

ORIGINAL

STATE OF CONNECTICUT

SITING COUNCIL

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CONNECTICUT LIGHT & POWER COMPANY
AND UNITED ILLUMINATING COMPANY

JUNE 3, 2004
(10:00 A.M.)

APPLICATION FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION
OF A NEW 345-kV ELECTRIC
TRANSMISSION LINE AND ASSOCIATED
FACILITIES BETWEEN THE SCOVILL ROCK
SWITCHING STATION IN MIDDLETOWN
AND THE NORWALK SUBSTATION IN
NORWALK, CONNECTICUT

DOCKET NO. 272

RECEIVED
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CONNECTICUT
SITING COUNCIL

BEFORE: PAMELA B. KATZ, CHAIRMAN

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TRISH BRADLEY

A PARTY, THE TOWN OF EASTON

A PARTY, THE TOWN OF BETHANY

A PARTY, THE TOWN OF HAMDEN

AN INTERVENOR, THE TOWN OF FAIRFIELD

AN INTERVENOR, THE FIRST DISTRICT WATER COMPANY

AN INTERVENOR, NORWALK ASSOCIATION OF SILVERMINE
HOMEOWNERS

A PARTY, ROBERT W. MEGNA, STATE REP. 97th DISTRICT

AN INTERVENOR, MARY G. FRITZ, STATE REP. 90th
DISTRICT

AN INTERVENOR, AL ADINOLFI, STATE REP. 103rd
DISTRICT

AN INTERVENOR, RAYMOND KALINOWSKI, STATE REP. 100th
DISTRICT

AN INTERVENOR, THEMIS KLARIDES, STATE REP. 114th
DISTRICT

AN INTERVENOR, JOHN E. STRIPP, STATE REP. 135th
DISTRICT

AN INTERVENOR, WILLIAM ANISKOVICH, STATE REP.
12th SEN. DISTRICT

AN INTERVENOR, JOSEPH CRISCO, JR., STATE REP.
17th SEN. DISTRICT

AN INTERVENOR, LEONARD FASANO, STATE REP.
34th SEN. DISTRICT

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1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of an application by Connecticut Light & Power
4 Company and United Illuminating Company, held at Central
5 Connecticut State University Institute of Technology &
6 Business, 185 Main Street, New Britain, Connecticut, on
7 June 3, 2004 at 10:00 a.m., at which time the parties
8 were represented as hereinbefore set forth . . .

9
10

11 CHAIRMAN PAMELA B. KATZ: Good morning.
12 The fun just continues.

13 I'd like to go over what we're going to
14 accomplish today, but I'm going to start off by giving
15 every party and intervenor a homework assignment.

16 MR. GERALD J. HEFFERNAN: They're
17 thrilled. (Laughter).

18 CHAIRMAN KATZ: The Council would like all
19 parties and intervenors to indicate to us their
20 preferences on -- I'm going to outline three scenarios
21 and Mr. Cunliffe will be memorializing this in an
22 interrogatory for you.

23 The first scenario, we'd like town-by-
24 town, if the line in Segments 1 and 2 is completely

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1 overhead, what is your preferred route? And if you want
2 to indicate height of structures, split phasing, fine.

3 The second scenario, if the line is
4 completely underground, under what streets would you want
5 to go under? You might want to talk to DOT before you
6 write this down because they'll definitely want to talk
7 to you after.

8 The third scenario, as you might guess, is
9 if through this -- if through your town it is partially
10 overhead and partially underground, where would you
11 ideally want to put the underground? Please be
12 realistic. As we heard testimony, if you're fond of XLPE,
13 you're limited to a four to five-mile segment. And if
14 it's partially underground, you might want to discuss
15 where you would put a transition station, etcetera.

16 Is there any questions on that homework
17 assignment?

18 MR. ROBERT L. MARCONI: Can I add one
19 thing? (Pause).

20 CHAIRMAN KATZ: Mr. Marconi has asked me
21 to point out that by indicating a preferred overhead or
22 an underground, you are not conceding anything on whether
23 you think the line should be completely overhead or
24 completely underground.

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1 MS. LINDA RANDELL: Madam Chairman --

2 CHAIRMAN KATZ: Yes?

3 MS. RANDELL: -- could I add in a friendly
4 way to the homework assignment? With respect to
5 transition stations, I am reminded that we are looking at
6 four to six acres -- four to eight because they are fully
7 switching. And if people --

8 CHAIRMAN KATZ: Right --

9 MS. RANDELL: -- could bear that in mind
10 and --

11 CHAIRMAN KATZ: Keep that in mind.

12 MS. RANDELL: -- something the size of my
13 house is probably not the right place for a transition
14 station.

15 CHAIRMAN KATZ: The shed in your backyard
16 wouldn't do it.

17 MS. RANDELL: Right.

18 CHAIRMAN KATZ: Right. Yes, Mr. Prete.

19 MR. JOHN PRETE: Is this one on? As you
20 gave the homework assignment, I started thinking about
21 the second one, which is underground, all underground,
22 and maybe it's elementary in what people are thinking,
23 but if -- if there's a town that goes all underground say
24 from east to west and it's connected to towns on the

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1 other side that are going north to south, we'd have to
2 have a contiguous route of some sort --

3 CHAIRMAN KATZ: Yes. I'm hoping the towns
4 will talk to each other.

5 MR. PRETE: Thank you.

6 CHAIRMAN KATZ: The ends do have to meet
7 at some point.

8 A VOICE: Or the ends justifies the means.

9 CHAIRMAN KATZ: Yes. Is there anyone else
10 who has a question on the homework assignment? Mr.
11 Fitzgerald.

12 MR. ANTHONY M. FITZGERALD: When is it
13 due?

14 CHAIRMAN KATZ: Yes -- (laughter) -- a
15 good point --

16 A VOICE: A good point.

17 CHAIRMAN KATZ: It will be due by the July
18 prefiling date and we will discuss them in July. Mr.
19 Frank.

20 MR. MONTE FRANK: I just want to get a
21 clarification on the size of the transition stations. In
22 Phase 1 of Docket 217, the transition station sizes were
23 roughly two acres, and those are the parcels that were
24 located in Phase 1 and seemed to work. So, I'm a little

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1 curious why now it's four to eight acres. That was not
2 the assumption that we had been operating on in trying to
3 develop alternatives.

4 CHAIRMAN KATZ: Perhaps we can have the
5 Applicant give some testimony on that when they're
6 seated.

7 MR. FRANK: And I guess I'd like to know
8 whether a 2-acre transition station would work.

9 CHAIRMAN KATZ: Okay. We'll get some
10 testimony on that. Any other questions on the -- the
11 prefiling date for the July hearings is July 19th.

12 MR. FITZGERALD: We -- we would like to
13 try and get some -- we're hoping to kind of sugar off all
14 these alternatives that are in the air --

15 CHAIRMAN KATZ: Is that a legal term?
16 (Laughter).

17 MR. FITZGERALD: Yeah -- no -- and -- you
18 know, because there's so much work to be done in the way
19 of identifying statutory facilities that are adjacent to
20 whatever the real routes that turn out to be the subject
21 of serious consideration by the Council. And -- and so
22 I'm just wondering if there might be some way before July
23 19th, because a lot of this work has got to go on between
24 now and then, of eliminating some of the things that have

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1 been talked about but that don't really seem to have any
2 legs, and --

3 CHAIRMAN KATZ: Well, I think each town
4 can make that judgment on what ideas have legs and what
5 don't. I have faith that they will come in with something
6 realistic.

7 MR. FITZGERALD: Yeah, but we'd like to
8 know that before July 19th.

9 MS. RANDELL: Our concern -- you okay?
10 Our concern is that if we wait until July 19th to take
11 some of these non-viable routes off the table, that we
12 are going to be obligated to in fact go do the mapping,
13 the identification of, you know, the facilities in the
14 new public act and the like. We have had some
15 preliminary, very preliminary conversations this morning
16 with some of the other attorneys in the room, I know I
17 have, and I think there's not going to be great
18 opposition to taking certain things off the table if we
19 can try it, or at least perhaps do this at a prehearing
20 conference. We were going to suggest maybe a prehearing
21 conference after the lunch break to start talking about
22 this. The I-91 for example, 95, or the rail corridors,
23 or things like that.

24 CHAIRMAN KATZ: Would you want to do the

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1 prehearing conference today or would you like to wait
2 until we meet in two weeks and do it?

3 A VOICE: (Indiscernible) -- today --

4 CHAIRMAN KATZ: Today?

5 MS. RANDELL: I believe today is the
6 direction I have from my people.

7 CHAIRMAN KATZ: Okay. Is that agreeable
8 to doing a prehearing conference? We have the City of
9 Bridgeport coming in at 1:00 to say a few things to the
10 Council. Can we -- Mr. Phelps, can we put them off until
11 1:30?

12 MR. S. DEREK PHELPS: (Indiscernible) --
13 (Laughter) --

14 A VOICE: (Indiscernible) -- yes, ma'am --
15 (laughter) --

16 CHAIRMAN KATZ: Okay. We will do a
17 prehearing conference then at 1:00 o'clock and --

18 COURT REPORTER: Could you indicate what
19 Mr. Phelps said.

20 CHAIRMAN KATZ: Mr. Phelps said that he
21 would handle that with the City of Bridgeport. Miss
22 Kohler.

23 MS. JULIE DONALDSON KOHLER:
24 (Indiscernible) -- participating in a prehearing

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1 conference at 1:30, but I just would note that we --

2 CHAIRMAN KATZ: 1:00 --

3 MS. KOHLER: -- we don't have any sort of
4 input from the CEO's yet --

5 CHAIRMAN KATZ: Yes --

6 MS. KOHLER: -- as to what their positions
7 would be --

8 CHAIRMAN KATZ: Understood --

9 MS. KOHLER: -- so it would be more
10 listening rather than speaking.

11 CHAIRMAN KATZ: Yes. Understood.

12 MS. RANDELL: Our goal would be --

13 CHAIRMAN KATZ: And we could do a similar
14 prehearing conference at our session in June after you
15 have gotten more input from your clients.

16 MR. FITZGERALD: Right.

17 MS. RANDELL: That works really well for
18 us --

19 CHAIRMAN KATZ: Okay --

20 MS. RANDELL: -- thank you.

21 CHAIRMAN KATZ: Okay, so we will do a
22 prehearing conference from 1:00 -- probably until 1:30 at
23 the maximum today to discuss these issues.

24 Okay, so today we are going to have a

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1 report on certain homework assignments, then we are going
2 to go to cross-examination of Synapse, and then we have
3 Land-Tech following that. And then as I indicated, we --
4 at 1:30 no matter where we are, we're going to let the
5 City of Bridgeport talk to us. I think we made them a
6 little nervous talking about alternatives. Mr. Johnson.

7 MR. BRUCE JOHNSON: Chairman Katz, if
8 possible could a very brief procedural inquiry be made
9 here? The Council a few days ago put out a request for
10 the parties to advise it as to the views of the parties
11 on the implications of the new law --

12 CHAIRMAN KATZ: Right, briefs.

13 MR. JOHNSON: -- and I had understood that
14 there is some question now of exactly when those
15 briefings would be requested to be filed with the Council
16 --

17 CHAIRMAN KATZ: Yeah --

18 MR. JOHNSON: -- and if -- if we could
19 have clarification of when that is because one of the
20 dates that I had heard about was June 7th, and if that
21 could be pushed back, it would be helpful to OCC and
22 perhaps others.

23 CHAIRMAN KATZ: I don't think we need it
24 really before the July 19th date, do we? (Pause). Yeah,

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1 let's -- let's stick with that on the July 19th date for
2 those briefs.

3 MR. JOHNSON: So the comments on this new
4 law --

5 CHAIRMAN KATZ: Yes --

6 MR. JOHNSON: -- and its implication for
7 the docket would be on July 19th?

8 CHAIRMAN KATZ: Right.

9 MR. JOHNSON: Thank you very much.

10 CHAIRMAN KATZ: Mr. Frank.

11 MR. FRANK: Just a clarification on the
12 agenda. It was my understanding that the procedure
13 today, the order would be Synapse first and then the
14 Regional Water Company Authority --

15 CHAIRMAN KATZ: Good, yes --

16 MR. FRANK: -- witnesses second.

17 CHAIRMAN KATZ: Yes.

18 MR. FRANK: And I note that they are here.

19 CHAIRMAN KATZ: Yes. Thank you, yes.

20 MR. FRANK: Thank you.

21 CHAIRMAN KATZ: I forgot. You people are
22 so good about reminding me. Okay --

23 A VOICE: (Indiscernible) -- about what
24 witnesses are here --

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1 CHAIRMAN KATZ: It was everybody's
2 understanding though that we were doing the homework
3 assignments first? Okay. Why don't we proceed with
4 that.

5 MR. FITZGERALD: Thank you. The first in
6 -- well, the first two items and maybe the only two that
7 we're prepared on this morning are that you asked that
8 the companies prepare a table comparing the proposed
9 route to the East Shore alternative, or the comparable
10 segments of the proposed route. Also, Mr. Boucher asked
11 that we provide the house counts and other statutory
12 facility counts for Segment 1 as well as for Segment 2 of
13 East Shore. And we asked for some time to respond on
14 what we could do there. We -- we do not have that
15 information. It will take us probably a couple of weeks
16 to put it together, but we will do that. And we have
17 prepared a table. And looking forward to having
18 accomplished what Mr. Boucher has asked, the table has
19 placeholders for some data which will be filled in when
20 we get it. And to the extent that the data is already
21 available, particularly including the costs, it is
22 displayed in the table.

23 I gave Mr. Cunliffe copies. We will serve
24 it on the service list. We also are prepared to put it

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1 on the screen so that -- for the benefit of the people in
2 the audience. Mr. Prete can -- well, Mr. Prete is
3 prepared to walk you through the table now and so you
4 understand the format and the information in it and also
5 how it corresponds with other information in the record,
6 some of which needs to be corrected.

7 CHAIRMAN KATZ: We can stand on the
8 sidelines and have Mr. Prete give that commentary if you
9 wish. This is just one table, Mr. Prete, you're -- yeah,
10 why don't we just -- the Council will stand up and move
11 to the side and we'll let you do that, okay.

12 MR. FITZGERALD: Yes, that would be great,
13 thank you.

14 A VOICE: Let's move.

15 (Pause)

16 MR. FITZGERALD: Mr. Prete -- first of
17 all, maybe -- can we give this an exhibit number, Mr.
18 Cunliffe? Make it 104, would that be alright?

19 MR. FRED O. CUNLIFFE: Correct.

20 MR. FITZGERALD: And Mr. Prete, does --
21 what has been marked as Exhibit 104 and that you're about
22 to explain to the Council and the audience, is the
23 information in it true and correct to the best of your
24 knowledge and belief?

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1 MR. PRETE: Yes, it is.

2 MR. FITZGERALD: And -- I'd ask that it be
3 admitted as a full exhibit.

4 CHAIRMAN KATZ: (Indiscernible) -- any
5 objections to making --

6 COURT REPORTER: Whoa, wait, wait --

7 CHAIRMAN KATZ: Any objections to making
8 it a full exhibit? Hearing none, full exhibit number --

9 MR. CUNLIFFE: 104.

10 CHAIRMAN KATZ: -- 104.

11 MR. FITZGERALD: Thank you, Madam
12 Chairman.

13 (Whereupon, Applicants' Exhibit No. 104
14 was received into evidence as a full exhibit.)

15 MR. FITZGERALD: And for the record, we
16 will be mailing and e-mailing copies of the exhibit to
17 the service list.

18 A VOICE: We'll try and get more copies --

19 MR. FITZGERALD: And we will -- we will --
20 later today we will have some more hard copies here for
21 people to pick up if they want to.

22 MR. PRETE: Very good. Very simply this
23 is a comparison of the proposed route and two East Shore
24 alternatives, realizing the East Shore alternative or

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1 routes is that which contains two lines from the Beseck
2 area to the East Shore. So this is our proposed column
3 here. Obviously as you see the next two, this particular
4 one in the middle shows the comparable data assuming all
5 underground from East Shore to East Devon. And adjacent
6 to that, far to the right is the East Shore route that
7 shows the hybrid, the hybrid being from East Shore to
8 East Devon, approximately six miles of underground, and
9 then along the right-of-way from the transition station
10 in the Orange area.

11 So, I'd like to just call your attention
12 to three things I need to clarify. No. 1, the clearing
13 acres that you see, the 95.1 in the total column under
14 proposed, Miss Mango testified to a 98 number which is
15 indicative of what was in the application. In our
16 furthering design as we have talked about getting
17 structures either closer together in and out of wetlands,
18 we are able to knock off a whopping three acres of that
19 clearing.

20 Secondly, as we go into the middle where
21 we see the 150 acres that Miss Mango talked about
22 yesterday, that is indeed the 150 acres associated with
23 the line from Beseck to East Shore. So in a true
24 comparison, you'll see the 95.1 acres in the total

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1 clearing for the project as proposed compared to the
2 190.2 on either of the East Shore alternative. So that's
3 an important thing to point out.

4 Secondly, as we go to proposed under
5 Segment 2 where you see 21, we had 26 in the presentation
6 that was given yesterday by Miss Bartosewicz and myself.

7 The 26 number included churches and golf courses. And
8 as we begin to learn more about the law and trying to
9 distinguish, we have removed the golf courses and
10 churches. So the 21 -- and we'll have an errata sheet
11 appropriate for that presentation.

12 And lastly, all the way to the column
13 where Beseck/East Devon, it shows a 22 for that same
14 area, again that number in the presentation was 21, the
15 same type of thing. This church had a playground, so we
16 put it in.

17 So just two things to point out very
18 quickly. I think the cost row as we walked down there, I
19 think is consistent with our application. As we see kind
20 of on a fully loaded basis, approximately 190 million for
21 the proposed Segment 1 and 2. And as we move adjacent to
22 that, the 378.5 is the total cost of the East Shore route
23 that would include the second line from Beseck to East
24 Shore and all underground from East Shore to East Devon,

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1 roughly 380 million. Again, I think our application
2 talks about costs in and over a hundred million.

3 And then finally if you go to the right in
4 the total cost column of the hybrid East Shore route,
5 that being the underground and overhead from East Shore
6 to East Devon, the approximate cost is 343 million.

7 So if there's any questions as Mr.
8 Fitzgerald pointed out, the TBDs, or to be determined,
9 we'll actively work on filling those blocks out as
10 quickly as possible. So that's -- (pause) -- Mr.
11 Fitzgerald has corrected my understanding of why the
12 application had 98 acres to 95, the 95 is a supported
13 change number. I apologize. I'd be happy to answer any
14 questions.

15 MR. DAVID BALL: Mr. Prete -- David Ball
16 on behalf of the Town of Woodbridge -- just so that I'm
17 clear, the two East Shore routes that you have priced out
18 here presume the construction of a second line along the
19 387 corridor, is that --

20 MR. PRETE: Yes.

21 MR. BALL: Okay. So neither of them
22 presumes reconductoring the 387 line in lieu of building
23 a second line?

24 MR. PRETE: That's correct.

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1 MR. BALL: And similarly that applies to
2 the acreage clearing, those numbers -- 190.2 acres of
3 clearing also presumes that a second line is being built
4 in the 387 corridor?

5 MR. PRETE: That's correct.

6 MR. BALL: Thank you.

7 (Pause)

8 MR. PRETE: Thank you.

9 CHAIRMAN KATZ: And Mr. Fitzgerald, we had
10 another homework assignment you were reporting on this
11 morning?

12 MR. FITZGERALD: I don't believe so.
13 Could you tell me if you --

14 CHAIRMAN KATZ: Mr. Zak --

15 MR. FITZGERALD: This is -- this is the
16 recurring nightmare, isn't it --

17 CHAIRMAN KATZ: Yes.

18 MR. COLIN C. TAIT: You're back in school
19 --

20 CHAIRMAN KATZ: I believe --

21 MR. TAIT: -- do, do, do your homework.

22 CHAIRMAN KATZ: I believe Mr. Zak was
23 going to report on something -- let me see if I can find
24 my notes -- (pause) -- no, I think that was more of a

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1 long-term --

2 MR. FITZGERALD: Yeah, we have a number of
3 longer term assignments.

4 CHAIRMAN KATZ: Yeah, longer term ones.

5 MR. FITZGERALD: Yeah.

6 CHAIRMAN KATZ: Is there anyone else who
7 believes there's a homework assignment that's suppose to
8 be reported on this morning? Okay.

9 At this point we are ready for cross-
10 examination of Synapse, followed by RWA, followed by
11 Land-Tech. And just to remind everybody, the witnesses
12 have been sworn. And you're going to introduce them
13 again for the court reporter.

14 MR. BALL: Good morning. David Ball on
15 behalf of the Town of Woodbridge. Seated next to me is
16 David Schlissel and next to him is Peter Lanzalotta, and
17 they've been sworn in.

18 MS. KOHLER: And Julie Donaldson Kohler
19 for the City of Milford.

20 CHAIRMAN KATZ: Okay. Are we all set?
21 Mr. Fitzgerald, are you going first?

22 MR. MARCONI: Do you have the spelling of
23 the names Mr. court reporter?

24 COURT REPORTER: I have --

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1 MR. MARCONI: Okay.

2 COURT REPORTER: And again, Mr. -- you are

3 --

4 MR. PETER LANZALOTTA: Mr. Lanzalotta.

5 MR. MARCONI: It might be helpful to the
6 Council as well to have name tags not only for the
7 Applicants' witnesses and counsel but get your pen out
8 and folded paper so anybody who appears will have a name
9 tag in front of them for all of us.

10 CHAIRMAN KATZ: Great. If we could do
11 that for Land-Tech and RWA, we'd appreciate that. Ready
12 to go? Mr. Fitzgerald.

13 MR. FITZGERALD: Thank you. Good morning,
14 gentlemen. Good morning, gentlemen.

15 VOICES: Good morning.

16 A VOICE: We were busy writing.

17 CHAIRMAN KATZ: Take -- take these
18 courtesies where you can get them. (Laughter).

19 MR. FITZGERALD: In your prefiled
20 testimony you say that additional reinforcement of the
21 transmission system is necessary to ensure adequate
22 system capability and reliability, correct?

23 CHAIRMAN KATZ: Now, Mr. Fitzgerald, just
24 to get everybody literally on the same page, you're

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1 talking about the May 25, 2004 document?

2 MR. FITZGERALD: I am talking about the
3 May 25, 2004 document.

4 CHAIRMAN KATZ: And would you like to
5 point us to a page or --

6 MR. FITZGERALD: Well, if they -- if they
7 didn't agree, we could do that, but --

8 CHAIRMAN KATZ: Well just for the
9 Council's --

10 MR. FITZGERALD: I'm actually -- I'm
11 actually referring to the -- just to set the table here -
12 - -

13 CHAIRMAN KATZ: Okay --

14 MR. FITZGERALD: -- I'm referring to the
15 question and answer that starts at line 23 of page 4.

16 CHAIRMAN KATZ: Okay. Just while we're
17 setting the table, I just wanted to clarify something.
18 You list the towns that you did this on behalf of and I
19 noticed not all the towns are listed, so -- for example,
20 you didn't go to Scovill Rock because it's in Middletown,
21 or --

22 MR. DAVID SCHLISSEL: Middletown is not
23 one of our clients.

24 CHAIRMAN KATZ: Okay.

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1 MR. SCHLISSEL: These 16 towns are our
2 clients

3 CHAIRMAN KATZ: Okay. If there were
4 geographic limits to your work, can you tell us what they
5 were?

6 MR. SCHLISSEL: The work looked at the
7 whole proposed project.

8 CHAIRMAN KATZ: Okay.

9 MR. SCHLISSEL: But these towns were our
10 clients.

11 CHAIRMAN KATZ: Okay. So you didn't not
12 do Scovill Rock --

13 MR. SCHLISSEL: Correct --

14 CHAIRMAN KATZ: -- to Oxbow or --

15 MR. SCHLISSEL: We did look at Oxbow --

16 CHAIRMAN KATZ: Yes --

17 MR. SCHLISSEL: -- we did look at Scovill
18 Rock. We looked all the way down from there to Norwalk.

19 CHAIRMAN KATZ: Okay, thank you.

20 MR. SCHLISSEL: We also looked at East
21 Shore even though some of those towns are not our
22 clients.

23 CHAIRMAN KATZ: Understood.

24 MR. FITZGERALD: Okay. So again just to

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1 provide some context, you state, do you not, that you
2 agree that the transmission system needs reinforcement to
3 ensure adequate system capability and reliability to
4 serve customer demands in Southwest Connecticut?

5 MR. SCHLISSEL: Yes, sir.

6 MR. FITZGERALD: And that statement
7 assumes that the Bethel to Norwalk line that's been
8 approved will be built, right?

9 MR. SCHLISSEL: Yes, sir.

10 MR. FITZGERALD: So you're saying that in
11 addition to that, there is further reinforcement needed,
12 right?

13 MR. SCHLISSEL: Yes, sir.

14 MR. FITZGERALD: Okay. And looking at the
15 helpful summary of your testimony on page 4, you cite two
16 points. The second one of which is -- relates to the GE
17 studies, which we will discuss at another time. The
18 first point that you give in summary of your testimony is
19 that the Siting Council should not reject the possibility
20 that there could be a technically feasible East Shore
21 alternative based upon the results of the load flow study
22 submitted by the Applicants. And you are referring there
23 to an East Shore alternative that only uses the existing
24 387 line with upgrading of the line and includes no

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1 second line on the 387 right-of-way, right?

2 MR. SCHLISSEL: That's correct. At the
3 time we drafted the testimony, those were the load flow
4 studies that the Applicants had provided.

5 MR. FITZGERALD: Alright. And before we
6 discuss that contention, that -- let's call it the one-
7 line East Shore alternative should not be dismissed, do
8 you acknowledge that the proposed Middletown to Norwalk
9 project would provide needed reliability improvements of
10 the electric transmission system?

11 MR. LANZALOTTA: Yes.

12 MR. FITZGERALD: Okay. Now, let's talk
13 about your one-line East Shore route --

14 MR. SCHLISSEL: Well, if I might, it's not
15 our one-line East Shore route. It's one scenario that
16 we're examining.

17 MR. FITZGERALD: Okay. I'm really just
18 trying to grapple with this problem that we all have of
19 trying to make clear what I'm talking about when I say
20 East Shore route --

21 MR. SCHLISSEL: Okay, that's fine --

22 MR. FITZGERALD: -- and it's the one --
23 let's call it the one-line East Shore route, okay.

24 MR. SCHLISSEL: That's fine.

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1 MR. FITZGERALD: Alright.

2 CHAIRMAN KATZ: Or we could call it the

3 387 --

4 A VOICE: No, no, no, one-line --

5 CHAIRMAN KATZ: Oh. One-line.

6 MR. TAIT: 387, 345 --

7 MR. FITZGERALD: Now, you say in your
8 testimony that you are going to do thermal load flows of
9 a one-line East Shore configuration. And then at page 18
10 of your testimony you describe a configuration that you
11 are going to have GE or that you have asked GE to study.

12 Now is this the -- is the configuration that's described
13 at page 18 the same one -- there's actually two scenarios
14 as you call them that are -- that have been submitted to
15 GE for transient network analysis studies, are these the
16 configurations that you are doing thermal load flow
17 studies on?

18 MR. LANZALOTTA: Essentially, these
19 scenarios with modifications to them --

20 MR. FITZGERALD: Okay --

21 MR. LANZALOTTA: -- and probably some
22 other scenarios too. It seems as we go along we get --
23 more and more options are being explored and we're
24 getting information, you know, on various additional

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1 options from the companies as we go.

2 MR. FITZGERALD: Well -- I was afraid of
3 that. We need to know what it is that you say you are
4 going to be -- or that you are studying from a thermal
5 load flow perspective. And so perhaps we can get that
6 information right now.

7 MR. SCHLISSEL: Well if -- if I might
8 answer, Mr. Fitzgerald. We have a timing problem with
9 GE, as you're well aware, that we have had to give GE
10 several weeks ago information on the two scenarios that
11 they were going to run at your clients' expense for the
12 towns. If the schedule had been more extended or if we
13 had reached agreement with GE earlier to run town
14 scenarios, we would have -- if there were more money,
15 we'd ask them to do more studies, but we're limited by
16 funds and time. So we gave them two scenarios among the
17 scenarios we're looking at --

18 MR. FITZGERALD: Okay --

19 MR. SCHLISSEL: -- the ones we think that
20 would inform the Siting Council the best. If there were
21 more towns, we would complete our load flow studies, we
22 would come up with our preferred scenario or scenarios
23 and then we would ask GE to run the modeling. But I
24 suggest if we did that, we'd be coming back and asking

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1 the Siting Council for hearings in November --

2 CHAIRMAN KATZ: Well --

3 MR. SCHLISSEL: -- but we don't -- we're
4 doing two things at the same time. One is asking GE to
5 do the harmonics and transient analyses that they've
6 agreed to do at the same time that we are doing the
7 thermal load flow studies to determine the preferred
8 options.

9 MR. FITZGERALD: And what I'm asking about
10 is the thermal load flow studies --

11 MR. SCHLISSEL: Absolutely --

12 MR. FITZGERALD: -- I just referred to
13 that description of what you gave to GE in case it
14 provided a convenient shorthand to say yeah, this is --
15 this is what we are -- this is what our thermal load flow
16 studies are --

17 MR. SCHLISSEL: And --

18 MR. FITZGERALD: -- and now you've told me
19 that it doesn't, fine. Now I have to ask you what it is
20 that you are -- what is the East Shore scenario that you
21 are going to model thermally?

22 MR. SCHLISSEL: This is basically the East
23 Shore scenario and the scenarios that we are going to
24 model, but I can't commit to not coming in with a

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1 modified version if doing our load flow studies, which we
2 have the model for, we have the data for, if one of these
3 doesn't work or if we look at options that are superior,
4 we will propose that --

5 MR. FITZGERALD: Let me --

6 MR. SCHLISSEL: -- unfortunately with GE
7 we don't have the flexibility.

8 MR. FITZGERALD: Let me -- let me ask you
9 this -- let's just talk about the thermal load flows
10 because you know you have the model, you have the data
11 from the one-line East Shore thermal load flow studies
12 that PowerGEM ran for the Applicants, right?

13 MR. SCHLISSEL: Right.

14 MR. FITZGERALD: You began getting that
15 data in February --

16 MR. SCHLISSEL: And it kept changing over
17 time, yes.

18 MR. FITZGERALD: And you kept getting more
19 of it --

20 MR. SCHLISSEL: And the data changed, yes,
21 sir.

22 MR. FITZGERALD: And you got the wrap-up
23 study that was -- the ISO New England comparative study
24 that looked at all the previous one-line studies came to

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1 you in April 15th? Yes?

2 MR. SCHLISSEL: The ISO wrap-up study?

3 MR. FITZGERALD: The comparison, the ISO -
4 -

5 MR. SCHLISSEL: We got that study I
6 thought the end of February and the data -- the data in
7 roughly mid March or something like that.

8 MR. FITZGERALD: Mid March, I'm sorry --

9 MR. SCHLISSEL: Or something like that.

10 MR. FITZGERALD: Okay. Well, why is it
11 that you haven't done any load flow -- thermal load flow
12 studies to present to the Council for this hearing? Why
13 are we talking about getting thermal load flows in mid
14 July?

15 MR. SCHLISSEL: The schedule that was
16 worked out was not for us to file our preferred
17 alternative today or last week. It was to file it along
18 with the GE studies.

19 MR. FITZGERALD: Who said that?

20 MR. SCHLISSEL: That was the schedule as I
21 understood it as my counsel presented to us, was that we
22 were going to present the Towns' alternatives at the same
23 time that we filed the GE study because the GE study will
24 inform what the Towns' alternatives are. If the GE study

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1 comes back and says that one of the alternatives that we
2 would prefer doesn't work from a harmonics and transients
3 point of view, then the Towns are not going to propose it
4 -- that alternative. That the load flow studies and the
5 GE modeling are the two legs upon which the Towns'
6 conclusions and proposed solutions will stand. And you
7 can't give those conclusions until we have both legs.

8 CHAIRMAN KATZ: Mr. Schlissel, Mr. Ashton
9 has a question for you.

10 MR. PHILIP T. ASHTON: Mr. Schlissel --

11 CHAIRMAN KATZ: Can you grab the mic.

12 MR. ASHTON: Oh, sorry. Mr. Schlissel,
13 does Synapse have the capability to run load flow studies
14 in-house?

15 MR. SCHLISSEL: Mr. Lanzalotta does, yes,
16 sir.

17 MR. ASHTON: And wouldn't you agree that
18 load flow studies are not particularly complex? That
19 digital load flow studies have been around since the
20 early 60's?

21 MR. LANZALOTTA: Well if you have -- if
22 you have the system representation that you want to start
23 working with as your base case all set up, then there's a
24 fairly straightforward procedure, somewhat time intensive

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1 but straightforward.

2 I'd like to point out though that the
3 PowerGEM load flows that we've seen that describe East
4 Shore one-line solution didn't include any provision at
5 all for the Beseck Station and a number of other elements
6 that were included in the companies' original proposal
7 that were distinct from the line from Middletown to
8 Norwalk.

9 CHAIRMAN KATZ: But you have that scenario
10 now showing Beseck --

11 MR. LANZALOTTA: We have it now --

12 CHAIRMAN KATZ: Okay --

13 MR. LANZALOTTA: -- but I don't have the
14 load flow done. I've been having to work with these load
15 flow studies that show essentially --

16 CHAIRMAN KATZ: Yeah --

17 MR. LANZALOTTA: -- a different East Shore
18 alternative and make changes. And --

19 CHAIRMAN KATZ: Well if this Council was
20 interested in doing -- we're meeting again in about two
21 weeks -- doing the load flow part in two weeks and
22 waiting until July to do the more complex GE modeling, is
23 that doable?

24 MR. LANZALOTTA: Not with my time

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1 schedule, no.

2 MR. ASHTON: I well understand the GE
3 network analyzer -- transient network analyzer studies
4 are complex and expensive, but before you get into a TNA
5 study, don't you usually run through the load flow
6 studies to weed out the cases that don't make sense and
7 those that make sense in general, it's a go, no-go type
8 test, and you can refine the load flows and refine the
9 systems based on both load flow and TNA studies --

10 MR. SCHLISSEL: You're absolutely correct,
11 sir. Absolutely that would be our preferred alternative.
12 That's why we asked back in January for the GE model and
13 the GE data. We intended to do exactly what you suggests
14 --

15 MR. ASHTON: When did you get access to a
16 base case for load flow?

17 MR. SCHLISSEL: The first base case for
18 load flow probably -- I don't know -- February or March.
19 But again, it wasn't a scenario that we were studying and
20 it was changing over time. Uh --

21 MR. ASHTON: Thank you, I have nothing
22 further.

23 CHAIRMAN KATZ: Let's -- we'll go back to
24 cross.

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1 MR. FITZGERALD: You performed work for
2 some of the parties and intervenors in Docket 217, the
3 Bethel to Norwalk line, didn't you?

4 MR. SCHLISSEL: Yes. The four towns.

5 MR. FITZGERALD: And you performed thermal
6 load flow modeling in connection with that docket, right?

7 MR. SCHLISSEL: Yes, um-hmm.

8 MR. FITZGERALD: And you performed that
9 work based on modeling and data that was provided to you
10 in machine readable form by the companies, right?

11 MR. LANZALOTTA: Yes.

12 MR. FITZGERALD: And that data included
13 modeling of a proposed or of a future loop, didn't it?

14 MR. LANZALOTTA: Yes.

15 MR. FITZGERALD: And that model and that
16 data included -- included Beseck Substation and the new
17 construction proposed as Segment 1 of this application,
18 right?

19 MR. LANZALOTTA: Well, I believe that
20 there were scenarios that --

21 MR. FITZGERALD: So you -- you had -- you
22 had those portions of the model in machine readable form
23 before this proceeding ever started?

24 MR. LANZALOTTA: I'm not sure that there

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1 was any East Shore alternatives --

2 MR. FITZGERALD: No --

3 MR. LANZALOTTA: -- modeled in there. And
4 frankly, I didn't have -- I don't think I had the go
5 ahead to even start work on load flow studies until at
6 some point earlier this year --

7 MR. SCHLISSEL: March --

8 CHAIRMAN KATZ: Sir, can you -- put your
9 mic a little closer to you. Thank you.

10 MR. FITZGERALD: So when you -- my -- so
11 when you got the data and models for the one line East
12 Shore alternative that did not include rebuilding Beseck
13 and did not include Segment 1, you were already in
14 possession of other modeling and other data that did
15 include rebuilding Beseck and building Segment 1,
16 correct?

17 MR. LANZALOTTA: I believe so.

18 MR. FITZGERALD: Okay. Now, I -- I need
19 to come back to where we were before and try and find out
20 what it is that you are planning to model thermally as
21 one or more scenarios of a one-line East Shore route that
22 you think may prove to be viable. And I have the benefit
23 of a paper that your counsel kindly gave me in response
24 to my request, which relates to the -- to what you gave

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1 GE. And I understand that it's not the same as what you
2 know think you are going to model --

3 MR. SCHLISSEL: No, no, that's
4 mischaracterizing. It is the same, but we may look at a
5 variance of this --

6 MR. FITZGERALD: Okay --

7 MR. SCHLISSEL: -- we intend to look at
8 what we gave you. I'm just saying -- I just did not want
9 you to believe that we were not going to look at a
10 possible variance of that.

11 MR. FITZGERALD: Okay. Okay, thank you
12 for that clarification. And now -- so let's start with
13 what you gave me because I need a little more detail on
14 that too. One scenario that you describe -- and tell me
15 if this is a correct description of what you intend to
16 model thermally -- the proposed 345-kV system as included
17 in the base case MIN-P1 and MIN-P2 harmonic studies
18 performed by GE except that there would be no new line
19 between Beseck and East Devon Substation, in addition
20 there would be a new 345-kV line from East Shore
21 Substation to East Devon, the other 345-kV line would be
22 as per the base case MIN-P1 and MIN-P2, there would be a
23 new Beseck Station. And then you -- then you go on to
24 describe two scenarios for the East Shore to East Devon

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1 piece, but I'm going to put those aside for the moment
2 and just concentrate on the northerly piece.

3 MR. SCHLISSEL: Yes, sir.

4 MR. FITZGERALD: Is what I just read a
5 description of -- let's call it the base case that you're
6 going to do a thermal modeling of?

7 MR. SCHLISSEL: Yes, sir.

8 MR. FITZGERALD: As I read that, that
9 includes building what we would call -- what we've been
10 calling Segment 1 and it includes building Beseck
11 Station. And later on you describe reconductoring of the
12 387 line that you want them to include. But you do not
13 specify any changes in the existing terminations of the
14 387 line. Do you mean to do that?

15 MR. SCHLISSEL: That's one of the variance
16 that we want to look at --

17 MR. FITZGERALD: Okay --

18 MR. SCHLISSEL: -- is keeping the current
19 387 line, terminating at Scovill Rock and East Shore --

20 MR. FITZGERALD: Okay --

21 MR. SCHLISSEL: -- and then we also intend
22 to look at a variant where the 387 line I guess would be
23 terminated -- would go Scovill Rock to Beseck --

24 MR. FITZGERALD: Um-hmm --

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1 MR. SCHLISSEL: -- and then Beseck to East
2 Shore --

3 MR. FITZGERALD: Okay --

4 MR. SCHLISSEL: -- to see what those two
5 options do to the system.

6 MR. FITZGERALD: Alright.

7 COURT REPORTER: One moment please.

8 (Pause). Thank you.

9 MR. FITZGERALD: Thank you. And I
10 mentioned the reconductoring that you specify. In the
11 document that was given to GE, the reconductoring that
12 you specify is 10 miles of the existing 345-kV 387 line
13 would be recondotored as follows, and then you quote
14 from one of the company's documents, "by assuming that
15 the 2156 ACSR conductor between Black Pond Junction and
16 Meriden and the Scovill Rock Switching Station in
17 Middletown, approximately 10 miles, was replaced with a
18 larger capacity 2-954 ACSR bundled conductors that are
19 already present on the remainder of the line, this
20 replacement would upgrade the capacity of the entire 387
21 line". And that's a quote from us. Is that the
22 reconductoring that is going to be included in your base
23 scenario as you call it?

24 MR. SCHLISSEL: Well, it was at the time

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1 that we wrote that document you've got in your hand and
2 at the time that we wrote our testimony.

3 MR. FITZGERALD: Okay.

4 MR. SCHLISSEL: But as you're aware of
5 last Monday, what was that, the 24th, and we didn't have
6 it until the 25th, the reconductoring study was provided.
7 Based on that, we expect our base case reconductoring
8 will be Genesee -- what was called the Genesee conductor
9 yesterday. And we'll also look at possible use -- one
10 variant may well be the Miramiche. I think the spelling
11 is M-i-r-a-m-i-c-h-e --

12 MR. FITZGERALD: Okay --

13 MR. SCHLISSEL: -- but I could be
14 misspelling it, and I apologize if I am.

15 MR. FITZGERALD: Are there any other
16 variance of the scenario that you're intending to do
17 thermal load flow studies of for the segment from East
18 Shore north?

19 MR. SCHLISSEL: Looking at reconductoring
20 the southern -- the Southington to Frost Bridge 345 line
21 as well. If you look at the various studies the company
22 has given us, it's clear that in certain contingencies
23 that line becomes overloaded as well.

24 MR. FITZGERALD: Okay. And so what --

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1 what new conductors are you going to assume for that
2 line?

3 MR. SCHLISSEL: Well based on our at least
4 so far initial reading of the reconductoring study, we
5 would expect to use a Genesee conductor on that.

6 MR. FITZGERALD: Alright. And anything
7 else for that segment of the line that you expect to look
8 at?

9 MR. SCHLISSEL: We would hope to be able
10 to look at what was called the northerly route yesterday,
11 to see what -- the portion you're talking about, Segment
12 1, how the system would operate if there were no new line
13 through Durham, that -- the line -- and it was just the
14 three lines that I believe were included in the northerly
15 route, that presentation yesterday.

16 CHAIRMAN KATZ: So you're planning on
17 modeling the Chestnut Junction to Black Pond Junction
18 section?

19 MR. SCHLISSEL: Yes. I believe that's
20 correct. So that the line -- there would be no line from
21 Oxbow to Beseck.

22 MR. FITZGERALD: But if there's no --
23 there's already three lines on the right-of-way that was
24 referenced as the northerly route, so if you --

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1 MR. SCHLISSEL: Correct. We will include
2 those -- we will continue to include those of course.

3 MR. FITZGERALD: But what I mean is how --
4 I'm confused by your saying that you're going to model
5 the northerly route but with only three lines. That's
6 not -- let's -- I mean what -- what are you going to --
7 let me put it the other way, what new construction are
8 you assuming for this scenario on the northerly right-of-
9 way?

10 MR. SCHLISSEL: I apologize. I was
11 sitting in the back of the room without my glasses on and
12 I thought that the northerly route you put on the board
13 only had three lines. If in fact it does have four
14 lines, we will model that. I -- we will model it as you
15 presented it yesterday. I'm sorry --

16 MR. FITZGERALD: Okay --

17 MR. SCHLISSEL: -- I did not mean to be
18 changing it at all.

19 MR. FITZGERALD: (Pause) -- no -- we're
20 lost right -- (pause) --

21 A VOICE: No, that's okay.

22 MR. FITZGERALD: Okay -- alright, okay.
23 Alright, so now have we -- have we exhausted the variance
24 that you presently have in mind for thermal modeling for

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1 the segment of the one-line East Shore alternatives --
2 alternative from East Shore north?

3 MR. SCHLISSEL: In -- in at least one of
4 the scenarios we will be modeling under-grounding in --
5 along the stretch between Beseck and Oxbow Junction.

6 MR. FITZGERALD: Okay.

7 MR. SCHLISSEL: But that's currently the
8 set of scenarios we intend to look at.

9 MR. FITZGERALD: And how many circuits are
10 you going to assume for that piece of underground?

11 MR. SCHLISSEL: We probably will go along
12 with what the company explained as four parallel cables
13 for that.

14 MR. FITZGERALD: Okay.

15 CHAIRMAN KATZ: Does the Royal Oak bypass
16 play into that --

17 MR. SCHLISSEL: I would --

18 CHAIRMAN KATZ: -- or it has no effect?

19 MR. SCHLISSEL: Listening to -- I mean we
20 haven't run these analysis yet, but listening to the
21 Applicants' witnesses yesterday, I would think it would
22 probably be pretty close to equivalent --

23 CHAIRMAN KATZ: Okay --

24 MR. SCHLISSEL: -- electrically.

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1 MR. FITZGERALD: We would agree with that.

2 CHAIRMAN KATZ: Okay.

3 MR. FITZGERALD: Do you expect to in
4 connection with this work be modeling reconductoring of
5 any 115 lines?

6 MR. LANZALOTTA: With almost every
7 scenario you're going to get overloads on the 115-kV
8 system. I don't know if we've refined our thinking to
9 that point yet. We're trying to -- I think going to try
10 to look for the high voltage solution which solves the
11 reliability needs and tries to minimize the impacts or at
12 least come up with comparable impacts on the 115-kV
13 system that we're seeing with the companies' proposal.

14 MR. FITZGERALD: Okay. I think we can
15 move on now to the southerly piece that you're going to
16 be modeling. And you're going to include one scenario
17 that will have 13 miles between East Shore and East Devon
18 underground. And you would assume three cables from East
19 Shore to East Devon and two cables from East Devon to
20 Norwalk as in the MIN-P1 base case?

21 MR. SCHLISSEL: Yes, sir.

22 MR. FITZGERALD: Alright. And that
23 scenario also assumes the 24 miles of under-grounding
24 from East Devon to Norwalk that's been proposed?

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1 MR. SCHLISSEL: Yes, sir.

2 MR. FITZGERALD: Okay. And then in the
3 second scenario you're going to assume seven miles from
4 East Shore to a transition station on the West
5 Haven/Orange border as underground, then a 10-mile
6 overhead line from the West Haven/Orange border, correct?

7 MR. SCHLISSEL: Yes, sir.

8 MR. FITZGERALD: And that scenario would
9 include three underground cables from East Shore to the
10 West Haven/Orange border and two underground cables from
11 East Devon to Norwalk as in Scenario 1?

12 MR. SCHLISSEL: Yes.

13 MR. FITZGERALD: Okay. I think -- and
14 it's your belief that that modeling cannot be done before
15 June 15th?

16 MR. SCHLISSEL: That's correct.

17 CHAIRMAN KATZ: Mr. Schlissel, when you're
18 doing your modeling on the northerly route, should I
19 assume that the scenario that the companies indicated
20 where there would be a selective re-build so that no
21 houses would be taken will not affect that modeling?

22 MR. SCHLISSEL: Uh --

23 MR. LANZALOTTA: No, I don't believe that
24 will affect the modeling.

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1 CHAIRMAN KATZ: Thank you.

2 MR. FITZGERALD: We would agree with that.
3 Okay. In your testimony at page 8 you criticize the load
4 flow modeling of the one-line East Shore scenario
5 because, as you say, it overstresses the East Shore route
6 under unrealistically severe generation scenarios?

7 MR. SCHLISSEL: Yes, sir.

8 MR. FITZGERALD: And you're referring
9 there to Dispatch 2 and Dispatch 5 that were used in the
10 Applicants' load flow studies?

11 MR. SCHLISSEL: Yes, sir.

12 MR. FITZGERALD: Any others? _____

13 MR. SCHLISSEL: 3 and 4 seem like severe
14 scenarios, but real -- I mean not as unrealistic as 2 and
15 5.

16 MR. FITZGERALD: And do you -- you
17 characterize them as unrealistic and they -- you contend
18 that they are unrealistic in that they assume an
19 excessive amount of unavailable generation in Southwest
20 Connecticut at times of peak demand, is that right?

21 MR. SCHLISSEL: I mean I guess excessive
22 is in the eye of the beholder, but I mention -- we
23 mention in this testimony nine units assumed, new units
24 assumed out of service at the same time in Dispatch

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1 Scenario 2B and 10 units in Dispatch Scenario 5B.

2 MR. FITZGERALD: So the answer is yes?

3 MR. SCHLISSEL: Yes.

4 CHAIRMAN KATZ: Mr. Schlissel, can the ISO
5 order a generating unit to go on-line if it's not -- if
6 they don't feel that it's cost -- what's the word I'm
7 thinking of -- cost-effective to go on-line, can ISO
8 order them to go on-line?

9 MR. SCHLISSEL: I'm not sure of that, but
10 remember here you're talking about modeling at the time
11 of peak demand --

12 CHAIRMAN KATZ: Right --

13 MR. SCHLISSEL: -- when the cost of the
14 high -- the prices that the generators receive are the
15 highest.

16 CHAIRMAN KATZ: Well, I'm thinking of a
17 cold day. On a cold day when the price of natural gas
18 might be very high, can ISO tell them they must operate?

19 MR. SCHLISSEL: I'm not sure of that to be
20 honest --

21 CHAIRMAN KATZ: Okay --

22 MR. SCHLISSEL: -- but a cold day when the
23 price of natural gas is high is going to be in the winter
24 and not at the time that your summer peak is twenty-seven

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1 seven. If you were going to model the kind of scenario
2 you mentioned or a scenario -- the only common cause
3 scenario I can imagine when all these units might be out
4 is if you have a natural gas supply curtailment. But
5 again that's a winter event. If you're going to model
6 that, you're not going to model it with a twenty-seven
7 seven peak gigawatt peak load in New England. You might
8 model it, I don't know, 60, 65 percent of that roughly, I
9 mean I --

10 CHAIRMAN KATZ: Thank you.

11 MR. FITZGERALD: Speaking of cold days,
12 you do remember that on the winter peak day in 2002 there
13 were eight units in Southwest Connecticut that were not
14 available and could not come on-line when they were
15 called upon?

16 MR. SCHLISSEL: Correct.

17 MR. FITZGERALD: That was an unlikely
18 event, wasn't it?

19 MR. SCHLISSEL: Correct. Again, it was --
20 I mean --

21 MR. FITZGERALD: So unlikely events occur?

22 MR. SCHLISSEL: Right, but there were
23 other generating units that were on-line, some of which
24 were in Southwest Connecticut. Of the nine that we

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1 mention in this testimony are in addition to New Haven
2 Harbor out, which -- in the scenarios are in addition to
3 Norwalk Harbor out, and I believe -- and you can correct
4 me if I'm wrong -- there's no Cos Cob generation --
5 there's no generation in Southwestern Connecticut --

6 MR. FITZGERALD: Okay, now these --

7 MR. SCHLISSEL: -- so it's not only just
8 nine units, I mean it's -- it's more than nine.

9 MR. FITZGERALD: And Dispatch 2 and
10 Dispatch 5 were also used in the load flow studies on
11 which the proposed -- sorry, question withdrawn.
12 Dispatch 2 and Dispatch 5 were also used in the load flow
13 studies on which the Bethel to Norwalk line was
14 justified, right?

15 MR. SCHLISSEL: Yes, sir, that's correct.

16 MR. FITZGERALD: And you were critical of
17 the use of Dispatch 2 and Dispatch 5 in Docket 217, yes?

18 MR. SCHLISSEL: That's correct, sir.

19 MR. FITZGERALD: You recognize that
20 transmission system designers are required to use
21 generation dispatches that stress the system in modeling
22 planned additions, yes?

23 MR. SCHLISSEL: Correct.

24 MR. FITZGERALD: But you just say this is

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1 too much stress?

2 MR. SCHLISSEL: Well, Mr. Zak yesterday
3 when he was --

4 MR. FITZGERALD: Is that -- is that -- is
5 that correct?

6 MR. SCHLISSEL: That's correct, yes.

7 MR. FITZGERALD: Okay.

8 MR. SCHLISSEL: Yesterday when Mr. Zak was
9 talking --

10 MR. FITZGERALD: No --

11 MR. SCHLISSEL: -- he was --

12 MR. FITZGERALD: You've answered the
13 question. Now -- you'll probably get a chance to give
14 your speech and answer to this question --

15 MR. SCHLISSEL: Well, I don't want to give
16 a speech --

17 CHAIRMAN KATZ: Well --

18 MR. SCHLISSEL: -- it's just I want to end
19 the --

20 CHAIRMAN KATZ: Just -- that's why you
21 have lawyers for redirect. We'll --

22 MR. FITZGERALD: Your -- do you assert
23 that electric systems should be planned to withstand only
24 likely stresses?

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1 MR. LANZALOTTA: No.

2 MR. FITZGERALD: Okay. Is it the case
3 that the ISO used Dispatch 2 and Dispatch 5 in evaluating
4 the Plumtree to Norwalk line for 18.4 approval?

5 MR. LANZALOTTA: I'm sorry?

6 MR. FITZGERALD: Is it the case that ISO
7 used Dispatch 2 and Dispatch 5 in evaluating the Bethel
8 to Norwalk line for 18.4 approval?

9 MR. LANZALOTTA: Yes.

10 MR. FITZGERALD: Okay.

11 COURT REPORTER: A microphone please, sir.

12 MR. LANZALOTTA: Yes.

13 MR. FITZGERALD: When you do your thermal
14 load flow studies, will you include Dispatch 2 and
15 Dispatch 5?

16 MR. LANZALOTTA: I've been doing most of
17 my initial base work using those two dispatches.

18 MR. FITZGERALD: Alright, that's part of
19 the answer, but do you intend to include them in the
20 studies that you are going to run and report on by mid
21 July?

22 MR. SCHLISSEL: Yes.

23 MR. FITZGERALD: Okay --

24 MR. SCHLISSEL: And the Siting Council can

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1 decide whether they think the results of those scenarios
2 are reasonable to consider.

3 MR. FITZGERALD: By the way, the -- the
4 impact of Dispatch 2 and Dispatch 5 in assuming a lot of
5 generation off in Southwest Connecticut is to model very
6 high current loadings on the proposed lines, right?

7 MR. SCHLISSEL: Well on all the lines
8 presumably bringing power into Southwestern Connecticut.

9 MR. FITZGERALD: But in particular on the
10 proposed lines? Less -- less generation -- very little
11 generation in Southwest Connecticut means a lot of
12 current on the lines going into Southwest Connecticut
13 including the proposed line?

14 MR. SCHLISSEL: Yes.

15 MR. FITZGERALD: And indeed if the amount
16 of generation that is assumed to be off in Southwest
17 Connecticut is unrealistic, the current loadings on the
18 lines are also unrealistic, that's your point, isn't it?

19 MR. SCHLISSEL: They're unreasonably
20 loaded, yes, sir.

21 MR. FITZGERALD: Right. Would that mean
22 that the EMF values that have been presented for the
23 twenty-seven seven gigawatt case are unrealistic because
24 they are based on conditions that are unlikely ever to

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1 occur?

2 MR. SCHLISSEL: Well, the -- I mean I
3 don't know -- I've not looked at the calculations -- Mr.
4 Bailey's calculations of how he got from the megawatt --
5 the current loadings to EMF, that's outside of our area.

6 MR. FITZGERALD: But you --

7 MR. SCHLISSEL: But I -- but in terms of
8 the current loadings, I would agree with you.

9 MR. FITZGERALD: And you know enough about
10 EMF to know that the EMF values are a factor -- or are
11 generated by current?

12 MR. SCHLISSEL: EMF is generated by
13 current --

14 MR. FITZGERALD: Yes --

15 MR. SCHLISSEL: -- but I don't know the
16 relationship between the two.

17 MR. FITZGERALD: Okay. If -- one more
18 question on EMF -- if the existing 387 line were
19 reconductored and used as part of the project, could the
20 reconductoring be done with split phasing?

21 MR. LANZALOTTA: I haven't really
22 considered it --

23 MR. FITZGERALD: Okay --

24 MR. LANZALOTTA: -- I don't know that it

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1 could.

2 MR. FITZGERALD: And if you increase the
3 capacity of the 387 line by reconductoring it, would you
4 expect that improvement to solve overloads that occur on
5 other lines when the 387 line is lost?

6 MR. LANZALOTTA: Not necessarily.

7 MR. FITZGERALD: Okay. That's all that I
8 have. I think Miss Randell has some more detailed
9 questions.

10 MS. RANDELL: Thank you. One more time,
11 Mr. Schlissel --

12 MR. SCHLISSEL: Okay --

13 MS. RANDELL: -- good morning, and good
14 morning, Mr. Lanzalotta.

15 MR. LANZALOTTA: Good morning.

16 MS. RANDELL: With respect to the
17 reconductoring that you spoke of, if I understood
18 correctly, you're going to model in thermal studies
19 reconductoring the Southington to Frost Bridge line?

20 MR. LANZALOTTA: Yes, we expect that that
21 will be included.

22 MS. RANDELL: And that's sometimes known
23 as the 329 line?

24 MR. LANZALOTTA: Okay.

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1 MS. RANDELL: Yes?

2 MR. LANZALOTTA: I believe so.

3 MS. RANDELL: Okay. And you're
4 reconductoring the 387 line from Beseck to East Shore?

5 MR. LANZALOTTA: From Scovill Rock to East
6 Shore or from Beseck to East Shore.

7 MS. RANDELL: Okay, so you're going to do
8 both. How long is the 387 line, so how much would you be
9 reconductoring if you went Scovill Rock to East Shore?

10 MR. SCHLISSEL: It's -- 32 miles I think
11 was the testimony yesterday.

12 MS. RANDELL: And about 20 miles Beseck to
13 East Shore?

14 MR. SCHLISSEL: I think that -- I thought
15 it was -- I thought the testimony yesterday was 10 miles
16 roughly from Scovill Rock to Black Pond and 22 from Black
17 Pond to East Shore.

18 MS. RANDELL: And how long is the 329
19 line, how many miles would you need to reductor there?

20 MR. SCHLISSEL: I don't recall. I think
21 it's in the reconductoring study, but I just don't
22 remember the number.

23 MS. RANDELL: Okay, assume, subject to
24 check, it's about 13 miles.

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1 MR. SCHLISSEL: Okay.

2 MS. RANDELL: And how many miles of 115
3 would you be needing to reconductor for your studies?

4 MR. LANZALOTTA: We really haven't gotten
5 into that yet.

6 MS. RANDELL: So you don't know whether
7 it's five miles or a hundred miles?

8 MR. SCHLISSEL: Or zero. We -- we're
9 going to -- our first goal is to look and see whether the
10 overloads of the scenarios we're examining are comparable
11 to the overloads under the proposed Middletown to Norwalk
12 project. And once we look at that, the results of that
13 will determine whether we look at any further -- or any
14 115-kV line reconductoring.

15 MS. RANDELL: Mr. Lanzalotta, didn't you
16 testify earlier this morning that you would get overloads
17 on the 115 system on almost all scenarios and, therefore,
18 you would need to reconductor?

19 MR. LANZALOTTA: Yes.

20 MS. RANDELL: You'd agree with me that
21 it's important to look at the practicality of
22 reconductoring these lines?

23 MR. LANZALOTTA: That's one factor to take
24 into consideration, yes.

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1 MS. RANDELL: And you'd take into
2 consideration how important these lines are to the
3 electric system?

4 MR. LANZALOTTA: Yes.

5 MS. RANDELL: And you'd take into account
6 in determining practicality the load on the lines?

7 MR. LANZALOTTA: Yes.

8 MS. RANDELL: You were here yesterday when
9 Mr. Zaklukiewicz testified that these lines are heavily
10 loaded?

11 MR. LANZALOTTA: Yes.

12 MS. RANDELL: Did you also take into
13 account how long these lines would be out of service, how
14 long you'd have to take them out in order to do the
15 reconductoring?

16 MR. LANZALOTTA: We're still trying to
17 determine feasible scenarios for reinforcing or modifying
18 the bulk power system. In terms of determining how you
19 get from the current situation to whatever our proposed
20 recommendation is, is certainly something that I think
21 we're going to have to consider, but we really haven't
22 gotten into that at this point.

23 MS. RANDELL: So you'd agree with me it's
24 a relevant consideration in determining reconductoring

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1 and practicality how long you'd have to have lines out?

2 MR. SCHLISSEL: Yes.

3 MS. RANDELL: And the financial impact as
4 well as the electric system impact of having those lines
5 out would be relevant as well, right?

6 MR. LANZALOTTA: Yes.

7 MS. RANDELL: Turning to -- well, let me
8 just follow up one more thing -- what is your experience
9 with reconductoring high voltage lines, Mr. Lanzalotta?

10 MR. LANZALOTTA: You mean as far as
11 studying them or in terms of --

12 MS. RANDELL: No, as far as actually
13 implementing them?

14 MR. LANZALOTTA: I haven't been involved
15 in a project like that.

16 MS. RANDELL: With respect to your
17 discussion with Mr. Fitzgerald, Mr. Schlissel, on
18 Dispatches 2 and 5, am I correct that Synapse has
19 representatives who participate in the TEAC process? I
20 believe that would be Transmission Expansion Advisory --

21 MR. SCHLISSEL: Committee --

22 MS. RANDELL: -- Committee.

23 MR. SCHLISSEL: Yes.

24 MS. RANDELL: And have you or anyone at

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1 Synapse raised in the TEAC process your criticism of
2 Dispatches 2 and 5?

3 MR. SCHLISSEL: I -- you'll have to ask
4 Mr. Peterson. I don't know whether -- whether he has. I
5 forget the discussion when we testified the last time as
6 to whether he has -- whether he had raised -- I know -- I
7 know you asked him questions about it the last time. I
8 just don't remember the discussion.

9 MS. RANDELL: And Mr. Peterson is a
10 Synapse employee --

11 MR. SCHLISSEL: Yes --

12 MS. RANDELL: -- or consultant?

13 MR. SCHLISSEL: Employee.

14 MS. RANDELL: And when Dispatches 2 and 5
15 first came up, we were at TEAC No. 13, give or take?

16 MR. SCHLISSEL: I'll accept that subject
17 to check.

18 MS. RANDELL: And now we're at TEAC 22, so
19 there's been ample opportunity to raise these issues?

20 MR. SCHLISSEL: I guess.

21 MS. RANDELL: Now, looking at Dispatch 2
22 and your testimony on page 8, you talked to Mr.
23 Fitzgerald that there were nine units out and you had a
24 problem with that, right?

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1 MR. SCHLISSEL: That the dispatch scenario
2 assumes that nine units are out --

3 MR. FITZGERALD: That's correct --

4 MR. SCHLISSEL: -- yes.

5 MR. FITZGERALD: And in counting up your
6 nine units, you include Bridgeport Energy as three of
7 those units, correct?

8 MR. SCHLISSEL: Correct. That's the way
9 they're modeled in the load flow.

10 MS. RANDELL: But in actual system
11 operation, Bridgeport Energy is all in -- all on or all
12 not, right?

13 MR. SCHLISSEL: Uh -- in actual operation,
14 that may well be true.

15 MS. RANDELL: And if that is true, you're
16 not talking nine units, you're talking seven units?

17 MR. SCHLISSEL: Seven -- nine -- true --

18 MS. RANDELL: Okay --

19 MR. SCHLISSEL: -- what you're saying is
20 correct.

21 MS. RANDELL: Okay. And then you
22 criticize on page 8 of your testimony that -- in Dispatch
23 2 all of the Wallingford units are out of service?

24 MR. SCHLISSEL: Correct.

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1 MS. RANDELL: And that's Wallingford 1
2 through 5, right?

3 MR. SCHLISSEL: That's correct.

4 MS. RANDELL: You'd agree with me that
5 Wallingford 2 through 5, the owner is asked to deactivate
6 those units?

7 MR. SCHLISSEL: Yes. Until the new
8 transmission lines are built, yes.

9 MS. RANDELL: And Wallingford 1 is used
10 generally for own load?

11 MR. SCHLISSEL: I -- my understanding is
12 all the units are used for peaking, which is the time
13 that's being studied in the load flow analyses.

14 MS. RANDELL: Let's look at the other
15 units in Dispatch 2. Do you have that in front of you?

16 MR. SCHLISSEL: Uh --

17 MS. RANDELL: If not, we can just run
18 through the units --

19 MR. FRANK: Well, hold on, I actually
20 think I might have a copy --

21 CHAIRMAN KATZ: For the benefit of the
22 Council, why don't you run through the units.

23 MS. RANDELL: Sure.

24 MR. SCHLISSEL: I've got the most -- I'm

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1 not sure I have Dispatch 2B. I've got the most recent
2 generation dispatch.

3 MS. RANDELL: I think we'll have enough to
4 talk about.

5 MR. SCHLISSEL: Okay.

6 MS. RANDELL: Alright. Milford 1, that's
7 assumed on --

8 MR. SCHLISSEL: In 2B --

9 MS. RANDELL: -- in this dispatch?

10 MR. SCHLISSEL: Yes.

11 MS. RANDELL: And Milford 2 is assumed not
12 on?

13 MR. SCHLISSEL: Is assumed off --

14 MS. RANDELL: Off --

15 MR. SCHLISSEL: -- yes.

16 MS. RANDELL: Now, Milford 2 is a new
17 unit, isn't it?

18 MR. SCHLISSEL: Correct.

19 MS. RANDELL: And it's the twin of a unit
20 that had operating problems?

21 MR. SCHLISSEL: Yes, it's similar in
22 design.

23 MS. RANDELL: Now, Devon 7 and 8 are
24 assumed on in this dispatch, correct?

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1 MR. SCHLISSEL: Yes, they are.

2 MS. RANDELL: And they're 106 megawatts
3 each --

4 MR. SCHLISSEL: Yes, 212 --

5 MS. RANDELL: -- for a total of 212
6 assuming I did the math right.

7 MR. SCHLISSEL: Yes.

8 MS. RANDELL: And those are assumed on.
9 But isn't it correct that the owners of -- no, excuse me
10 -- isn't it correct that Devon 8 has now been
11 deactivated?

12 MR. SCHLISSEL: Uh -- if it's true, the
13 load flow scenario is wrong, but --

14 MS. RANDELL: In terms of megawatts on and
15 off, that's your concern, right, in this dispatch --

16 MR. SCHLISSEL: It's also --

17 MS. RANDELL: -- and this dispatch assumes
18 212 megawatts on? I get to ask the questions, Mr.
19 Schlissel.

20 MR. SCHLISSEL: Well if I don't understand
21 the question, I get to express my --

22 MS. RANDELL: Okay --

23 MR. SCHLISSEL: -- misunderstanding --

24 CHAIRMAN KATZ: Why don't we just -- one

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1 at a time, question, answer.

2 MS. RANDELL: Let me -- let me try again -

3 -

4 MR. SCHLISSEL: Okay --

5 MS. RANDELL: -- alright? Devon 7 and 8,
6 a total of 212 megawatts is assumed on?

7 MR. SCHLISSEL: Yes.

8 MS. RANDELL: Devon 8 has now been
9 deactivated, correct?

10 MR. SCHLISSEL: Okay. So that's 106 that
11 are off. That are -- that are modeled on and are now to
12 be modeled off.

13 MS. RANDELL: Devon 7, that's scheduled to
14 be deactivated by the end of the summer?

15 MR. SCHLISSEL: I think that's the current
16 schedule.

17 MS. RANDELL: Alright. And if put them
18 together, that's 212 megawatts that are assumed on in
19 this dispatch?

20 MR. SCHLISSEL: Okay.

21 MS. RANDELL: The four Wallingford units
22 that you complained about, 2 through 5, a total of about
23 204 megawatts, you complained those were off?

24 MR. SCHLISSEL: Correct.

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1 MS. RANDELL: So it's about the same
2 amount of megawatts, right?

3 MR. SCHLISSEL: No, all -- all the
4 Wallingford, that's 250, so it's -- it's rough -- it's a
5 little bit more.

6 MS. RANDELL: Give or take?

7 MR. SCHLISSEL: Fifty megawatts, 40
8 megawatts, yes.

9 MS. RANDELL: Wallingford 2 through 5 is a
10 pretty even swap, right?

11 MR. SCHLISSEL: I don't know a pretty even
12 swap. New units versus Devon 7 and 8, I don't --

13 MS. RANDELL: For purposes of assumed on
14 in the dispatch?

15 MR. SCHLISSEL: Well, but -- on -- I mean
16 I -- it could be -- I mean it could be --

17 MR. LANZALOTTA: Numerically equal --

18 MR. SCHLISSEL: Numerically equal.
19 Locationally slightly different, but numerically equal.

20 MS. RANDELL: And equivalent for the
21 modeling purposes of determining transfers and the like?

22 MR. LANZALOTTA: Again like he said,
23 numerically equal --

24 MS. RANDELL: Okay --

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1 MR. LANZALOTTA: -- but, you know,
2 locationally --

3 MS. RANDELL: Okay --

4 MR. LANZALOTTA: -- perhaps different.

5 MS. RANDELL: Bridgeport 2 is assumed off?

6 CHAIRMAN KATZ: Just remind us, Miss
7 Randell, which fuel Bridgeport 2 is.

8 MS. RANDELL: Bridgeport 2 is an oil-fired
9 unit.

10 CHAIRMAN KATZ: Thank you.

11 MS. RANDELL: Mr. Schlissel, is that
12 right?

13 MR. SCHLISSEL: Uh -- yes, I believe it's
14 off. Yes.

15 MS. RANDELL: And it's an older oil-fired
16 unit, right?

17 MR. SCHLISSEL: Yes.

18 MS. RANDELL: And it's one of the Sooty-
19 Six?

20 MR. SCHLISSEL: Yes.

21 MS. RANDELL: And you're aware that
22 Connecticut enacted legislation that requires the Sooty-
23 Six units to meet new emissions limits by the end of this
24 year?

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1 MR. SCHLISSEL: Yes.

2 MS. RANDELL: And that could certainly
3 change the economics of all the Sooty-Six units?

4 MR. SCHLISSEL: Yes. With oil they could
5 burn lower sulfur oil, but it's slightly more expensive.

6 MS. RANDELL: And -- Bridgeport 3, the
7 coal burner, that's assumed on in this dispatch?

8 MR. SCHLISSEL: Yes.

9 MS. RANDELL: Alright. And the Bridgeport
10 Energy units we've discussed. And finally, Norwalk
11 Harbor, 1 and 2 are assumed off?

12 MR. SCHLISSEL: Yes.

13 MS. RANDELL: Those also are older oil-
14 fired units?

15 MR. SCHLISSEL: Correct.

16 MS. RANDELL: Sooty-Six units subject to
17 the new emissions limits?

18 MR. SCHLISSEL: Correct, and to economic
19 factors as well. Although, just to be clear, we're
20 talking -- the load flow again is peak load where the
21 prices that the generators can get are the highest. So
22 if there's anytime that the generators would make a
23 profit and you'd expect them to want to operate the
24 plants, it would be during those hours, peak and near

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1 peak periods.

2 MS. RANDELL: And if they don't make money
3 during the course of a year, they may not be there at
4 all, correct?

5 MR. SCHLISSEL: They may not be there at
6 all.

7 MS. RANDELL: And in fact, hasn't the
8 owner of Norwalk 1 and 2 notified CL&P -- given CL&P the
9 two-year notice that's required of retiring those units?

10 MR. SCHLISSEL: I believe they've --
11 they've sent a letter.

12 MS. RANDELL: And with respect to
13 generation generally, there's a fair amount of
14 uncertainty these days, isn't there, with respect to
15 whether generation is going to be capable of being
16 operating?

17 MR. SCHLISSEL: I don't --

18 MS. RANDELL: Let me try again --

19 MR. SCHLISSEL: You'll have to --

20 MS. RANDELL: You're right, a bad question

21 --

22 MR. SCHLISSEL: Capable is a hard word to

23 --

24 MS. RANDELL: Yeah, a bad question.

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1 There's a lot of uncertainty about whether generation
2 will be commercial in the future?

3 MR. SCHLISSEL: I -- I don't think
4 commercial is --

5 MS. RANDELL: What's a good word, Mr.
6 Schlissel?

7 MR. SCHLISSEL: I mean -- the economics of
8 individual units are -- change over time --

9 MS. RANDELL: Fine, let's start --

10 MR. SCHLISSEL: -- depending on
11 projections --

12 MS. RANDELL: -- let's start there --

13 MR. SCHLISSEL: -- the owners of
14 individual units change over time --

15 MS. RANDELL: You're a great straight-man,
16 Mr. Schlissel. The plant age is relevant, right, to
17 whether a unit will be available when it's needed?

18 MR. SCHLISSEL: Yes, but maintenance can
19 offset -- I mean good well maintained older plants can
20 operate better than poorly maintained younger plants.

21 MS. RANDELL: And badly maintained plants
22 of any sort are possible if the owner is in financial
23 distress or for whatever reason chooses not to do the
24 maintenance?

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1 MR. SCHLISSEL: That's correct.

2 MS. RANDELL: And environmental
3 requirements are relevant to whether a unit will be
4 available when it's needed?

5 MR. SCHLISSEL: Yes, but again if you're
6 talking about modeling during the peak period, the
7 factors may change, I mean you'd expect plants will be
8 available.

9 MS. RANDELL: Oftentimes plants are needed
10 in off-peak time as well, aren't they, because
11 maintenance is scheduled in off-time?

12 MR. SCHLISSEL: Oh, absolutely. But then
13 if you're going to do a load flow to reflect that, you
14 wouldn't assume peak load, you might -- you'd do a peak -
15 - you might do an April shoulder period loads, not peak
16 period loads.

17 MS. RANDELL: Is it fair to say that the
18 economics of plant operation at anytime, peak, non-peak,
19 any day of the year, short-term or long-term, is
20 complicated?

21 MR. SCHLISSEL: The economics are
22 complicated?

23 MS. RANDELL: Um-hmm. Determining -- yeah
24 -- let's just leave -- yeah, the economics of plant

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1 operation, it's not simple?

2 MR. SCHLISSEL: Well, I don't know. I
3 mean I -- I'm -- I think there are factors that go into
4 it, but I'm not sure -- I mean --

5 MS. RANDELL: There are a lot of factors -
6 -

7 MR. SCHLISSEL: It's not nuclear physics,
8 I mean quantum physics. It's -- it's -- you know --

9 MS. RANDELL: There are a lot of factors
10 that affect --

11 MR. SCHLISSEL: A number of --

12 MS. RANDELL: -- the economics of plant --

13 MR. SCHLISSEL: -- factors go into the
14 economics.

15 MS. RANDELL: Fine, let's do that.

16 Including fuel cost?

17 MR. SCHLISSEL: Fuel cost.

18 MS. RANDELL: Fuel availability?

19 MR. SCHLISSEL: Fuel availability.

20 MS. RANDELL: Other places you might use
21 the fuel?

22 MR. LANZALOTTA: Yes.

23 MR. SCHLISSEL: Yes.

24 MS. RANDELL: Financial condition of the

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1 plant owner?

2 MR. LANZALOTTA: Over the short-term.

3 CHAIRMAN KATZ: Could you elaborate why
4 just the short-term?

5 MR. LANZALOTTA: Well, once the plant is
6 built, over the short-term if the owner is not
7 financially viable, it's true the plant could get turned
8 back to the lenders, we see quite a bit of that, but that
9 doesn't mean the plant is not going to operate. Once the
10 plant is built, it may go through certain financial
11 bumpiness and all, but it's difficult to imagine that
12 kind of investment being made and then just being left to
13 sit there indefinitely.

14 CHAIRMAN KATZ: Yeah, but they sometimes
15 mothball plants, half built plants --

16 MR. LANZALOTTA: Or half built --

17 CHAIRMAN KATZ: Yeah --

18 MR. LANZALOTTA: -- to be sure --

19 CHAIRMAN KATZ: Okay --

20 MR. LANZALOTTA: -- but once they're
21 completed, I think it's a different situation.

22 CHAIRMAN KATZ: Okay.

23 MS. RANDELL: And that's assuming they get
24 their permitting to operate?

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1 MR. LANZALOTTA: Yes.

2 MR. SCHLISSEL: But also in the factors
3 you mentioned, you have to include -- price of power is
4 also an important factor in determining whether a plant
5 is run or not. You've mentioned the negative ones, the
6 ones -- the cost side. There's also the revenue side.

7 MS. RANDELL: And the revenue side hasn't
8 been sufficient for many of the plants in Southwest
9 Connecticut, right, and that's why we have RMR contracts?

10 MR. SCHLISSEL: Correct, but that's before
11 you have a Phase 1 of the loop in place, which will bring
12 more power in, and that's before you have a Phase 2 that
13 will bring more power in. I mean we're not sitting here
14 and saying you don't need to do a Phase 2 as Mr.
15 Fitzgerald's cross pointed out. We're just trying to
16 look at what's the preferred -- what is the preferred
17 option.

18 MS. RANDELL: With more transmission in
19 Southwest Connecticut, isn't it likely that the prices
20 will go down, so that the economics could change that
21 way, particularly for the older oil-fired units?

22 MR. SCHLISSEL: Yes, that's certainly
23 true, it could, but you might have locational issues and
24 someone may decide that they can make a profit by running

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1 the plants during peak periods.

2 MS. RANDELL: No further questions.

3 CHAIRMAN KATZ: Thank you. Next on the
4 list is State Representative Al Adinolfi. Do you have
5 questions for Synapse?

6 REPRESENTATIVE AL ADINOLFI: No.

7 CHAIRMAN KATZ: Mr. -- Representative
8 Adinolfi says no. Next the Town of Middlefield, Attorney
9 Knapp, questions for Synapse? Absent. Next the Town of
10 Westport? Absent. The City of Meriden, Attorney Moore?
11 Absent. Assistant Attorney General Michael Wertheimer,
12 questions?

13 MR. MICHAEL WERTHEIMER: Good morning.
14 Michael Wertheimer for the Office of the Attorney
15 General.

16 MR. LANZALOTTA: Good morning.

17 MR. WERTHEIMER: Mr. Schlissel --

18 MR. SCHLISSEL: Yes, sir?

19 MR. WERTHEIMER: -- as I understand the
20 testimony that you've filed so far in this case, your
21 goal is to present a Towns' preferred alternative in
22 July, is that right?

23 MR. SCHLISSEL: Yes.

24 MR. WERTHEIMER: And I take it that your

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1 goal is that the town -- the preferred alternative is
2 going to be one that is viable, that will work, right?

3 MR. SCHLISSEL: That's the goal.

4 MR. WERTHEIMER: Okay. And so to make
5 sure that it works, it has to be studied in a number of
6 different ways?

7 MR. SCHLISSEL: Yes.

8 MR. LANZALOTTA: Yes.

9 MR. WERTHEIMER: There's thermal studying,
10 there's transient and there's harmonic? There's three
11 ways that the option is going to be evaluated?

12 MR. SCHLISSEL: That's what we hope, yes.

13 MR. WERTHEIMER: Okay. And the preferred
14 alternative will have to jump all three hurdles to be
15 viable, is that right?

16 MR. SCHLISSEL: Again, that's what we
17 hope.

18 MR. WERTHEIMER: Okay. Now, you are
19 capable of doing the thermal studies, but GE is studying
20 the transients and the harmonics?

21 MR. SCHLISSEL: Yes. They have a model
22 and the data.

23 MR. WERTHEIMER: Okay --

24 MR. SCHLISSEL: We had originally asked

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1 for it so we could do scenarios and control the pace, but
2 that did not happen.

3 MR. ASHTON: Mr. Wertheimer, may I just
4 ask a question to clarify? You used the term transient,
5 are you intending to run the transient stability study
6 also, which is different from a transient network
7 analyzer study?

8 MR. LANZALOTTA: We were not planning on
9 running a transient stability study apart from what the
10 GE modeling is going to entail.

11 MR. ASHTON: Would you believe that that
12 study is necessary to test the viability of any
13 alternative?

14 CHAIRMAN KATZ: Can you pull your mic
15 closer before you answer.

16 COURT REPORTER: One moment please.
17 (Pause). Thank you.

18 MR. ASHTON: Did -- did you hear my
19 question?

20 MR. LANZALOTTA: Yes, I did.

21 MR. ASHTON: Okay.

22 MR. LANZALOTTA: If the transient
23 stability of the Southwest Connecticut system is in
24 jeopardy and is being -- we're trying to reinforce the

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1 system to correct a transient stability problem, then,
2 yes, I think it would be absolutely essential. In this
3 case here, if the transient stability of any of these
4 proposed options comes into question, we would probably
5 look to try to do some type of transient stability
6 analysis. But from where we are right now, I -- I don't
7 believe that's going to be the case.

8 MR. ASHTON: Do you believe there is a
9 transient stability problem in Southwest Connecticut now?

10 MR. LANZALOTTA: I --

11 MR. ASHTON: Do you know?

12 MR. LANZALOTTA: Not that I am aware of.

13 MR. ASHTON: Are you familiar with the
14 August 2003 blackout at all?

15 MR. LANZALOTTA: Yes.

16 MR. ASHTON: Are you aware of what
17 happened in Southwest Connecticut and Connecticut?

18 MR. LANZALOTTA: Yes, I am.

19 MR. ASHTON: Would you call that a
20 stability problem?

21 MR. LANZALOTTA: I -- a stability problem
22 of a tremendous magnitude, yes. I mean stability of a
23 system to react to --

24 MR. ASHTON: When a blackout occurs, would

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1 -- couldn't you agree that that is a tremendous problem?

2 MR. LANZALOTTA: Yes.

3 MR. ASHTON: Nothing further.

4 CHAIRMAN KATZ: Thank you. Back to you.

5 MR. WERTHEIMER: Thanks. Let me go back
6 to your discussion with Mr. -- with Attorney Fitzgerald
7 earlier this morning, Mr. Schlissel. He was asking -- as
8 I understood it asking why you had not submitted the
9 thermal studies already. Correct me if I'm wrong, is the
10 point that you were making in response to that question
11 that you did not want to present basically a half-baked
12 solution, you wanted to present one that's been fully
13 examined?

14 MR. SCHLISSEL: To the extent we can, yes.

15 MR. WERTHEIMER: Okay. And to do that,
16 you need the results of the GE modeling?

17 MR. SCHLISSEL: We want the results of the
18 GE modeling, yes.

19 MR. WERTHEIMER: And you intend to submit
20 that in July -- July 19th -- whatever the date is?

21 MR. SCHLISSEL: Yes.

22 MR. WERTHEIMER: What's the status of that
23 GE modeling?

24 MR. SCHLISSEL: We have -- we spoke to GE.

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1 They currently -- well, I shouldn't say currently --
2 about three or four weeks ago indicated that they would
3 have the results to us roughly 35 days after they began.

4 They began on or about May 12th. So, I expect a -- the
5 results from GE for the two scenarios that Mr. Fitzgerald
6 and I discussed roughly the middle of June. I must say
7 that I'm a little discouraged about the progress with GE.

8 They're repeatedly coming back to us and asking us to
9 tell them what information GE has used in the studies
10 they've already done for the Applicants.

11 And originally we'd set up a firewall so
12 that the GE people who are working on the Town studies
13 would be different than the ones who worked on the
14 studies for the Applicants, but about two, two and a half
15 weeks ago after discussions with GE, I obtained approval
16 from my clients to eliminate the firewall. We told them
17 if it would help to facilitate and expedite their work,
18 to bring in anyone they wanted to help. And that in
19 fact, I encouraged GE to bring in the people who had
20 worked on the Applicants' studies because they were the
21 ones familiar with what they had done. So rather than
22 asking me what GE had done, GE could -- would know what
23 they had done. So we've eliminated the fire wall. GE,
24 hopefully, is still moving towards a result by the middle

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1 of June. Uh --

2 CHAIRMAN KATZ: That answers the question,
3 thank you.

4 MR. SCHLISSEL: Alright.

5 MR. WERTHEIMER: You said that -- you were
6 talking about the -- they started May 12th for the results
7 of the two scenarios you were discussing with Mr.
8 Fitzgerald. Are there any other studies or information
9 you're expecting from GE? And if so, what's the status
10 of that?

11 MR. SCHLISSEL: The two -- the Towns of
12 Milford and Woodbridge have discussed doing town specific
13 analyses that would look at the impact -- do transient
14 and harmonic analyses of under-grounding sections of the
15 line through their towns from the proposed -- on the
16 proposed route to see the impact of doing that. Those
17 studies are to follow the conclusion -- completion of the
18 town -- all the Towns' East Shore analyses. Quite
19 frankly, I don't know the status of that. I tried -- I
20 had put in three or four phone calls to GE and e-mails
21 asking them to tell me what the status of all this work
22 was so I could come back and tell the Siting Council
23 because I expected that was going to be the first --
24 perhaps the first question. GE didn't even return my

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1 phone calls. So, I'm not optimistic about those studies.
2 Again -- I mean I'm basically a grain of sand against a
3 multi-billion dollar corporation --

4 CHAIRMAN KATZ: Well, I'm just going to
5 ask the Applicant to make sure those phone calls are
6 returned.

7 MR. FITZGERALD: Yeah. And I might say
8 that no one has ever asked for our authorization to tear
9 down the firewall. We would give it -- we would have
10 given it --

11 CHAIRMAN KATZ: Yeah --

12 MR. FITZGERALD: -- if asked. But perhaps
13 -- it may be that the reason that this has not happened
14 is that nobody has come to the companies and said, hey,
15 let's get rid of the firewall, you call GE and tell them
16 that that's alright with you too --

17 CHAIRMAN KATZ: Yes, well --

18 MR. FITZGERALD: -- and we would have done
19 it --

20 CHAIRMAN KATZ: Yes --

21 MR. FITZGERALD: -- but it hasn't
22 happened.

23 CHAIRMAN KATZ: Right. The firewall
24 apparently is down. Let's just make sure that GE --

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1 MR. FITZGERALD: We'll take it down as of
2 today.

3 CHAIRMAN KATZ: Right. And let's just
4 make sure the phone calls are returned so we can get this
5 done. Since you're paying for them, I'm sure they're
6 going to listen to you.

7 MR. FITZGERALD: Well, I have to say I
8 have some sympathy with the report that Mr. Schlissel
9 just gave. Our treatment hasn't been all that different.
10 (Laughter).

11 MR. TAIT: But my question is does Mr.
12 Schlissel speak for -- you're not the counsel -- do the
13 counsels for all the towns agreed to waive the firewall?
14 I want that on the record? Is anybody objecting to it -
15 -

16 MS. KOHLER: Uh --

17 MR. TAIT: -- Mr. Schlissel is not the
18 person to waive the clients' right.

19 MS. KOHLER: No -- as far as the Towns'
20 studies go, the CEOs of those 16 towns have waived the
21 rights. And we directed Mr. Schlissel to go ahead and
22 pass that information along to GE.

23 CHAIRMAN KATZ: Right. But as I said
24 before, for what you're paying them, they should be

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1 sleeping on your front porch. So --

2 MR. SCHLISSEL: Just --

3 CHAIRMAN KATZ: -- let's get it done.

4 MR. SCHLISSEL: Just to be clear on one
5 thing, my understanding is the firewall was something
6 that was inserted at the request of the Towns and not the
7 Applicants.

8 CHAIRMAN KATZ: Right. Let's -- that's
9 moot at this point. Okay.

10 MR. WERTHEIMER: Alright. Your intention
11 is still to present as many of these studies and these
12 options both for the consortium of the towns and the town
13 specific ones in July as best you can?

14 MR. SCHLISSEL: The GE analyses, yes, sir.

15 MR. WERTHEIMER: Okay. And if for some
16 reason there's some problems, you'll -- you or your
17 clients will come to the Council so that we can try to
18 expedite this process as much as we can?

19 MR. SCHLISSEL: If there's a problem, I
20 promise you I'll send my clients.

21 MR. WERTHEIMER: That's big of you. Thank
22 you, that's all I have.

23 CHAIRMAN KATZ: Thank you, Mr. Wertheimer.
24 Next on the list is the City of Bridgeport. Absent.

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1 Communities for Responsible Energy? Absent. Office of
2 Consumer Counsel? Absent. Woodlands Coalition,
3 questions?

4 A VOICE: (Indiscernible) --

5 CHAIRMAN KATZ: No questions said
6 Woodlands. ISO New England? No questions. DOT,
7 Attorney Meskill?

8 MS. EILEEN MESKILL: No questions.

9 CHAIRMAN KATZ: Miss Meskill says no
10 questions. The Town of Fairfield? Absent. RWA? Mr.
11 Lord, questions?

12 MR. ANDREW LORD: No questions.

13 CHAIRMAN KATZ: Mr. Lord says no
14 questions. The Town of Cheshire, Attorney Burturla?

15 MR. RICHARD BURURLA: No questions.

16 CHAIRMAN KATZ: No questions Attorney
17 Burturla says. The Town of North Haven?

18 A VOICE: No questions.

19 CHAIRMAN KATZ: North Haven says no
20 questions. Ezra Academy, et al? No questions. Mr.
21 Cunliffe. One of my intentions is is we're going to go
22 through the Council's questions, and if there is time
23 before the noon break, I think we'll take testimony on
24 the size of transition stations. Mr. Cunliffe.

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1 MR. CUNLIFFE: Thank you, Chairman. The
2 PowerGEM studies of the East Shore route indicate a
3 contingency overloading of the 387 line at 106 percent of
4 long-term emergency ratings. Do you believe that this
5 overloading of the 387 line could be eliminated by adding
6 reactors or phase shifters at the Long Mountain
7 Substation and shift the power to the Phase 1 line?

8 MR. LANZALOTTA: I'm not sure -- well,
9 it's possible you could use reactors and phase shifters
10 at some place on the system in order to try to shift more
11 power over to Long Mountain and down through Plumtree to
12 Norwalk. We haven't put that really high on our list --

13 MR. CUNLIFFE: But -- but it's possible?

14 MR. LANZALOTTA: But it is possible, yes.

15 MR. CUNLIFFE: In your opinion would the
16 addition of a 345-kV underground cable between Plumtree
17 and Norwalk, the 115 cable between Norwalk and Glenbrook,
18 and the 345-kV cable between East Devon and Norwalk
19 eliminate the need of the Glenbrook Statcom?

20 MR. LANZALOTTA: I don't -- I don't know.
21 I would -- I would tend to doubt it, but I'm not sure.

22 MR. CUNLIFFE: The Applicants'
23 supplemental testimony dated May 25th of Mr. Zaklukiewicz
24 regarding the East Shore alternative, the Applicant

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1 repeatedly emphasized that this alternative does not
2 comply with national and regional reliability criteria.
3 Is it not true that the proposed alternative also
4 violates reliability criteria as reported in the
5 Southwest Working Group report?

6 MR. LANZALOTTA: The -- I believe that
7 they say, yeah, there are lines that are loaded beyond
8 what the criteria says they should be.

9 MR. CUNLIFFE: And did you not in your
10 testimony raise the issue of the Southwest Connecticut
11 Working Group study having majority participation by the
12 Applicant --

13 MR. SCHLISSEL: Yes --

14 MR. CUNLIFFE: -- co-applicants?

15 MR. SCHLISSEL: Yes, we did.

16 MR. CUNLIFFE: And so you believe there's
17 a bias on that report?

18 MR. SCHLISSEL: Well, there's certainly a
19 lack of independence.

20 MR. CUNLIFFE: And what is your
21 understanding of the Southwest Connecticut interface?

22 MR. SCHLISSEL: I -- I -- I mean there is
23 an inter -- I mean I don't understand the question, I'm
24 sorry.

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1 MR. CUNLIFFE: Well is your understanding
2 any different than what the Applicant states is what the
3 Southwest Connecticut interface is?

4 MR. SCHLISSEL: No.

5 MR. CUNLIFFE: You both believe it's the
6 same?

7 MR. SCHLISSEL: Yes.

8 MR. CUNLIFFE: Okay.

9 MR. SCHLISSEL: That was looked at
10 extensively in the Phase 1 hearings, what was that,
11 Docket 217, and there's no disagreement.

12 MR. CUNLIFFE: Okay. In your testimony
13 you speak to the Applicant study on the East Shore route
14 that the proposed Beseck Switching Station was eliminated
15 from the plan as well as other improvements. What is
16 your belief of what these improvements -- or how would
17 these improvements affect the East Shore route power flow
18 results?

19 MR. LANZALOTTA: It's our belief that the
20 East Shore route will come closer to if not actually
21 compete very favorably with the companies' proposed
22 recommendation if these other improvements are included.
23 And we've also talked about certain reconductorings.

24 MR. CUNLIFFE: Are you planning to include

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1 those in any of your load flow analyses?

2 MR. LANZALOTTA: Yes.

3 MR. SCHLISSEL: Yes.

4 MR. CUNLIFFE: Some discussion previously
5 was to the assumptions made in the flow analyses,
6 including the 2B and 5B. What would you consider to be
7 more of a reasonable scenario?

8 CHAIRMAN KATZ: What units would you have
9 on, what units would you have off?

10 MR. SCHLISSEL: I think that we would --
11 probably if we were going to just design them, we'd have
12 fewer units off. I mean I haven't given thought to
13 whether you'd include two Wallingford, I mean Meriden on,
14 Unit 2 on, off. But --

15 CHAIRMAN KATZ: Do you what megawatts
16 total you would consider on?

17 MR. SCHLISSEL: Well, I -- I would not
18 include these -- all of these units off. I've not given
19 it thought. I can't -- in honesty, I can't sit here
20 today and tell if I were designing it I'd including four
21 units off or three units off. I think the concept of
22 including a number of the units off is reasonable, but I
23 would not include this many.

24 MR. CUNLIFFE: GE's final report for the

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1 20-mile underground configuration between East Devon and
2 Beseck found that this alternative did not exhibit any
3 fatal flaws. However, did GE did raise significant
4 risks. Is there a reason to believe that a configuration
5 of the East Devon to Beseck line of less than 20 miles
6 could be technically feasible?

7 MR. SCHLISSEL: Well, the East Devon --
8 I'm sorry?

9 MR. CUNLIFFE: The East Devon/Beseck --

10 MR. SCHLISSEL: East Devon/Beseck --

11 MR. CUNLIFFE: -- GE believes that it's
12 technically feasible but they raised some risks --

13 MR. SCHLISSEL: Correct --

14 MR. CUNLIFFE: -- and limitations --

15 MR. SCHLISSEL: Correct.

16 MR. CUNLIFFE: Could -- could a line of
17 less than 20 miles be considered?

18 MR. SCHLISSEL: Oh, yes, sir. That's --

19 MR. CUNLIFFE: And why --

20 MR. SCHLISSEL: That --

21 MR. CUNLIFFE: -- or why not?

22 MR. SCHLISSEL: Well, I can't -- what we
23 intended to do when we were hired last fall was to -- we
24 thought we would -- we knew the harmonics modeling was

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1 underway, we had hoped to get the data and the model to
2 look at 10 miles, to look at five miles of under-
3 grounding. You know, we originally thought when we
4 started talking to our Towns' clients to try to get a
5 sense of where each one would have to have -- kind of the
6 homework assignment that you gave them today, where would
7 they want -- how much did they absolutely have to have
8 underground in their town --

9 MR. CUNLIFFE: Um-hmm.

10 MR. SCHLISSEL: -- so we could rerun the
11 GE model with all those scenarios, but that wasn't
12 feasible. So today I can't tell you whether five miles
13 works on the proposed route. Hopefully if the two town
14 specific studies I mentioned, the Milford and the
15 Woodbridge studies are completed, the Siting Council will
16 have evidence as to whether -- I think roughly four or
17 five miles in each of those towns under-grounding will
18 work.

19 MR. CUNLIFFE: Thank you. Those are my
20 questions, Chairman.

21 CHAIRMAN KATZ: Thank you. Mr. Emerick.

22 MR. BRIAN EMERICK: No questions, thank
23 you.

24 CHAIRMAN KATZ: Mr. Heffernan.

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1 MR. HEFFERNAN: No questions.
2 CHAIRMAN KATZ: Mr. Murphy.
3 MR. JAMES J. MURPHY, JR.: No questions.
4 CHAIRMAN KATZ: Mr. Tait.
5 MR. TAIT: No questions.
6 CHAIRMAN KATZ: Mr. Ashton.
7 MR. ASHTON: No, thank you, Madam
8 Chairman.
9 CHAIRMAN KATZ: Mr. Lynch.
10 MR. DANIEL P. LYNCH, JR.: No questions.
11 CHAIRMAN KATZ: Do you have redirect?
12 MR. BALL: Chairman Katz, I think I would
13 probably need a minute just to speak with Mr. Schlissel
14 and Mr. Lanzalotta --
15 CHAIRMAN KATZ: Okay --
16 MR. BALL: -- to review a couple of
17 questions.
18 CHAIRMAN KATZ: Okay, we'll take a minute
19 off the record.
20 MR. BALL: Thank you.
21 (Off the record)
22 CHAIRMAN KATZ: Mr. Ball.
23 MR. BALL: We will have no further
24 questions.

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1 CHAIRMAN KATZ: Okay, thank you. At this
2 time, Mr. Cunliffe, we're going to elicit some more
3 information that will be helpful to the Towns on the size
4 of transition stations.

5 MR. CUNLIFFE: Transition -- Transition
6 stations were proposed in the Phase 1 between Plumtree
7 and Norwalk line, correct?

8 MR. ROGER ZAKLUKIEWICZ: That is correct.

9 MR. CUNLIFFE: And what were the sizes
10 proposed in that application?

11 MR. ZAKLUKIEWICZ: I believe they were
12 approximately two acres.

13 MR. CUNLIFFE: And what would be the
14 equipment that would be located within the transition
15 station?

16 MR. ZAKLUKIEWICZ: On Docket 217 the
17 transition stations are now full switching stations.
18 There were going to be breakers, circuit breakers at
19 those facilities to isolate a cable system, but not to
20 detect a problem on any one of the phases of the cable,
21 recognizing there were two segments in the HPPF cable and
22 there are also two segments on the cross link
23 polyethylene on the northern end.

24 At the northern end substation with the

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1 cross link polyethylene, there are circuit breakers
2 protecting the entire line from Plumtree to Norwalk.

3 At the Hoyts Hill Transition Station, the
4 facilities there are strictly an underground to overhead
5 transmission point. Those circuit breakers, except for
6 links or a disconnect switch to isolate a faulted section
7 of cable, from that point we go overhead to Archer's
8 Lane.

9 At Archer's Lane there is a transition
10 station there which is going to have circuit breakers for
11 each of the sections of the HPFF cables. Those are not
12 fully protected facilities. The circuit breaker is there
13 just to be able to, if you will, switch out a section of
14 the HPFF cable.

15 At the Norwalk Junction Transition Station
16 you will have both circuit breakers and reactors, again
17 not -- not breakers which are operated to isolate a
18 fault.

19 And then at the Norwalk Substation you
20 will have circuit breakers associated with the protection
21 of the full cable, such that a fault either on the
22 overhead section between Plumtree and Norwalk or on the
23 XLPE section at the northern end or a fault on either one
24 of the cables between Archer's Lane in Norwalk Junction,

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1 the circuit breakers at Plumtree and the circuit breakers
2 at Norwalk operate to isolate the entire line.

3 At that point because we have underground
4 and overhead cable, we indicated that the line will stay
5 out of service until we determine whether the fault is
6 overhead or underground. We will then use the circuit
7 breakers and the isolating devices at either Hoyts Hill
8 or at Archer's or at Norwalk Junction to then determine
9 where and what section of the cable system, if there was
10 a fault on the line, it was determined that it was not on
11 the overhead sections, where that could be.

12 I believe we also testified that to make
13 those determinations, that circuit between Plumtree and
14 Norwalk will be out of service for approximately one day
15 or more. And then we will isolate the faulted cable
16 section and then we will spend time then trying to locate
17 where on the cable section the cable is faulted if the
18 fault is indeed within the cable section.

19 We said we were doing that on the Plumtree
20 to Norwalk line because that line typically is not
21 loaded. And it's loaded -- the loading on the Plumtree
22 to Norwalk line loads up only under the contingency of
23 having the second part of the loop, which would be the
24 Middletown to Norwalk loop, out of service. Then and

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1 only then does the -- does the loading on the Plumtree to
2 Norwalk line become a major factor. Recognize that if we
3 put full substations with protective relays and total
4 controls at Plum -- at Archer's Lane in Norwalk Junction,
5 the footprint would have to increase significantly
6 because each of those facilities would now have to be
7 NPCC compliant, meaning dual batteries, dual protection
8 schemes, full capability for switching as opposed to
9 we're having a circuit breaker there such that if
10 operations mandated, we could take half of the cable out
11 of service because of high voltage conditions. Where
12 those switching is not fully protective and controlled,
13 we do not need all of that duplicative equipment, such
14 that the footprints now on Phase 1 are significantly
15 smaller. Okay for Docket 217?

16 MR. CUNLIFFE: Yes. That premises the
17 next question for the transition stations for the Bethel
18 to Norwalk -- Norwalk to Middletown line.

19 MR. ZAKLUKIEWICZ: The loading on the
20 Norwalk to Middletown line, we all know it's coming from
21 the strong source in Middletown, whatever that is. We
22 believe it should be Beseck. It's kind of irrelevant.
23 The flows on the line, whether it's on what is proposed,
24 which would be Beseck/East Devon, heavy flows 24 hours a

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1 day, we can ill afford to have that line out of service
2 anytime we have a problem, whether it be in the cable,
3 whether it be in a pot-head if we do not have at those
4 transition stations for each segment. And we're saying
5 now on the cable sections between Beseck and East Devon
6 we're going to have three cables. So anytime I go to
7 overhead to underground, I want a fully compliant
8 switching facility at each terminal of that cable such
9 that I know specifically if we have a fault in segment --
10 in cable segment 1 in this area, for that fault I am
11 going to trip and isolate instantaneously that cable
12 section and be able to put the remaining line back in
13 service, and hopefully the interruption of that cable,
14 faulted cable section will occur faster than the relaying
15 that would be at the remote terminals, meaning Beseck and
16 East Devon --

17 CHAIRMAN KATZ: Mr. Zak --

18 MR. ZAKLUKIEWICZ: -- such that there will
19 be no interruption to the line.

20 CHAIRMAN KATZ: Mr. Zak, we heard the
21 thing four to eight acres for this docket. What
22 determines a four-acre transition station versus an
23 eight-acre transition station?

24 MR. ZAKLUKIEWICZ: Well, I think -- the

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1 difference is, No. 1, for the three cable sections,
2 you're going to have to have a circuit breaker for each
3 one of those cable sections and you're going to need a
4 circuit breaker for the overhead. And you're going to
5 need depending on the length of the cable section in
6 between in this transition, whether we're going to need
7 reactors or not reactors to hold down the voltage and the
8 switching surges that will take place when this is
9 switched in and out of service --

10 CHAIRMAN KATZ: So --

11 MR. ZAKLUKIEWICZ: -- and -- and it's got
12 to be fully compliant, meaning it's got to have dual
13 power coming in from off-site power and so forth, dual
14 batteries and all.

15 CHAIRMAN KATZ: Well --

16 MR. ASHTON: Mr. Zak, would that be a ring
17 bus or a breaker and a half scheme that you propose? And
18 how does one --

19 MR. ZAKLUKIEWICZ: I would --

20 MR. ASHTON: -- affect the area --

21 MR. ZAKLUKIEWICZ: I would -- I would
22 assume it's going to be some kind of a modified breaker
23 and a half scheme where the line coming in, the overhead
24 line would be part of like a bus arrangement. The

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1 breaker and a half scheme will allow us to do maintenance
2 on the breakers without having to turn around and take
3 out sections of cable.

4 MR. ASHTON: And how would that answer
5 affect the required area for the station --

6 MR. ZAKLUKIEWICZ: Quite --

7 MR. ASHTON: -- a breaker and a half
8 versus a ring --

9 MR. ZAKLUKIEWICZ: A breaker and a half
10 scheme, whether we're on an open air bus, is appreciably
11 a larger footprint than a ring bus would require.

12 CHAIRMAN KATZ: If the Towns were to give
13 you a location of where they would be interested in --
14 where on the line they would be interested in doing a
15 transition station, could you give them more definitive
16 information on whether they're going to need a four-acre
17 footprint or an eight-acre footprint depending on the
18 location and the line?

19 MR. ZAKLUKIEWICZ: If we also know -- if
20 we also know the length of the cable of which --

21 CHAIRMAN KATZ: Yes, if they provided that
22 --

23 MR. ZAKLUKIEWICZ: -- of which is being
24 proposed --

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1 CHAIRMAN KATZ: Right --

2 MR. ZAKLUKIEWICZ: -- so if they're saying
3 at this location I'm talking about a two-mile line --

4 CHAIRMAN KATZ: Right --

5 MR. ZAKLUKIEWICZ: -- or a three-mile
6 line?

7 CHAIRMAN KATZ: If they provided that,
8 could you give them more information on what size
9 footprint they should plan for a transition station?

10 MR. ZAKLUKIEWICZ: I think we can work
11 with them.

12 CHAIRMAN KATZ: Okay.

13 MR. ZAKLUKIEWICZ: I'll preface that by
14 saying if we had three towns in a row and they all want -
15 -

16 CHAIRMAN KATZ: Yes --

17 MR. ZAKLUKIEWICZ: -- if you will
18 porpoising --

19 CHAIRMAN KATZ: Yes --

20 MR. ZAKLUKIEWICZ: -- if I had a single
21 two-mile stretch, I probably would not need reactors. If
22 I've got three porpoises in a row --

23 CHAIRMAN KATZ: Understood --

24 MR. ZAKLUKIEWICZ: -- I'm going to need

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1 something significantly different --

2 CHAIRMAN KATZ: Okay --

3 MR. ZAKLUKIEWICZ: -- so it's going to
4 matter whether we're talking a single porpoise here --
5 (laughter) -- or a number of porpoises in series, in
6 other words overhead/underground, overheard/underground,
7 overhead/underground --

8 CHAIRMAN KATZ: Right --

9 MR. ZAKLUKIEWICZ: -- and finally get to
10 East Devon.

11 CHAIRMAN KATZ: Right, understood. Mr.
12 Cunliffe, anything else --

13 MR. ZAKLUKIEWICZ: I think we can say
14 we'll work with the Towns --

15 CHAIRMAN KATZ: Great --

16 MR. ZAKLUKIEWICZ: -- on trying to do
17 that.

18 CHAIRMAN KATZ: Is there any other party
19 or intervenor who wishes to -- Mr. Frank. Do you mind
20 just using that microphone, or --

21 MR. FRANK: That's fine, I have one quick
22 question. Just for purposes of the Towns' analyses, what
23 has just been testified to, would it be possible, Mr.
24 Zak, to give us the names of actual 345-kV transition

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1 stations of the type that you have just described that
2 are in service?

3 MR. ZAKLUKIEWICZ: I do not have one.
4 There is no such facility that I'm aware of in the
5 Northeast. All of the cable sections to my knowledge in
6 the Northeast all originate out of a substation and go to
7 an additional either switching station or substation.

8 MR. FRANK: That answers my question.

9 CHAIRMAN KATZ: Indeed. Anyone else?
10 Just before we -- is there any other party or intervenor
11 who wishes to ask questions on this issue? Okay.

12 MS. RANDELL: This is not on transition
13 stations, but it's a follow-up on the GE studies --

14 CHAIRMAN KATZ: Yes --

15 MS. RANDELL: -- that are being done for
16 the Towns. Can we ask that they be submitted when
17 they're completed as opposed to waiting for the July 19th
18 date?

19 CHAIRMAN KATZ: Towns, please respond.

20 MS. KOHLER: I'm sorry, I'm not sure I
21 heard your entire question.

22 MS. RANDELL: Sure. The GE studies that
23 are being run for the Towns or for Milford or Woodbridge,
24 we'd request that we receive -- the companies receive a

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1 copy of the completed studies when they come in as
2 opposed to waiting for July 19th.

3 MS. KOHLER: Sure. I would say two things
4 about that -- and we'd certainly agree -- (1) we're
5 hoping we're going to get the GE studies by July 19th for
6 the Towns', the group studies.

7 The second part about the town specific
8 studies, the Milford/Woodbridge, we've not been given any
9 answer from GE at all as to what date they're going to
10 have those completed. So hopefully we'll get that
11 information today with your help.

12 CHAIRMAN KATZ: Mr. Fitzgerald --

13 MS. RANDELL: You've got it.

14 MR. FITZGERALD: I'm going to solicit a
15 homework assignment --

16 CHAIRMAN KATZ: Through the Chair --

17 A VOICE: Not for us -- (laughter) --

18 MR. FITZGERALD: And that is that the
19 companies provide to you before the next set of hearings
20 thermal load flow studies by PowerGEM, who has done the
21 others, of the East Shore scenarios described by Synapse
22 in today's testimony.

23 CHAIRMAN KATZ: Good. And please if you
24 have any questions on the assumptions in those, resolve

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1 that ahead of time --

2 MR. FITZGERALD: Okay --

3 CHAIRMAN KATZ: -- instead of under cross.

4 MR. FITZGERALD: Yeah. And Mr. -- this
5 gets to Mr. Ashton's comment yesterday, Mr. Overland just
6 whispered in my ear, they will not be completed studies,
7 they will be --

8 CHAIRMAN KATZ: Sensitivity analysis --

9 MR. FITZGERALD: -- cases --

10 CHAIRMAN KATZ: Yes --

11 MR. FITZGERALD: No, they will be -- they
12 will be cases.

13 CHAIRMAN KATZ: Understood. Okay, any
14 other procedural matters before our lunch break? At 1:00
15 o'clock we're going to have a prehearing conference. Mr.
16 Phelps, you're going to find us a room for that. And
17 then we'll do the City of Bridgeport, followed by RWA,
18 followed by Land-Tech. We are adjourned until 1:00
19 o'clock where the attorneys will convene for a prehearing
20 conference.

21 (Whereupon, a luncheon recess was taken.)

22 CHAIRMAN KATZ: We'll resume this public
23 hearing. At this time we are going to -- first I'd like
24 to welcome State Senator Finch to the proceedings. And

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1 we have Attorney Melanie Howlett and we have the Director
2 of Planning for the City of Bridgeport, Michael Nidoh.
3 We are going to -- Senator Finch is going to make a
4 limited appearance statement, and the Planning Director
5 is going to be sworn and is going to offer testimony. So
6 at this time -- do you have a preference on who goes
7 first?

8 MS. MELANIE HOWLETT: I think it probably
9 would be easier if Senator Finch went first --

10 CHAIRMAN KATZ: Great, thank you --

11 MS. HOWLETT: -- since -- since his
12 comments compliment our prefiled statement on May 25th.

13 CHAIRMAN KATZ: Thank you. Senator.

14 COURT REPORTER: Senator, would you spell
15 your name for me please and give us your --

16 SENATOR WILLIAM FINCH: Sure. My name is
17 Bill Finch, F-i-n-c-h. I live at 70 Crown Street in
18 Bridgeport, Connecticut. I represent the 22nd Senatorial
19 District.

20 COURT REPORTER: Thanks.

21 SENATOR FINCH: Thank you, Chairman Katz
22 and members of the Siting Council for allowing me this
23 privilege to speak to you today.

24 I have written statements which I don't

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1 think you got probably in time to look over, but I will
2 paraphrase them. I really do -- I know you're a very
3 formal hearing process, but in my other role it's very
4 frustrating to have people read to me verbatim my
5 statement, but I understand it's formal and I will try to
6 do it pretty quickly.

7 I have two perspectives on this, one is as
8 a city -- as a person representing the City of
9 Bridgeport, the Town of Trumbull and the Town of Monroe,
10 but also as a professional in the field of economic
11 development. I work at the Bridgeport Economic
12 Development Corporation, which is a small not-for-profit,
13 which is part of the Regional Business Council.

14 In my letter I state this letter
15 supplements the comments filed by Michael Nidoh, our City
16 Planning Director and Mayor John M. Fabrizi regarding the
17 impact of the city rerouting of the proposed 345-kV line
18 to an overhead route along the railroad right-of-way
19 within the downtown area in the environs of Bridgeport.
20 As you are already aware these -- in our initial comments
21 the proposed rerouting would have we feel a very
22 detrimental impact on the economic development of the
23 city, which we've been working very hard at over the last
24 few years.

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1 The purpose of my supplement comments are
2 to apprise the Siting Council of the enormous amount of
3 State and Federal funds, and I'm going to just list some
4 of them, there's even more than this spent to date
5 redeveloping the properties in the vicinity of the
6 proposed overhead route and the commitments of additional
7 funding for those entities.

8 We spent about 20 million purchasing and
9 clearing properties and relocating residents from '98 to
10 2002 in the Steel Point area.

11 Twenty-three million of local, State and
12 Federal funds have been committed to proposing -- to
13 completing the intermodal transit center. And as you
14 know, we have a transit center which is very vibrant,
15 having ferry, rail, and highway and local bus service,
16 all within about 200 yards of each other. The proposed
17 overhead route if it's approved would have -- would
18 really call these into jeopardy and put them in jeopardy
19 of being cancelled.

20 In addition 12.5 million of federal funds
21 were spent from '99 to 2002 to refurbish our Port
22 Authority along the waterfront in Bridgeport in
23 anticipation of the other economic development programs
24 discussed in this -- in here. In addition, eight million

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1 dollars is committed from Federal and State funds,
2 including Homeland Security funds for additional work at
3 the Port Authority site, and that was recently announced.

4 The Juvenile Court project which brings a
5 new facility to downtown Bridgeport has already expended
6 nine million dollars in 2002 and 2003 right on the
7 railroad tracks right adjacent to the right-of-way, and
8 requiring -- preparing a site which abuts a portion of
9 the railroad route. There's an additional 45 million
10 dollars in State funds committed and budgeted for the
11 court -- for JA -- replacement to JA-2 for the
12 courthouse. Finally, the State has -- and juvenile --
13 the State spent another eight million in removing old
14 railroad tracks to create a bikeway along Housatonic
15 Avenue.

16 Representing -- the letter is also signed
17 by the other State Senator from Bridgeport, Ernest
18 Newton, who couldn't be here today. We strongly oppose a
19 proposal that would allow the 345-kV lines to travel
20 overhead through the City of Bridgeport. As explained in
21 greater detail in comments filed in 2004, May 25th, the
22 negative impact to the downtown area, to the State's
23 largest city would be irreversible and would run counter
24 to what the government has been trying to do to

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1 rejuvenate our economy.

2 In addition, I would say that it would be
3 very inappropriate to pit communities where lines are
4 currently planned over-ground against those where it's
5 underground. Any talk of replacing one for the other
6 would really have a negative impact against all of the
7 initiatives that we've begun to talk about at the State
8 in terms of Smart Growth and regional cooperation. So, I
9 would really urge none of those kind of discussions to be
10 entered into.

11 So, I'd like to thank you for your
12 consideration. This is a very serious issue and I
13 appreciate the level of seriousness that you've put into
14 this consideration and I know you have a difficult job
15 and certainly wouldn't trade places with you at all right
16 now. (Laughter).

17 CHAIRMAN KATZ: Thank you, Senator. At
18 this time, we'll have the Planning Director give his name
19 and spell his name and then we'll have the Assistant
20 Attorney General swear him in.

21 MR. MICHAEL NIDOH: For the record, my
22 name is Michael P. Nidoh, N-i-d-o-h. I'm the Director of
23 Planning for the City of Bridgeport. I have an address
24 of 999 Broad Street, Bridgeport, Connecticut, 06604.

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1 MR. JOHN HAINES: Mr. Nidoh, would you
2 stand and raise our right hand please.

3 (Whereupon, Michael Nidoh was duly sworn
4 in.)

5 CHAIRMAN KATZ: Miss Howlett, do you --
6 does he have prefiled testimony which we need to verify?

7 MS. HOWLETT: Yes, ma'am, we need to have
8 that adopted.

9 CHAIRMAN KATZ: Okay.

10 MS. HOWLETT: Would you like me to do that
11 at this time?

12 CHAIRMAN KATZ: Please.

13 MS. HOWLETT: Mr. Nidoh, you have before
14 you a statement dated May the 25th, which is entitled
15 Prefiled Comments/Testimony of the City of Bridgeport in
16 Response to Proposed Alternative Overhead Route Along
17 Railroad Right-of-Way. Are you familiar with this
18 document?

19 MR. NIDOH: Yes, I am.

20 MS. HOWLETT: Did you help prepare and
21 author this document?

22 MR. NIDOH: Yes, I did.

23 MS. HOWLETT: Do you hereby adopt this
24 statement as the testimony for the City of Bridgeport and

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1 yourself for today's hearing?

2 MR. NIDOH: Yes, I do.

3 CHAIRMAN KATZ: Thank you. Is there any -
4 -

5 MS. HOWLETT: The witness is available for
6 questions.

7 CHAIRMAN KATZ: Thank you. Any objection
8 to making this a full exhibit? Hearing none, it's a full
9 exhibit.

10 (Whereupon, The City of Bridgeport Exhibit
11 No. 1 was received into evidence as a full exhibit.)

12 CHAIRMAN KATZ: And we will start. Does
13 the Applicant have any questions for the City?

14 MS. RANDELL: We do not.

15 CHAIRMAN KATZ: Miss Randell, thank you.
16 I won't go through the whole list, I'll just ask if
17 there's a show of hands for anybody who wishes to cross-
18 examine the City? Mr. Cunliffe.

19 MR. CUNLIFFE: I have one, Chairman. On
20 the first paragraph, the last sentence you speak -- the
21 City speaks that they've been working with UI on several
22 minor route changes for this underground power line. Has
23 the route changed as proposed through the City of
24 Bridgeport?

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1 MR. NIDOH: From the initial meeting we
2 had with the United Illuminating Company, yes, it has.
3 There were two small locations where we diverted the line
4 primarily because it was crossing under a waterbody and
5 another location is where it comes nearly on top of a
6 footing for the Bridgeport Intermodal Transportation
7 Center. And it was minor change. It did not affect the
8 project in either way. And in fact, I believe the UI
9 Company felt it was a less severe angle which helped with
10 the cable alignment.

11 MR. CUNLIFFE: Alright. And they -- in
12 previous hearings we've heard testimony from the
13 Applicant that they were going to move a substation off
14 of PSEG property onto an adjacent piece of property that
15 PSEG owns --

16 MR. NIDOH: Yes --

17 MR. CUNLIFFE: -- and the City has agreed
18 that this location is acceptable?

19 MR. NIDOH: Yes, it is.

20 MR. CUNLIFFE: Thank you. Those are my
21 questions.

22 CHAIRMAN KATZ: Thank you.

23 COURT REPORTER: One moment -- one moment
24 please. (Pause). Thank you.

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1 CHAIRMAN KATZ: Do any other Council
2 members have questions of the City of Bridgeport? Great.
3 Well, we appreciate your appearance. It's -- as we've
4 learned from Phase 1, it's very important that a large
5 city let us know early in the game what their wishes are
6 so that we can work within those. And we appreciate you
7 coming all the way up to New Britain and giving us your
8 views.

9 MR. NIDOH: Thank you.

10 MS. HOWLETT: Thank you for your time.

11 CHAIRMAN KATZ: Thank you, Miss Howlett.

12 MR. EDWARD S. WILENSKY: (Indiscernible) -
13 - can you fix the traffic jam on Route 95 in Bridgeport?

14 SENATOR FINCH: You know, if the trucks
15 would stop turning over and catching on fire --
16 (laughter) -- it would -- it would be a little bit
17 further away --

18 CHAIRMAN KATZ: We'll have --

19 SENATOR FINCH: -- and not within our --

20 CHAIRMAN KATZ: Thank you. We'll have a
21 two-minute recess while we change the table. RWA please.

22 (Whereupon, a short recess was taken.)

23 CHAIRMAN KATZ: Okay, let's resume. Next
24 up is the South Central Connecticut Regional Water

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1 Authority. And we have one witness who has not been
2 sworn.

3 MR. LORD: That is correct.

4 CHAIRMAN KATZ: So why don't we have him
5 give his name and spell his name, and then we'll take
6 care of that. While you're near the microphone give your
7 name and spell your name.

8 MR. THOMAS CHAPLIK: Okay. My name is
9 Thomas Victor Chaplik, T-h-o-m-a-s, Chaplik, C-h-a-p-l-i-
10 k.

11 MR. HAINES: Okay, Mr. Chaplik, would you
12 stand and raise your right hand please.

13 (Whereupon, Thomas Chaplik was duly sworn
14 in.)

15 MR. HAINES: Thank you. Please be seated.

16 COURT REPORTER: If counsel and the other
17 witness would put their names on the record.

18 MR. LORD: Andrew Lord, A-n-d-r-e-w, L-o-
19 r-d. And Paul McCary.

20 COURT REPORTER: Spell that please.

21 MR. PAUL McCARY: M-c-C-a-r-y.

22 AUDIO TECHNICIAN: Mr. McCary, could you
23 bring that microphone as close to you as -- just bring it
24 to you, you don't have to go to it.

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1 CHAIRMAN KATZ: Okay. Mr. Lord, I have
2 listed four exhibits for RWA.

3 MR. LORD: Yes. We have three exhibits
4 that we'd like to have entered as full exhibits. You'll
5 remember that at one of the earlier hearings we had
6 Exhibit No. 3, which is an MSD sheet for polybutene
7 entered for identification purposes. I did not have a
8 witness available at the time to verify that. Based on
9 additional information that we've obtained, I would
10 either leave that unverified or withdraw it --

11 CHAIRMAN KATZ: Okay --

12 MR. LORD: -- at your preference.

13 CHAIRMAN KATZ: -- let's withdraw that.

14 MR. LORD: Okay, very good. With regard
15 to Exhibits 1, 2 and 4, I would like to have those
16 entered as full exhibits, and I would like to have Mr.
17 Chaplik verify those exhibits.

18 CHAIRMAN KATZ: Yes, please.

19 MR. LORD: I identified for you, Mr.
20 Chaplik, what are numbered our Exhibits 1, 2, and 4,
21 which are your Prefiled Testimony, Supplemental Prefiled
22 Testimony, and Responses to Interrogatories. Do you
23 recognize these documents?

24 MR. CHAPLIK: I do.

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1 MR. LORD: And were they prepared under
2 your supervision and control?

3 MR. CHAPLIK: They have.

4 MR. LORD: And do you have any additions,
5 deletions, or omissions to these documents at this time?

6 MR. CHAPLIK: None.

7 MR. LORD: Is the information contained in
8 these documents true and accurate to the best of your
9 knowledge and belief?

10 MR. CHAPLIK: Yes.

11 MR. LORD: And do you adopt these as your
12 testimony here today?

13 MR. CHAPLIK: Yes.

14 MR. LORD: I would offer these as full
15 exhibits.

16 CHAIRMAN KATZ: Any objection to making
17 them full exhibits? Hearing none, they are full
18 exhibits.

19 (Whereupon, South Central Connecticut
20 Water Authority Exhibit No. 1, No. 2 and No. 4 were
21 received into evidence as full exhibits.)

22 CHAIRMAN KATZ: We will begin with cross-
23 examination. Does the Applicants have cross-examination?

24 MR. BRUCE McDERMOTT: Yes, we do.

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1 CHAIRMAN KATZ: Mr. McDermott, go ahead.

2 MR. McDERMOTT: Thank you. Chairman Katz,
3 I'll begin and Mr. Henebry will bat fourth and play clean
4 up if I miss anything. Good afternoon, Mr. Chaplik.

5 MR. CHAPLIK: Good afternoon.

6 MR. McDERMOTT: Am I correct in
7 understanding that the Water Authority owns land in the
8 portion of the project area known as Segments 1 and 2?

9 MR. CHAPLIK: Yes.

10 MR. McDERMOTT: In addition, the Water
11 Authority has what's known as a watershed area?

12 MR. CHAPLIK: Correct.

13 MR. McDERMOTT: Would you briefly just
14 describe what a watershed is?

15 MR. CHAPLIK: The watershed is actually
16 shown in one of the attachments to the prefiled.

17 MR. McDERMOTT: Well, maybe you could just
18 verbally describe what a watershed is and what it means
19 in your business?

20 MR. CHAPLIK: The watershed -- the
21 definition of a watershed is actually the capture area
22 where water is collected and then stored in reservoirs
23 throughout our water district.

24 MR. McDERMOTT: Okay. And how many

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1 watersheds are in Segments 1 and 2?

2 MR. CHAPLIK: There -- there are several
3 that are contiguous and two -- two separate and distinct
4 watersheds, but one of them consists of more than --
5 drains to more than one reservoir.

6 MR. McDERMOTT: Okay. And what's the
7 largest reservoir in the project area in Segments 1 and
8 2?

9 MR. CHAPLIK: Lake Watrous.

10 MR. McDERMOTT: And -- can you help me
11 with the pronunciation, what was that?

12 MR. CHAPLIK: Watrous.

13 MR. McDERMOTT: Watrous?

14 MR. CHAPLIK: Right. That -- that's
15 listed in the first prefile.

16 MR. McDERMOTT: Okay, thank you. And
17 where's the location of Lake Watrous?

18 MR. CHAPLIK: It's in the Town of
19 Woodbridge.

20 MR. McDERMOTT: And how many approximate
21 gallons of water does it hold?

22 MR. CHAPLIK: Offhand, I do not know.

23 MR. McDERMOTT: Can you estimate?

24 MR. CHAPLIK: At this point, I would

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1 prefer not to for security reasons.

2 MR. McDERMOTT: Can you say what the size
3 of the watershed area that flows into that reservoir is,
4 how many acres?

5 MR. CHAPLIK: I don't have the acreage.

6 CHAIRMAN KATZ: It's a large lake,
7 correct?

8 MR. CHAPLIK: It is a large lake.

9 CHAIRMAN KATZ: Thank you. We're simple
10 people, Mr. McDermott.

11 MR. McDERMOTT: I thought I was asking
12 simple questions, Chairman Katz. (Laughter).

13 MR. CHAPLIK: If you were to ask me what
14 is the largest watershed, I can tell you that.

15 MR. McDERMOTT: Is that within Segments 1
16 and 2?

17 MR. CHAPLIK: Correct.

18 MR. McDERMOTT: And what is the largest
19 watershed within Segments 1 and 2?

20 MR. CHAPLIK: The watershed to Lake
21 Whitney, which is about 37 and a half square miles.

22 CHAIRMAN KATZ: And what town is Lake
23 Whitney in?

24 MR. CHAPLIK: Hamden.

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1 MR. McDERMOTT: Now, Mr. Chaplik, as
2 between the proposed project and an underground option is
3 it safe to say that your company prefers the proposed
4 project?

5 MR. CHAPLIK: The -- at this point in time
6 we don't have objections to the proposed project.

7 MR. McDERMOTT: Thank you. And if I read
8 your testimony correctly, Mr. Chaplik, I sense the theme
9 is that you're making recommendations and essentially
10 setting the stage for kind of a cooperative effort with
11 the companies going forward. Would that be a fair
12 characterization?

13 MR. CHAPLIK: Definitely.

14 MR. McDERMOTT: And has the Water
15 Authority and either the United Illuminating Company or
16 CL&P worked together before on past projects?

17 MR. CHAPLIK: Yes.

18 MR. McDERMOTT: And have you found that to
19 be a cooperative effort?

20 MR. CHAPLIK: Yes.

21 MR. McDERMOTT: And is there any reason to
22 expect that we couldn't work cooperatively going forward
23 on this project?

24 MR. CHAPLIK: We have no reason for that.

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1 MR. McDERMOTT: At the request of your
2 counsel, Attorney Lord, Mr. Chaplik, the companies have
3 provided you with a sample of polybutene, are you aware
4 of that?

5 MR. CHAPLIK: Yes.

6 MR. McDERMOTT: And in fact, you requested
7 that in order to run some testing on that sample?

8 MR. CHAPLIK: Correct.

9 MR. McDERMOTT: And I gather that was in
10 order to verify some of the statements and observations
11 made by Miss BenKinney in her previous testimony?

12 MR. CHAPLIK: Actually, our focus was
13 really on two things, some of the testimony presented and
14 also the MSDS sheet that we had reviewed previously.

15 MR. McDERMOTT: Okay, thank you. And did
16 you send that sample out to a lab for analysis?

17 MR. CHAPLIK: We did not.

18 MR. McDERMOTT: Did you give that sample
19 to a Water Authority lab?

20 MR. CHAPLIK: Yes.

21 MR. McDERMOTT: And is your lab certified?

22 MR. CHAPLIK: It's certified with the
23 State of Connecticut.

24 MR. McDERMOTT: And for what parameters is

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1 your lab certified?

2 MR. CHAPLIK: The parameters that we had
3 tested the sample for.

4 MR. McDERMOTT: And could you help me, Mr.
5 Chaplik, what were those parameters?

6 MR. CHAPLIK: Odor. And we did a volatile
7 organic scan using a gas chromatograph mass
8 spectrophotometer.

9 MR. McDERMOTT: Okay -- (laughter) --

10 CHAIRMAN KATZ: GC/MS.

11 MR. McDERMOTT: And as recounted on page
12 13 of your prefiled testimony, what you did is actually
13 called a threshold odor test?

14 MR. CHAPLIK: Yes.

15 MR. McDERMOTT: And is that a standardized
16 test, Mr. Chaplik?

17 MR. CHAPLIK: Yes.

18 MR. McDERMOTT: And how many people
19 participated in the running of that test?

20 MR. CHAPLIK: I don't know the exact
21 number, but we do have an odor panel, which consists of
22 staff at the Authority -- Water Authority.

23 MR. McDERMOTT: And after running the
24 test, you determined that the polybutene contained a

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1 sweet organic chemical smell?

2 MR. CHAPLIK: Yes.

3 MR. McDERMOTT: And what other liquids
4 were used for comparison purposes in arriving at that
5 determination?

6 MR. CHAPLIK: I don't have the specifics
7 of that, but that information is on file when the tests
8 were conducted.

9 MR. McDERMOTT: Is it on file with the
10 Siting Council?

11 MR. CHAPLIK: On file with the Regional
12 Water Authority as part of our testing protocol as
13 required by the State of Connecticut.

14 MR. McDERMOTT: Chairman Katz, perhaps I
15 could ask the Water Authority to provide us with that
16 information.

17 CHAIRMAN KATZ: Mr. Lord, any objection?

18 MR. LORD: We have no objection, we will
19 provide that.

20 CHAIRMAN KATZ: Great.

21 MR. McDERMOTT: It's nice to give out a
22 homework assignment. (Laughter).

23 Now, Mr. Chaplik, you'll agree with me,
24 won't you, that the threshold odor test is a highly

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1 subjective test?

2 MR. CHAPLIK: Yes.

3 MR. McDERMOTT: On page 7 of your
4 testimony, Mr. Chaplik, you discuss erosion and
5 sedimentation concerns and you say that erosion and
6 sedimentation is expected to be a major potential impact
7 to the water resources along the construction route?

8 MR. CHAPLIK: Correct.

9 MR. McDERMOTT: Am I correct that such an
10 issue of erosion and sedimentation is -- you can control
11 that problem, if you will?

12 MR. CHAPLIK: Correct.

13 MR. McDERMOTT: Through the development of
14 a plan?

15 MR. CHAPLIK: As I describe in my
16 testimony, yes.

17 MR. McDERMOTT: Okay. And on page 14 you
18 say that your staff reviewed the physical and chemical
19 characteristics of polybutene and has determined that a
20 release of a large volume of polybutene to a waterbody --
21 skipping a few words -- would be problematic if the
22 release were not immediately controlled and contained.
23 Can you define large volume please --

24 MR. CHAPLIK: We used 10,000 gallons.

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1 MR. McDERMOTT: Ten thousand gallons. And
2 I'm correct that that would be a direct spill to a
3 waterbody?

4 MR. CHAPLIK: That would be the spill if
5 it were to enter one of the -- as an example the
6 reservoir that were discussing earlier Lake Watrous, if
7 that type -- if that volume of spill were to get into
8 Lake Watrous.

9 MR. McDERMOTT: And how would you
10 anticipate that volume of polybutene entering a
11 reservoir?

12 MR. CHAPLIK: If the -- if there were
13 under-grounding proposed within the existing easement,
14 the easement actually crosses tributaries to the
15 reservoir, so the -- if there was a release, that release
16 of the liquid would need to enter the tributary then flow
17 to the reservoir.

18 MR. McDERMOTT: So the polybutene would
19 leave the cable and would somehow work its way into the
20 reservoir?

21 MR. CHAPLIK: Definitely.

22 MR. McDERMOTT: Were you present for Miss
23 BenKinney's testimony regarding the transportability of
24 polybutene through brown water?

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1 MR. CHAPLIK: I was not.

2 MR. McDERMOTT: Would it surprise you to
3 learn that she testified that it had very low
4 transportability because it is typically absorbed by the
5 surrounding soil?

6 MR. CHAPLIK: You're referring to
7 groundwater movement?

8 MR. McDERMOTT: Correct.

9 MR. CHAPLIK: Yeah, actually I reviewed
10 that in the transcript.

11 MR. McDERMOTT: Okay. Does that testimony
12 change your prefiled testimony?

13 MR. CHAPLIK: No, not at all. Actually,
14 our concern is really if it were to surface, if the
15 liquid were to surface and then move overland and then
16 enter the tributary and then flow towards the reservoir.

17 MR. McDERMOTT: Okay. Do you have any
18 estimation how large a spill of polybutene would need to
19 take place in order for 10,000 gallons of it to travel
20 overland and reach a reservoir?

21 MR. CHAPLIK: My understanding it's --
22 it's -- that's actually less than the volume that would
23 be stored between -- there's -- there are segments that
24 would be located within the watershed area that we're

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1 discussing, and I believe within one of those segments
2 there's like 16,000 gallons, so it would be less than a
3 hundred percent of what's within that segment.

4 MR. McDERMOTT: So you think if 16,000
5 gallons were released, that would all travel overland and
6 all of that would reach your reservoir, is that your
7 testimony?

8 MR. CHAPLIK: Our assumption was if 10,000
9 gallons had entered the reservoir, it would result in the
10 conditions that were described in my testimony.

11 MR. McDERMOTT: You will agree with me
12 that it's pretty unlikely that from 16,000 gallons 10,000
13 will reach the reservoir, wouldn't you?

14 MR. CHAPLIK: I have no idea.

15 MR. McDERMOTT: Your prefiled testimony
16 also discusses the possibility of a spill creating low
17 dissolved oxygen -- or creating low dissolved oxygen
18 concentrations?

19 MR. CHAPLIK: Correct.

20 MR. McDERMOTT: And essentially that would
21 happen because the polybutene would enter the reservoir
22 and create a layer over the reservoir?

23 MR. CHAPLIK: That's correct.

24 MR. McDERMOTT: And what was the assumed

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1 thickness of the polybutene on the reservoir when that
2 condition occurs?

3 MR. CHAPLIK: It was just an assumption
4 that there would be no natural aeration that would be
5 allowed to happen between the atmosphere and what's
6 actually in the reservoir itself.

7 MR. McDERMOTT: And how much polybutene
8 does it take to create a condition of no natural
9 aeration?

10 MR. CHAPLIK: I'm not sure.

11 MR. McDERMOTT: Do you ever have ice form
12 on your reservoirs?

13 MR. CHAPLIK: Yes.

14 MR. McDERMOTT: Does that create a
15 condition of low dissolved oxygen concentrations?

16 MR. CHAPLIK: Yes.

17 MR. McDERMOTT: And does it go away when
18 the ice melts?

19 MR. CHAPLIK: It does.

20 MR. McDERMOTT: And how long did your
21 staff estimate that polybutene would need to be on the
22 surface of the reservoir in order to create a low
23 dissolved oxygen concentration situation?

24 MR. CHAPLIK: I don't have an exact

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1 timeframe.

2 MR. McDERMOTT: So really, Mr. Chaplik,
3 you just identified it as a possible issue, but not a
4 likely event, is that correct?

5 MR. CHAPLIK: Oh, it's definitely a
6 possible issue. Is it a likely event? What's critical
7 is in the early part of my testimony I state that if it's
8 not contained and it's left there, it definitely can be
9 problematic. And in addition, as we were doing the
10 testing in our laboratory, we did learn that the liquid
11 does have the ability to emulsify or attach to other
12 particulates, which then further complicates the
13 processes that could result within the reservoir as the
14 water is leaving the reservoir and entering our water
15 treatment plant.

16 MR. McDERMOTT: Okay. I'll turn the
17 microphone over to Mr. Henebry.

18 MR. BRIAN T. HENEGBRY: Just a few follow-
19 up questions, Mr. Chaplik. On page 14 of your testimony
20 you -- just reviewing what Mr. McDermott just ask you
21 about, you stated that the release could be problematic
22 if it were not immediately controlled and contained. Is
23 it your experience that a release in the nature of a
24 10,000 gallon release is of such a type that regulatory

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1 authorities typically require immediate controlling and
2 containing of such releases?

3 MR. CHAPLIK: Certainly it's been my
4 experience if there's a release of that type, that it
5 needs to be reported. And then what -- what the event is
6 actually -- what event had occurred will trigger the
7 appropriate response that's deemed by the regulatory
8 authority.

9 MR. HENEERY: Okay. And I take it you
10 have no reason to believe based on your past experience
11 with Connecticut Light & Power and United Illuminating
12 that they would not be extremely responsive in responding
13 to any sort of a spill event involving polybutene?

14 MR. CHAPLIK: Based upon experience
15 unrelated to spills, I would say that's reasonable.

16 MR. HENEERY: Alright. You -- are you
17 familiar with the Siting Council's development and
18 management plan process?

19 MR. CHAPLIK: Generally speaking I am.

20 MR. HENEERY: Okay. And you earlier
21 testified to certain concerns about erosion and
22 sedimentation issues related to overhead construction,
23 correct?

24 MR. CHAPLIK: Correct.

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1 MR. HENEERY: Okay. Based upon your
2 experience with the D&M plan process, is it your belief
3 that those erosion and sedimentation control issues can
4 be adequately dealt with and handled during the D&M
5 process?

6 MR. CHAPLIK: It is my belief, yes.

7 MR. HENEERY: Okay. No further questions.

8 CHAIRMAN KATZ: Thank you. Mr. Chaplik,
9 we've had testimony from the First Selectman of
10 Woodbridge and the First Selectman of Bethany that they
11 want the line entirely underground in their two towns.
12 Has the RWA and these two towns come to some type of
13 understanding on the placement of the line through those
14 two towns?

15 MR. CHAPLIK: I think we understand what
16 each other's positions are.

17 CHAIRMAN KATZ: Do you respectfully
18 disagree or do you have some type of delineation of where
19 it goes under and where it stays above, or --

20 MR. CHAPLIK: Well -- are you referring to
21 within the easement area or anywhere within the towns?

22 CHAIRMAN KATZ: Basically in the -- along
23 the easement area --

24 MR. CHAPLIK: Okay. Actually in my

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1 earlier prefiled I had included an opinion from our
2 council indicating that if there was a proposal to go
3 underground within the easement on the Water -- on RWA
4 watershed land, there's a question as to whether that
5 would be legally allowed.

6 CHAIRMAN KATZ: By the Department of
7 Public Health?

8 MR. CHAPLIK: Correct.

9 CHAIRMAN KATZ: Okay.

10 MR. CHAPLIK: Or by the General Statutes.

11 CHAIRMAN KATZ: Alright. But I took it
12 from your prefiled testimony, in general you prefer the
13 line to go overhead on watershed property as opposed to
14 going underground in general?

15 MR. CHAPLIK: It -- well, the -- because
16 of our concerns with the fluid, and as -- again, as was --
17 -- as I was being questioned earlier -- as an example the
18 MSDS sheet for that fluid indicated that it was odorless.

19 Our laboratory demonstrated that it was not odorless. I
20 actually took a -- I tested the container myself and
21 confirmed that there was an odor with the material. So
22 as we gathered more information about the characteristics
23 of that fluid, we have more questions about whether an
24 under-grounding proposal within the watershed area is a

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1 sound approach from a public water -- public drinking
2 water supply perspective.

3 CHAIRMAN KATZ: Thank you. Mr. Lynch.

4 MR. LYNCH: I just want to follow up on
5 one thing the Chairman said and the Applicant said, Mr.
6 Caplan -- Chaplik rather. The Applicant asked you if you
7 were opposed to the overhead route and you answered
8 basically not -- at this point in time no, which leads me
9 to believe that sometime in the future, near or distant,
10 you may have opposition to the overhead line. And seeing
11 that this is not really an ongoing process and the clock
12 is running out, I'm going to ask you the question again
13 do you have any opposition to the overhead route as
14 proposed?

15 MR. CHAPLIK: No.

16 MR. LYNCH: Thank you.

17 CHAIRMAN KATZ: Mr. Chaplik, just for the
18 benefit of the Council, we understand there's Class 1, 2
19 and 3 lands. And some of these -- and they have
20 different restrictions. For the proposed overhead route
21 are we talking Class 1, Class 2, Class 3?

22 MR. ASHTON: And could you define please
23 what is a Class 1, a Class 2, and Class 3?

24 MR. CHAPLIK: Could I -- could I interrupt

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1 for just 30 seconds because I've got two people talking
2 to me at the same time here, so --

3 MR. ASHTON: Yeah --

4 CHAIRMAN KATZ: Yeah, we'll go of the
5 record for a minute.

6 MR. CHAPLIK: Thank you.

7 (Off the record)

8 CHAIRMAN KATZ: On the record.

9 MR. CHAPLIK: Okay. This gentleman was
10 asking me a question about Class 1, Class 2, Class 3.
11 Could you repeat the question?

12 MR. ASHTON: Well, I just don't know what
13 they are --

14 MR. CHAPLIK: Oh --

15 MR. ASHTON: -- could you briefly define
16 what the Class, 1, 2, 3 mean?

17 MR. CHAPLIK: Sure. I was describing the
18 watershed area and the area where water will be collected
19 and actually then drain towards a reservoir and be
20 stored. If a water utility in the State of Connecticut
21 owns land within that watershed area, then it's either
22 going to be classified as Class 1 or Class 2 by state
23 statute. And the difference between 1 and 2 is really
24 separating distance from the watercourse or the water --

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1 or the reservoir's edge. If it's Class 3 land by
2 statute, it's water utility land that's outside of the
3 watershed.

4 MR. ASHTON: Okay.

5 CHAIRMAN KATZ: So in Bethany and northern
6 Woodbridge, primarily this is Class 1 and Class 2?

7 MR. CHAPLIK: Correct.

8 CHAIRMAN KATZ: Okay. And the southern
9 Woodbridge, northern Orange piece?

10 MR. CHAPLIK: The southern Woodbridge,
11 northern Orange piece would be Class 3 land if you're
12 referring to town -- if you look at the town boundary on
13 the exhibit --

14 CHAIRMAN KATZ: Yes --

15 MR. CHAPLIK: -- the Woodbridge/Orange
16 town boundary as an example, right into the town boundary
17 it's outside of the purple amebas --

18 CHAIRMAN KATZ: Yes --

19 MR. CHAPLIK: -- there's a green piece of
20 land -- a green parcel that's shown and that would be
21 Class 3 land.

22 CHAIRMAN KATZ: Thank you.

23 MR. LORD: For the record, the classes of
24 watershed land are defined in the attachment to the March

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1 15th prefiled testimony.

2 CHAIRMAN KATZ: Thank you. If that
3 concludes the Applicants, we will go to --

4 MR. WILENSKY: Madam --

5 CHAIRMAN KATZ: Yes -- yes, Mr. Wilensky.

6 MR. WILENSKY: I gather from what your
7 testimony is this afternoon and your prefiled testimony
8 that you would prefer the line to go overhead? And would
9 that be primarily in watershed property or would that be
10 the complete line as proposed?

11 MR. CHAPLIK: Actually the proposal that's
12 been reviewed as the primary proposal in the application
13 is what we're not -- we're not -- we have no objection to
14 it, we just have concerns. And if those concerns are
15 addressed through conditions, then we're very comfortable
16 with the --

17 MR. WILENSKY: What about areas that are
18 not in the watershed property?

19 MR. CHAPLIK: As you continue, if you're
20 looking at the math --

21 MR. WILENSKY: Yes --

22 MR. CHAPLIK: -- if you continue --

23 MR. WILENSKY: -- but I'm thinking --

24 MR. CHAPLIK: -- southwest --

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1 MR. WILENSKY: I'm thinking going --
2 actually going east up through the Durham, Middlefield,
3 and --

4 CHAIRMAN KATZ: Cheshire.

5 MR. WILENSKY: Yeah, that area. And I --
6 well, I think you have some watershed property in
7 Cheshire, but I don't think you have any watershed
8 property up through Durham?

9 MR. CHAPLIK: Right, that's correct.

10 MR. WILENSKY: Do you have any preference
11 there of underground, over-ground, or do you care?

12 MR. CHAPLIK: We have no comment on that --
13 -- on that particular part of the proposal. However, if
14 you go down to the southwestern corner of our exhibit --

15 MR. WILENSKY: Yes --

16 MR. CHAPLIK: -- which is in Orange and
17 Milford, we do have concerns related to our
18 infrastructure, as an example water mains that are
19 installed in the street, we might have water storage
20 tanks in the area or pressure reducing valves, things
21 related to operating -- being able to operate the system
22 so that we have an uninterrupted flow of water to our
23 consumers. And at the very end where -- as you approach
24 Devon down in Milford there is a segment that's -- I

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1 should use the word segment -- there's a section that
2 proposed to be underground, and we actually have public
3 safety -- or employee safety concerns with the power line
4 being underground. And the concern there is if it's not
5 installed correctly, our concern would be with stray
6 currents.

7 MR. WILENSKY: Have you discussed this
8 with the Applicant?

9 MR. CHAPLIK: Oh, we have not -- we have
10 not -- it's something that could be engineered. And if
11 it's done correctly, it's not an issue, but we want to
12 make sure that that is done correctly.

13 MR. WILENSKY: So in other words, you in
14 conjunction with the Applicant feel you can resolve -- if
15 this is a problem, you can resolve --

16 MR. CHAPLIK: That can --

17 MR. WILENSKY: -- or can you resolve the
18 problem?

19 MR. CHAPLIK: That can be done through the
20 D&M plan process, correct.

21 MR. WILENSKY: Okay, thank you. Thank you
22 very much. Thank you, Madam Chairman.

23 CHAIRMAN KATZ: Yes. State Representative
24 Al Adinolfi, questions for this witness? Mr. Adinolfi

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1 says no questions. The Town of Middlefield, Attorney
2 Knapp, questions? Not present. The collective towns,
3 Wallingford, Durham, Woodbridge, Milford, Mr. Frank?

4 (Off the record)

5 CHAIRMAN KATZ: On the record.

6 MR. FRANK: I'm Monte Frank for the Town
7 of Woodbridge. Mr. Chaplik, I just wanted to clarify a
8 couple of points that you raised in response to some of
9 the Council questions and Mr. Henebry's questions. Just
10 so that the record is clear, you are not claiming that
11 the entire Town of Woodbridge is in the watershed, are
12 you?

13 MR. CHAPLIK: I am not. Actually if you
14 refer to the exhibit map, it shows the portion of
15 Woodbridge that is within the watershed and the portion
16 that is outside the watershed.

17 MR. FRANK: Okay. And approximately what
18 portion of Woodbridge is within the watershed?

19 MR. CHAPLIK: I -- I don't have that
20 information at my fingertips.

21 MR. FRANK: Would you say less than 50
22 percent roughly?

23 MR. CHAPLIK: In looking at the map, I
24 would guess that it's probably more than 50 percent is

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1 within the watershed.

2 MR. FRANK: Substantially more, 50 to 60?

3 I mean just ballpark.

4 MR. CHAPLIK: We'll agree on 50.

5 MR. FRANK: Okay, fine. And you have
6 before you, I believe, Woodbridge's letter to the
7 Applicants' dated May 25, 2004, a copy of which has been
8 filed with the Council, asking the Applicants' to study a
9 certain underground route in Woodbridge, is that correct?

10 MR. CHAPLIK: I have it in front of me.

11 MR. FRANK: Okay. And have you reviewed
12 that letter?

13 MR. CHAPLIK: I read that this morning.

14 MR. FRANK: Okay. And would you agree
15 that Woodbridge's proposed alternative underground route
16 is outside of the watershed area?

17 MR. CHAPLIK: Yes.

18 MR. FRANK: Now, irrespective of the
19 relative merits of your --

20 MR. CHAPLIK: Excuse me, could I interrupt
21 you just for 10 seconds?

22 MR. FRANK: Sure.

23 CHAIRMAN KATZ: Off the record.

24 (Off the record)

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1 COURT REPORTER: On the record.

2 MR. CHAPLIK: Thank you.

3 CHAIRMAN KATZ: On the record.

4 MR. FRANK: Okay. Now, irrespective of
5 the relative merits of your opinion on the possible
6 effects of polybutene fluid on the watershed, to the
7 extent that an HPFF underground transmission line is
8 located outside of the watershed, is it fair to say that
9 your source water protection concerns would diminish?

10 MR. CHAPLIK: Correct.

11 MR. FRANK: Okay. And as I understand
12 your testimony, to the extent that again this 345-kV
13 underground line is located outside the watershed, you
14 then have a concern that would relate to the possible
15 effect of stray currents on your infrastructure, is that
16 right?

17 MR. CHAPLIK: Construction and -- there
18 would be a number of concerns related to construction,
19 and in the long-term would be the stray current issue.

20 MR. FRANK: Okay. And you -- and I think
21 you testified in response to Mr. Wilensky's question that
22 you agree that this concern could be solved through
23 engineering design?

24 MR. CHAPLIK: Yes.

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1 MR. FRANK: In cooperation with the
2 Applicants?

3 MR. CHAPLIK: Correct.

4 MR. FRANK: And the town?

5 MR. CHAPLIK: Correct.

6 MR. FRANK: Okay. Now with respect to the
7 overhead proposal in the watershed land, your prefiled
8 testimony states that a change of use permit from the
9 Department of Public Health would be required, correct?

10 MR. CHAPLIK: Yes.

11 MR. FRANK: And what would that entail?

12 MR. CHAPLIK: The information that would
13 be -- that we would need to gather is actually listed in
14 the prefiled testimony. I believe it's the second
15 prefiled that was provided to the Council.

16 MR. FRANK: Okay. And would a permit also
17 be needed to construct access roads --

18 MR. CHAPLIK: That would be -- that would
19 be included in the change of use permit if it's outside
20 of the easement area.

21 MR. FRANK: Okay. So it would be both the
22 overhead line and the access roads for that line?

23 MR. CHAPLIK: Correct.

24 CHAIRMAN KATZ: Do you have any reason to

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1 believe that the Department of Public Health would say no
2 you can't change the use to allow a transmission line?

3 MR. CHAPLIK: That has not been our
4 experience.

5 CHAIRMAN KATZ: Okay.

6 MR. FRANK: One last question. Your
7 testimony expresses some concern about HPPF cables if
8 they were to be installed in the watershed. You're not
9 aware of any proposed uses of HPPF cable in the watershed
10 in Woodbridge, are you?

11 MR. CHAPLIK: I'm not aware of any
12 proposal in Woodbridge --

13 MR. FRANK: So your testimony --

14 MR. CHAPLIK: -- other than what --
15 actually what you eluded to a few minutes ago.

16 MR. FRANK: And you've already testified
17 that that's outside of the watershed?

18 MR. CHAPLIK: That's true, correct.

19 MR. FRANK: So your testimony is more in
20 the nature of if someone was to propose X, we would then
21 have those concerns, but as of today nothing has been
22 proposed?

23 MR. CHAPLIK: Correct.

24 MR. FRANK: Okay, thank you.

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1 CHAIRMAN KATZ: Well in fairness, I think
2 if we're talking an all underground route, we might be
3 talking HPFF. Correct?

4 MR. FRANK: Correct, but it's my
5 understanding that the route is outside of the watershed,
6 and that's what -- the testimony we've heard.

7 CHAIRMAN KATZ: Okay. I did not know that
8 we had determined an underground route yet, but --

9 MR. CHAPLIK: Are you referring to the
10 segment that's outside the watershed within Woodbridge?

11 CHAIRMAN KATZ: I'm talking about the
12 proposed -- if the route is completely underground
13 through Woodbridge, (1) do we know what the completely
14 underground route would be, and (2) do we know if it's
15 going through the watershed, and (3) do we know if it's
16 going to be high pressure filled or XLPE?

17 MR. CHAPLIK: I can answer I don't know to
18 all three questions.

19 CHAIRMAN KATZ: Yes. Well, the question
20 was more for the others in the room.

21 MR. WILENSKY: Madam Chairman.

22 CHAIRMAN KATZ: Yes.

23 MR. WILENSKY: Attorney Frank, you
24 mentioned -- I thought you did and if I'm wrong correct

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1 me -- there's a letter that went from the Town of
2 Woodbridge concerning a proposed or alternate underground
3 route. Do we have that or is that a letter that came to
4 us, or --

5 MR. FRANK: Yeah, it was a letter dated
6 May 25, 2004 from my partner Attorney Ball to Mr.
7 Fitzgerald and Miss Randell. The service list was copied
8 and a copy was provided to the Council.

9 MR. WILENSKY: Yeah.

10 MR. BALL: And just if I might, the --
11 David Ball for Woodbridge -- this was one of the exhibits
12 that we yesterday decided would be made a part of the
13 municipal consultation filing and was admitted into the
14 record yesterday.

15 MR. WILENSKY: We do have a copy of that
16 letter?

17 CHAIRMAN KATZ: Okay.

18 MR. BALL: Yes.

19 MR. WILENSKY: Would you mind if I read
20 that for a few minutes or -- while I'm sitting here --

21 CHAIRMAN KATZ: Well, we'll continue
22 through the list and then, Mr. Wilensky, we'll come back
23 to you. How does that sound? Mr. Frank, had you
24 concluded?

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1 MR. FRANK: I'm concluded.

2 CHAIRMAN KATZ: Thank you. Attorney
3 Kohler, questions for this witness?

4 MS. KOHLER: Nothing.

5 CHAIRMAN KATZ: Miss Kohler says no
6 questions. Mr. Boucher or Mr. Coutoue (phonetic),
7 questions for this witness? Absent. Attorney Stone?

8 MR. BRIAN STONE: No questions.

9 CHAIRMAN KATZ: Thank you. The Town of
10 Westport, questions? Absent. The City of Meriden?
11 Absent. Assistant Attorney General Michael Wertheimer?

12 MR. WERTHEIMER: No questions.

13 CHAIRMAN KATZ: Mr. Wertheimer says no
14 questions. The City of Bridgeport? No questions. The
15 Communities for Responsible Energy? No questions. OCC?
16 No questions. Woodlands Coalition?

17 MR. LAWRENCE GOLDEN: No questions.

18 CHAIRMAN KATZ: Mr. Golden says no
19 questions. ISO New England? No questions. DOT, Miss
20 Meskill?

21 MS. MESKILL: No questions.

22 CHAIRMAN KATZ: Miss Meskill says no
23 questions. The Town of Fairfield? No questions. The
24 Town of Cheshire, Mr. Burturla?

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1 MR. BURTURLA: No questions.

2 CHAIRMAN KATZ: Mr. Burturla says no
3 questions. The Town of North Haven? Absent. Ezra
4 Academy, et al? No questions. Mr. Cunliffe.

5 MR. CUNLIFFE: Yes, I have some questions.
6 In the location near the Orange town line you said the
7 properties were Class 3. I just want to clarify that
8 there's -- I understand that Malty Lakes is in that. Is
9 that part of your reservoir system?

10 MR. CHAPLIK: The Class 3 land that I was
11 referring to is not -- is not part of the Malty Lakes
12 system --

13 MR. CUNLIFFE: Okay --

14 MR. CHAPLIK: -- it's outside of that
15 area.

16 MR. CUNLIFFE: Alright. But the Malty
17 Lakes, are they active reservoirs?

18 MR. CHAPLIK: They're inactive, but they
19 are part of our long-term plan --

20 MR. CUNLIFFE: Alright --

21 MR. CHAPLIK: -- for us providing public
22 water.

23 MR. CUNLIFFE: Alright. So they would
24 still be considered as protected -- you need to protect

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1 them?

2 MR. CHAPLIK: Correct.

3 MR. CUNLIFFE: Alright. On page 5 you
4 speak to -- if -- if there was an approval of the
5 overhead line, that you would want to see an integrated
6 pest management plan, the use of pesticides. I presume
7 that the Regional Water Authority already works with the
8 utilities today for the existing maintenance?

9 MR. CHAPLIK: We do.

10 MR. CUNLIFFE: And do you also consider
11 herbicides?

12 MR. CHAPLIK: Herbicides -- do I -- do we
13 consider --

14 MR. CUNLIFFE: The use of herbicides --
15 not pesticides but herbicides on --

16 MR. CHAPLIK: Actually, my definition of
17 pesticides includes herbicides, so --

18 MR. CUNLIFFE: Okay, thank you. And the
19 last would be you said a DPH permit would be used only if
20 property of the RWA would be crossed, is that correct?

21 MR. CHAPLIK: It would -- that's correct.

22 And in addition, if -- there are certain types of
23 development within the easement that according to the
24 State Health Department they would require a change of

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1 use permit.

2 MR. CUNLIFFE: Alright. And that permit
3 needs to be applied by the Water Authority or by the
4 utility?

5 MR. CHAPLIK: The Water Authority would
6 need to apply for the permit, but we would receive the
7 information from the Applicant --

8 MR. CUNLIFFE: Okay --

9 MR. CHAPLIK: -- specific information.

10 MR. CUNLIFFE: -- thank you. Those are my
11 questions.

12 CHAIRMAN KATZ: Mr. Emerick.

13 MR. EMERICK: No questions, thank you.

14 CHAIRMAN KATZ: Mr. Heffernan.

15 MR. HEFFERNAN: No questions.

16 CHAIRMAN KATZ: Mr. Murphy.

17 MR. MURPHY: No questions, Madam Chairman.

18 CHAIRMAN KATZ: Mr. Ashton.

19 MR. ASHTON: I have a couple. You've
20 defined the class issue for me, that was one. Given the
21 magnitude of the area which is either the drainage area
22 or owned property of the RWA, have you had any experience
23 with underground electric lines in the past and
24 specifically had any problems of any voltage? Low

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1 voltage lines were often oil filled, self-contained
2 cables.

3 MR. CHAPLIK: That -- that specific
4 question I would really like to ask other members of the
5 -- employees of the Regional Water Authority staff. I do
6 know -- actually, I was discussing this prior to coming
7 up here. A question was posed to me informally about
8 345-kV and ConEd experiences in New York City, which I
9 can't speak to. However, I have listened to the radio in
10 the past few months and I have -- apparently there have
11 been some electrocutions of animals and even injuries to
12 humans from stray currents in the streets of New York, I
13 believe related to sanitary sewer manholes or
14 infrastructure that's in the street and not properly
15 installed in relationship to the electrical service in
16 the city.

17 MR. ASHTON: I appreciate your comment on
18 stray currents. That was going to be a separate issue,
19 but I'm thinking more have you had any problems with
20 contamination from underground lines at all --

21 MR. CHAPLIK: Electrical --

22 MR. ASHTON: -- to your knowledge?

23 MR. CHAPLIK: Electrical underground lines
24 --

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1 MR. ASHTON: Yes --

2 MR. CHAPLIK: -- or contamination with
3 fluids that are stored underground?

4 MR. ASHTON: No, let's limit it to
5 electrical --

6 MR. CHAPLIK: We have -- to the best of my
7 knowledge no -- no -- no experiences with leaking
8 underground --

9 MR. ASHTON: Okay --

10 MR. CHAPLIK: -- of any lines related to
11 electricity.

12 AUDIO TECHNICIAN: Mr. Ashton, just pull
13 that microphone a little closer. Thank you.

14 MR. ASHTON: As I recall, that right-of-
15 way goes -- you show as black on your line as along an
16 existent one, it's been around for 80 years or something
17 like that. Have you had any problems with that right-of-
18 way, excluding unauthorized use? Is there any problems
19 that are significant? I noticed in your testimony you
20 have a number of considerations that you would want the
21 Council to make if it was -- if it should go for an
22 overhead line --

23 MR. CHAPLIK: Yeah, I --

24 MR. ASHTON: -- what sort of experience

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1 have you had? Specific, have you had any problems with
2 that --

3 MR. CHAPLIK: Yeah, in our list of
4 conditions --

5 MR. ASHTON: Yeah --

6 MR. CHAPLIK: -- in the second prefiled --
7 I think it's actually the last prefiled --

8 MR. ASHTON: Right --

9 MR. CHAPLIK: -- we talk about the IMP
10 Integrated Pest Management Plan, which currently does not
11 exist, but we do have a working relationship with NU/CL&P
12 where information is shared with us, but we're chasing
13 them and gathering that information. What we're
14 proposing as a condition here is that the Applicant would
15 come to the Regional Water Authority and say we are
16 planning on doing XYZ --

17 MR. ASHTON: Okay --

18 MR. CHAPLIK: -- you know, and this is
19 when we're going to complete the work, and on an annual
20 basis report to us things that they have done in the past
21 so that when we are testing our water on a periodic
22 basis, we actually have, you know, a target so to speak
23 of chemicals that we could selectively look for.

24 MR. ASHTON: Would it be fair to

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1 characterize that as a communication improvement rather
2 than a problem?

3 MR. CHAPLIK: Absolutely.

4 MR. ASHTON: Have you had any problems
5 with the operation of the overhead system through there
6 that you're aware of, physical problems, chemical
7 problems?

8 MR. CHAPLIK: I can't speak to the period
9 prior to the early 1980's, as an example during the
10 construction of the tower system, which was back in the
11 1920's, 30'ish timeframe. But I do know maintenance is
12 always a concern for us, depending -- maintenance of
13 towers, actually very recently there was some work being
14 done with the wooden towers, which we became aware of
15 after the work had been completed. Is that a problem or
16 a communication issue? From our perspective, it's a
17 problem that can be resolved through communication. So -
18 -

19 MR. ASHTON: Okay --

20 MR. CHAPLIK: -- having better lines of
21 communication --

22 MR. ASHTON: That's fair --

23 MR. CHAPLIK: -- is much more important.

24 MR. ASHTON: That's fair.

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1 COURT REPORTER: One moment please.

2 (Pause). Thank you.

3 MR. ASHTON: You mentioned stray currents.
4 Ground currents are a problem generally with any facility
5 that's buried, isn't that true?

6 MR. CHAPLIK: I'm not an electrician --
7 I'm not an electrician or an electrical engineer. I
8 really can't answer that question.

9 MR. ASHTON: Okay. Are you aware of any
10 areas where underground facilities don't have problems
11 with stray currents?

12 MR. CHAPLIK: My house. Well -- no, I'm
13 kidding.

14 MR. ASHTON: My point is insofar as you
15 have dissimilar materials in the ground, you get a
16 galvanic action, a battery action, isn't that true, and
17 that's the way corrosion and rust and so forth go on?

18 MR. CHAPLIK: Corrosion is an important
19 issue --

20 MR. ASHTON: Right --

21 MR. CHAPLIK: -- for the Water Authority,

22 MR. ASHTON: Do you have any particular
23 problems in Milford that might be related to the
24 railroad?

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1 MR. CHAPLIK: None that I'm aware of.

2 MR. ASHTON: Okay. Nothing further.

3 Thank you very much.

4 CHAIRMAN KATZ: Thank you. Mr. Wilensky.

5 MR. WILENSKY: There's a small section of
6 the line through Cheshire, which I believe could be in
7 your watershed area. Do you have a problem with that
8 underground section --

9 MR. CHAPLIK: Is that --

10 MR. WILENSKY: -- and I think it's the 115
11 line that's going underground in Cheshire?

12 MR. CHAPLIK: It's the relocation --

13 CHAIRMAN KATZ: Yes --

14 MR. WILENSKY: Yes --

15 MR. CHAPLIK: -- to a town road I believe?

16 MR. WILENSKY: Yes.

17 CHAIRMAN KATZ: Old Farm --

18 MR. CHAPLIK: Yeah --

19 MR. WILENSKY: Do you have a problem with
20 the under-grounding of that -- the proposal of the under-
21 grounding of that line in that area?

22 MR. CHAPLIK: Only concerns, no -- no
23 problem. The concerns that I've outlined in the prefile
24 related to construction and safety.

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1 MR. WILENSKY: If it was done as proposed,
2 would that be -- it would be -- I'm sure it would be a
3 concern, but do you think it's a problem?

4 MR. CHAPLIK: No.

5 MR. WILENSKY: Okay, thank you very much.

6 Thank you, Madam Chairman.

7 CHAIRMAN KATZ: Mr. Lynch.

8 MR. LYNCH: No questions.

9 CHAIRMAN KATZ: Mr. Lord, any redirect?

10 MR. LORD: I don't believe any is
11 necessary, thanks.

12 CHAIRMAN KATZ: Okay. Are we complete
13 with this witness? Thank you, Mr. Chaplik.

14 MR. CHAPLIK: Actually, I'd just to thank
15 all of you --

16 CHAIRMAN KATZ: Yes --

17 MR. CHAPLIK: -- for allowing me to
18 testify today because I was able to enjoy a wedding down
19 in South Carolina, my son.

20 CHAIRMAN KATZ: Congratulations. Okay, we
21 are going to take a two-minute recess while we get Land-
22 Tech up here. Mr. Fitzgerald, did you have --

23 MR. FITZGERALD: I just wanted to let you
24 know that Miss Bartosewicz has a homework report in

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1 answer to Mr. Ashton's question about right-of-way fee
2 ownership versus easements, which she can read into the
3 record, whatever you want --

4 CHAIRMAN KATZ: Okay, we'll do that now
5 and then we'll do a two-minute recess while we bring up
6 Land-Tech.

7 (Pause)

8 MS. ANNE BARTOSEWICZ: As I understood the
9 homework assignment --

10 CHAIRMAN KATZ: Yes --

11 MS. BARTOSEWICZ: -- we had a question on
12 which rights-of-way are owned in fee --

13 CHAIRMAN KATZ: Yes --

14 MS. BARTOSEWICZ: -- and which ones are
15 easements. And I can report that between Scovill Rock
16 and Chestnut Junction about two-thirds of the right-of-
17 way is owned in fee, the rest would be easement. Between
18 Chestnut and Black Pond, the majority of it -- almost all
19 of it is owned in fee. Between Black Pond and Beseck, it
20 is almost all easements. Between Chestnut and Oxbow, it
21 is entirely owned in fee. Between Oxbow and Beseck, it
22 is entirely held in easements. And then between Beseck
23 down to East Wallingford and between Beseck and Schwab
24 Hill to Cook Hill, it is -- the overwhelming majority is

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1 held in easements. And when I say overwhelmingly
2 majority it means that there are a couple of little
3 pieces of parcels that Connecticut Light & Power owns in
4 fee.

5 CHAIRMAN KATZ: Is this something we can
6 have in writing or we should just go by the transcript?

7 A VOICE: Go by the transcript.

8 CHAIRMAN KATZ: We'll go by the
9 transcript.

10 MS. BARTOSEWICZ: Sure.

11 CHAIRMAN KATZ: It sounds like you don't
12 have it in a tabular form?

13 MS. BARTOSEWICZ: It actually is in
14 tabular form.

15 CHAIRMAN KATZ: It is?

16 MS. BARTOSEWICZ: It is.

17 CHAIRMAN KATZ: Okay.

18 MR. ASHTON: (Indiscernible) --

19 MS. BARTOSEWICZ: Yes?

20 MR. ASHTON: Where easements are held, are
21 they for underground and overhead, or are they for
22 overhead only?

23 MS. BARTOSEWICZ: Overhead only.

24 CHAIRMAN KATZ: I guess we're going to --

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1 if she already has it in a nice tabular form, we're going
2 to request that.

3 MS. BARTOSEWICZ: Certainly.

4 CHAIRMAN KATZ: Great, thank you.

5 A VOICE: I knew that.

6 CHAIRMAN KATZ: Okay.

7 COURT REPORTER: Off the record?

8 CHAIRMAN KATZ: Off the record.

9 (Off the record)

10 CHAIRMAN KATZ: (Indiscernible, mic
11 malfunction) -- who is taking the lead --

12 MR. FRANK: (Indiscernible) -- because
13 there are certain exhibits that are Woodbridge exhibits
14 and certain exhibits that are Milford exhibits --

15 CHAIRMAN KATZ: Okay --

16 MR. FRANK: -- so for purposes of getting
17 them into the record, I will be introducing the
18 Woodbridge exhibits and --

19 (Pause)

20 CHAIRMAN KATZ: Okay, we're on the record.
21 And we -- Mr. Frank, do you want to introduce -- (mic
22 malfunction) -- okay -- do you want me to start over?

23 COURT REPORTER: Please.

24 CHAIRMAN KATZ: Yeah. On the record. Mr.

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1 Frank, if you want to introduce your two witnesses and
2 have them spell their names and then we will have them
3 sworn.

4 MR. FRANK: Certainly. For the record,
5 Monte Frank for the Town of Woodbridge. To my left is
6 Chris Allan of Land-Tech Consultants. And to his left is
7 Thomas Ryder of Land-Tech Consultants. If you could --

8 CHAIRMAN KATZ: Spell --

9 MR. FRANK: -- spell your names for the
10 record please.

11 MR. CHRISTOPHER ALLAN: Sure. Christopher
12 Allan, C-h-r-i-s-t-o-p-h-e-r, Allan, A-l-l-a-n.

13 MR. THOMAS RYDER: And Thomas Ryder, T-h-
14 o-m-a-s, R-y-d-e-r.

15 MR. HAINES: Mr. Allan and Mr. Ryder,
16 would you stand and raise your right hand please.

17 (Whereupon, Christopher Allan and Thomas
18 Ryder were duly sworn in.)

19 MR. HAINES: Thank you. Please be seated.

20 CHAIRMAN KATZ: Mr. Frank, I show four
21 exhibits having been prepared by Land-Tech.

22 MR. FRANK: There are three for the Town
23 of Woodbridge. And I believe there are an additional
24 three for the City of Milford.

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1 CHAIRMAN KATZ: Okay, if you could just
2 refer to the numbers in the hearing program, we'll all be
3 on the same page.

4 MR. FRANK: Okay. I will go through the
5 Woodbridge exhibits.

6 CHAIRMAN KATZ: Okay.

7 MR. FRANK: Mr. Allan and Mr. Ryder,
8 Exhibit 5 is the Town of Woodbridge's Response to the
9 Applicants' Interrogatories, Set 1, dated May 24, 2004.
10 Exhibit 6 is the Town of Woodbridge's Prefiled Testimony
11 of Land-Tech Consultants, Inc., dated May 24, 2004. And
12 there's an additional exhibit, which you now have before
13 you, which are copies of the demonstrative exhibits,
14 which are on the easel --

15 CHAIRMAN KATZ: Right, and this is --

16 MR. FRANK: -- and I would like -- there
17 are two. I would propose that Exhibit 12 be Woodbridge's
18 map and Exhibit 13 be Milford's map.

19 CHAIRMAN KATZ: Mr. Cunliffe, does that
20 reconcile with your numbering?

21 MR. CUNLIFFE: Yes.

22 CHAIRMAN KATZ: Okay, the Woodbridge Map
23 is 12, the Milford Map is 13. Okay.

24 MR. FRANK: Okay. So Mr. Allan, do you

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1 have any corrections to Exhibits 5, 6, or 12?

2 MR. ALLAN: No.

3 MR. FRANK: Mr. Ryder, do you have any
4 corrections to Exhibits 5, 6, or 12?

5 MR. RYDER: No.

6 MR. FRANK: Mr. Allan, are Exhibits 5, 6
7 and 12 true and accurate to the best of your knowledge
8 and belief?

9 MR. ALLAN: Yes.

10 MR. FRANK: Mr. Ryder, are Exhibits 5, 6
11 and 12 true and accurate to the best of your knowledge
12 and belief?

13 MR. RYDER: Yes.

14 MR. FRANK: Madam Chairman, I offer
15 Exhibits 5, 6 and 12 as full exhibits in this proceeding.

16 CHAIRMAN KATZ: Any objection to making
17 them full exhibits? Hearing none, they're full exhibits.

18 (Whereupon, The Towns' Exhibit No. 5, No.
19 6 and No. 12 were received into evidence as full
20 exhibits.)

21 MS. KOHLER: Julie Donaldson Kohler for
22 the City of Milford. Today the City offers three
23 exhibits into today's testimony. That would be Exhibit
24 9, the City of Milford's Responses to the Applicants'

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1 Interrogatories, dated May 25, 2004. We also offer
2 Exhibit 11, which is the City of Milford's Prefiled
3 Testimony of Land-Tech Consultants, Inc., dated May 24th.
4 And offer Exhibit 13, what's been referred to as the
5 Milford map.

6 CHAIRMAN KATZ: Okay.

7 MS. KOHLER: We offer these for
8 identification. Mr. Allan and Mr. Ryder, did you
9 participate or assist in the preparation of Exhibits 9,
10 11 and 13?

11 MR. ALLAN: Yes.

12 MR. RYDER: Yes.

13 MS. KOHLER: And are they true and
14 accurate to the best of your knowledge?

15 MR. ALLAN: Yes.

16 MR. RYDER: Yes.

17 MS. KOHLER: And do you have any
18 corrections, additions, or deletions to those exhibits?

19 MR. ALLAN: No.

20 MR. RYDER: No.

21 MS. KOHLER: With that, the City offers
22 them as full exhibits.

23 CHAIRMAN KATZ: Any objection to making
24 them full exhibits?

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1 MR. ASHTON: Yeah, Madam Chairman --

2 CHAIRMAN KATZ: Yeah, Mr. Ashton?

3 MR. ASHTON: I notice the scale on the
4 boards that you have over to the right is one inch equals
5 -- I think it's 900 feet. And that also applies to these
6 sheets which are considerably smaller.

7 MR. ALLAN: Yes --

8 MR. ASHTON: What do we do to straighten
9 that scale?

10 MR. ALLAN: That's a good question. These
11 -- these are just reduced copies of the larger version of
12 the --

13 CHAIRMAN KATZ: And what was the
14 percentage of the reduction?

15 MR. ALLAN: I don't have that information,
16 but we can get that for the Council.

17 CHAIRMAN KATZ: We'd appreciate that --

18 MR. ASHTON: Yeah --

19 CHAIRMAN KATZ: -- before they go into the
20 permanent record.

21 MR. ALLAN: Sure.

22 MR. EMERICK: Madam Chair --

23 CHAIRMAN KATZ: That is on my list of Top
24 10 mistakes, is --

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1 MR. EMERICK: Madam Chair --

2 CHAIRMAN KATZ: Yes?

3 MR. ALLAN: That was a good catch.

4 CHAIRMAN KATZ: Yes, Mr. Emerick.

5 MR. EMERICK: There are things on the
6 black and white maps that we just received in terms of
7 the legend. When you try to actually interpret it on the
8 map, because it's in black and white, you can't
9 distinguish it. And I guess I would point out like the
10 Natural Diversity Database.

11 MR. FRANK: If the Council prefers, we can
12 substitute the copies that were given to you just for
13 purposes of following along with the exhibit at a later
14 date and we can attempt to get full blown copies for --

15 CHAIRMAN KATZ: Okay, we'll have colored
16 copies?

17 MR. FRANK: But what I'm suggesting is
18 only that the -- that for -- that the record contain the
19 actual demonstrative exhibits.

20 MR. EMERICK: Yeah, I would think at a
21 minimum the record has got to have the colored version --

22 CHAIRMAN KATZ: Yes --

23 MR. EMERICK: -- at a minimum.

24 CHAIRMAN KATZ: Yes.

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1 MR. FRANK: And that's what --

2 MS. KOHLER: Yes --

3 MR. FRANK: -- we've offered for the
4 record.

5 CHAIRMAN KATZ: Right.

6 MR. HENEERY: Can the Applicants' get a
7 copy -- a colored copy -- (indiscernible) --

8 CHAIRMAN KATZ: Yes, I think that's --

9 COURT REPORTER: Could you say that again
10 please.

11 CHAIRMAN KATZ: Mr. Heneery, one more
12 time.

13 MR. HENEERY: The Applicants would like
14 colored copies of these maps as well.

15 A VOICE: Full scale maps.

16 CHAIRMAN KATZ: I think all parties have
17 to have colored copies. I know that goes cha-ching, but
18 I think it's inevitable.

19 Okay, any objection to making those three
20 Milford exhibits full exhibits? Hearing none, they're
21 full exhibits.

22 (Whereupon, Towns' Exhibit No. 9, No. 11
23 and No. 13 were received into evidence as full exhibits.)

24 CHAIRMAN KATZ: Just before we start

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1 cross-examination, just to frame the picture here, my
2 understanding is, Land-Tech Consultants, your work was
3 only in Woodbridge and Milford and you did not have --
4 you have -- you have no testimony relating to any other
5 towns in this application, is that correct?

6 MR. ALLAN: That is correct.

7 CHAIRMAN KATZ: Great. So we won't
8 venture there. Okay, we will start with the companies.

9 MR. McDERMOTT: Thank you. Good
10 afternoon, Mr. Allan and Mr. Ryder.

11 Mr. Allan, if I've read things correctly,
12 you are a certified soil scientist, correct?

13 MR. ALLAN: Yes.

14 MR. McDERMOTT: Mr. Ryder, you are not?

15 MR. RYDER: Correct.

16 MR. McDERMOTT: Mr. Allan, what's the
17 difference briefly between a wetland and a vernal pool?

18 MR. ALLAN: Vernal pools are typically
19 included in wetlands. Wetlands in Connecticut are
20 defined by soil type, so they are any areas that contain
21 poorly drained, very poorly drained, alluvial, or
22 floodplain soils.

23 Vernal pools are a particular type of
24 wetland that contain water for a certain period of year -

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1 - or a certain period of the year. They typically dry
2 out during the summer and are capable of supporting and
3 breeding amphibian species.

4 MR. McDERMOTT: So it's possible to find a
5 vernal pool located within an identified wetland?

6 MR. ALLAN: Yes.

7 MR. McDERMOTT: And there's specific
8 criteria that are used to identify vernal pools?

9 MR. ALLAN: There are.

10 MR. McDERMOTT: And in fact, there's -- as
11 laid out in your prefiled testimony, the attachment
12 thereto is the Ecological Impacts Assessment, or EIS --
13 or EIA, sorry -- on page 5 you identify the four criteria
14 that make up a vernal pool, is that correct?

15 MR. RYDER: That is correct.

16 MR. McDERMOTT: Now -- Mr. Allan, your
17 prefiled testimony indicates on page 5 of -- I guess I
18 should identify them -- I'm speaking now of the
19 Woodbridge prefiled testimony -- in a case that you did
20 two field trips to identify wetlands, is that correct?

21 MR. ALLAN: I'd like to have Tom Ryder
22 answer that question.

23 MR. RYDER: In the Town of Woodbridge we
24 walked the entire line on March 11th and March 22nd.

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1 MR. McDERMOTT: Mr. Allan, why did you ask
2 Mr. Ryder to answer that question?

3 MR. ALLAN: Okay, I'm sorry, I thought you
4 were referring particularly to the vernal pool
5 evaluation, but we did inspect and evaluate wetlands on
6 those two occasions. Mr. Ryder went on out additional
7 occasions to inspect vernal pools.

8 MR. McDERMOTT: And in fact, you as the
9 certified soil scientist should have had responsibility
10 for identified the wetlands, isn't that correct?

11 MR. ALLAN: Yes, and I did. I was out on
12 those two days that Mr. Ryder referred to.

13 MR. McDERMOTT: Okay, thank you. And then
14 if I understand things, you went back in April, Mr. Ryder
15 I assume, to identify the vernal pools?

16 MR. RYDER: That's correct.

17 MR. McDERMOTT: And no identification of
18 vernal pools took place in March?

19 MR. RYDER: In March we did walk the
20 entire lines and we identified sites that were potential
21 vernal pools, areas that we considered suitable that met
22 the definition that we wanted to return to for a full --
23 for more investigation. And then we returned to those
24 sites in April.

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1 MR. McDERMOTT: So preliminary
2 identification was done in March and confirmation was
3 done in April, is that correct?

4 MR. RYDER: Correct.

5 MR. McDERMOTT: What was the weather on
6 March 11th?

7 MR. RYDER: March 11th was -- it was sunny.
8 I don't know the specific temperature.

9 MR. McDERMOTT: And what was the weather
10 on March 10th?

11 MR. RYDER: We did not go out on March
12 10th.

13 MR. McDERMOTT: I didn't ask you that.

14 MR. RYDER: Oh.

15 MR. FRANK: I believe you did ask him what
16 the weather was on March 10th.

17 MR. McDERMOTT: He doesn't have to go out
18 to the project area in order to be --

19 CHAIRMAN KATZ: Let's --

20 MR. FRANK: Then the question --

21 CHAIRMAN KATZ: What's --

22 MR. FRANK: -- is irrelevant --

23 CHAIRMAN KATZ: What's the relevance?

24 MR. McDERMOTT: The objection -- the

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1 question is highly relevant because if there was rain on
2 the 10th, it may have just been a pooling of water that
3 occurred on the areas that he initially identified as
4 potential vernal pools.

5 MR. RYDER: I'm not aware of the weather
6 on March 10th.

7 CHAIRMAN KATZ: Was there snow cover --

8 MR. RYDER: No --

9 CHAIRMAN KATZ: -- during your visits?

10 MR. RYDER: No.

11 MR. McDERMOTT: What was the weather on
12 March 22nd?

13 MR. RYDER: Again, that was fairly sunny.
14 The exact temperature I am unaware.

15 MR. McDERMOTT: Do you know when the
16 previous rainfall was to March 22nd?

17 MR. RYDER: No, not offhand.

18 MR. McDERMOTT: Isn't that a criteria that
19 you need to be aware of when identifying vernal pools?

20 MR. RYDER: First of all, we did not
21 identify the vernal pools on that date, that was done in
22 April. And second of all, that is typically taken into
23 consideration but not part of the definition.

24 MR. McDERMOTT: So you first identified

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1 the vernal pools in April, that's your testimony?

2 MR. RYDER: Our testimony is that we
3 inspected all of the sites and found potential vernal
4 pools on March 11th and 22nd and then fully inspected them
5 on the April date.

6 MR. McDERMOTT: Now, the --

7 CHAIRMAN KATZ: So -- Mr. McDermott, if I
8 can interrupt --

9 MR. McDERMOTT: Yes.

10 CHAIRMAN KATZ: So if something looked
11 like it might have been a vernal pool and then you went
12 back and it wasn't there any more, then it was just a
13 puddle the first time and it's not a vernal pool?

14 MR. RYDER: That's correct.

15 CHAIRMAN KATZ: Thank you.

16 MR. McDERMOTT: Okay. So the first
17 criteria for identification of a vernal pool in your EIA
18 states that it contains water for approximately two
19 months during the growing season, is that correct?

20 MR. RYDER: Yes.

21 MR. McDERMOTT: And so --

22 MR. RYDER: For approximately two months.

23 MR. McDERMOTT: For approximately two
24 months. And in your -- the time between your two field

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1 visits was only approximately one month, isn't that
2 correct?

3 MR. RYDER: That's correct.

4 MR. McDERMOTT: So you didn't meet the
5 first criteria, did you?

6 MR. RYDER: Well from our experience, we
7 can -- yes. The pools that we identified had at least up
8 to -- in some areas and exceeding others two feet of
9 water. Those -- that water was consistent with our first
10 investigation. So therefore, there wasn't really that
11 much of a change going on. And you can conclude that the
12 water had been there prior to and after our field events.

13 MR. McDERMOTT: But you don't have any
14 idea how much prior to your field event it was there, do
15 you?

16 MR. RYDER: Not specifically.

17 MR. McDERMOTT: And there's a reason why
18 the criteria uses two months, isn't there --

19 MR. RYDER: Yes --

20 MR. McDERMOTT: -- Mr. Ryder?

21 MR. RYDER: -- that's correct.

22 MR. McDERMOTT: It has to do with the
23 amount of time that it takes for species located within
24 the vernal pool to develop and mature?

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1 MR. RYDER: That's correct.

2 CHAIRMAN KATZ: Is there a technical
3 reason why one month was better than doing two months?

4 A VOICE: Two months is better than one.

5 MR. RYDER: Two months is better --

6 CHAIRMAN KATZ: I'm asking is there a
7 reason you did one month because technically that's
8 better than waiting two months to go back?

9 MR. RYDER: Basically our methodology was
10 to go out and evaluate the entire site and then to come
11 back and reevaluate. It was not really to come back in a
12 certain month or two-month period. It was to come back
13 at a later time and re-inspect. So we did not specify
14 specifically a three-week or four-week period to return,
15 that was not -- it --

16 CHAIRMAN KATZ: Would it have been better
17 if you had waited two months but you were prevented from
18 doing two months for some reason, or --

19 MR. RYDER: We did it at the peak of the
20 breeding season. That is typically the best time to
21 evaluate whether a pool is actually confirmed or not is
22 during the peak season, so we went out in April during
23 that peak season.

24 MR. McDERMOTT: And the fourth criteria,

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1 Mr. Ryder, is that the vernal pool dries out most years
2 usually during late -- usually by late summer, is that
3 correct?

4 MR. RYDER: Yes. They don't always dry
5 up, but they do sometimes.

6 MR. McDERMOTT: And you have not gone back
7 out because it's not late summer yet, isn't that true, to
8 see if these vernal pools you have identified have dried
9 up --

10 MR. RYDER: That correct --

11 MR. FRANK: Would the Applicant prefer
12 that we hold this open so that we can go back during the
13 summer?

14 CHAIRMAN KATZ: No -- I mean I -- I guess
15 my -- you know, the question is is there a chance that
16 some of the vernal pools, Mr. Ryder, that you have
17 identified here maybe are not vernal pools because if you
18 did go back this summer, they'd still be there and there
19 would be a small pond instead?

20 MR. RYDER: Let me back up a little bit,
21 in that there is not a specific definition that is
22 followed throughout all consultants. The idea of a
23 vernal pool is to have a protected environment, an
24 isolated pool of standing water that does not have any

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1 fish -- and the reason I say protected is not in a legal
2 sense, it's protected in that the eggs and the larvae of
3 the amphibians do not receive perdition from the fish or
4 from any of the site, that is the protected state. So
5 the goal here is to identify a habitat that performs
6 these functions of providing suitable enough water to
7 provide egg breeding -- or egg laying deposition, and to
8 provide the correct conditions for those eggs to develop
9 and reasonable protection for that. These species -- I'm
10 going to keep this short, but I think it's an important
11 issue -- these species that we've identified as obligate
12 in our testimony have evolved to these types of systems.

13 They do breed in open water and other areas, but they do
14 significantly better in these types of habitats. So the
15 goal here is to identify these specific habitats for
16 amphibian breeding.

17 CHAIRMAN KATZ: So what's a potential
18 vernal pool? It has eggs but maybe you don't know if
19 they'll hatch?

20 MR. RYDER: Well a potential vernal pool
21 has the physical characteristics, but we have no
22 indication that amphibian breeding has occurred, we don't
23 know if there's a population nearby or any eggs have been
24 deposited.

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1 CHAIRMAN KATZ: What's the difference
2 between a potential vernal pool and a puddle?

3 MR. RYDER: A puddle may not meet the
4 physical definition and it also may not have any
5 biological component such as deposition of the eggs.

6 CHAIRMAN KATZ: Thank you. Mr. Wilensky.

7 MR. WILENSKY: How do you determine a
8 wetland or a vernal pool, do you determine that by
9 yourself or do you take this -- I understand there are
10 various State wetland maps -- does this correspond with
11 the State wetland maps or this is your own determination?

12 MR. ALLAN: No, the wetlands are kind of
13 separate issue than the vernal pools. The wetlands, as I
14 said, are defined by soil type. In this case the
15 wetlands were delineated along the right-of-way by the
16 Applicants' consultant, so --

17 MR. WILENSKY: Did you -- alright, let's
18 talk about wetlands for minute. Did you determine which
19 were wetlands or the wetlands were already determined by
20 the various State maps that define wetland areas within --
21 -- you know, within the State?

22 MR. ALLAN: Well, the State -- the State
23 maps aren't that accurate. The mapping that we went by
24 was the mapping that was in the Applicants' documents, on

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1 Volume 11 I believe, the -- the aerial photos show the
2 actual delineation of the wetlands.

3 MR. WILENSKY: So in other words, these
4 wetland maps were determined in the application?

5 MR. ALLAN: That's correct.

6 MR. WILENSKY: Okay, thank you very much.
7 Thank you, Madam Chairman.

8 CHAIRMAN KATZ: Yeah. Back to you, Mr.
9 McDermott.

10 MR. McDERMOTT: Thank you. One more
11 question about the criteria, Mr. Ryder. The first
12 criteria also specifies that it contains water for two
13 months and then it says during the growing season. Can
14 you define what the growing season is?

15 MR. RYDER: Growing season is typically
16 starting in March and probably ending September, October.

17 MR. McDERMOTT: Alright. So using 50
18 percent of the criteria identified in the guidelines, you
19 identified several vernal pools, is that correct?

20 MR. RYDER: That's correct.

21 MR. McDERMOTT: But the point really is,
22 Mr. Allan, that vernal pool identification is subject to
23 timing and seasonal issues and weather conditions, but
24 the identification of wetlands is a more precise exercise

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1 because the soil remains constant throughout the year,
2 isn't that true?

3 MR. ALLAN: Well, the soil remains
4 constant yes, but there are certain indicators as Mr.
5 Ryder said where you can pretty well determine whether or
6 not a vernal pool is indeed a vernal pool.

7 MR. McDERMOTT: Okay, I wasn't asking
8 about vernal pools, I was asking about -- does -- do
9 wetlands change during the course of a year?

10 MR. ALLAN: Not unless they're filled.

11 MR. McDERMOTT: Okay. So -- the
12 Applicants have identified various wetlands on the right-
13 of-way, is that correct?

14 MR. ALLAN: That's correct.

15 MR. McDERMOTT: Okay. Do you have any
16 disagreements with those --

17 MR. ALLAN: No --

18 MR. McDERMOTT: -- identifications?

19 MR. ALLAN: No.

20 MR. McDERMOTT: Okay. So isn't it true,
21 Mr. Allan, that once commencement of the -- or
22 construction of the project commences, appropriate steps
23 can be taken to protect the wetlands that both you and
24 the company have identified?

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1 MR. ALLAN: There are steps that can be
2 taken, but it's -- based on our review of the
3 application, there are some impacts that cannot be
4 mitigated.

5 MR. McDERMOTT: Okay. And if protection
6 of the wetlands is undertaken, by implication then
7 protection of the vernal pools is undertaken, isn't that
8 true, Mr. Ryder?

9 MR. RYDER: No.

10 MR. McDERMOTT: Well, you testified
11 previously that the vernal pools are contained within a
12 wetland, isn't that true?

13 MR. RYDER: That is correct.

14 MR. McDERMOTT: So if protection of an
15 area identified as a wetland takes place, let's say silt
16 fencing is put up around the wetland, aren't we by
17 implication putting up silt fencing around the vernal
18 pool contained within the wetland?

19 MR. RYDER: Yes, but if you remember from
20 my explanation, there is a physical and a biological
21 component to vernal pools. If you just protect the
22 vernal pool from the physical, the sedimentation, the
23 filling, etcetera, there are upland requirements for
24 these amphibians to actually breed in these vernal pools

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1 and those have to be protected as well, and those are a
2 much larger area than just the wetland.

3 MR. McDERMOTT: Okay. Mr. Ryder, you will
4 agree with me that the more times you go out to look at
5 vernal pools, the more accurate your determination can be
6 made -- or more accurate your determination will be as to
7 the location of a vernal pool?

8 MR. RYDER: I would agree to that.

9 MR. McDERMOTT: Okay. So would you agree
10 that SSES's review -- SSES being the Applicants'
11 consultant -- review of the potential sites throughout
12 the spring season over a two-year period was therefore
13 more accurate than your determination?

14 MR. RYDER: I do not agree.

15 MR. McDERMOTT: Mr. Ryder, in your
16 environmental impacts assessment on page 6 and beyond you
17 discuss your vernal pool identifications. Some of these
18 wetlands and vernal pools -- for example, Wetland 122,
19 which appears on -- in Segment 106 -- that's
20 approximately 90 feet from the pole you've identified,
21 isn't that true?

22 MR. RYDER: Wetland 122 -- and you're
23 referring to -- let me just pull out the aerial here --
24 if you can -- that's Segment 106 -- and you're referring

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1 to the vernal pool in proximity to which --

2 MR. McDERMOTT: It's the first bullet on
3 page 6 of your Woodbridge EIA.

4 MR. RYDER: Three -- okay, you're
5 referring to Pool 3957?

6 MR. McDERMOTT: Yes.

7 MR. RYDER: Approximately, 80 or 90 feet.

8 MR. McDERMOTT: Okay. And on the next
9 page you identified vernal pools within Wetlands 133 and
10 138. It's true, isn't it, Mr. Ryder, that no work is
11 planned in areas of these vernal pools that you've
12 identified?

13 MR. RYDER: That's not true. There is
14 four poles to be removed and two poles to be installed in
15 the immediate vicinity of that vernal pool --

16 MR. McDERMOTT: What --

17 MR. RYDER: -- and in fact, I believe --

18 MR. McDERMOTT: I'm sorry -- I'm sorry,
19 which vernal pool?

20 MR. RYDER: What's the pole number -- 5131
21 -- so that would be the Wetland 130.

22 MR. McDERMOTT: I didn't ask you about
23 Wetland 130 though. I appreciate the information --

24 MR. RYDER: Oh --

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1 MR. McDERMOTT: -- I asked you about
2 Wetlands 133 and 138, which are the ones that you discuss
3 on page 7 of your EIA.

4 MR. RYDER: Oh, forgive me. 133 --

5 CHAIRMAN KATZ: Mr. McDermott, was your
6 question 130 through 138 or 133 and 138?

7 MR. McDERMOTT: One -- Wetland 133 and
8 138.

9 CHAIRMAN KATZ: Thank you.

10 MR. RYDER: With respect to Wetland 133
11 there are two wetlands -- vernal pools within Wetland
12 133, one is on Segment 121 and one is on Segment 122.
13 Could I ask for a clarification as to which one you're
14 referring to?

15 MR. McDERMOTT: Let's start with Segment
16 121.

17 MR. RYDER: With respect to Segment 121,
18 the vernal pool, which would be in proximity of 3918,
19 that is shown within a construction square by the
20 Applicant. With respect to Wetland 138 --

21 MR. EMERICK: (Indiscernible) -- Wetland
22 121 --

23 MR. RYDER: Excuse me?

24 MR. EMERICK: Did you just say Wetland 121

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1 and vernal pool?

2 MR. RYDER: It was Segment 121 on the
3 aerials.

4 MR. EMERICK: Oh, okay. It's not the
5 wetland -- I'm trying to find you on the legend map.

6 MR. ALLAN: It would be 133, Wetland 133.

7 AUDIO TECHNICIAN: Mr. Emerick, could you
8 use that microphone --

9 CHAIRMAN KATZ: Okay, we're all on the
10 same wetland, 133?

11 MR. EMERICK: Well, as I look at 133 -- it
12 says Wetland 133, but I look below and there's two vernal
13 pools which aren't in the wetland. The wetland runs then
14 the whole length --

15 CHAIRMAN KATZ: So I guess our first
16 question, Mr. Ryder, are the two vernal pools in Wetland
17 133?

18 MR. RYDER: Yes, they are.

19 CHAIRMAN KATZ: Okay.

20 MR. EMERICK: Okay. It's very hard to
21 tell.

22 MR. ALLAN: I guess there was a question
23 as to if 133 expands into those vernal pools. And
24 Wetland 133 is a lengthy wetland that extends from Route

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1 313 to Salem Drive approximately.

2 CHAIRMAN KATZ: Okay.

3 MR. EMERICK: It's very hard to tell from

4 --

5 MR. ALLAN: It is --

6 CHAIRMAN KATZ: Yes, it's hard to tell
7 from these. You might want to think of some type of
8 connecting lines.

9 MR. RYDER: And to follow -- on the second
10 question that I was asked, it was Wetland No. 138, which
11 is found on Segment 125 of the aerials, this vernal pool
12 is located between Poles 3907 and 3908, there is no
13 construction shown on the application in that vernal
14 pool. However, we are unsure of the access to the poles
15 to the north. And we're concerned that they may be
16 impacted from an access road perspective.

17 CHAIRMAN KATZ: So from the point of a D&M
18 plan, you would say don't put the access road there?

19 MR. RYDER: That's correct.

20 MR. EMERICK: So in the case of the latter
21 one you just mentioned, the vernal pool is a part of
22 Wetland 138?

23 MR. RYDER: Yes, it is.

24 MR. EMERICK: So in terms of the way you

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1 have it -- most of the other ones it's wetland and then
2 the vernal pool. In this case it's vernal pool and then
3 wetland the way you list the legend. Vernal pool appears
4 above the wetland delineation, whereas in the other ones
5 the wetland identification --

6 MR. RYDER: Okay --

7 MR. EMERICK: -- appears above the vernal
8 pool --

9 MR. RYDER: That's probably -- excuse me,
10 I'm sorry --

11 MR. EMERICK: -- you switched it?

12 MR. RYDER: Yeah, that's probably just due
13 to our graphics person trying to fit it into a tight
14 area.

15 MR. EMERICK: Okay --

16 MR. RYDER: It has nothing to do with a
17 hierarchy scheme.

18 MR. McDERMOTT: Mr. Allan, you've been to
19 the right-of-way, correct?

20 MR. ALLAN: Yes.

21 MR. McDERMOTT: Wouldn't you agree that
22 the right-of-way has a rich diversity of habitat,
23 including shrub land, grassland, and of course vernal
24 pools and wetlands?

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1 MR. ALLAN: Yes.

2 MR. McDERMOTT: And doesn't that indicate
3 to you, sir, that the right-of-way can be maintained as a
4 productive ecosystem?

5 MR. ALLAN: Yes.

6 CHAIRMAN KATZ: Would you say it's a
7 healthy ecosystem now the right-of-way?

8 MR. ALLAN: Yes, I would agree with that.

9 MR. McDERMOTT: Was there any indication
10 of any long-term impacts to the ecosystem from the
11 maintenance of the right-of-way that may have taken place
12 since the right-of-way has been developed?

13 MR. ALLAN: We did notice some areas where
14 there were some wetland impacts where machinery had gone
15 across wetland areas, particularly some logging areas
16 where there had been some machinery and some disturbance
17 of the soil and vegetation in those areas.

18 MR. McDERMOTT: Now, Mr. Allan, while --
19 and Chairman Katz just referred to the D&M plan -- we can
20 disagree I guess about the number of vernal pools or
21 wetlands, but at the end of the day as the Applicants
22 testified on Tuesday, essentially we could work together
23 to protect the wetlands during construction, isn't that
24 true?

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1 MR. ALLAN: I'm not sure that's totally
2 true because our review of the application indicates that
3 there is areas where there will be wetland impact no
4 matter what you do.

5 MR. McDERMOTT: Well, it's a 64-mile
6 project, Mr. Allan, wouldn't you expect some impact to
7 wetlands?

8 MR. ALLAN: I would, but the way the
9 application reads is that there is no significant impacts
10 to the environment, and we disagree with that.

11 MR. McDERMOTT: Did you --

12 CHAIRMAN KATZ: Mr. Allan, can you --

13 MR. McDERMOTT: -- analyze the entire --

14 CHAIRMAN KATZ: Excuse me, Mr. McDermott.

15 Mr. Allan, can you point us in your prefilled testimony
16 on where you think the unavoidable impacts to the
17 wetlands are?

18 MR. ALLAN: At the table in the appendix
19 of the report.

20 CHAIRMAN KATZ: Is this your May 25th?

21 MR. ALLAN: Excuse me?

22 CHAIRMAN KATZ: Is this your May --

23 MR. ALLAN: I'm sorry, it's -- it's in the
24 Ecological Impacts Assessment.

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1 CHAIRMAN KATZ: Okay, which I'm on --

2 MR. ALLAN: Okay --

3 CHAIRMAN KATZ: -- and I have Tab A and
4 Tab B. Is it back there?

5 MR. ALLAN: It should be the last two
6 pages of that report.

7 MR. RYDER: Identified as Table 1.

8 MR. ALLAN: Table 1, Wetland Impact
9 Summary.

10 CHAIRMAN KATZ: After the photos -- okay -
11 -

12 MR. ALLAN: Page 15 of our --

13 CHAIRMAN KATZ: Okay --

14 MR. ALLAN: -- ecological impacts --

15 CHAIRMAN KATZ: -- so going to that Table
16 1, where are the areas that are the unavoidable impacts
17 that can't be mitigated?

18 MR. ALLAN: Well, what we've identified
19 are -- basically using the hundred scale aerial photos,
20 we went through that and looked where poles are proposed
21 directly within wetlands, where existing poles are
22 proposed -- are existing in wetlands, and where access-
23 ways are proposed by the Applicant in the wetlands.
24 Using that information, we found certain things. We

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1 found that there's 49 poles in -- well -- I'm sorry -- in
2 Woodbridge there's 35 poles that show within delineated
3 wetlands on their application. Proposed poles in
4 Woodbridge we show that there are 28 poles that are
5 proposed directly in wetlands.

6 CHAIRMAN KATZ: Now you're assuming the
7 poles can't be moved or are you assuming that some of
8 them can be moved and some probably can't?

9 MR. ALLAN: It's tough for us to assume
10 that they can or can't because we don't have the
11 knowledge --

12 CHAIRMAN KATZ: Okay --

13 MR. ALLAN: -- of what the impacts would
14 be if they're moved one way or the other --

15 CHAIRMAN KATZ: Okay, so your --

16 MR. ALLAN: -- so all we can based it on
17 is what was presented in the application.

18 CHAIRMAN KATZ: Okay, so your assumption
19 is that they're in wetlands now and they probably can't
20 be moved out of wetlands?

21 MR. ALLAN: Well for the existing ones,
22 those certainly if they're going to come down will cause
23 some wetlands impact. I'm not saying that the poles that
24 are proposed in the wetlands can't be moved one way or

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1 the other, but there are certain poles that lie within
2 portions of the wetland -- I believe they say in the
3 application that it may be possible to move the poles 100
4 feet one way or the other. There are certain instances,
5 quite a few where poles -- where that 100 foot either way
6 still places you in a wetland, so there really is no
7 alternative --

8 CHAIRMAN KATZ: Okay --

9 MR. ALLAN: -- if you're just using that
10 200-foot stretch.

11 CHAIRMAN KATZ: Can you give us a sense of
12 how many of these poles that cannot -- that you said were
13 within 100 feet that cannot --

14 MR. ALLAN: Yes --

15 CHAIRMAN KATZ: -- cannot be moved out of
16 a wetland?

17 MR. ALLAN: I believe we've counted
18 approximately 15 poles that lie within those areas --

19 CHAIRMAN KATZ: And this is Woodbridge and
20 Milford --

21 MR. ALLAN: In Woodbridge alone. I'm
22 sorry, in Woodbridge.

23 CHAIRMAN KATZ: Oh, just Woodbridge?

24 MR. ALLAN: Right, just in Woodbridge. I

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1 can give you the number for Milford that will lie within
2 wetlands and within 100 feet either way there's still
3 wetlands --

4 CHAIRMAN KATZ: Okay --

5 MR. ALLAN: -- (pause) -- I'm sorry, I
6 don't have that number for Milford.

7 CHAIRMAN KATZ: Well, if you can get back
8 to us later in our testimony.

9 MR. ALLAN: I could.

10 CHAIRMAN KATZ: So -- were you here when
11 they were describing how when a pole has to be removed,
12 they don't have to take the whole pole out, they can
13 leave the base of the pole and basically take off the
14 upper portion?

15 MR. ALLAN: No, I wasn't here for that.

16 CHAIRMAN KATZ: Well, if they did that, if
17 they left -- what's the terminology?

18 MR. ASHTON: Cut the butt.

19 CHAIRMAN KATZ: Cut the butt, thank you --
20 no wonder I didn't remember it -- (laughter) -- if they
21 left the base in the ground and didn't disturb the
22 ground, would you feel that would be a mitigation factor
23 on pole removal?

24 MR. ALLAN: Well, I feel there would still

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1 be wetlands impact because according to their application
2 there are certain machinery that's still going to be
3 required to do that --

4 CHAIRMAN KATZ: Yeah --

5 MR. ALLAN: -- you're going to need a
6 crane --

7 CHAIRMAN KATZ: Right --

8 MR. ALLAN: -- you're going to need
9 probably a welding machine --

10 CHAIRMAN KATZ: If they could keep the
11 crane out of the wetland --

12 MR. ALLAN: Well in some cases you can't
13 because the wetland is too far --

14 CHAIRMAN KATZ: Yes --

15 MR. ALLAN: -- extends too far --

16 CHAIRMAN KATZ: Understood --

17 MR. ALLAN: -- and also there's access
18 roads that need to be built to get to those roads --

19 CHAIRMAN KATZ: Right --

20 MR. ALLAN: -- to get to those towers.

21 CHAIRMAN KATZ: Okay, thank you. Thank
22 you, Mr. McDermott. I hope I didn't throw you off your
23 train of thought too much.

24 MR. McDERMOTT: No, I've crossed off a few

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1 questions, thank you.

2 MR. ASHTON: (Indiscernible) -- just
3 following on if I may please? Aren't there access roads
4 to these poles now for maintenance purposes?

5 MR. ALLAN: We found that not in all cases
6 there are.

7 MR. ASHTON: How did the poles get there
8 then?

9 MR. ALLAN: I have no idea. I assume they
10 --

11 CHAIRMAN KATZ: The pole stork --
12 (laughter) --

13 MR. ALLAN: -- but there are -- there
14 certainly are wetlands that have to be crossed to get to
15 some of these poles where we didn't find --

16 MR. ASHTON: Wouldn't it be logical to
17 assume that there was access to the site. And the access
18 either exists or as part of the construction was placed
19 in and then removed.

20 MR. ALLAN: That would be safe to assume.
21 We -- we don't really know --

22 MR. ASHTON: Okay --

23 MR. ALLAN: -- I mean when it -- when it
24 was constructed. And things may have changed since then.

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1 We don't know the hydrology of the area --

2 MR. ASHTON: I'm sorry, when?

3 MR. ALLAN: Since the poles were
4 installed, conditions may have changed, we just don't
5 know.

6 MR. ASHTON: Okay. Thank you.

7 MR. McDERMOTT: Mr. Allan, are you aware
8 that the municipalities had asked the companies to place
9 the poles in as near -- the new poles in as near location
10 to the existing poles as possible so that residents who
11 currently have views of the poles, if you will, will
12 continue to and those who don't, don't have a new visual
13 impact?

14 MR. ALLAN: Was that a question --

15 MR. FRANK: Hang on one second. If you
16 could be more specific as to the particular towns that
17 have made this request? Again, Mr. Allan and Mr. Ryder,
18 are --

19 COURT REPORTER: Could you take the
20 microphone.

21 MR. FRANK: Mr. Allan and Mr. Ryder were
22 only retained by two municipalities.

23 CHAIRMAN KATZ: Off the record.

24 COURT REPORTER: One moment please.

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1 (Off the record)

2 MR. McDERMOTT: Can you assume for this
3 question, Mr. Allan, it's the City of Milford and the
4 Town of Woodbridge?

5 MR. FRANK: I'm going to object to that
6 question. There's got to be a foundation for that
7 question. If he's got some sort of evidence that
8 Woodbridge requested that, then he can ask about it. But
9 without a foundation for that question, I think it's
10 entirely speculative and inappropriate.

11 CHAIRMAN KATZ: Can you rephrase, Mr.
12 McDermott or do you just want to go on?

13 MR. McDERMOTT: No, I think I'll -- I
14 think I'll go on. Mr. Allan, are you aware that during
15 the ongoing design of this project the companies have
16 already located over 50 existing poles out of wetlands?

17 MR. FRANK: Objection. This goes back to
18 the cross-examination on Tuesday where there were
19 statements made by the representatives of the Applicant
20 about certain studies that were ongoing. Those studies
21 are not in the record, those studies have not been
22 provided to any of the municipalities --

23 MR. McDERMOTT: But --

24 MR. FRANK: -- and for us now to be asked

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1 questions about it when no one has studied it, I think is
2 inappropriate.

3 CHAIRMAN KATZ: Mr. McDermott.

4 MR. McDERMOTT: But the testimony is in
5 the record.

6 MR. FRANK: The testimony is that they
7 have not given us copies of those studies.

8 MR. McDERMOTT: But that doesn't matter,
9 Ms. Katz. The fact of the matter is Louise Mango
10 testified that the companies are doing this. And unless
11 Attorney Frank is questioning the truthfulness of Ms.
12 Mango's testimony, that testimony stands. We can
13 supplement her testimony with a report or a study or a
14 letter or a memo or whatever, but she testified that we
15 had done this period.

16 MR. FRANK: I guess I have a problem with
17 the process because if we are going to be given the
18 opportunity to evaluate a certain proposal based on
19 certain assumptions and in the middle of the game they
20 change those assumptions, that's just not fair.

21 MS. KOHLER: I would echo --

22 CHAIRMAN KATZ: Mr. Emerick, you wanted to
23 --

24 MR. EMERICK: Couldn't we ask if he has an

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1 opinion if there's an existing structure in a wetland and
2 is there an opportunity to relocate it, is that something
3 desirable or not?

4 MR. McDERMOTT: Fine --

5 MR. EMERICK: Just generically --

6 MR. McDERMOTT: I will --

7 MR. FRANK: I have no objection to that
8 question.

9 MR. EMERICK: And we don't care what town
10 it's in.

11 MR. ALLAN: The question is if there's an
12 existing pole and you're going to replace it, would it be
13 better --

14 MR. EMERICK: An existing pole in a
15 wetland and as a part of the project there's an
16 opportunity to relocate that pole or poles that are
17 currently in wetlands, is that a good idea or a bad idea
18 generally?

19 MR. ALLAN: In general that's a good idea.

20 MR. EMERICK: Pardon?

21 MR. ALLAN: In general it's a good idea.

22 MR. EMERICK: Thank you.

23 MR. McDERMOTT: Mr. Allan, on the last
24 page of your report you advocate an underground option.

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1 And in doing so, you suggest that the only impact to the
2 environment would be a narrow trench to be placed along
3 the existing roads. It appears, at least as it relates
4 to your Woodbridge testimony on page 14 and I think it's
5 on page 12 in the Milford testimony, in making that
6 statement, sir, did you consider the need for
7 installation of splice vaults?

8 CHAIRMAN KATZ: What was the term?

9 MR. McDERMOTT: Splice vaults.

10 MR. ALLAN: Did we -- I'm sorry, the
11 question was did we consider the impact from splice
12 vaults?

13 MR. McDERMOTT: Right, when making that
14 statement?

15 MR. ALLAN: I think in a general sense we
16 were just stating that impacts to wetlands and
17 watercourses would be less in an underground route versus
18 an overhead route along the existing right-of-way.

19 MR. McDERMOTT: So when you say the only
20 impact to the environment, you're limiting that statement
21 to watercourses?

22 MR. ALLAN: Yes, I think primarily we're
23 relating to wetlands and watercourses.

24 MR. McDERMOTT: Did you consider the need

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1 to cross streams by such methods as directional drill or
2 jack and bore or open trenching?

3 MR. ALLAN: Yes.

4 MR. McDERMOTT: And how many such streams
5 would have to be crossed in your analysis?

6 MR. ALLAN: Again, we don't have an exact
7 count, but from a general standpoint we believe there is
8 less impact from drilling under a stream than going
9 through a stream.

10 CHAIRMAN KATZ: You're saying a
11 directional drill?

12 MR. ALLAN: A directional drill
13 underneath, yes. I believe that was the question.

14 MR. McDERMOTT: I'll pass the mic to Mr.
15 Henebry.

16 MR. HENEGBRY: I just have a few follow-up
17 questions. First of all, with regard to the discussion
18 previously about vernal pools, do I understand your
19 testimony to be that the definition of a vernal pool is
20 not particularly well defined in the industry, that it's
21 a somewhat loose term?

22 MR. RYDER: I wouldn't call it a loose
23 term. I would say that the generally accepted one, based
24 on our experience, is the one we referenced in our

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1 testimony. There are others that other people use, but
2 they generally come to the same results, the same
3 consensus.

4 MR. HENEERY: Because the four criteria
5 you cited on page 5 of your report comes out of the Guide
6 to the Identification and Protection of Vernal Pool,
7 Wetlands of Connecticut, correct?

8 MR. RYDER: That is correct.

9 MR. HENEERY: Is that a fairly definitive
10 source for the identification and protection of vernal
11 pools in Connecticut?

12 MR. RYDER: In my experience that is the
13 one that most consultants and vernal pool investigators
14 follow.

15 MR. HENEERY: Okay. It's published by the
16 University of Connecticut?

17 MR. RYDER: That's correct.

18 MR. HENEERY: Alright. Now with regard to
19 the scope of work, again the only work that Land-Tech did
20 in terms of inspection of the right-of-way was in
21 Woodbridge and Milford, correct?

22 MR. ALLAN: That's correct.

23 MR. HENEERY: Okay. And with regard to
24 Milford, was any work done with respect to the proposed

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1 underground portion of the project in Milford?

2 MR. ALLAN: We focused primarily on the
3 overhead portion.

4 MR. HENEERY: Okay. And why was that?

5 MR. ALLAN: That was the scope of our
6 services to the Town.

7 MR. HENEERY: So that was the direction
8 from the counsel for the Towns?

9 MR. ALLAN: Yes.

10 MR. HENEERY: Okay. Is it your testimony
11 that there would be no impacts from the underground
12 construction in the Town of Milford?

13 MR. ALLAN: No.

14 MS. KOHLER: I -- (indiscernible) -- I
15 think he just said that he wasn't --

16 COURT REPORTER: Wait, hold it, hold it --

17 CHAIRMAN KATZ: Start again please.

18 MS. KOHLER: I believe he just said he was
19 not retained and did not look at the underground portion
20 of Milford.

21 MR. HENEERY: I understand that, but the
22 point is the witness has testified about a general
23 assessment of underground impacts in general in
24 comparison to the proposed overhead route. So again, I

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1 just want to clarify, you're not saying that the
2 underground route in Milford would have no environmental
3 impacts, correct?

4 MR. ALLAN: No, we did not say that.

5 MR. HENEGBRY: Okay --

6 MS. KOHLER: I'm sorry, if I could just
7 clarify. Are we talking about Milford's proposal either
8 1, 2, or 3, or the section of under-grounding from East
9 Devon south in Milford?

10 MR. HENEGBRY: The latter, the section
11 south --

12 MS. KOHLER: Okay --

13 MR. HENEGBRY: -- of East Devon.

14 CHAIRMAN KATZ: And that was not in your
15 scope of work, correct?

16 MR. ALLAN: Correct.

17 CHAIRMAN KATZ: Did you, by the way, look
18 at the East Devon Substation site --

19 MR. ALLAN: No, we did not --

20 CHAIRMAN KATZ: -- was that in your scope
21 of work?

22 MR. ALLAN: No, sir -- no, ma'am.

23 MR. HENEGBRY: Have each of you had prior
24 experience with regard to Siting Council proceedings?

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1 MR. ALLAN: Yes.

2 MR. RYDER: Yes.

3 MR. HENEGBRY: Okay. In fact -- and I
4 believe it was -- Mr. Ryder, you did some work in
5 connection with Docket 217, the Bethel to Norwalk line,
6 correct?

7 MR. RYDER: We both did, yes.

8 MR. HENEGBRY: Okay. And in Docket 217,
9 Land-Tech took a similar position that the route should
10 be placed underground through the Towns of Wilton,
11 Weston, Redding and Bethel, correct?

12 MR. ALLAN: That's correct.

13 MR. McDERMOTT: Okay. Through your prior
14 experience with Siting Council projects are you familiar
15 with the D&M plan process?

16 MR. ALLAN: Yes.

17 MR. HENEGBRY: Okay. And you're aware, I
18 take it, that the D&M plan process includes the
19 preparation of a detailed description of construction
20 techniques, environmental mitigation techniques that the
21 applicant has to follow, correct?

22 MR. ALLAN: That's correct.

23 MR. HENEGBRY: Okay. Now, based on your
24 prior experience with the Siting Council process and

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1 specifically with the D&M plan process, is it your
2 experience that the Siting Council uses the D&M process
3 to ensure that the conditions it imposes in its decision
4 and order are adhered to by applicants?

5 MR. ALLAN: Yes.

6 MR. HENEERY: Okay. Did you identify any
7 wetlands in Woodbridge or Milford that were not
8 identified by the Applicants in the application?

9 MR. ALLAN: No, we did not.

10 MR. HENEERY: Okay. Now, I'd just like to
11 direct your testimony to the Woodbridge testimony, page -
12 - it's the table of -- on pages 9 and 10. And that's the
13 table where you describe the five vernal pools -- I'm
14 sorry, do you need a minute? (Pause).

15 MR. RYDER: I'm sorry, wrong document.
16 Yes.

17 MR. HENEERY: Okay. And that's the table
18 where you describe the five vernal pools and the one
19 amphibian breeding pool that you claim the Applicants
20 failed to identify, correct?

21 MR. RYDER: Correct.

22 MR. HENEERY: Okay. And in each entry in
23 that table there is a reference to a wetland, right?

24 MR. RYDER: Uh -- yes. I just wanted to

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1 make sure that was correct. Yes.

2 MR. HENEERY: Okay. And each wetland has
3 a numerical reference to it, right?

4 MR. RYDER: Well, Wetland No. 122 for
5 example --

6 MR. HENEERY: Right --

7 MR. RYDER: -- yes.

8 MR. HENEERY: Okay. And those
9 designations were all designations assigned by the
10 Applicants prior to filing their application with the
11 Siting Council, correct?

12 MR. RYDER: They were found in the
13 application, yes.

14 MR. HENEERY: Okay. Can you see this?

15 CHAIRMAN KATZ: Yes.

16 AUDIO TECHNICIAN: (Indiscernible) --

17 CHAIRMAN KATZ: He's the boss. Just
18 remember, Mr. Heneery, it's an audio tape.

19 MR. HENEERY: Understood. Can you see or
20 if you could just come up for a moment, I just want to
21 briefly look at the maps that you've prepared with regard
22 to Woodbridge and Milford.

23 CHAIRMAN KATZ: Can you hand him the mic
24 next to you there.

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1 MR. HENEGBRY: Sure. I feel like I'm on
2 Merv Griffin -- (laughter) -- okay. If I'm --

3 CHAIRMAN KATZ: Mr. Ryder, we're going to
4 ask you not to stand there --

5 MR. RYDER: I realized that afterward.
6 Thank you.

7 MR. HENEGBRY: If I'm understanding these
8 maps correctly, you've identified wetlands in green and
9 labeled them with green lettering, correct?

10 MR. RYDER: I think Mr. Allan would be
11 better -- he actually created the graphics. My
12 explanation would be that these were taken from existing
13 wetland GIS data from the State. These are not the same
14 delineations that were part of the application.

15 MR. HENEGBRY: Well, that's specifically my
16 question. I notice that there are wetland designation
17 numbers on each of those maps. Are these the designation
18 numbers from the application?

19 MR. ALLAN: Yes, those are the designation
20 numbers. And the call-out-line points in the general
21 direction of where those wetlands are. However, as Mr.
22 Ryder said, not in all cases are the wetlands shown
23 because the application included a more refined
24 delineation of the wetlands than is shown on the GIS

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1 data.

2 MR. HENEERY: Okay. Alright, now the
3 presentations are entitled Impact Assessment and you list
4 various types of resources including wetlands, vernal
5 pools, species of special concerns and some facilities
6 like parks and other facilities, correct?

7 MR. ALLAN: Correct.

8 MR. HENEERY: Okay. Is it your testimony
9 that -- is this map a definitive statement that
10 everything on this map is impacted by the project or are
11 these just a listing of potential impacts of the project
12 depending upon how it is constructed?

13 MR. ALLAN: They're not specifically for
14 impacts. It's to point out where certain resources are -
15 -

16 MR. HENEERY: Okay --

17 MR. ALLAN: -- that we feel are important.

18 MR. HENEERY: Are all the resources listed
19 on these maps within the right-of-way?

20 MR. ALLAN: Not entirely. There's some
21 cultural resources that we show on the Woodbridge map for
22 instance that do not fall within the right-of-way, there
23 are some Natural Diversity Database areas that do not
24 fall within the right-of-way.

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1 MR. HENEGBRY: Okay. Could you identify
2 those?

3 MR. ALLAN: Sure. In Woodbridge there's
4 Beecher Road School. There's some of the other cultural
5 resources, Thomas Starling House, the Cement Kiln, the
6 Old South School. There's a Natural Diversity Database
7 although it's not called out, there is a highlight there
8 that shows that there is one. And obviously, there's
9 other information on here that's not such as streets and
10 watercourses and topography that don't fall directly
11 within the right-of-way.

12 MR. HENEGBRY: Okay. Is it your testimony
13 that all the wetlands listed on these two maps are within
14 the right-of-way?

15 MR. ALLAN: The wetlands that are listed
16 by number yes, they do fall within the right-of-way.

17 MR. HENEGBRY: Okay. Now -- I think that's
18 all I have of the map. I just want to ask some follow-up
19 questions. I notice that on the map you have -- for each
20 wetland listed you have calculations of disturbance of
21 square footages and permanent fills, right?

22 MR. ALLAN: That's correct.

23 MR. HENEGBRY: Okay. (Pause). On the maps
24 that we just reviewed, again there are listings of square

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1 footages of disturbance and fill areas, correct?

2 MR. ALLAN: Yes.

3 MR. HENEERY: Okay. How were those
4 calculations made?

5 MR. ALLAN: Those were taken directly from
6 the application documents. The way it was done is we
7 took the 100 scale aerial photo drawings, which I believe
8 are Volume 11. We looked for either existing poles or
9 proposed poles that fall within wetlands or in close
10 proximity to those. We drew on those the disturbance
11 areas that are cited in the application. We also drew on
12 those the areas of regrading around new poles that are
13 cited in the application, measured the lengths of access-
14 ways that are denoted on those drawings that fall within
15 wetlands, used the width that was cited in the
16 application.

17 MR. HENEERY: Okay. And what -- what
18 width was that?

19 MR. ALLAN: About 15 feet.

20 MR. HENEERY: Okay -- you're talking about
21 for access roads now --

22 MR. ALLAN: For access roads, yes.

23 MR. HENEERY: Okay. How about for the
24 calculation of impacts, did you assume a certain

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1 construction or work site area?

2 MR. ALLAN: Yes. The application states
3 that existing poles -- the work areas around existing and
4 proposed poles is 100-by-100 feet.

5 MR. HENEERY: Okay. And would it be fair
6 to say that if the Applicant were able to utilize
7 restricted work areas less than 100-by-100, that your
8 corresponding calculation of impacts would be reduced
9 proportionately?

10 MR. ALLAN: That's correct.

11 MR. HENEERY: Okay. And I take it that
12 the figures that are shown on the map for impacts then
13 roll up into the acreage calculations you have on -- for
14 instance I'm looking at page 10 of your Woodbridge
15 testimony --

16 MR. ALLAN: That's correct.

17 MR. HENEERY: Okay. What methods are you
18 aware of to mitigate impacts from overhead utility
19 construction?

20 MR. FRANK: I'm going to object. I think
21 the question is unbelievably broad. I mean --

22 AUDIO TECHNICIAN: Sir --

23 MR. FRANK: -- methods to mitigate what --

24 AUDIO TECHNICIAN: Mr. --

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1 MR. FRANK: Methods to mitigate what in
2 what particular environments --

3 CHAIRMAN KATZ: Why don't we break it
4 down, Mr. McDermott --

5 MR. HENEGBRY: I'll narrow the question --

6 CHAIRMAN KATZ: -- pole replacement, pole
7 removal --

8 MR. HENEGBRY: Right --

9 CHAIRMAN KATZ: -- access roads --

10 MR. HENEGBRY: Let's limit it to impacts on
11 wetlands and vernal pools. For instance is one method of
12 mitigation moving poles out of wetlands?

13 MR. ALLAN: Yes, if that's possible,
14 certainly.

15 MR. HENEGBRY: Okay. And did I hear you
16 correctly it's -- your understanding was that the
17 companies could only move a pole within a certain 100-
18 foot envelope from the structure placement that was shown
19 on the aerial photographs?

20 MR. ALLAN: That's what's stated in the
21 application.

22 MR. HENEGBRY: Okay. Alright, if I --
23 well, were you aware that the structure locations shown
24 on the aerial segment maps in the 100-foot reference was

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1 to a proposed location envelope for purposes of obtaining
2 some sort of pole spotting on the aerial segment maps,
3 were you aware of that?

4 MR. ALLAN: Not -- all I'm aware of is
5 what it says in the application.

6 MR. HENEERY: Okay.

7 CHAIRMAN KATZ: Mr. Allan, would a person
8 doing the D&M plan in Woodbridge and Milford be able to
9 take these documents that you've prepared and identify
10 areas that would be not a good location for a new pole?

11 MR. ALLAN: I think using their own
12 documents would be better than using our documents.

13 CHAIRMAN KATZ: Okay. So you're saying
14 their own documents will probably be the best source for
15 picking where to put a new pole versus where not to put a
16 new pole?

17 MR. ALLAN: Yes.

18 CHAIRMAN KATZ: Thank you.

19 MR. McDERMOTT: In your opinion would the
20 impacts of overhead construction along the right-of-way
21 in Milford and Woodbridge could those impacts be
22 adequately mitigated through the D&M plan process if that
23 process included reference to the resources that you've
24 identified in your report?

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1 MR. ALLAN: Again, we found instances
2 where we don't think it's going to be possible to totally
3 mitigate impacts.

4 MR. HENEERY: Okay. And that is based in
5 part on your belief that some poles could not be moved
6 out of wetlands, correct?

7 MR. ALLAN: That's correct.

8 MR. HENEERY: Okay --

9 MR. ALLAN: Poles and access roads.

10 MR. HENEERY: Okay. So based upon any
11 other assumptions or conclusions --

12 MR. FRANK: I'm going to -- I'm going to
13 object to this whole line of questioning. I guess I have
14 a theoretical problem with this line of questioning. The
15 Applicant has the burden to come forward with an
16 application, they make certain assumptions in the
17 application, they employ environmental experts, they
18 employ a whole team of engineers, and they tell us what
19 those assumptions are. And then based on those
20 assumptions, the Towns hire experts to evaluate them.
21 And then they come in here after we've done that and
22 we've paid our consultants to look at the assumptions
23 that they've made and they ask all sorts of questions
24 about what if you did X and what if you did Y and what if

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1 we studied this and what if we studied that, but that's
2 not what is before this Council. Based on the record as
3 it stands these gentlemen have evaluated environmental
4 impacts. Are there certain assumptions that can be
5 changed? Well of course, but that is not what is
6 proposed and that's not what's before us, and that's not
7 what's been studied.

8 CHAIRMAN KATZ: But Mr. Frank, I'd like to
9 learn, and I'm sure other Council members would, these
10 gentlemen's expertise on mitigation methods.

11 MR. FRANK: And I guess from a legal
12 standpoint -- and you know, I guess I'll -- from a legal
13 standpoint, my point is that based on the application
14 there are going to be certain impacts and they've
15 testified to those.

16 MR. LYNCH: Mr. --

17 MR. FRANK: After the fact --

18 MR. LYNCH: Couldn't that same argument be
19 made against the Applicant -- the Towns come in here and
20 say did you look at this, have you looked at that, have
21 you looked at this. It seems to be a circular argument.

22 MR. FRANK: I don't -- I don't believe
23 that it is because it's not the Towns' burden to prove
24 the validity of the application.

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1 MR. HENEERY: I think I can, through an
2 alternative question, maybe shortcut some of the process
3 here.

4 CHAIRMAN KATZ: Okay.

5 MR. HENEERY: Mr. Allan, I'd like to -- or
6 Mr. Ryder or whoever is appropriate -- can I direct your
7 attention to page 8 of the Woodbridge testimony.

8 MR. ALLAN: Yes.

9 MR. HENEERY: Okay. I'm looking at answer
10 -- A10, about halfway through that answer, it states
11 our identification of these vernal and breeding pools,
12 which were not reported by the Applicant, requires
13 modifications to the proposal to protect these sensitive
14 systems. And my question for you is do you have any
15 ideas at all of what sorts of modifications should be
16 required other than under-grounding the line?

17 MR. ALLAN: Yeah, there are other things
18 that can be done. Like you said, pole placement could be
19 different, access roads could be moved. Other mitigating
20 things, you know, keeping as far away from the vernal
21 pool to protect the upland habitat.

22 MR. HENEERY: Alright.

23 MR. ALLAN: I'm not sure if it can be
24 done.

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1 MR. HENEGBRY: Okay. Would -- construction
2 windows, would that have any role here?

3 MR. ALLAN: Yes.

4 MR. HENEGBRY: Okay.

5 CHAIRMAN KATZ: Would you recommend
6 flagging in the field actually all the vernal pools and
7 all the wetlands if they're not flagged now?

8 MR. ALLAN: Definitely.

9 MR. HENEGBRY: Thank you. Again -- now all
10 the vernal pools that you identified in Woodbridge and
11 Milford, those were on the existing right-of-way,
12 correct?

13 MR. RYDER: There was one in Milford that
14 we identified as a potential vernal pool that was I
15 believe to the west of the right-of-way.

16 MR. HENEGBRY: Okay. So again, the
17 existence of transmission lines on the existing right-of-
18 way has not done any harm to those vernal pools, correct?

19 MR. RYDER: I have no idea. We don't know
20 what the conditions of those vernal pools and wetlands
21 were when the things were constructed.

22 MR. HENEGBRY: Okay.

23 CHAIRMAN KATZ: But didn't you testify
24 earlier that basically it's a healthy ecosystem along the

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1 right-of-way now?

2 MR. ALLAN: Yes.

3 MR. RYDER: Currently that was our
4 testimony.

5 CHAIRMAN KATZ: Okay. So if we wanted to
6 keep it healthy, we would have to do certain measures
7 during construction?

8 MR. ALLAN: Yes.

9 MR. HENEERY: Moving now to the conclusion
10 of both sets of testimony -- just for a point of
11 reference, I believe it's page -- pages 13 and 14 of the
12 Woodbridge testimony.

13 MR. ALLAN: Okay.

14 MR. HENEERY: In the last paragraph you
15 state -- and again I'm looking at the Woodbridge
16 testimony, but I believe there's mirror statements in the
17 Milford testimony -- impacts to wetlands and watercourses
18 due to crossings are expected to be significantly less
19 than the overhead alternative. And you're referring
20 there to an underground alternative, correct?

21 MR. ALLAN: Yes.

22 MR. HENEERY: Okay. Have you done any
23 studies -- any environmental impact assessments of any
24 specific underground routes?

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1 MR. ALLAN: We were involved in the Bethel
2 to Norwalk application by the CL&P and we did look at
3 underground routes for those applications.

4 MR. HENEERY: Okay. I'm strictly talking
5 about your statements in the conclusion to your
6 Woodbridge testimony in concluding that an underground
7 alternative would have lesser alternatives. Was that
8 based on any site specific assessment?

9 MR. ALLAN: Not in these towns no -- well
10 other than our site specific inspection of the right-of-
11 way.

12 MR. HENEERY: Okay. And again in that
13 same testimony, I believe you state that underground
14 routes typically cross narrow portions of wetlands and
15 watercourses, that's your testimony, right?

16 MR. ALLAN: If they're along public roads,
17 yes.

18 MR. HENEERY: Okay. You can't tell me
19 whether or not an actual underground route through
20 Milford or Woodbridge would involve any crossing of any
21 broader portions of wetlands or watercourses, correct?

22 MR. ALLAN: Typically with our
23 involvement, we assume that if it's along the public
24 right-of-way, those wetlands have already been crossed,

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1 that if there's an existing roadway there where the
2 underground line can be placed so it does not involve
3 additional wetland fill, additional wetland impacts.

4 MR. HENEERY: And that was an assumption
5 you made in reaching this conclusion, correct?

6 MR. ALLAN: Right --

7 MR. HENEERY: Okay --

8 MR. ALLAN: -- if the underground route
9 follows public roads.

10 MR. RYDER: We also stated that on page
11 13, that our assumption is based on the underground line
12 along public roads.

13 MR. HENEERY: Okay. Again referencing the
14 same last paragraph of the Woodbridge testimony, you say
15 -- you cite as the second reason with regard to impacts
16 of underground routes being less than most of the
17 sensitive habitats have already been spanned. Okay,
18 again that was based on generalization and not any site
19 specific assessment, correct?

20 MR. ALLAN: Yes.

21 MR. HENEERY: Okay. I'm sorry, I'll wrap
22 up in a minute here, just a few more follow-up questions.
23 Could you -- could one of you describe for me exactly
24 what a directional bore is, how it works?

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1 MR. ALLAN: Sure. It's a -- from our
2 understanding, on either side of say a stream if you're
3 going to be crossing underneath a stream, you would dig a
4 pit and have a directional drilling machine bore a hole
5 in a directional fashion under the stream and into a pit
6 on the other end, pull a pipe through, and install your
7 conduit in that -- in that fashion.

8 MR. HENEERY: Okay. And do you know how
9 large the drill pits -- the drilling pits have to be?

10 MR. ALLAN: Not specifically.

11 MR. HENEERY: Okay. And do you know
12 whether there's any noise associated with this work?

13 MR. ALLAN: I would assume there is. I
14 don't have direct knowledge of that.

15 MR. HENEERY: Okay. Do you know whether
16 it ever requires any nighttime operations?

17 MR. ALLAN: I do not know.

18 MR. HENEERY: Okay. And again, you don't
19 know how much land is required for each drill pit?

20 MR. ALLAN: Not specifically, no.

21 MR. HENEERY: Okay. Would you expect to
22 have wetlands in the area immediate -- immediately
23 adjacent to a stream or a brook for which you had to do a
24 directional drill?

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1 MR. ALLAN: You would, but I would assume
2 that in most cases you could get to an area outside of
3 the wetland where you could do the directional drilling.

4 MR. HENEGBRY: Okay. Wouldn't that be
5 equally true with regard to overhead construction
6 generally, that you could make efforts to get outside of
7 the wetland area?

8 MR. ALLAN: Yes, but on our review of the
9 right-of-way there appears to be areas where there's too
10 large a span where you couldn't actually span the whole
11 length of the wetlands within the right-of-way.

12 MR. HENEGBRY: Okay. Thank you, Mr. Allan,
13 I have no further questions.

14 MR. ALLAN: You're welcome.

15 CHAIRMAN KATZ: Does that conclude the
16 Applicants' questions?

17 MR. McDERMOTT: Yes.

18 CHAIRMAN KATZ: Okay. We're due for a
19 break. We're going to take a short break and then we're
20 going to continue with cross-examination of these
21 witnesses. (Pause). Just a show of hands of who plans
22 to cross-examine these witnesses. 1, 2 -- okay. A very
23 short break.

24 (Whereupon, a short recess was taken.)

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1 CHAIRMAN KATZ: Let us resume cross-
2 examination. Next on the list is State Representative Al
3 Adinolfi. If you want to come down to the table.
4 (Pause). If you can just start off identifying yourself
5 for the record.

6 REPRESENTATIVE ADINOLFI: Al Adinolfi. I
7 live in Cheshire. I'm State Representative for parts of
8 Cheshire, Wallingford and Hamden. I just have two simple
9 brief questions.

10 In listing to the testimony, something
11 occurred to me. I heard some of the questioning leaning
12 towards the wetlands and the -- and some people were
13 eluding that while some of these poles and structures
14 were there a long time ago and why the concern now. So
15 my question is do we have any idea of what percentage or
16 is there a large percentage of the poles and structures
17 put in prior to any wetlands regulations that have been
18 implemented?

19 MR. ALLAN: From our understanding, all of
20 the poles were installed prior to adoption of
21 inland/wetland regulations which were passed by the
22 General Assembly in 1972.

23 REPRESENTATIVE ADINOLFI: I just wanted to
24 get that on the record.

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1 CHAIRMAN KATZ: Thank you.

2 REPRESENTATIVE ADINOLFI: And that's the
3 end of my questions.

4 CHAIRMAN KATZ: Thank you very much. Next
5 the Town of Middlefield? Absent. The Town of Westport?
6 The City of Meriden? Assistant Attorney General Michael
7 Wertheimer?

8 MR. WERTHEIMER: No questions.

9 CHAIRMAN KATZ: Mr. Wertheimer says no
10 questions. The City of Bridgeport? The Communities for
11 Responsible Energy? The Office of Consumer Counsel?
12 Woodlands Coalition?

13 MR. GOLDEN: Good afternoon, gentlemen.
14 My name is Larry Golden, representing the Woodlands
15 Coalition. I just have a few brief questions for you.

16 Concerning the most significant wetlands
17 areas in the Town of Woodbridge, the other day there was
18 some testimony from the Applicant, one witness indicated
19 that she thought the most significant wetlands area was
20 near the Jewish Community Center and B'Nai Jacob and in
21 that area --

22 CHAIRMAN KATZ: Mr. Golden, could you just
23 remind me what witness that was?

24 MR. GOLDEN: Yes. Miss Mango.

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1 CHAIRMAN KATZ: Yes, okay.

2 MR. GOLDEN: And Mr. Prete indicated he
3 thought the most significant wetlands area was to the
4 north. Based on your own site visits, do you gentlemen
5 have an opinion?

6 MR. ALLAN: Yes. We feel there are
7 several wetlands within the right-of-way at Woodbridge
8 that are probably more significant than others. One
9 would be Wetland 123, which is the Glen Dam Reservoir.
10 Obviously, it's an important water resource. It's also
11 habitat for the Red-Shouldered Hawk, which is a species
12 of special concern.

13 We've identified Wetland 131 as a
14 significant wetland. It's a rather large diverse wetland
15 system. It's also habitat for the Eastern Box Turtle,
16 which was identified by the Applicant.

17 And then probably the more -- the most
18 significant one would be Wetlands 133. It's the largest
19 wetland along the right-of-way. We calculated that it's
20 about eight -- the length within the right-of-way is
21 about eight-tenths of a mile, so it extends quite a long
22 way. It goes from basically just north of Route 313 and
23 extends down to Salem Drive. Again, it's a very large
24 system. It's -- a lot of it's associated with Race

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1 Brook. It's a floodplain wetland adjacent to Race Brook,
2 which is a trout stocked stream. So it provides a lot of
3 valuable wetland functions from flood storage to water
4 quality protection and wildlife habitat.

5 CHAIRMAN KATZ: So Mr. Allan, if you were
6 already underground near B'Nai Jacob and you wanted -- if
7 you had an opportunity to sort of keep going underground
8 as you went south, how much further south would you want
9 to go underground under local streets to protect Wetland
10 133?

11 MR. ALLAN: Well as I said, it extends at
12 least to Salem Drive, but there are other wetlands too.
13 I mean there's another pretty valuable wetland south of
14 Route 15, which I didn't mention. It's a -- again we
15 found a vernal pool I believe in that area. It's a
16 fairly extensive system. So there are other wetlands too
17 and not just Wetlands 133 to the south of where you
18 mentioned.

19 CHAIRMAN KATZ: Okay, but let's -- let's
20 say you can't be greedy and you have to -- (laughter) --
21 you have an opportunity to protect some wetlands, but --

22 A VOICE: But not all of them --

23 CHAIRMAN KATZ: -- but not all of them.

24 MR. ALLAN: Right. Well again, for

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1 Wetlands 133 in particular would be where Salem Drive
2 intersects that crossroad and I'm not sure what the name
3 of that road is -- I believe Salem Drive is a dead end
4 road --

5 CHAIRMAN KATZ: Okay, Broad Wood Drive --
6 okay, I think that's enough for me. Thank you.

7 MR. ALLAN: Okay.

8 MR. GOLDEN: Now, you mentioned Wetland
9 133. Is it your understanding that this is proposed to
10 be used as a pulling area?

11 MR. ALLAN: Yes. There is a pulling site
12 proposed in that area. And based on our review of the
13 application, it looks like pretty much the entire pulling
14 site falls within wetlands. So that -- that would be
15 definitely a significant impact. You know, the
16 Applicants -- the application states that there's quite a
17 bit of machinery that's needed from reels to pulling
18 tensioners and anchors and other equipment that needs to
19 be placed. The application is a little unclear. They
20 state that these pulling -- conductor pulling sites are
21 typically 50 to 75 feet wide by 150 to 200 feet long.
22 And then in another section of the report they say that
23 pulling sites are usually about one acre in size. So
24 obviously if it's an acre in size it's going to impact a

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1 lot more wetland. But even at the smaller size, you're
2 going to have significant wetland impact in that area.

3 MR. GOLDEN: Have you been able to
4 quantify the amount of wetlands in Woodbridge and Milford
5 based on your site visits?

6 MR. ALLAN: It's difficult to get an area
7 calculation --

8 CHAIRMAN KATZ: Is this within the right-
9 of-way, Mr. Golden?

10 MR. GOLDEN: Excuse me, I'm sorry. Yes,
11 within -- yes, within the right-of-way.

12 MR. ALLAN: What we did was -- if you take
13 a look at the -- at the entire length of the right-of-way
14 in the two towns, in Woodbridge the entire length of the
15 right-of-way is 6.2 miles. And if you look at the
16 sections of right-of-way that contains wetlands anywhere
17 within that right-of-way, in all cases it doesn't -- it
18 doesn't encompass the entire width of the right-of-way,
19 sometimes it's a narrow portion within it. But if you
20 measure the length of right-of-way that contains
21 wetlands, in Woodbridge we found that there is 2.7 miles
22 of right-of-way out of the 6.2 that contains wetlands, so
23 it's nearly half, it's about 43 percent of the right-of-
24 way contains wetlands.

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1 In Milford similarly you have 5.5 miles of
2 right-of-way length in the City of Milford. And if you
3 measure the length of the right-of-way that contains
4 wetlands, it's about 1.2 miles or about 22 percent of the
5 entire right-of-way. So you can see that -- I mean it's
6 --- it's going to be difficult to avoid wetlands by doing
7 work within the right-of-way.

8 MR. GOLDEN: I think a little earlier this
9 afternoon you testified that you did not disagree with
10 the Applicants' designation of wetland areas along the
11 right-of-way in Woodbridge and Milford. I'd like to
12 change the question a little bit to talk about the
13 quality of the wetlands. Does your assessment of the
14 quality of the wetlands differ from the Applicants'
15 assessment?

16 MR. ALLAN: Yes, it does. As we said
17 before, we identified several vernal pools which were not
18 identified by the Applicant, which would certainly go to
19 the quality of those wetlands. And we found some of
20 their ranking of the wetlands in regards to wetland
21 functions to be lower than we would rate them. You know,
22 in particular Wetland 133 some of the functions are rated
23 fairly -- are not rated high. I don't they really rated
24 many of the wetlands high for functions at all. And we

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1 would certainly disagree with that. We feel that there
2 are wetlands that would rate high for certain functions
3 like flood control, wildlife habitat, water quality
4 renovation, protection, and those sorts of things.

5 MR. GOLDEN: And you base that
6 determination on what?

7 MR. ALLAN: Based on our field evaluation
8 of the right-of-way.

9 MR. GOLDEN: Alright. Thank you very
10 much. I have no further questions.

11 CHAIRMAN KATZ: Can you do something
12 similar in Milford what you just did in Woodbridge and
13 determine which are the most significant wetlands in
14 Milford?

15 MR. ALLAN: Sure. Probably the most
16 significant one we feel is Wetland 167. Again, it's the
17 largest wetland complex along the right-of-way in
18 Milford. It covers almost a half a mile of right-of-way.
19 Again, it's a large floodplain wetland along the
20 Wepawaug River. Again, it's a DEP stock stream, stocked
21 with trout. Habitat for the Wood Turtle, which is a
22 species of special concern. It contains a vernal pool.
23 And it's partially located within Eisenhower Park. So we
24 feel that one in particular is a valuable wetland.

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1 CHAIRMAN KATZ: Alright. Just show me
2 where is East Devon Substation on your map? We have
3 black and white, so --

4 (Pause)

5 MR. ALLAN: I know it's down at the far
6 southern end of the site -- I'm not sure if it's
7 specifically shown on that map, let me take a look --

8 CHAIRMAN KATZ: It's -- I just thought it
9 was interesting that there were no wetlands between 171
10 and the bottom of the map. Were you -- did you go all
11 the way to the bottom of the map?

12 MR. ALLAN: I believe the only wetlands in
13 that area are the wetlands associated with the Housatonic
14 River in the area of the Devon Station.

15 CHAIRMAN KATZ: Oh, tidal wetlands.

16 MR. ALLAN: Right, tidal wetlands.

17 CHAIRMAN KATZ: Okay. So the East Devon
18 Substation is right near the bottom of the map?

19 MR. ALLAN: Yes.

20 CHAIRMAN KATZ: Okay. So 167 you thought
21 was the most significant?

22 MR. ALLAN: Yes.

23 CHAIRMAN KATZ: Okay. And did you -- I'm
24 sorry, did you tell us what the scale was of the reduced

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1 map?

2 MR. ALLAN: No, I did not.

3 CHAIRMAN KATZ: Okay. We'll look forward
4 to that.

5 MR. FRANK: And I -- I think that's my
6 only outstanding homework assignment.

7 CHAIRMAN KATZ: Okay. Because I guess my
8 question was if we kept going underground from the East
9 Devon Substation, how many miles would it be from there
10 to your significant wetland, but we won't know that
11 because we don't have a scale.

12 MR. ALLAN: You could probably determine
13 it from the Applicants' information as well.

14 MR. BRIAN O'NEILL: Mr. Allan, you -- you
15 refer in your map to areas of disturbance and areas of
16 permanent fill. Are those existing conditions or
17 projected conditions?

18 MR. ALLAN: Projected conditions.

19 MR. O'NEILL: Are those projected
20 conditions for overhead or underground?

21 MR. ALLAN: Overhead.

22 MR. O'NEILL: Did you do any analysis of
23 how much ground would be disturbed for under-grounding?

24 MR. ALLAN: No, sir.

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1 MR. O'NEILL: Thank you.

2 CHAIRMAN KATZ: Okay. Next on the list is
3 ISO New England? DOT?

4 A VOICE: No questions.

5 CHAIRMAN KATZ: DOT says no questions.

6 The Town of Fairfield? RWA?

7 A VOICE: No questions.

8 CHAIRMAN KATZ: RWA says no questions.

9 The Town of Cheshire?

10 A VOICE: No questions.

11 CHAIRMAN KATZ: No questions. The Town of
12 North Haven? Absent. Ezra Academy? No questions. Mr.
13 Cunliffe and Mr. Erling?

14 MR. CUNLIFFE: Thank you.

15 COURT REPORTER: Excuse me. (Pause). We
16 are now back on the record.

17 CHAIRMAN KATZ: We're now back on the
18 record. I've been reprimanded. I'm sorry, when I saw
19 the Towns, I did skip you.

20 MR. STONE: Thank you. I am Brian Stone
21 and I represent the Town of Orange. I just have a couple
22 of questions.

23 CHAIRMAN KATZ: Our first question is, is
24 why didn't you hire these guys. (Laughter).

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1 MR. STONE: Well, hopefully with my
2 questions --

3 CHAIRMAN KATZ: Oh, okay --

4 MR. STONE: -- I'll not need to.

5 (Laughter).

6 CHAIRMAN KATZ: We appreciate a thrifty
7 Yankee.

8 MR. STONE: It's my boss, it's not me.
9 You responded affirmatively to a cross-examination
10 question by the Applicant that you would expect to find
11 wetland impacts in a 68-mile project such as proposed
12 here, is that correct?

13 MR. ALLAN: Yes.

14 MR. STONE: But you did not, in fact,
15 inspect 68 miles of the project, did you?

16 MR. ALLAN: No, we did not.

17 MR. STONE: In fact, if my calculations
18 are correct, based upon your recent testimony, it was
19 11.7 miles, 6.2 in Woodbridge and 5.5 in Milford, is that
20 correct?

21 MR. ALLAN: That is correct.

22 MR. STONE: Would -- would you expect
23 based on your experience to find similar wetland impacts
24 in the balance of the 68 miles, which if my math is

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1 correct again, is 56.3 miles?

2 CHAIRMAN KATZ: Mr. Henebry.

3 MR. HENEGBRY: Chairman Katz, I object to
4 the question. It calls for rank speculation with no sort
5 of -- there's no sort of basis for extrapolating that the
6 conditions in Milford and Woodbridge are going to apply
7 in equal proportions to other towns along the right-of-
8 way.

9 CHAIRMAN KATZ: It does seem like the
10 cheap way out, Mr. Stone. (Laughter).

11 MR. STONE: Well, I -- I will -- I will
12 definitely admit to that, however -- (laughter) --
13 however, the Applicant did raise the question himself as
14 to whether or not you would expect to find wetland
15 impacts and therefore I think it's most appropriate
16 questioning to follow up on that --

17 CHAIRMAN KATZ: How about if allow the
18 question and give the answer the weight that it's due,
19 understanding that these gentlemen did not trek through
20 Orange.

21 MR. ALLAN: Based on our experience with
22 evaluation of wetlands in Connecticut, I would expect
23 that there are wetlands along other portions of the
24 right-of-way that could certainly be impacted by the

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1 right-of-way improvements.

2 MR. FRANK: Would First Selectman
3 Goldblatt object if I sent him a bill for that opinion?

4 MR. STONE: Most certainly. (Laughter).
5 Thank you.

6 CHAIRMAN KATZ: Thank you, Mr. Stone. Oh,
7 back to Mr. Cunliffe and Mr. Erling.

8 MR. CUNLIFFE: In your assessment of the
9 wetlands did you put together field notes similar to what
10 ES did?

11 MR. ALLAN: Yes.

12 MR. CUNLIFFE: Are those in the record?

13 MR. ALLAN: No, they are not.

14 MR. CUNLIFFE: Could they be provided to
15 the Council?

16 MR. ALLAN: They could.

17 MR. CUNLIFFE: Thank you.

18 CHAIRMAN KATZ: Any objection from the
19 Town?

20 MR. FRANK: No objection.

21 CHAIRMAN KATZ: Great, we'll expect to see
22 those.

23 MR. CUNLIFFE: Previous testimony by the
24 Applicants' panel, particularly Miss Mango, she brought

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1 up the point through cross-examination that there are
2 some construction windows that could be worked with, but
3 however the point was a number of construction windows
4 overlap, thereby eliminating maybe any potential time to
5 do construction. How does that work when you go before a
6 regulatory agency when you don't have that latitude?

7 MR. RYDER: I believe -- I think I looked
8 at that very question specifically and I think that there
9 was areas -- I think you could do construction throughout
10 that entire block without impacting -- this is from
11 memory now -- but I think you can look at the entire
12 construction area from one end of the right-of-way to the
13 other area in these two towns with the restrictions of
14 what the DEP requested for wildlife. I don't -- I don't
15 think it's -- I don't think it's ultimately restrictive.

16 MR. CUNLIFFE: I believe there's an April
17 1st to August 15th, February through July, and another one
18 through November, from July through November. So if I
19 was to clock those out, I'm left with what, September,
20 October?

21 MR. RYDER: Yeah, but these are specific
22 areas. For instance the Glen Dam area is where the Red-
23 Shouldered Hawk is, and that's according to their
24 application February to July.

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1 MR. CUNLIFFE: The --

2 MR. RYDER: The Eastern Box Turtle was not
3 in that area, so that's what I'm saying is they --

4 MR. CUNLIFFE: Okay, they don't overlap?

5 MR. RYDER: Right.

6 MR. CUNLIFFE: Thank you. The -- you
7 claim that the application didn't mention conducting
8 wildlife surveys as part of a construction sequence. How
9 would that work?

10 MR. RYDER: Well the reason I mentioned it
11 is because it was in there and it was not mentioned and
12 it needs to be resolved.

13 MR. CUNLIFFE: What is your understanding
14 of conducting a wildlife survey prior to construction or
15 during construction?

16 MR. RYDER: What is typically done is
17 prior to construction, within a couple of weeks prior one
18 would go out and look for Box Turtles or habitat nests or
19 -- sorry, habitat nests -- nests of special concern
20 species, any of the species of concern, and a general
21 wildlife survey in general. If for instance turtles are
22 found right next to poles, whatever, you can exclude them
23 out of the area to minimize impact to these. That's
24 typically what is generally done. I did not see that as

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1 part of the sequence and therefore raised it.

2 MR. CUNLIFFE: Alright, thank you. Those
3 are my questions.

4 CHAIRMAN KATZ: Mr. Erling.

5 MR. ROBERT K. ERLING: I have a few
6 follow-up questions on the vernal pools, Mr. Ryder. Is
7 it your sense that vernal pools are becoming more rare in
8 this state?

9 MR. RYDER: They were for a while. I
10 don't have any evidence that they still are. There's
11 been quite -- knowledge on the local municipalities to
12 protect them. And I think for the most part they've done
13 a pretty good job of protecting them. Prior to that
14 knowledge, which was probably within the last 10 years or
15 so, they may have lost quite a bit. I do not have any
16 specific data on that though.

17 MR. ERLING: But they're not all that
18 commonly encountered, is that correct?

19 MR. RYDER: They're encountered quite
20 frequently, I would -- I would argue, yes.

21 MR. ERLING: Okay. What's threatening
22 them though? Do you have a list of things that is
23 impacting them?

24 MR. RYDER: Primarily development in the

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1 uplands. Wetlands are pretty well protected. The vernal
2 pool is protected in itself. The problem comes when you
3 are developing like a subdivision or something or a power
4 line where you are actually removing tree vegetation,
5 shrub vegetation in the upland. Various species move
6 different distances. Spotted Salamanders move up to 600
7 feet, Wood Frogs up to 1500 feet, etcetera, and they all
8 have their different paths. So it's these -- because the
9 vernal pools are only used two or three weeks out of the
10 year, the remaining time is in the uplands. And these
11 are the areas that ultimately need to be protected and a
12 lot of times they're not.

13 MR. ERLING: I wanted to see if I could
14 get a little more from both of you about how to protect
15 the vernal pools both during construction and after
16 construction. Can you offer us a summary on that?

17 MR. RYDER: During construction, the
18 physical aspects as we've mentioned and the Applicant has
19 mentioned, there are various best management practices
20 such as silt fence -- avoidance first of all -- silt
21 fence, etcetera. But in my opinion the actual knowledge
22 of where they're located. To this point they were not
23 all located.

24 The second one is knowledge of which

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1 species are using them and what habitats are adjacent to
2 these pools that these species are using, therefore
3 ensuring more knowledge to be put into it at this stage,
4 therefore allowing for better protection down the road.

5 MR. ERLING: But I mean during
6 construction actually in the field when people are out
7 there actually working, what could be done?

8 MR. RYDER: Well as I had mentioned, first
9 of all avoidance. Best management practices such as a
10 silt fence not allowing sedimentation in there. Not
11 removing vegetation in various areas so that the solar
12 radiation is increased or decreased. Those type of water
13 quality changes. And maybe Mr. Allan can --

14 MR. ALLAN: Yeah --

15 CHAIRMAN KATZ: Well in Phase 1 we're
16 doing an independent environmental inspector during
17 construction. Would you recommend something similar for
18 Phase 2?

19 MR. RYDER: Definitely.

20 MR. ALLAN: Yes.

21 MR. RYDER: Yes.

22 MR. ERLING: And after construction, is
23 there anything that should be done after construction?

24 MR. ALLAN: (Indiscernible) -- buffers --

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1 MR. RYDER: That's where I was heading,
2 yes. Maintain certain buffers. Once you understand the
3 wildlife species that are utilizing it, you can assign
4 certain protective buffers around that system so that
5 they're not impacted down the road.

6 MR. ERLING: What about removal of the
7 silt fence after construction, is that helpful?

8 MR. RYDER: Well first of all, it should
9 only be done during the dry season and after the breeding
10 season. But yeah, as soon as the nearby grass -- the
11 nearby areas have been restabilized, the silt fence
12 should be pulled out as soon as prudent to allow for
13 migration in and out of that area.

14 MR. ERLING: Thank you.

15 CHAIRMAN KATZ: Mr. Emerick.

16 MR. EMERICK: Mr. Allan or Mr. Ryder, if
17 we ultimately face the decision that -- and come to the
18 conclusion that a portion of the line through either
19 Milford or Woodbridge has to go overhead, is it
20 reasonable to look at the existing right-of-way and try
21 and maximize the use of that right-of-way rather than
22 looking for a new overhead path?

23 MR. ALLAN: The question is if you have to
24 use an overhead route, are there areas where you could

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1 maximize? I'm not sure --

2 MR. EMERICK: If you have to use an
3 overhead route, if you come to that conclusion that it
4 can't all be underground and some or all of it has to be
5 overhead through the two communities that you studied, is
6 it reasonable to look at the existing right-of-way to see
7 if you can maximize its use for this proposal?

8 MR. ALLAN: Well, I would certainly think
9 that it's better to use the existing right-of-way than to
10 create a new right-of-way if that's what you mean. I'm
11 not sure if that was your question or not.

12 MR. EMERICK: That's another way of
13 stating it. Thank you.

14 MR. ALLAN: You're welcome.

15 CHAIRMAN KATZ: Mr. Heffernan.

16 MR. HEFFERNAN: No questions.

17 CHAIRMAN KATZ: Mr. Murphy.

18 MR. MURPHY: No questions.

19 CHAIRMAN KATZ: Mr. Ashton.

20 MR. ASHTON: One question. Insofar as the

21 --

22 COURT REPORTER: Mr. Ashton.

23 MR. ASHTON: Thank you. Insofar -- were
24 you here just after lunch when Miss Bartosewicz described

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1 the ownership relationship?

2 MR. ALLAN: No sir, we were not.

3 MR. ASHTON: Oh, okay. Subject to your
4 checking, would you -- let's suppose this right-of-way
5 from East Devon up to Wallingford was an easement for --
6 an easement period --

7 CHAIRMAN KATZ: Owned by others --

8 MR. ASHTON: -- held by the Applicant --

9 CHAIRMAN KATZ: Or held by the Applicant -
10 -

11 MR. ASHTON: -- as opposed to a fee owned
12 parcel of land -- (coughing) -- the Council has a record
13 of --

14 CHAIRMAN KATZ: Wait a minute, don't you
15 mean just the opposite?

16 MR. ASHTON: I'm sorry?

17 CHAIRMAN KATZ: Don't you mean just the
18 opposite? An easement on somebody else's land versus
19 land --

20 MR. ASHTON: The easement is held by the
21 Applicant though.

22 CHAIRMAN KATZ: Okay.

23 A VOICE: No fee --

24 CHAIRMAN KATZ: No fee.

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1 MR. ASHTON: No fee.

2 CHAIRMAN KATZ: Okay.

3 MR. ASHTON: The Council has a record of
4 being pretty meticulous in terms of the preparation of
5 D&M plans, trying to minimize the impact of construction.
6 But the one thing in a case like this where it is an
7 easement owner -- or easement only -- is that the
8 residual property owner has something to say about which
9 this Council has absolutely no control. How does that
10 get factored into impacts where a developer can buy the
11 land abutting the right-of-way and then do what pretty
12 much they wanted with the easement so long as it didn't
13 violate the easement rights? They could cut all the
14 brush along a wet -- around a wetlands or what have you,
15 they could turn it into lawn. How does that factor in?

16 MR. ALLAN: Well if -- if a property owner
17 were to do that, he would have to obviously get a license
18 from the local wetlands commission to do that work if it
19 involved any work within the wetland or within the upland
20 review area. So I'm not sure that that's a valid
21 assumption.

22 MR. ASHTON: Well, I was just looking at
23 the -- at the -- I guess it's -- which one was it --
24 Volume 9 -- volume -- Volume 9 of 12, which is the 400

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1 scale maps, and that shows some of the abutting property
2 owners. And in many cases the right-of-way crosses
3 properties. I happen to have out Segment 35, there's
4 nothing magic about it, but I notice that to the -- I
5 guess it would be to the north of the Wilbur Cross
6 Parkway we have the Woodbridge Country Club and then
7 immediately north of that there is a Brook Wood Drive
8 where the property owners control -- where the right-of-
9 way has been subdivided and there's a Wetland No. 135 in
10 that area. Isn't -- is the Applicant fully in control of
11 the situation? You know, they can mitigate a lot of the
12 potential construction presumably, but what happens in
13 the long pull, visa via the residual property owner?

14 MR. ALLAN: Well, I assume the Applicant
15 is responsible for any work he does within that right-of-
16 way --

17 MR. ASHTON: Oh, absolutely --

18 MR. ALLAN: -- wetlands --

19 MR. ASHTON: -- right --

20 MR. ALLAN: -- any work that a resident
21 does within that right-of-way or adjacent to it if it
22 involves a regulated activity regarding wetlands or the
23 upland review area, would need to get permission from the
24 local wetlands commission.

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1 MR. ASHTON: Okay, thank you.

2 CHAIRMAN KATZ: Thank you. Mr. Wilensky.

3 MR. WILENSKY: I gather your
4 recommendation is a line through the Towns of Woodbridge
5 and Milford be put under -- the 345 line be put
6 underground?

7 MR. ALLAN: I'm not sure if our
8 recommendation. I think we simply state that it's our
9 opinion that there would be less of an impact to wetlands
10 and watercourses --

11 MR. WILENSKY: Well what --

12 MR. ALLAN: -- by doing an underground
13 route.

14 MR. WILENSKY: What do you recommend for
15 the existing 115 line?

16 MR. ALLAN: Again, we don't -- we aren't
17 making recommendations. We're stating what we believe
18 the impacts would be and which alternative may have
19 lesser impacts.

20 MR. WILENSKY: So you have nothing to say
21 as far as the existing 115 removal or placing that
22 underground, you have no -- you're not charged with that
23 opinion, is that right?

24 MR. ALLAN: That's correct.

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1 MR. WILENSKY: Okay, thank you very much.
2 Thank you, Madam Chairman.

3 CHAIRMAN KATZ: Mr. O'Neill.

4 MR. O'NEILL: Yes. First of all, I'd like
5 to know if all of the wetlands you identified were
6 already existing on the wetlands maps for these
7 townships?

8 MR. ALLAN: Yes.

9 MR. O'NEILL: Secondly, did you during the
10 course of your walks review the locations of the present
11 access roads for the existing line?

12 MR. ALLAN: Yes.

13 MR. RYDER: Yes.

14 MR. O'NEILL: Did you find that
15 environmental care was taken regarding the placement of
16 those access roads presently?

17 MR. ALLAN: Not necessarily. We noticed
18 that there were some existing access roads that are
19 currently being used that do traverse wetland areas.

20 CHAIRMAN KATZ: Is that anywhere near a
21 report of access roads you recommend would be moved, not
22 used any more?

23 MR. ALLAN: No, because we're not sure
24 what the alternatives are if you were to move them. I

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1 don't know that there are viable alternatives --

2 CHAIRMAN KATZ: Okay --

3 MR. ALLAN: -- because there's some spans
4 between poles where it's all wetlands, so we don't make
5 those recommendations. We just basically sited where we
6 found those access-ways within the wetlands.

7 MR. O'NEILL: Did you anywhere during your
8 review process note where those access roads are located?

9 MR. ALLAN: I believe -- again if you
10 refer to the tables in the back of our Environmental
11 Impacts Assessment, the -- 1, 2, 3 -- the fourth column
12 over it says access road and then there are X'd out marks
13 within the boxes, and if you read to the left, it will
14 give you the segment number and it will give you the pole
15 numbers between which that access runs. So if you were
16 to use Volume 11, the aerial photos, and refer to this
17 table, you could -- you could see where those are.

18 MR. O'NEILL: Are you suggesting that the
19 best approach to all of these wetlands would be
20 horizontal drilling underneath them?

21 MR. ALLAN: No, sir.

22 MR. O'NEILL: Are you suggesting that
23 there's room within the existing right-of-way to do
24 horizontal drilling around them?

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1 MR. ALLAN: No, we did not.

2 MR. O'NEILL: Are you suggesting a new
3 right-of-way is needed?

4 MR. ALLAN: No. No. We're saying that if
5 the overhead line was to go within the right-of-way as
6 proposed, these would be the impacts. And if an
7 alternative underground route along public roads were
8 chosen, then there would be less wetland and watercourse
9 impacts.

10 MR. O'NEILL: Thank you.

11 CHAIRMAN KATZ: Thank you. Mr. Lynch.

12 MR. LYNCH: No questions.

13 CHAIRMAN KATZ: One follow-up question.
14 Have you gentlemen had an opportunity to see any post-
15 construction on transmission lines?

16 MR. ALLAN: Recent? I don't know what you
17 mean by post-construction.

18 CHAIRMAN KATZ: Have you had an
19 opportunity to visit a transmission line right-of-way
20 where there was recent construction to see what the
21 impacts of that construction was?

22 MR. RYDER: I have not.

23 MR. ALLAN: No.

24 CHAIRMAN KATZ: Okay. Because I was going

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1 to ask you want the Top 10 faux pas are in transmission
2 line construction, but we'll hold that. Okay. I believe
3 that concludes cross-examination of these witnesses.

4 MR. McDERMOTT: (Indiscernible) -- just
5 one point --

6 CHAIRMAN KATZ: Yes. I was going to offer
7 the Towns' redirect, but we'll take your point.

8 MR. McDERMOTT: Okay. I just wanted to
9 make it clear that the Council understood that the 5.5
10 miles that was being referenced as the length of the
11 project in Milford is a combination of overhead and
12 underground.

13 CHAIRMAN KATZ: Thank you for that
14 clarification. Does the Town have any redirect?

15 MS. KOHLER: I -- the City of Milford does
16 not.

17 MR. FRANK: The Town of Woodbridge does
18 not, although I just want to make sure that I'm clear on
19 my homework assignments and that, Madam Chairman, your
20 homework assignments have been answered. It's my
21 recollection from Tuesday's environmental discussion that
22 one of the things that you wanted an answer on was kind
23 of a big picture, a 30,000 foot level --

24 CHAIRMAN KATZ: Yes --

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1 MR. FRANK: -- was the amount of wetlands
2 on a linear basis in Woodbridge --

3 CHAIRMAN KATZ: Right, on a high level.

4 MR. FRANK: On a high level. And I
5 believe those questions have been answered. I just want
6 to make sure they've been answered to your satisfaction
7 and that there's not additional information that you want
8 from these witnesses?

9 CHAIRMAN KATZ: My only problem is it's
10 hard to tell from this chart where one wetland ends and
11 the next one begins. So if we could have the cloud or
12 the bubble on that same map. Yes, Mr. Ryder?

13 MR. RYDER: I would like to change my
14 answer to your last question about any construction
15 impacts.

16 CHAIRMAN KATZ: Yes.

17 MR. RYDER: I limited my answer to post-
18 construction. However, I was present during the
19 construction of a -- well, actually I was not present,
20 but members of my former company when I was employed
21 there were, and the biggest problem we had was that the
22 construction equipment was not aware of the wetland
23 boundaries --

24 CHAIRMAN KATZ: And how does --

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1 MR. RYDER: -- and we had to fly back up
2 to that area and physically stand there and tell them
3 where and where not. I'm not condoning that in every
4 instance --

5 CHAIRMAN KATZ: Yes --

6 MR. RYDER: -- but I'm saying that that
7 was an occurrence that I was aware of.

8 CHAIRMAN KATZ: Okay. Because there was
9 inadequate flagging or they just went where they wanted -
10 -

11 MR. RYDER: Well in one case they ignored
12 the flag, they didn't know what it was --

13 CHAIRMAN KATZ: Right --

14 MR. RYDER: -- and in the other case it
15 was the flagging had been removed. It had been about,
16 you know, six months to a year and flagging had been
17 removed, and we had to go back up and reflag and stand
18 there.

19 CHAIRMAN KATZ: Big boys with big toys.

20 MR. LYNCH: Mr. Ryder, where was this
21 project?

22 MR. RYDER: That was -- it was a CEIC
23 right-of-way in Northeast Ohio.

24 CHAIRMAN KATZ: Mr. Frank, anything else?

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1 MR. FRANK: No.

2 CHAIRMAN KATZ: Okay. So we're going to
3 get the -- ideally, I'd like to get the same map the
4 Applicant is drawing their bubbles on to have your people
5 draw their bubbles or clouds or whatever we're calling
6 them, okay, this high level wetland identification.

7 MR. FRANK: The same map -- is there a
8 specific map that you're referring to, so that --

9 CHAIRMAN KATZ: Right, we asked for the
10 big route map -- you know, we have sheet 1 of 2 --

11 MR. FRANK: Okay --

12 CHAIRMAN KATZ: -- that we were going to
13 do that, it's the high level, if we could all be using
14 the same --

15 MR. FRANK: I will commit to work with --

16 CHAIRMAN KATZ: Yes --

17 MR. FRANK: -- Bruce and Brian to see if
18 we can get that together.

19 CHAIRMAN KATZ: Okay. Any others on these
20 witnesses? Thank you.

21 MR. FRANK: Thank you

22 CHAIRMAN KATZ: Other procedural matters
23 before we adjourn today? Mr. Fitzgerald?

24 MR. FITZGERALD: Yeah, I have a -- I don't

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1 know if this needs to be on the record, but I would like
2 to have a discussion with the Chair and --

3 CHAIRMAN KATZ: A post-hearing conference?

4 MR. FITZGERALD: -- while the lawyers are
5 still here --

6 CHAIRMAN KATZ: Okay, we can have a --

7 MR. FITZGERALD: -- to continue the
8 earlier discussion --

9 CHAIRMAN KATZ: We can have an attorneys
10 post-hearing conference, that's no problem.

11 Any other procedural matters? Now we are
12 regrouping on June 15th back here. The subject of Tuesday
13 is under-grounding. Correct, Mr. Phelps.

14 MR. PHELPS: Correct.

15 CHAIRMAN KATZ: Wednesday is going to be
16 EMF cleanup and DOT.

17 MR. PHELPS: Thursday is --

18 CHAIRMAN KATZ: Thursday is cleanup.

19 MR. PHELPS: -- (indiscernible) --

20 CHAIRMAN KATZ: And the prefiled date for
21 that is very shortly.

22 MR. PHELPS: Madam Chair, the prefiled
23 date for the hearing session that will run June 15, 16
24 and 17 is June 7th.

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1 CHAIRMAN KATZ: Yes. And we -- I think
2 we've asked Segments 3 and 4 if they have anything else
3 to tell us, to do it those days. Okay.

4 So we are adjourned and we will have a
5 post-hearing conference in -- 308?

6 MR. PHELPS: 308.

7

8 (Whereupon, the hearing adjourned at 4:30
9 p.m.)

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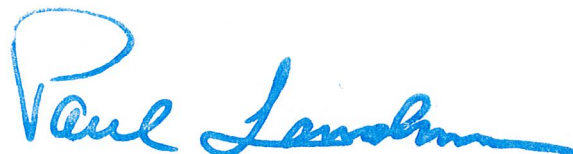
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CERTIFICATE

I, Paul Landman, a Notary Public in and for the State of Connecticut, and President of Post Reporting Service, Inc., do hereby certify that, to the best of my knowledge, the foregoing record is a correct and verbatim transcription of the audio recording made of the proceeding hereinbefore set forth.

I further certify that neither the audio operator nor I are attorney or counsel for, nor directly related to or employed by any of the parties to the action and/or proceeding in which this action is taken; and further, that neither the audio operator nor I are a relative or employee of any attorney or counsel employed by the parties, thereto, or financially interested in any way in the outcome of this action or proceeding.

In witness whereof I have hereunto set my hand and do so attest to the above, this 11th day of June, 2004.



Paul Landman
President

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