like 30 million. So I suspect that this
2 3 and a half, 3.75 miles would be several million.

3 If you happen to have -- actually, if you
4 have the answer to that as well, you could include
5 it. So it would be undergrounding and double
6 circuit monopoles on the north side of the track
7 from the pole, your first pole on the 1130 line to
8 Ash Creek.

9 Now, I did notice that in some, some areas
10 you did have a delta configuration. Do you know
11 why that is, you go from a suspension to a delta
12 configuration in some locations?

13 THE WITNESS (Sazanowicz): Mr. Morissette, this is
14 MeeNa Sazanowicz.

15 Those were built in the -- the early
16 'nineties, and I -- I do not have the background
17 design criteria for -- for those design
18 parameters.

19 THE HEARING OFFICER: Okay. Very good. Thank you.
20 Thank you for that. That concludes my questions
21 for this afternoon.

22 So we will continue in accordance with the
23 Council's July 27, 2023, continued evidentiary
24 hearing memo. We will continue with the
25 appearance of BJ's Wholesale Club. Thereafter, we

1 will continue with the appearance of the Applicant
2 for cross-examination by the new parties and
3 interveners.

4 But before we move on, Attorney McDermott,
5 would you like to go through the late files before
6 we continue?

7 MR. McDERMOTT: It seems like a good time to do that,
8 yes.

9 THE HEARING OFFICER: Okay. I have a late file on the
10 customer-funded project treatment.

11 We have a late file by Mr. Perrone that is
12 based on CSC Number 4. The estimate associated
13 with undergrounding number 6 versus Docket 508,
14 option G.

15 MR. McDERMOTT: Yes.

16
17 (Late-Filed Exhibit Number 2, marked for
18 identification and noted in index.)
19

20 THE HEARING OFFICER: Then we have Mr. Hannon who's
21 looking for further analysis on Late-File Number 3
22 relating to the hand digging and what depth, and
23 what protocols were used.

24 MR. McDERMOTT: Yes.
25

1 (Late-Filed Exhibit Number 3, marked for
2 identification and noted in index.)
3

4 **THE HEARING OFFICER:** I have requested a drawing
5 associated with the BJ's easement, including
6 overhead and work pad. And then cost estimates
7 for double circuit monopole of structure 648 south
8 to Ash Creek and also include a cost for
9 underground.

10
11 (Late-Filed Exhibit Number 4, marked for
12 identification and noted in index.)
13

14 **MR. McDERMOTT:** Mr. Berman has something to say on the
15 late files, I think.

16 **THE WITNESS (Berman):** Yeah, just I think, everybody,
17 we should think about what we're going to describe
18 the late file as. I think we have called it a
19 "customer-funded project," was the term. This is
20 not that.

21 We should come up with a new term to describe
22 what we're going to try to tease out in that, in
23 that offering.

24 **THE HEARING OFFICER:** Certainly.

25 You can call it whatever you'd like.

1 THE WITNESS (Logan): We can -- we can call it a
2 regionalized cost versus non regionalized, or
3 something like that.

4 THE HEARING OFFICER: Very good. Okay. Mr. Silvestri,
5 did you have something you wanted to add?

6 MR. SILVESTRI: Thank you, Mr. Morissette. And again,
7 sorry for the interjection.

8 I had asked this question earlier back when
9 we first met about the connection to Eversource,
10 but I didn't ask the specific question, when this
11 proposed line is tied into the Eversource line at
12 Sasco Creek, does it connect to the bonnets on
13 Metro North Railway?

14 THE WITNESS (Parkhurst): So Mr. Silvestri, this is
15 Matthew Parkhurst.

16 If you now pull up the -- to have a visual
17 late-file exhibit -- or response to Interrogatory
18 79 and the 79-1.

19 MR. McDERMOTT: We can't pull it up, but you can refer
20 to it. Everyone has it, so.

21 THE WITNESS (Parkhurst): So the -- the existing
22 conductors supported on the existing bonnet
23 structure 647 will remain as they are, still
24 supported by that bonnet. The next bonnet to the
25 east, on the east side of Sasco Creek is bonnet

1 B647 -- 648S.

2 We will basically cut our conductors and add
3 that bonnet and terminate them at the new pole, so
4 the new Pole P648S.

5 So yes, the existing conductors will be on
6 the bonnets from B647S west, back towards
7 Eversource's and UI -- Eversource's Sasco Creek
8 substation.

9 MR. SILVESTRI: Very good. I thought that was the
10 case. I just wanted to verify it.

11 So thank you again for your response.

12 And Mr. Morissette, thank you for the
13 opportunity to ask that.

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

15 Okay. We'll continue with BJ's Wholesale
16 Club Company. Will the party present its witness
17 panel for purposes of taking the oath, and
18 Attorney Bachman will administer the oath.

19 MR. CASAGRANDE: Yes, thank you, Mr. Morissette. Our
20 Witness today, BJ's witness today will be Patrick
21 Netreba. That's our sole witness who filed
22 prefiled testimony last week.

23 THE HEARING OFFICER: Very good. Thank you.

24 Attorney Bachman?
25

1 P A T R I C K N E T R E B A ,

2 called as a witness, being first duly sworn
3 by ATTORNEY BACHMAN, was examined and
4 testified under oath as follows:

5
6 THE HEARING OFFICER: Thank you, Attorney Bachman.

7 Please begin by verifying all the exhibits by
8 the appropriate sworn witness.

9 MR. CASAGRANDE: Yes. Thank you, Mr. Morissette.

10 Mr. Netreba, I'm directing your attention to
11 BJ's prefiled testimony of August 22nd with
12 attached Exhibits A through F.

13 Did you prepare and/or supervise this
14 document and the creation of these exhibits?

15 THE WITNESS (Netreba): Yes.

16 MR. CASAGRANDE: Is the document your testimony,
17 complete and accurate to the best of your
18 knowledge?

19 THE WITNESS (Netreba): Yes.

20 MR. CASAGRANDE: Do you have any changes or revisions
21 you wish to make at this point?

22 THE WITNESS (Netreba): No.

23 MR. CASAGRANDE: Do you adopt your prefiled testimony
24 in Exhibits A to F as BJ's testimony and exhibits?

25 THE WITNESS (Netreba): Yes.

1 MR. CASAGRANDE: Thank you.

2 Mr. Morissette, I would ask that
3 Mr. Netreba's prefiled testimony and Exhibits A-F
4 be admitted as full exhibits.

5 THE HEARING OFFICER: Very good.

6 Thank you, Attorney Casagrande.

7 Does any party or any intervenor object to
8 the admission of BJ's Wholesale Club Inc's
9 exhibit? Attorney McDermott?

10 MR. McDERMOTT: No objection.

11 THE HEARING OFFICER: Thank you.

12 Attorney Burdo?

13
14 (No response.)

15
16 THE HEARING OFFICER: Attorney Russo?

17 MR. RUSSO: No objection.

18 THE HEARING OFFICER: Thank you.

19 Attorney Schaefer?

20 MR. SCHAEFER: No objection.

21 THE HEARING OFFICER: Thank you.

22 Attorney Herbst?

23 MR. HERBST: No objection.

24 And just for the record, I conferred with
25 Attorney Burdo a short time ago. He had to step

1 away for a minute, but he did not object to any
2 additional evidence either.

3 **THE HEARING OFFICER:** Very good. Thank you. The
4 exhibits are hereby admitted.

5 Thank you, everyone.

6 We will now begin with cross-examination of
7 BJ Wholesale Club Inc by the Council, starting
8 with Mr. Perrone. Mr. Perrone?

9 **MR. PERRONE:** Thank you, Mr. Morissette.

10 There was an interrogatory from BJ's
11 Wholesale Club to UI, number eleven, where it
12 mentions a proposed future gas station
13 development.

14 Are you familiar with that?

15 **THE WITNESS (Netreba):** Yes.

16 **MR. PERRONE:** Where on the property would the proposed
17 gas station development be located?

18 We could use sheet 17 of 29.

19 **THE WITNESS (Netreba):** Yeah, that's what I was just
20 pulling out. Just bear with me for one second
21 while I grab that plan.

22 Yeah, so you're referencing sheet 729,
23 Attorney Perrone. The station -- which is in its
24 early part of development, for clarity and for
25 information for all of you, would be substantially

1 in the location where the easement is proposed,
2 just west.

3 If north is up, it is Pole 723S.

4 MR. PERRONE: How close to 723S, approximately?

5 THE WITNESS (Netreba): The station would be aligned.

6 Again, we're in the concept phase of this,
7 sir. So this is subject to change, but aligned
8 with the spines of the parking, parallel with
9 Metro North's railway line.

10 The distance from the station to the pole,
11 tens of feet.

12 MR. PERRONE: In your prefiled testimony, I know
13 there's a lot of discussion on 724S, but given the
14 proposed gas station development, is it BJ's
15 preference to have P723S completely onto the
16 railroad right-of-way?

17 THE WITNESS (Netreba): I would prefer to see all of
18 these poles on the railroad right-of-way and have
19 no impacts to me, sir -- but Pole 724S is by far
20 and away the larger concern from our standpoint.

21 But yes, answering your question, Pole 723S
22 also has impacts to our future development,
23 including the gas station of this property.

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

25 THE HEARING OFFICER: Thank you, Mr. Perrone.

1 We'll now continue with cross-examination by
2 Mr. Silvestri, followed by Mr. Nguyen.

3 Mr. Silvestri?

4 MR. SILVESTRI: Thank you, Mr. Morissette -- but
5 Mr. Perrone stole my questions.

6 I have nothing else to add. Thank you.

7 THE HEARING OFFICER: Very good. Thank you,
8 Mr. Silvestri.

9 We will continue cross-examination by
10 Mr. Golembiewski. Mr. Golembiewski?

11 MR. GOLEMBIEWSKI: I have no questions. Again,
12 Mr. Perrone asked my question. Thank you.

13 THE HEARING OFFICER: Thank you.

14 We'll continue with Mr. Hannon. Mr. Hannon?

15 MR. HANNON: I have a general question. Part of the
16 dialogue came up earlier -- and this is looking at
17 sheet 17 of 27 on UI's submission. And it appears
18 as though there is the proposed temporary access
19 over the parking structure. Is that correct?

20 THE WITNESS (Netreba): I believe that was the
21 testimony provided by UI, sir.

22 MR. HANNON: Okay. And I guess I'm just having a
23 problem sort of lining everything up with this
24 being a parking structure. So if you could maybe
25 give me a better description of what the lot

1 actually looks like?

2 Because to me, I'm thinking of a parking
3 garage that's elevated.

4 **THE WITNESS (Netreba):** Yeah.

5 **MR. HANNON:** You've got the parking out in front of the
6 lot which appears to be at ground level, but can
7 you give me a little better clarity as to what I'm
8 looking at over there?

9 **THE WITNESS (Netreba):** Yeah, and -- and I -- I wish
10 you had an aerial in front of you, because you
11 could see it.

12 But our building is constructed in an
13 elevated fashion with regard to the front of the
14 site along Black Rock Turnpike. So if you're
15 driving down Black Rock Turnpike, either the north
16 or south configuration and you turn to the right
17 or left, you'll see a parking deck underneath the
18 grade or the finished front elevation, which is
19 our building.

20 So that's where the parking deck is located,
21 and if you look at any aerial on Google, or Bing,
22 or whatever, you'll see a concrete area and an
23 asphalt area. The concrete area in front of our
24 store is -- is the parking deck, sir.

25 So that, that shows where the -- the

1 structure has been constructed and has been there
2 since the -- the early nineties. And below the
3 surface parking, which you'll see on the aerial,
4 is -- is another set of parking spaces that are at
5 grade or at the basement level, if you will.

6 So I hope that makes sense.

7 MR. HANNON: It does. Thank you.

8 And if I'm understanding things correctly,
9 part of the concern with a proposed access in this
10 area is the weight of the equipment and whether or
11 not that existing structure could support some of
12 the proposed equipment that would be going to and
13 from the work area.

14 Is that correct?

15 THE WITNESS (Netreba): That is one concern we have.

16 That is correct, sir.

17 MR. HANNON: Okay. Thank you. I do not have any other
18 questions. Thank you.

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

20 Turning to Exhibit B as part of your prefiled
21 testimony you provided a very nice drawing, thank
22 you. And the drawing basically shows a tractor
23 trailer's ability to make that corner by the
24 proposed 724 pole.

25 So what this is basically telling me is that

1 the tractor trailers need all the area up to the
2 bollards, especially if they're going to be
3 parking in the one or two -- two bay slots.

4 Is that interpretation correct?

5 THE WITNESS (Netreba): Yes, sir, it is. If you look
6 at the exhibit, you'll note that the radius is
7 shown there, or what we call truck envelopes.

8 THE HEARING OFFICER: Uh-huh?

9 THE WITNESS (Netreba): And they show the movement of
10 the trucks, the outside edge of the truck, if you
11 will, as it moves through.

12 And for every single dock position that we
13 have, pretty much all of the pavement area is
14 required to be used for -- for maneuvers.

15 It's a very tight dock, sir.

16 THE HEARING OFFICER: Yes, thank you.

17 It does look very tight.

18 Now, if UI was able to limit their easement
19 area to within the bollard area only, would that
20 be helpful to you?

21 THE WITNESS (Netreba): Certainly, it would be much
22 better than having a UI piece of equipment, or a
23 pallet, or some other type of work equipment in
24 the area that would be coincident with our truck
25 maneuvers. Yes.

1 THE HEARING OFFICER: Great. So if they could approach
2 it by the adjacent property, or stay within the
3 easement area of where the bollards are outlined,
4 because then that would relieve BJ's from any
5 logistical problems getting trucks in and out of
6 there.

7 THE WITNESS (Netreba): That would appear to be the
8 case, as they would not be occupying the same
9 space that we currently use.

10 THE HEARING OFFICER: Very good. Okay. Thank you.
11 Thank you very much. That concludes my
12 cross-examination for this afternoon.

13 We will now continue with cross-examination
14 of BJ's Wholesale Club, Inc, by the Applicant,
15 Attorney McDermott. Attorney McDermott, please?

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

17 Mr. Netreba, BJ's Wholesale Club is a
18 publicly traded company?

19 THE WITNESS (Netreba): Yes, sir. That is correct.

20 MR. McDERMOTT: And subject to check, gross revenues
21 for 2023 were about \$19 billion?

22 THE WITNESS (Netreba): You can go to
23 BJ'sInvestorRelations.com and pull that -- but I'll
24 trust that you did, and say yes.

25 MR. McDERMOTT: Okay. Do you have any idea what BJ's

1 Wholesale Club profits were in 2022?

2 THE WITNESS (Netreba): I'm not really at liberty to
3 say that. That's confidential and proprietary
4 information, Attorney McDermott.

5 MR. McDERMOTT: Well, according to the BJ's website
6 that you referred me to, gross profits were about
7 \$3.43 billion?

8 THE WITNESS (Netreba): Fair enough.

9 MR. McDERMOTT: So it's actually not a confidential
10 number?

11 THE WITNESS (Netreba): I'm sorry. I thought you meant
12 for this particular store. I apologize.

13 On a gross basis we, of course, report that
14 and you can find that, yes.

15 MR. McDERMOTT: Okay. So gross -- gross profits were
16 4.3 -- or 3.4 billion dollars. If my math is
17 right, assuming there's 8,760 hours in a year,
18 BJ's was making approximately \$390,000 profit an
19 hour.

20 THE WITNESS (Netreba): I'll trust your math is
21 correct, sir.

22 MR. McDERMOTT: Okay. And just to break that down
23 farther, that would be about \$6,500 a minute
24 profit?

25 THE WITNESS (Netreba): Again, I trust that you've

1 completed that correctly.

2 **MR. McDERMOTT:** And as we discussed previously, the
3 move to move that structure that we've been
4 talking about that's identified in the late-file
5 exhibit, item 2-1 is about \$71,000. Right?

6 **THE WITNESS (Netreba):** I believe that's what the UI
7 engineer reported earlier today, yes.

8 **MR. McDERMOTT:** All right. So if my math on the BJ's
9 profit is correct, it would take about eleven
10 minutes for BJ's to make the profit required to
11 pay the \$71,000. Correct?

12 **THE WITNESS (Netreba):** That's correct, which is why we
13 offered a substantial contribution to solve the
14 problem.

15 **MR. McDERMOTT:** But that's not exactly fair to all the
16 other entities along the lines, the daycare
17 centers, the government organizations, you know,
18 the residents, the individual property owners, the
19 people who aren't making over \$3 billion in
20 profit.

21 It's not really fair that you can come in
22 with your deep pockets and just pay to get rid of
23 the problem. Is it?

24 **MR. CASAGRANDE:** Mr. Morissette, I'll object.

25 That's argumentative.

1 THE HEARING OFFICER: Attorney McDermott, will you give
2 a response?

3 MR. McDERMOTT: I think it's asking for an opinion.
4 Does he think it's fair that one entity can pay
5 \$71,000 to, you know, move -- move the, quote,
6 unquote, problem, whereas another entity can't?

7 MR. CASAGRANDE: I'm going to --

8 MR. McDERMOTT: It's almost an environmental justice
9 type of question, Mr. Morissette.

10 THE HEARING OFFICER: I'm going to sustain the
11 question, and please move on.

12 MR. McDERMOTT: You're going to sustain the question,
13 or sustain the objection?

14 THE HEARING OFFICER: Sustain the objection, excuse me.

15 MR. McDERMOTT: How many BJ's Wholesale clubs are there
16 in the United States?

17 THE WITNESS (Netreba): 257. Again, is that what BJ's
18 Investor Relations says today, sir?

19 MR. McDERMOTT: I thought you worked for the company
20 and you would know how many stores they had.

21 So I'll accept over 200 stores. Correct?

22 THE WITNESS (Netreba): Fair enough.

23 MR. McDERMOTT: And do each of them have the same
24 amount of deliveries that you say the Fairfield
25 store has, between 5 -- 15, and 20 trucks a day?

1 THE WITNESS (Netreba): That's an average number. It
2 varies upon the volume of the store in question.

3 A store in a rural area would have less
4 deliveries than a store in an urban area.

5 MR. McDERMOTT: And are you, as -- I'm sorry. I'm
6 looking for your title -- the Director of Real
7 Estate.

8 Are you familiar with the real estate in each
9 of those clubs throughout the country? Or do you
10 have a regional overview, I guess?

11 THE WITNESS (Netreba): I couldn't represent to you
12 here today that I know every single club, Attorney
13 McDermott.

14 But I'm the Director of Real Estate for BJ's
15 Wholesale Club for this part of the country,
16 including the area that is north of, say,
17 Washington, D.C.

18 MR. McDERMOTT: Okay. Thank you. So you have 15 to 20
19 deliveries a day. Do those deliveries come
20 automatically, or are they scheduled?

21 Do you know when they're going to arrive?

22 THE WITNESS (Netreba): I would point you to my
23 testimony where I provided a summary of the
24 inventory management system and the fact that it's
25 computerized, and the fact that we have on-demand

1 deliveries based on consumer demand of a
2 particular product.

3 MR. McDERMOTT: So are there periods during the day
4 when there's no deliveries going on?

5 THE WITNESS (Netreba): Are there periods during the
6 day when there's no delivery going on?

7 MR. McDERMOTT: Correct.

8 THE WITNESS (Netreba): Of course there's periods
9 during the day when there's no delivery.

10 MR. McDERMOTT: And have you ever had to shut down a
11 loading dock area, say, to repave the parking?

12 To repave the lot, or otherwise do
13 maintenance or -- yeah, I guess that's it -- do
14 maintenance at the loading dock area?

15 THE WITNESS (Netreba): Attorney McDermott, I
16 understand your line of thought and questioning
17 here, and I understand that you're questioning me
18 about whether or not we shut our loading docks
19 down, and for how long and what the real impact
20 is.

21 But I will tell you that we strive, as I
22 mentioned in my testimony, not to shut our loading
23 dock down ever as it is a direct correlation to
24 how best we can service our members who pay for
25 the privilege of shopping.

1 MR. McDERMOTT: Okay. I know -- no, I appreciate your
2 non-responsive answer, but how about responding to
3 my question?

4 THE WITNESS (Netreba): Of course, there are time
5 periods when the loading dock must be maintained
6 if a pothole had to be filled, or if there was an
7 accident that needed to be addressed. Of course.

8 MR. McDERMOTT: I'd like to refer you to Exhibit C to
9 your prefiled testimony. I believe this is a shot
10 of BJ's loading dock area where there's four
11 trailers.

12 Are you with me on that?

13 THE WITNESS (Netreba): Is -- I'm sorry, Attorney
14 McDermott. Is that the truck turning template?

15 Or is that the --

16 MR. McDERMOTT: It looks like a Google Earth road shot
17 of the loading area.

18 It's Exhibit C to your prefiled testimony.

19 THE WITNESS (Netreba): Okay. Yes, I have it.

20 Yes, go ahead.

21 MR. McDERMOTT: So there's four -- if I count them,
22 four trailers sitting there?

23 THE WITNESS (Netreba): Yeah.

24 MR. McDERMOTT: Where are the trucks?

25 THE WITNESS (Netreba): The truck probably had left its

1 bay at that point and had departed for another
2 location. Or if the aerial was so poor you might
3 not have been able to make out the truck.

4 I'm sorry. I can't comment on either one.

5 MR. McDERMOTT: Okay.

6 THE WITNESS (Netreba): You might not have been able to
7 see the truck, Attorney McDermott.

8 MR. McDERMOTT: Okay. I take it you don't have Exhibit
9 C in front of you?

10 THE WITNESS (Netreba): I'm working to pull it up. I
11 have exhibit --

12 MR. McDERMOTT: Okay.

13 THE WITNESS (Netreba): -- if you'll just bear with me
14 for one second?

15 Exhibit D was the truck turn figure, or?

16 MR. McDERMOTT: Exhibit C, as in Charlie.

17 THE WITNESS (Netreba): Yeah. Okay. Yes, I see it.

18 MR. McDERMOTT: And so you see the four -- the four
19 trailers with no trucks?

20 THE WITNESS (Netreba): Yes, sir, I do.

21 MR. McDERMOTT: Okay. And so my question is, why are
22 there no trucks?

23 THE WITNESS (Netreba): So occasionally we have what's
24 called a drop trailer where -- where the truck
25 will move along to its next location to pick up a

1 trailer to account for the time it takes to unload
2 the merchandise. So it depends on the -- how
3 quickly we can unload the merchandise.

4 Sometimes we have a stock room that cannot
5 take all the merchandise and have a truck that has
6 to wait, but these are -- it's a fluid equation in
7 terms of the receiving operation.

8 MR. McDERMOTT: All right. And this loading dock in
9 Fairfield has five bays?

10 THE WITNESS (Netreba): It has one, two, three, four,
11 five -- yes, four that are -- are usable.

12 I don't know if we use the fifth one, sir.

13 I'm sorry, I don't know the answer to the
14 question.

15 MR. McDERMOTT: All right. So looking, looking again
16 at Exhibit C, beyond the fourth trailer there's a
17 brown building?

18 THE WITNESS (Netreba): Uh-huh.

19 MR. McDERMOTT: Do you know what building that is?

20 THE WITNESS (Netreba): Is that the Feroletto Steel
21 building? Is that what you're referring to?

22 MR. McDERMOTT: I'm just asking you what -- if you know
23 what that building is?

24 THE WITNESS (Netreba): Yeah. You know, I'm -- I'm
25 sorry. I'm still looking for that Exhibit C.

1 I apologize. I'm just going off my memory at
2 this point. Apologies, Mr. McDermott.

3 MR. McDERMOTT: No worries.

4
5 (Pause.)

6
7 THE WITNESS (Netreba): Is it possible to put it up on
8 the screen? I'm sorry.

9 THE HEARING OFFICER: Unfortunately, it's not.

10 THE WITNESS (Netreba): Attorney McDermott, I -- I do
11 apologize. I'm sorry, I'm having a hard time
12 finding that, that exhibit. I do apologize, sir.

13 MR. McDERMOTT: Okay. Well, let me move on.

14 Maybe we can circle back, and maybe I could
15 ask Attorney Casagrande or Mortelliti to perhaps
16 e-mail it to you or something?

17 THE WITNESS (Netreba): Yeah, that would be fine.

18 MR. McDERMOTT: In the petition for party status that
19 your attorneys filed, on page 2 it says the
20 project as proposed involves the Applicant
21 acquiring an estimated 19.25 acres of permanent
22 easements, including 19.1 acres for the rebuild of
23 115 kV lines and 0.15 acres for permanent
24 easements -- permanent access to the lines.

25 It then says, these proposed easements, if

1 acquired, would impede BJ's Wholesale Club's
2 redevelopment of this property.

3 Can you explain to me why the UI's
4 acquisition of approximately 19.25 acres of
5 permanent easements would have an impact on BJ's?

6 **THE WITNESS (Netreba):** Sure. A pretty easy answer on
7 that, sir. The easement proposed would remove
8 land area that I would otherwise normally be able
9 to develop for purposes of building expansion,
10 that gas station, as we've mentioned before.

11 So it would reduce my developable area.

12 **MR. McDERMOTT:** So is it your position that BJ's has
13 19.25 acres --

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

15 **MR. McDERMOTT:** -- that UI is acquiring?

16 **THE WITNESS (Netreba):** No. I think what the statement
17 was supposed to -- was stating was that the area
18 that UI would capture as part of its easement,
19 should the power line be installed, would reduce
20 my developable area, a potential area that I could
21 develop, if you follow me.

22 That's what we were saying.

23 **MR. McDERMOTT:** I see.

24 And what is that conclusion based on?

25 **THE WITNESS (Netreba):** The testimony that the UI real

1 estate person previously entered into the record
2 in that you're not allowed to construct a
3 structure or any other permanent feature within
4 that easement.

5 MR. McDERMOTT: Now the motion for intervener status
6 was filed on June 27th, and the hearing that
7 you're referring to took place in July. So your
8 statement came before that testimony.

9 That's true. Isn't it?

10 THE WITNESS (Netreba): Yes, sir.

11 I believe that to be the case, yes.

12 MR. McDERMOTT: Okay. And so I'll ask the question
13 again, what is your conclusion about the easements
14 based on, given the fact that the statement that I
15 read to you was written prior to the testimony
16 that you're referring to?

17 THE WITNESS (Netreba): The easement plan that was
18 provided on sheet 17 of 29 that indicates where
19 the permanent UI, proposed UI permanent easement
20 would be located in Orange.

21 MR. McDERMOTT: You were asked a question about the
22 redevelopment, the potential redevelopment of a
23 gas station at the Fairfield property?

24 THE WITNESS (Netreba): Yes, sir.

25 MR. McDERMOTT: Would you -- I guess, Mr. Morissette,

1 I'd like to ask for a late file from BJ's. Maybe
2 they could take the drawing that's included in the
3 prefiled testimony and add to that the location of
4 the proposed gas station.

5 That would be exhibit -- I think you
6 referenced it, Exhibit B.

7 THE HEARING OFFICER: Exhibit B?

8 Attorney Casagrande, is that possible?

9 MR. CASAGRANDE: Certainly, Mr. Morissette.

10 THE HEARING OFFICER: Very good. Thank you.

11
12 (Late-Filed Exhibit Number 5, marked for
13 identification and noted in index.)

14
15 MR. McDERMOTT: Thank you.

16 Have you provided the information about the
17 location of the gas station previously to UI?

18 THE WITNESS (Netreba): I don't believe so, no. It's
19 so far in its concept phase at this point, we
20 would have no reason to.

21 MR. McDERMOTT: But yet you want the Council to take
22 that into consideration when considering the
23 location of UI's infrastructure?

24 THE WITNESS (Netreba): Yes, we do because we very much
25 would like to construct a gas station at this

1 location.

2 MR. McDERMOTT: But that's not the type of information
3 you think would be helpful to UI to know when
4 designing their project?

5 THE WITNESS (Netreba): Why would we go to UI regarding
6 a gas station that we would construct on a
7 property when you don't have any jurisdiction?

8 Attorney McDermott, I just got a copy of
9 Exhibit C. I'm sorry. I have the wrong PDF. If
10 you'd like to address that, we can now as well.

11 MR. McDERMOTT: Okay. Thank you.

12 THE WITNESS (Netreba): Yes, no problem.

13 Thank you for your patience.

14 MR. McDERMOTT: In your prefiled testimony on page 4,
15 you say since -- this is the last question on that
16 page beginning in the second sentence, since the
17 proposed installation and maintenance of P724S in
18 addition to the permanent right-of-way, as well as
19 the location of the temporary work pad in BJ
20 Wholesale Club's loading dock would invariably
21 cause disruption and delays to loading dock
22 operations. There will be a corresponding
23 reduction in product movement and delivery.

24 Why are you so conclusive that there will be
25 disruptions and delays in loading dock operations?

1 THE WITNESS (Netreba): Well, if you look at the sheet
2 17 of 29, you can see the gray box has identified
3 it as the proposed work pad. And if you scale
4 that off even just empirically, you can see that
5 it's a lot more than the 18 feet that would be
6 required for the easement when -- I -- I guess
7 this is my conjecture, that the proposed work pad
8 is the area required to construct the poles of 724
9 and 725, and the remainder of the ones that are
10 there.

11 So if there's equipment inside the loading
12 dock area and I'm trying to use that same area to
13 deliver products, there would be a reduction in my
14 capacity to conduct business, Attorney McDermott.

15 MR. McDERMOTT: And what's your understanding about the
16 duration of time that would be required for the
17 work of that area?

18 THE WITNESS (Netreba): We have tried to engage UI on
19 that and we -- it's been communicated to us that
20 we cannot engage in that until the easement is
21 approved.

22 MR. McDERMOTT: Sorry. UI has told you that they won't
23 discuss how long it will take them to, or how long
24 they would need a work pad for?

25 THE WITNESS (Netreba): I think better put is that we

1 couldn't discuss the terms and conditions of the
2 easement. I believe you were a part of that
3 discussion, sir.

4 **MR. McDERMOTT:** That's fine. I believe I was part of
5 that discussion.

6 But the question is, do you have an
7 understanding about the construction duration, how
8 long UI would be at the BJ's Wholesale Club
9 property on any particular day to complete any of
10 the tasks required?

11 **THE WITNESS (Netreba):** No, because UI wouldn't engage
12 in a frank discussion about the terms and
13 conditions of the easement. It's a bit of a
14 circular reference, I believe.

15 **MR. McDERMOTT:** Okay. Would it surprise you to learn
16 that I had conversations with your attorney in
17 which I've described to him the duration of time
18 that would be required for UI to construct any
19 aspect of the project, including maintenance of
20 the property?

21 **MR. CASAGRANDE:** Objection. Calls for discussion of
22 settlement negotiations -- which Attorney
23 McDermott has repeatedly warned me would be
24 admissible in this proceeding.

25 So I think it's highly inappropriate for him

1 to ask that question.

2 THE HEARING OFFICER: Attorney McDermott, do you want
3 to restate the question?

4 MR. McDERMOTT: I'll withdraw the question.

5 THE HEARING OFFICER: Very good. Thank you.

6 MR. McDERMOTT: And I apologize, Attorney Casagrande.

7 I did not mean to cross that line.

8 MR. CASAGRANDE: I understand. Thank you.

9 MR. McDERMOTT: I appreciate your point.

10 Is there a duration of time, an hour, two
11 hours? Is there some length of time that would be
12 acceptable to BJ's for UI to conduct work in the
13 loading dock area? Or is your position that no
14 work, however short, can take place in the loading
15 dock area?

16 THE WITNESS (Netreba): Attorney McDermott, as I've
17 mentioned in my prefiled testimony, it's a
18 function of the time period of when this would
19 happen.

20 If you happened to say this to me on March
21 17th of a random day in a random year, you know, I
22 might not have an issue with that. But if you
23 come to me and say, it's going to be the five days
24 before July 4th, or the three days before
25 Thanksgiving, or the four days before any other

1 major holiday, there's significant impacts to our
2 business.

3 And even on the random day, there's
4 significant impacts to our business because our
5 members come to expect that we are going to
6 deliver the product to them. And if someone
7 doesn't show up -- if someone shows up and they
8 don't have access to those products, they quickly
9 ask themselves, why am I paying for the ability to
10 buy cheap diapers? Or water? Or milk, or any
11 other product that we sell if it's not there?

12 Our entire business, as I mentioned to you in
13 my prefiled testimony, is based on logistics and
14 the efficient flow of product from point A to B.

15 If we break that, we fail.

16 MR. McDERMOTT: Now you previously mentioned there's a
17 scheduling software. So would it be possible for
18 you to identify blocks of time during the course
19 of a year where UI could have access, you know,
20 from 2:30 to 4:30 in the morning on a random
21 Tuesday to do the work?

22 Or -- again, I'm asking the question, are you
23 saying that there's no block of time during the
24 course of the year that can be scheduled and set
25 aside?

1 THE WITNESS (Netreba): Deliveries are scheduled on an
2 on-demand basis based on customer demand of
3 product, which is a kind of constant state of, not
4 of people, but change, I should say.

5 So for me to tell you that there is a time
6 period that would work, there's really no time
7 period that works. We're constantly taking
8 trucks, as I mentioned in my testimony, 15 to 20
9 per day to be able to -- to run our business here.

10 The loading dock is by far the most active
11 portion of our business, with the exception of the
12 front door where everyone walks in every day, sir.
13 We're constantly taking trucks. We have daily
14 store deliveries. We have team members entering
15 and exiting. It is an active place, 24/7.

16 MR. McDERMOTT: 24/7. 365? Or are there any --

17 THE WITNESS (Netreba): Yes, sir. Yes, sir. Yes.

18 MR. McDERMOTT: Do you have a log of your daily
19 deliveries?

20 THE WITNESS (Netreba): A log of our daily deliveries?

21 MR. McDERMOTT: Yes. I mean, can you say for certain
22 that there's 15 to 20 trucks a day, or is that
23 just -- have you taken an average?

24 Is there a low day?

25 THE WITNESS (Netreba): 15 to 20 is about -- about

1 right for this club, sir. That's correct.

2 MR. McDERMOTT: So going back to Exhibit C.

3 THE WITNESS (Netreba): Sure.

4 MR. McDERMOTT: Now that you have it in front of you --

5 THE WITNESS (Netreba): Yes.

6 MR. McDERMOTT: What is the building that is beyond the
7 fourth trailer?

8 THE WITNESS (Netreba): That is the Fero -- that is the
9 steel building.

10 MR. McDERMOTT: That is the steel building?

11 THE WITNESS (Netreba): Yes, sir.

12 MR. McDERMOTT: And you would agree with me, it appears
13 that there are two -- it looks like a loading dock
14 area. Are those loading docks that are, kind of,
15 it looks like around the corner, perhaps?

16 I'm not sure how to describe the location. I
17 was wondering if you know where the location of
18 the loading docks are for the steel building?

19 THE WITNESS (Netreba): Yeah. So if you're looking at
20 that photo -- and thank you for your patience
21 while we pulled it up. There's -- there's three
22 trucks that are shown there without a cab trail --
23 not -- not a trailer, but a truck that goes with
24 them.

25 And then beyond that, there appears to be

1 space for one, if not two additional locations.
2 It's tough to tell by this picture as it's an
3 oblique angle, but I believe that there's two
4 other locations in there.

5 And then following that on the far side,
6 there's what we call a drop trailer, which is a
7 trailer that is waiting to be picked up by our
8 logistics folks to move back to our distribution
9 facility.

10 MR. McDERMOTT: Okay. In your prefiled testimony on
11 page 3, you say to Ferroleto Steel -- sorry about
12 my pronunciation -- offers a paved area in the
13 rear of the property that is not encumbered by an
14 active loading dock area.

15 What do you mean by, not encumbered by an
16 active loading dock area -- or an active loading
17 dock? Sorry.

18 THE WITNESS (Netreba): Well, if you look at the
19 aerial, Attorney McDermott, you'll see that
20 there's no loading dock. And by that I mean, a
21 concrete apron that you'd find at the front of the
22 Ferroleto -- I hope I'm saying that right -- Steel
23 building, which shows a piece of concrete that
24 their trucks are parked on top of.

25 That's the standard in the industry for a

1 loading dock. That's what I meant by that.

2 MR. McDERMOTT: Have you discussed the UI project with
3 the steel company?

4 THE WITNESS (Netreba): No, sir, we have not.

5 I have not.

6 MR. McDERMOTT: So you don't know how they would feel
7 about the placement of a transmission structure on
8 their property?

9 THE WITNESS (Netreba): I have no idea, sir.

10 MR. McDERMOTT: So you -- but would like UI to do that?

11 You'd like them to move the structure onto
12 the steel company property?

13 THE WITNESS (Netreba): I'd like them to move it to a
14 location that's not in such an active location for
15 a business. That is correct, yes.

16 In this case, that business happens to be me,
17 yes.

18 MR. McDERMOTT: You say -- in your prefiled testimony
19 you say, therefore BJ's Wholesale Club submits
20 that installing P724S in the rear paved area of --
21 I'm skipping the name of the company -- the
22 steel's property is a more than reasonable
23 alternative.

24 But you don't know that it's not going to be
25 as difficult to site it there, or that they're

1 going to be receptive to it. You just don't want
2 it in your backyard. Is that right?

3 THE WITNESS (Netreba): It would appear to me that it's
4 in an easier location. It's in a paved area. You
5 can access it. You can access it from both sides
6 of their building, as opposed to our building,
7 which has much more constraints in terms of the
8 parking deck, the rear drive aisle, and the fact
9 that in our area we are running 15 to 20 trucks
10 per day.

11 From there, from my perspective in my view of
12 their situation, they are not running 15 to 20
13 trucks per day in that area. And even if they
14 did, they have multiple ways of ingress and
15 egress, whereas we do not.

16 MR. McDERMOTT: What's the maximum number of trucks
17 that can simultaneously use the loading dock area
18 at any one time?

19 THE WITNESS (Netreba): Okay. The number of berths --
20 it's one, two, three, four. It's either -- it's
21 probably five locations, four to five, let's say.

22 MR. McDERMOTT: How often is it that all five of the
23 bays are being used?

24 THE WITNESS (Netreba): I don't have that answer for
25 you right now, I'm sorry to say.

1 MR. McDERMOTT: How long is -- approximately how long
2 is each truck parked there for?

3 THE WITNESS (Netreba): It depends on the delivery and
4 the merchandise. If it's a refrigerated truck, it
5 might be quicker because we're trying to get that
6 merchandise into a climate-controlled environment.

7 If it's a non-refrigerated truck and we don't
8 have space for the product, either in our stock
9 room or out on the floor, it might wait for a bit,
10 as you can see in the photo in -- in Exhibit C.

11 MR. McDERMOTT: Would it be possible for you to
12 provide, say, a 90-day log of the deliveries that
13 were -- yeah, the deliveries that were made at
14 BJ's? You know, pick a 90-day period as an
15 example of the volume and the time of the
16 deliveries?

17 THE WITNESS (Netreba): That -- that might trend upon
18 proprietary information, sir, that I'd rather not
19 have in the public domain -- but we'll take that
20 under advisement. How about that?

21 MR. McDERMOTT: No, that's not sufficient.

22 Mr. Morissette, I'll ask you to weigh in on
23 the position of the Witness, that it's
24 proprietary. It does not seem to me to be
25 proprietary, but I'm not sure what the

1 confidential nature of the number of deliveries
2 would be since he's essentially already indicated
3 it's 15 to 20. I'm just looking for a breakdown
4 of that number over the course of 90 days.

5 THE HEARING OFFICER: Thank you, Attorney McDermott.

6 Attorney Casagrande, you want to weigh in on
7 this?

8 MR. CASAGRANDE: Well, Mr. Morissette, I have to defer
9 to my client's observations of what would be
10 proprietary or not. I'm not prepared to comment
11 on that at this point.

12 THE HEARING OFFICER: You have no insight as to whether
13 the information is confidential, or not?

14 MR. CASAGRANDE: I can't comment on that at this time.

15 THE HEARING OFFICER: Very good.

16 Attorney Bachman, would you like to weigh in
17 on this?

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

19 Certainly, a motion for protective order
20 could be filed if it's confidential information,
21 and we would take that up at the next hearing or
22 during one of our regular meetings.

23 Thank you.

24 THE HEARING OFFICER: Very good. Thank you.

25 With that, we will take a late file of the

1 90-day log of deliveries. And if it is
2 confidential, then file a protective order and we
3 will handle it accordingly and maintain it
4 confidential for only those that would require the
5 need to utilize the information.

6 THE WITNESS (Netreba): Mr. Morissette, we can agree to
7 that so long as the information is -- is retained
8 in a confidential fashion, sir.

9 THE HEARING OFFICER: Absolutely. Very good.

10 THE WITNESS (Netreba): Thank you.

11 THE HEARING OFFICER: Thank you.

12
13 (Late-Filed Exhibit Number 6, marked for
14 identification and noted in index.)
15

16 THE HEARING OFFICER: Attorney McDermott, please
17 continue.

18 MR. McDERMOTT: Thank you. The location of the pole
19 that is going to go in what I refer to as the
20 grassy knoll behind the bollards.

21 You're familiar with that location?

22 THE WITNESS (Netreba): I am, yes. Thank you.

23 MR. McDERMOTT: So the location -- am I correct that
24 you don't have a problem necessarily with the
25 location of that pole, because the location of the

1 pole itself will not impede the operations at the
2 loading dock? Is that correct?

3 THE WITNESS (Netreba): That is correct so long as the
4 easement didn't overlap the areas where my trucks
5 need to operate, the work easement -- or permanent
6 easement for that matter. I guess they're the
7 same based on our prior testimony.

8 MR. McDERMOTT: Right. And so it comes down to the
9 construction and, I guess, arguably maintenance --
10 although maintenance is probably not a frequent
11 occurrence, but it really comes down to the
12 construction of the structure rather than its
13 location. Is that correct?

14 THE WITNESS (Netreba): I would say it's the initial
15 construction as well as the ongoing maintenance.
16 If UI decided to park a truck in that area, I
17 would not be able to use the loading dock, period,
18 full stop.

19 MR. McDERMOTT: You would not be able to use the
20 loading dock area while the truck was in place.

21 Right?

22 THE WITNESS (Netreba): Correct. Yes, that's correct,
23 sir. Thank you for finishing my thought.

24 I appreciate that.

25 MR. McDERMOTT: But the permanent easement would not

1 impede access, right?

2 The easement itself, that's not an issue?

3 **THE WITNESS (Netreba):** Easements go with rights for
4 those that possess them. What rights do you have
5 in the easement to do things, and how does that
6 impact my ability to circulate delivery vehicles,
7 trucks in the loading dock?

8 So it's never just the easement. It's the
9 rights that go with the easement, of course.

10 **MR. McDERMOTT:** Okay. Mr. Morissette, I believe that's
11 all I have for the BJ's panel. Thank you.

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

13 We're going to conclude the hearing for
14 today, and there will be a continuation by the
15 Connecticut Siting Council. The Council announces
16 that we will continue the evidentiary session of
17 this public hearing on Tuesday, October 17, 2023,
18 at 2 p.m., via Zoom remote conferencing.

19 A copy of the agenda for the continued remote
20 evidentiary hearing session will be available on
21 the Council's Docket 516 webpage, along with a
22 record of this matter, the public hearing notice,
23 instructions for public access to the remote
24 evidentiary hearing session, and the Council's
25 citizens' guide to Siting Council's procedures.

CERTIFICATE

I hereby certify that the foregoing 143 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 THAT CONSISTS OF THE RELOCATION AND REBUILD OF ITS EXISTING 115-KILOVOLT ELECTRIC TRANSMISSION LINES FROM THE RAILROAD CATENARY STRUCTURES TO NEW STEEL MONOPOLE STRUCTURES AND RELATED MODIFICATIONS ALONG APPROXIMATELY 7.3 MILES OF THE CONNECTICUT DEPARTMENT OF TRANSPORTATION'S METRO-NORTH RAILROAD CORRIDOR BETWEEN STRUCTURE B648S LOCATED EAST OF SASCO CREEK IN FAIRFIELD AND UI'S CONGRESS STREET SUBSTATION IN BRIDGEPORT, AND THE REBUILD OF TWO EXISTING 115-kV TRANSMISSION LINES ALONG 0.23 MILE OF EXISTING UI RIGHT-OF-WAY TO FACILITATE INTERCONNECTION OF THE REBUILT 115-kV ELECTRIC TRANSMISSION LINES AT UI'S EXISTING ASH CREEK, RESCO, PEQUONNOCK AND CONGRESS STREET SUBSTATIONS TRAVERSING THE MUNICIPALITIES OF BRIDGEPORT AND FAIRFIELD, CONNECTICUT, which was held before JOHN MORISSETTE, Member and Presiding Officer, on August 29, 2023.



Robert G. Dixon, CVR-M 857
Notary Public
My Commission Expires: 6/30/2025

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