

ORIGINAL

STATE OF CONNECTICUT

SITING COUNCIL

\* \* \* \* \*

CONNECTICUT LIGHT & POWER COMPANY \*  
AND UNITED ILLUMINATING COMPANY \*

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 \*

\* \* \* \* \*

JUNE 17, 2004  
(10:07 A.M.)

DOCKET NO. 272

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SITING COUNCIL

BEFORE: COLIN C. TAIT, ACTING CHAIRMAN

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AN INTERVENOR, NORWALK ASSOCIATION OF SILVERMINE  
HOMEOWNERS

A PARTY, ROBERT W. MEGNA, STATE REP. 97<sup>th</sup> DISTRICT

AN INTERVENOR, MARY G. FRITZ, STATE REP. 90<sup>th</sup>  
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AN INTERVENOR, RAYMOND KALINOWSKI, STATE REP. 100<sup>th</sup>  
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AN INTERVENOR, JOHN E. STRIPP, STATE REP. 135<sup>th</sup>  
DISTRICT

AN INTERVENOR, WILLIAM ANISKOVICH, STATE REP.  
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AN INTERVENOR, JOSEPH CRISCO, JR., STATE REP.  
17<sup>th</sup> SEN. DISTRICT

AN INTERVENOR, LEONARD FASANO, STATE REP.  
34<sup>th</sup> SEN. DISTRICT

HEARING RE: CL&P and UI  
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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 17, 2004 at 10:07 a.m., at which time the parties  
8 were represented as hereinbefore set forth . . .

9  
10  
11  
12  
13 VICE CHAIRMAN COLIN C. TAIT: I'd like to  
14 call this hearing to order this morning.

15 For the first order of business we have --  
16 I'd like to identify two people who are working with  
17 KEMA, Mr. Willem Boone would you please stand up and  
18 Johan Enslin. And we'll have resumes for them available  
19 to you shortly.

20 We will -- the first order of business is  
21 Dr. Ginsberg. I guess take a microphone.

22 MR. JOHN HAINES: Dr. Ginsberg has been  
23 sworn I understand.

24 VICE CHAIRMAN TAIT: You've been sworn?

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1 DR. GARY GINSBERG: I -- yes, I've been --  
2 is this working?

3 A VOICE: Yes.

4 DR. GINSBERG: Yes, I've been sworn. And  
5 I appreciate this opportunity to chime in with some  
6 comments from what I've seen in the last couple of days  
7 and weeks of being here. I've learned a lot and have  
8 certainly benefited from the discussions.

9 And I just have three points that I'd like  
10 to go over that I think may help the Siting Council see  
11 the Department of Public Health's perspective on some of  
12 the issues that have come up. And I have multiple  
13 copies. I made 30 copies just in case anybody wants to  
14 have it in front of them now or later on.

15 VICE CHAIRMAN TAIT: Okay.

16 DR. GINSBERG: So if you --

17 VICE CHAIRMAN TAIT: Wait a second until  
18 we distribute them.

19 DR. GINSBERG: Oh, sure.

20 (Pause)

21 VICE CHAIRMAN TAIT: Dr. Ginsberg, would  
22 you like to have this written statement speak for you and  
23 just answer questions about it or would you like to make  
24 an oral statement in addition?



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1 DR. GINSBERG: No, I think I'll just read  
2 from it --

3 VICE CHAIRMAN TAIT: Okay --

4 DR. GINSBERG: -- and maybe short-circuit  
5 one or two places where there's a quote from a paper and  
6 I don't need to read the whole quote.

7 VICE CHAIRMAN TAIT: Then let's put a  
8 number on this. Fred, what would the number be -- or we  
9 can figure that out?

10 MR. FRED O. CUNLIFFE: Yeah, I'm going to  
11 have to look at my program, yeah.

12 VICE CHAIRMAN TAIT: Okay.

13 MR. HAINES: Is this prefiled testimony?

14 VICE CHAIRMAN TAIT: This is prefiled  
15 right now.

16 MR. CUNLIFFE: If I recall, it will be No.  
17 7.

18 VICE CHAIRMAN TAIT: Subject to  
19 correction, we'll call it --

20 MR. CUNLIFFE: Subject to correction, yeah  
21 --

22 VICE CHAIRMAN TAIT: -- No. 7, yes.

23 (Whereupon, Siting Council Exhibit No. 7  
24 was receive into evidence.)

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1 VICE CHAIRMAN TAIT: Why don't you read  
2 it, Dr. Ginsberg.

3 DR. GINSBERG: Okay, thank you.  
4 Supplemental testimony regarding potential health effects  
5 of EMF submitted to the Connecticut Siting Council June  
6 17<sup>th</sup>, submitted by Gary Ginsberg.

7 The purpose of this supplemental testimony  
8 is to provide the record with additional information in  
9 three areas that have come up repeatedly since DPH's  
10 initial testimony in May. The three areas are (1) the  
11 weight of evidence provided by the UK study, (2) the  
12 relative importance of residential EMF exposure from  
13 local sources, such as household appliances, versus  
14 exposure from fields emanating from power lines, and (3)  
15 possible concern over transients or harmonics that might  
16 not be removed if a split phasing approach were used to  
17 control EMF levels.

18 Okay, regarding the first point, the  
19 United Kingdom study is a large well conducted  
20 examination of the potential link between EMF and  
21 childhood leukemia with the citations from the years 1999  
22 and 2000. It found no association between EMF exposures  
23 and childhood leukemia. This finding is not very  
24 different from other studies, which also did not find an

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1 association because in those studies, whether original  
2 study or META analysis, the lower ranges of exposure were  
3 not associated with increased disease, while only in the  
4 highest exposure category was there a possible link. The  
5 UK study's negative findings are most robust for the low  
6 exposure categories in which there are 66 or more  
7 children per category when combining across cases and  
8 controls. In contrast, and here's the main point, the  
9 high-end exposure category, which is greater than or  
10 equal to 4 milligauss, had only 17 children. This is out  
11 of a total of 45 -- over 4500 children in the study, with  
12 a vast majority of children, over 4100, in the low  
13 exposure category, which is less than or equal to 1  
14 milligauss. Thus, this study has very little statistical  
15 power to test whether exposures over 4 milligauss are  
16 associated with an increased risk of childhood leukemia.

17 It is noteworthy that in the META analyses of Greenland  
18 and Ahlbom both have found a leukemia/EMF association  
19 when pooling data across numerous studies, an approach  
20 which provides sufficient power to begin to assess this  
21 relationship.

22 The lack of power of the UK study is  
23 further indicated by its small influence in the META  
24 analysis of Ahlbom and Wartenberg. When these authors

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1 excluded the UK study -- and this is a typical approach  
2 in META analyses, you want to see whether there's one  
3 study that's particularly influential versus all the  
4 others to under what's contributing to your risk  
5 estimates -- when you excluded the UK study, it had very  
6 little influence on the overall odds ratio, suggesting  
7 that again because of the small number of children in the  
8 high exposure group, that it doesn't add a lot of  
9 statistical weight.

10 The authors of the UK study themselves  
11 acknowledge its limited power by stating -- and I have a  
12 couple of quotes here in my written -- the full quotes  
13 are here -- but just in acknowledging that it doesn't add  
14 a lot of power or information about the greater than 4  
15 milligauss range and also that there were very few  
16 children that were living close to power lines in their  
17 studies, so that they really can't comment on those high  
18 more intense exposures. And I give the page numbers for  
19 those quotes so you can, you know, have a full look at  
20 those later. I'm just trying to save some time.

21 This problem of low statistical power to  
22 detect EMF effects seems to be common to a number of  
23 European as opposed to North American studies due to  
24 generally lower EMF exposures in Europe. And some of

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1 your panelists from Europe may be able to instruct the  
2 Siting Council more on this. I can only go by what I  
3 read in the Greenland study, which they point out the  
4 distributions in North American studies tend to be -- and  
5 this is power distributions -- tend to much higher than  
6 those in the European studies, probably reflecting  
7 differences in power systems, for example more overhead  
8 wires and lower household voltage in North America, per  
9 capita electricity consumption and grounding practices  
10 which are different between North America and Europe.

11 So overall, our perspective on the UK  
12 study that is informed by these considerations is that  
13 while it is an overall and excellent study, it lacked the  
14 power to test whether childhood leukemia could be  
15 associated with EMF exposures that occur when living  
16 close to a power line, for example 4 milligauss and over.

17 However, this is exactly the question we are confronted  
18 with in the current application. Therefore, the UK study  
19 while valuable in a general sense, is not as useful as  
20 the larger pooled META analysis data sets. Given the  
21 suggestive positive findings for exposures above 3 or 4  
22 milligauss in the Greenland and Ahlbom META analyses, DPH  
23 finds that a prudent avoidance is warranted in this  
24 uncertain zone above 3 milligauss, which that is not new,

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1 that just reiterates our position we've already put on  
2 the record.

3 Okay, regarding local EMF within the home  
4 versus power field -- power line EMF sources, there's  
5 much uncertainty as to which type of EMF exposure might  
6 be most relevant to leukemia, whether it's acute high  
7 dose exposure versus average low -- time weight average  
8 type exposure. Short-term peak exposures may be of  
9 greatest concern if the cancer mechanism -- and we're  
10 assuming EMF does cause cancer when I'm talking about  
11 this now -- if the EMF cancer mechanism involves a  
12 threshold. The recent study evaluating DNA damage and  
13 EMF exposure in rats by Lei and Singh 2004 -- and that's  
14 already on the record a couple of times -- suggests that  
15 the mechanism may involve free radicals. This mechanism  
16 would be consistent with the threshold since there are  
17 cellular defenses against free radicals and these  
18 defenses would need to be overcome -- in other words, the  
19 dose would have to be high enough for DNA damage to  
20 occur. Peak exposures around the home may occur when a  
21 child sits and plays near a refrigerator, a washing  
22 machine, a computer, or other home appliance. These  
23 peaks may not on their own be sufficient to overcome  
24 cellular defenses. However, a possibility is that if one

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1 begins with a high baseline exposure due to nearby power  
2 lines and then adds to this exposure that which comes  
3 from appliances in the home, the additive EMF levels may  
4 be more likely to exceed cellular thresholds and lead to  
5 genetic effects. Given that the toxicological effects of  
6 EMF are still under investigation, this hypothesis is  
7 speculative. However, it is based upon the very  
8 plausible and rather obvious assumption that adverse  
9 effects from EMF would be increased by the additive  
10 effect of EMF from power lines together with EMF from in-  
11 home appliances.

12           Decreasing children's EMF exposures from  
13 in-home appliances would be a complex and difficult  
14 public education and communication task with no guarantee  
15 of success in changing personal behaviors. In other  
16 words, it might be hard to instruct parents to keep their  
17 kids away from such appliances. You can't trust that  
18 kind of behavior modification. Therefore, controlling  
19 the external fields entering homes may be the best  
20 approach to minimizing children's EMF exposures if the  
21 Council in the long-run does deem that that prudent  
22 avoidance is warranted.

23           And finally, the split phasing versus  
24 distance issue and which is the best way to try to

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1 achieve a prudent avoidance type approach. Increasing  
2 the buffer zone to potential receptors is a guaranteed  
3 way to lower EMF exposure. However, technological  
4 approaches such as split phasing may also have a benefit,  
5 and in certain cases may be more practical. The concern  
6 has been raised that split phasing may succeed in  
7 lowering milligauss readings on average but may not avoid  
8 peak exposures due to transient or harmonic currents.  
9 DPH does not have the expertise to judge the likelihood  
10 that this could occur. During the course of these  
11 hearings there has been a lack of actual measurement data  
12 documenting the effectiveness of split phasing and  
13 lowering EMF. Therefore, it may be prudent for the  
14 Siting Council to request a limited field trial of split  
15 phasing that would take place over the course of days to  
16 weeks of power transmission. This may determine whether  
17 split phasing is a consistent and reliable EMF reduction  
18 method or whether there are transient episodes of higher  
19 fields. Such a study may provide a greater comfort level  
20 to all parties.

21 And just to follow up, I assume that there  
22 would be post-construction if this split phasing is put  
23 in place. Post-construction confirmatory sampling, one  
24 may want to get some, you know, pilot data before one



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1 gets to that level of final implementation before one  
2 would go that far with split phasing if there are  
3 legitimate questions about it.

4 VICE CHAIRMAN TAIT: I'll go through the  
5 list. Does the Applicant have questions of Dr. Ginsberg?

6 MS. LINDELL RANDELL: Mr. Tait, as you  
7 know, Mr. -- Dr. Bailey is not here today. I'd like to  
8 reserve on behalf of the Applicants.

9 VICE CHAIRMAN TAIT: Do other applicants -  
10 - or other intervenors and parties wish to also -- would  
11 they prefer to cross-examine now or have Dr. Ginsberg  
12 back for cross-examination? Can I hear from the Towns'  
13 attorneys?

14 MR. DAVID BALL: I have no problem with  
15 Attorney Randell's suggestion.

16 COURT REPORTER: Your name please.

17 MR. BALL: David Ball for the Town of  
18 Woodbridge.

19 VICE CHAIRMAN TAIT: You're welcome to ask  
20 questions now if you -- if that's what you'd like.

21 MR. BALL: No, I don't believe that we  
22 have questions now. If the Applicant chooses to cross-  
23 examine at a later date, then we certainly would as well.

24 VICE CHAIRMAN TAIT: I think it might be

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1 wise for everybody to go home and look at this,  
2 particularly the suggestion of a field study, and if the  
3 Applicant could respond to that. I don't know when we'll  
4 get back to him, but this is the last day of this set of  
5 hearings.

6 MS. RANDELL: We did catch that and I  
7 thought we'd probably address that in July.

8 VICE CHAIRMAN TAIT: Okay.

9 MS. RANDELL: I do have a question however  
10 just on what Dr. Ginsberg said versus what's in the  
11 paper.

12 VICE CHAIRMAN TAIT: Okay.

13 MS. RANDELL: One of our people, Mr.  
14 Zaklukiewicz, who is a much better reader than I am,  
15 suggests that in Line 4, the first numbered paragraph, we  
16 believe you said other studies which did not find an  
17 association, whereas the written document says which did  
18 find an association. We just need to be clear on what  
19 was intended?

20 DR. GINSBERG: Oh, yeah, I meant to say  
21 which did find an association.

22 MS. RANDELL: Which did find?

23 DR. GINSBERG: Yes. Thank you for that  
24 correction.

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1 MS. RANDELL: So it's right in writing.  
2 And if you said not, the transcript will just reflect --  
3 DR. GINSBERG: Right --  
4 MS. RANDELL: -- now that you didn't  
5 intend to --  
6 DR. GINSBERG: The way it's written is  
7 accurate.  
8 MS. RANDELL: Okay, thank you.  
9 VICE CHAIRMAN TAIT: Any other questions  
10 for Dr. Ginsberg? Not cross-examination but on what he  
11 did say? Council or Fred, anybody?  
12 MR. PHILIP T. ASHTON: I have --  
13 MR. CUNLIFFE: No.  
14 MR. ASHTON: I have -- I have one  
15 question.  
16 VICE CHAIRMAN TAIT: Phil.  
17 MR. ASHTON: In numbered item --  
18 COURT REPORTER: A microphone please.  
19 MR. ASHTON: Thank you --  
20 MR. GERALD J. HEFFERNAN: Can't you get  
21 that right --  
22 MR. ASHTON: After 40 days of hearings,  
23 you would think I would. In numbered paragraph 3 on the  
24 third page, the fifth line, the words at the end of the

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1 line talking about split phasing say but may not avoid  
2 peak exposures due to transient or harmonic currents.  
3 Can you help me out with what the basis for that is?

4 DR. GINSBERG: That is based upon some of  
5 the concerns that I heard from some of the other parties  
6 to the hearings I believe yesterday, who raised the issue  
7 that we don't know exactly about this technology, that --  
8 I mean it may reduce milligauss readings but that there  
9 may be electrical pulses that are not fully cancelled out  
10 was what I was -- what I was picking up. And since we at  
11 the health department don't really know the physics of  
12 this and haven't seen data that confirms that these types  
13 of concerns would be fully addressed by split phasing,  
14 we're just looking for some confirmatory data.

15 MR. ASHTON: Okay, you're simply repeating  
16 your understanding of what you heard rather than based on  
17 knowledge specifically, is that fair?

18 DR. GINSBERG: We don't have specific  
19 knowledge about that, that's correct.

20 MR. ASHTON: Okay.

21 VICE CHAIRMAN TAIT: Thank you, Dr.  
22 Ginsberg. I guess we'll see you in July.

23 DR. GINSBERG: Right. Just give us some  
24 lead time on the date.

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1 VICE CHAIRMAN TAIT: Yes. I guess ISO New  
2 England it's your call.  
3 MR. ANTHONY MACLEOD: Are we on, sir?  
4 VICE CHAIRMAN TAIT: You're on.  
5 MR. MACLEOD: Okay.  
6 VICE CHAIRMAN TAIT: Okay, where is ISO  
7 New England --  
8 A VOICE: Page --  
9 VICE CHAIRMAN TAIT: What page?  
10 A VOICE: 22.  
11 VICE CHAIRMAN TAIT: Page 22.  
12 (Pause)  
13 COURT REPORTER: Can you have the  
14 witnesses reintroduce themselves.  
15 VICE CHAIRMAN TAIT: Mr. MacLeod, have all  
16 of your witnesses been sworn?  
17 MR. MACLEOD: No, they have not, Mr.  
18 Chairman.  
19 VICE CHAIRMAN TAIT: Why don't we do that  
20 first --  
21 MR. MACLEOD: We have a new witness.  
22 VICE CHAIRMAN TAIT: Yeah. Why don't we -  
23 - which ones -- which is the new witness?  
24 MR. MACLEOD: I'd like to introduce David

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1 Hackwell of PB Power.

2 VICE CHAIRMAN TAIT: Okay.

3 COURT REPORTER: Before they're sworn,  
4 could you have them state their names.

5 MR. MACLEOD: Certainly. Starting from my  
6 left would each of you please identify yourselves.

7 MR. RICHARD KOWALSKI: Richard Kowalski.

8 COURT REPORTER: Spell your last name  
9 please.

10 MR. KOWALSKI: K-o-w-a-l-s-k-i.

11 MR. STEPHEN WHITLEY: Stephen Whitley, W-  
12 h-i-t-l-e-y.

13 COURT REPORTER: Stephen with a p, right?

14 MR. WHITLEY: Yes.

15 VICE CHAIRMAN TAIT: And an H.

16 MR. DAVID HACKWELL: David Hackwell, H-a-  
17 c-k --

18 AUDIO TECHNICIAN: Mr. Hackwell, hold on a  
19 second --

20 MR. HACKWELL: -- w-e-l-l --

21 MR. MACLEOD: Wait just a second.

22 AUDIO TECHNICIAN: Would you mind  
23 repeating --

24 MR. HACKWELL: David Hackwell, H-a-c-k-w-

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1 e-1-1.

2 MR. HAINES: He's the new witness?

3 VICE CHAIRMAN TAIT: Yes.

4 MR. HAINES: Mr. Hackwell, would you  
5 please stand and raise your right hand please to be  
6 sworn.

7 (Whereupon, David Hackwell was duly sworn  
8 in.)

9 MR. HAINES: Thank you. Be seated.

10 VICE CHAIRMAN TAIT: Mr. MacLeod, would  
11 you prepare some little cheat sheets for names so that we  
12 know who we're talking to that the other folks have  
13 supplied us with -- not immediately, but maybe somebody  
14 could --

15 MR. MACLEOD: Yes, I'll ask -- by talking  
16 into the microphone, I'll ask the ISO folks in the back  
17 if they would please find something to bend in half and  
18 put the names of each witness on --

19 VICE CHAIRMAN TAIT: Thank you --

20 MR. MACLEOD: -- and display them in front  
21 of you.

22 VICE CHAIRMAN TAIT: I have a bunch of  
23 numbered exhibits in front of me. I think we're down to  
24 No. 8, is that true --

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1 MR. MACLEOD: I believe we are --

2 VICE CHAIRMAN TAIT: -- and 9.

3 MR. MACLEOD: Exhibit No. 8, which I'd  
4 like to offer for identification is the Supplemental  
5 Prefiled Testimony of Mr. Whitley dated June 7, 2004.

6 VICE CHAIRMAN TAIT: We'll number that No.  
7 8 for identification.

8 MR. MACLEOD: The next item is the resume  
9 of David Hackwell.

10 VICE CHAIRMAN TAIT: And we'll number that  
11 No. 9 for identification.

12 MR. MACLEOD: The next item would be the  
13 PB Power Report, which is entitled Engineering Services  
14 Transients/Harmonics Study Review Southwestern  
15 Connecticut Reliability Project Final Report, 15 June  
16 2004.

17 VICE CHAIRMAN TAIT: That will be No. 10.

18 MR. MACLEOD: And the final item is a  
19 homework item and I'm not sure that the Council has it.  
20 I'll distribute it -- it's on the table there. It's a  
21 homework assignment which complies with your request that  
22 we let you know what underground facilities in New  
23 England have received cost socialization.

24 VICE CHAIRMAN TAIT: Do you want to



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1 distribute those now or --

2 MR. MACLEOD: I will do that.

3 VICE CHAIRMAN TAIT: Yeah.

4 (Pause)

5 VICE CHAIRMAN TAIT: Mr. Johnson --

6 MR. MACLEOD: I will send them around.

7 MR. BRUCE JOHNSON: Okay. Hi. Bruce

8 Johnson for the OCC. I just wanted to verify that copies

9 of the underground in New England exhibit that was just

10 mentioned will be available to those participating in the

11 docket.

12 VICE CHAIRMAN TAIT: Of course.

13 MR. MACLEOD: They certainly will.

14 MR. JOHNSON: Thank you.

15 MR. MACLEOD: And I apologize for the fact

16 that they have not been distributed yet.

17 VICE CHAIRMAN TAIT: I guess we're due to

18 verify Exhibits 8 through 11.

19 MR. MACLEOD: Okay. Mr. Whitley, do you

20 have in front of you the document marked for

21 identification No. 8, which would be your supplemental

22 prefiled testimony?

23 MR. WHITLEY: Yes, dated June the 7<sup>th</sup>,

24 correct.

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1 MR. MACLEOD: And is that testimony which  
2 you prepared or caused to be prepared?

3 MR. WHITLEY: Yes.

4 MR. MACLEOD: And are you familiar with  
5 the facts alleged in that testimony?

6 MR. WHITLEY: Yes, I am.

7 MR. MACLEOD: And to the best of your  
8 knowledge and information are they true and accurate?

9 MR. WHITLEY: Yes.

10 MR. MACLEOD: And would you like to adopt  
11 that as your testimony, supplemental testimony in this  
12 proceeding and offer it as an exhibit?

13 MR. WHITLEY: Yes, I would.

14 MR. MACLEOD: I would offer that as a full  
15 exhibit.

16 VICE CHAIRMAN TAIT: Hearing no objection,  
17 it's a full exhibit.

18 (Whereupon, ISO New England Exhibit No. 8  
19 was received into evidence as a full exhibit.)

20 MR. MACLEOD: Mr. Hackwell, do you have a  
21 professional resume that you have submitted in front of  
22 you there?

23 MR. HACKWELL: Yes, I do.

24 MR. MACLEOD: Okay. And that is your

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1 professional resume and it's true and accurate to the  
2 best of your knowledge?

3 MR. HACKWELL: It is, yes.

4 MR. MACLEOD: Okay. And would you like to  
5 offer that as an exhibit in this proceeding?

6 MR. HACKWELL: I would yes.

7 MR. MACLEOD: Okay.

8 VICE CHAIRMAN TAIT: Hearing no objection,  
9 I will admit Exhibit 9.

10 (Whereupon, ISO New England Exhibit No. 9  
11 was received into evidence as a full exhibit.)

12 MR. MACLEOD: And Mr. Hackwell, staying  
13 with you, have you prepared or caused to be prepared a  
14 report, which has been marked as Exhibit No. 10 --

15 VICE CHAIRMAN TAIT: 10.

16 MR. MACLEOD: -- in this proceeding?

17 MR. HACKWELL: Yes, I have.

18 MR. MACLEOD: Okay. And you are familiar  
19 with the contents of that report?

20 MR. HACKWELL: I am.

21 MR. MACLEOD: And would you like to  
22 sponsor that as an exhibit in this proceeding?

23 MR. HACKWELL: Yes, I would.

24 MR. MACLEOD: And Mr. Kowalski, have you

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1 prepared the item that is marked for identification as  
2 Exhibit No. 11 --

3 VICE CHAIRMAN TAIT: Why don't we finish  
4 off No. 10.

5 MR. MACLEOD: I'm sorry, did I not offer  
6 that?

7 VICE CHAIRMAN TAIT: Is there any  
8 objection to admitting --

9 MR. MACLEOD: I'm sorry --

10 VICE CHAIRMAN TAIT: -- Item No. 10 as a  
11 full exhibit? It's a full exhibit.

12 (Whereupon, ISO New England Exhibit No. 10  
13 was received into evidence as a full exhibit.)

14 MR. MACLEOD: I violated the Navajo rule.  
15 I apologize. (Laughter).

16 Mr. Kowalski, do you have in front of you  
17 the document which has been marked as Item No. 11 for  
18 identification, which is entitled ISO Interrogatory  
19 Summary Underground PTF Facilities?

20 MR. KOWALSKI: Yes.

21 MR. MACLEOD: And did you prepare or cause  
22 that to be prepared?

23 MR. KOWALSKI: Yes, I did.

24 MR. MACLEOD: And do you believe the

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1 contents of that are true and accurate to the best of  
2 your knowledge?

3 MR. KOWALSKI: Yes, I do.

4 MR. MACLEOD: And would you like to offer  
5 that as an exhibit in this proceeding?

6 MR. KOWALSKI: Yes, I would.

7 VICE CHAIRMAN TAIT: Hearing no objection,  
8 it will be full Exhibit No. 11.

9 (Whereupon, ISO New England Exhibit No. 11  
10 was received into evidence as a full exhibit.)

11 MR. MACLEOD: Thank you, Mr. Tait.

12 VICE CHAIRMAN TAIT: Is your panel ready  
13 for cross-examination?

14 MR. MACLEOD: Well, they are, but with  
15 your indulgence, I would like to have Mr. Whitley make a  
16 statement first, a brief statement just in the nature of  
17 opening things and then we can proceed.

18 VICE CHAIRMAN TAIT: Please proceed, Mr.  
19 Whitley.

20 MR. WHITLEY: Thank you, sir. ISO New  
21 England is here today because we are committed to working  
22 with the Siting Council and Connecticut stakeholders to  
23 develop a comprehensive long-term energy solution to  
24 reliability problems for Connecticut and the New England

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1 region.

2 This solution includes building both  
3 phases of the proposed 345-kV loop, but it is important  
4 to get the job done right. It must be technical  
5 feasible. These projects are needed to ensure a reliable  
6 supply of power not only for Connecticut but for all of  
7 New England. New England's system is interconnected.  
8 What happens in one area of New England can impact other  
9 areas. If Connecticut builds a new transmission loop  
10 with built-in reliability problems, it can have an impact  
11 on the regional system. With that in mind, we are  
12 raising reliability concerns about the specific  
13 configuration proposed by NU and UI for the second phase  
14 of the transmission project. ISO New England is mindful  
15 of the desire of the residents in Southwest Connecticut  
16 and the clear direction from the Legislature to put high  
17 voltage transmission lines underground. We also agree  
18 with the Legislature that transmission should not be  
19 placed underground if based on reliability considerations  
20 it would not be technically feasible. While ISO New  
21 England has certain concerns with the proposal before the  
22 Council, we are confident that these concerns do not  
23 preclude a solution that includes some underground  
24 transmission lines.

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1           The transmission projects in Southwest  
2 Connecticut represent the largest investment in energy  
3 infrastructure in all of New England. These projects  
4 need to serve New England and Connecticut residents and  
5 the region's economy reliably for years to come. With an  
6 estimated price tag of 800 million dollars for both  
7 phases, we want to make sure it will fix the problem.  
8 This configuration does not.

9           Time is a concern as a solution that we  
10 can all have confidence in. We are hopeful that we can  
11 work with the timeframe outlined by the Siting Council  
12 and reach a resolution for the end of the year. However,  
13 we would rather get it done right than get it done fast.

14       We do not believe a delay in the approval process would  
15 delay when the loop could be put into service. It takes  
16 far longer to construct an underground system than  
17 overhead lines. A transmission upgrade that is 40  
18 percent underground will take longer to construct, will  
19 be much more expensive, and may not provide the reliable  
20 electricity system that Connecticut residents and  
21 businesses expect and deserve. Thank you.

22           VICE CHAIRMAN TAIT: Fred, are you ready  
23 to start cross-examination?

24           MR. CUNLIFFE: Thank you, Chairman. Does

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1 the ISO perform its own transmission planning studies?

2 MR. WHITLEY: Yes, we do. And we do that  
3 in an open environment involving the participants, the  
4 transmission owners and the other stakeholders through  
5 the Transmission Expansion Advisory Committee, TEAC.

6 MR. CUNLIFFE: Have you done your own  
7 study on the proposed project, Phase 2?

8 MR. WHITLEY: We have done a number of our  
9 own studies involving load flow stability, short-circuit  
10 type analysis. The transient analysis that was done here  
11 was performed by GE for the Applicants, and we have  
12 reviewed those studies. And we have had our consultant  
13 from PB Power here review those studies for us.

14 MR. CUNLIFFE: What is the role of the ISO  
15 Southwest Connecticut Working Group and the significant  
16 of the comparison study?

17 A VOICE: Rich, you might want to --

18 MR. KOWALSKI: The Southwest Connecticut  
19 Working Group is a group that is chaired and directed by  
20 ISO. It's a task oriented group that's composed of ISO  
21 New England, Northeast Utilities and United Illuminating.  
22 It's more of task sharing, looking at the expertise from  
23 the groups. The Working Group functions to divvy up the  
24 work, to perform studies and -- the studies and the scope



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1 of the studies are directed and coordinated by ISO New  
2 England, discussed with the TEAC stakeholder advisory  
3 committee. So it's more of a work management effort,  
4 assembly report materials. That's the function of the  
5 group.

6 MR. CUNLIFFE: What's the consistent --  
7 what's -- what are the members of the group?

8 MR. KOWALSKI: The members of the group  
9 are ISO Transmission Planning staff senior member,  
10 Northeast Utilities Planning staff and UI Planning staff.  
11 There's no formal makeup.

12 MR. CUNLIFFE: Have those load flow  
13 studies and short-circuit studies been provided in this  
14 proceeding that Mr. Whitley just testified to?

15 MR. KOWALSKI: I believe that material has  
16 all been provided. The comparison study was submitted I  
17 believe earlier -- in earlier testimony.

18 MR. CUNLIFFE: Okay. If you could just  
19 check and identify that. Thanks.

20 MR. ASHTON: Just to help Mr. Cunliffe  
21 out, if I may, the load flow and short-circuit studies  
22 are not involved in any dispute -- they're not involved  
23 in any dispute, are they? So that everybody, ISO and the  
24 Applicants all are satisfied with the results of the load

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1 flow studies?

2 MR. KOWALSKI: Yes.

3 MR. WHITLEY: We certainly are, yes.

4 MR. ASHTON: Thank you.

5 MR. CUNLIFFE: In the comparison study  
6 there was some modeling dispatch scenarios that assumed  
7 Devon and the Milford units were simultaneously out of  
8 service. In addition to that, they also modeled that the  
9 New Haven Harbor unit would be out of service. Does ISO  
10 New England consider that an acceptable interpretation of  
11 the NEPOOL planning criteria?

12 MR. KOWALSKI: Yes. The -- all of the  
13 conditions that have been modeled from the beginning of  
14 the design of the study are consistent with the NEPOOL  
15 and NPCC planning criteria.

16 MR. CUNLIFFE: Would all the units  
17 operating in Southwest Connecticut alleviate the need of  
18 a 345-kV line if you had all the units operating?

19 MR. KOWALSKI: As a matter of fact, having  
20 all of the units operating is precluded by not having the  
21 project.

22 MR. CUNLIFFE: Thank you. Is other  
23 modeling dispatch scenarios applied like other utilities,  
24 similar to assuming more than one unit out?

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1 MR. KOWALSKI: Very typically the NPCC  
2 criteria is not that different from other regional  
3 criteria and it really centers around reasonably  
4 postulated unplanned and potentially scheduled outages in  
5 combination with known or anticipated potential risk  
6 conditions.

7 MR. CUNLIFFE: And do you expect the  
8 recent FERC decision on reliably must run units, the one  
9 issued on June 2, 2004 in response to the Devon filing,  
10 will provide an incentive to generation in Southwest  
11 Connecticut?

12 MR. WHITLEY: Well, let me -- let me  
13 answer that. I think the -- the incentives for new  
14 generation in Southwest Connecticut aren't being provided  
15 just by having must run contracts for existing units. So  
16 there are some market rules that are being investigated  
17 to put in a locational capacity market into New England,  
18 install capacity market. There are other market  
19 initiatives for putting in full reserve markets into the  
20 region that may provide some more incentive. But those  
21 must run contract orders to keep units alive simply are  
22 there to keep units alive and not to provide additional  
23 units into the system.

24 MR. CUNLIFFE: So you don't think this

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1 will provide an incentive?

2 MR. WHITLEY: No.

3 MR. CUNLIFFE: On page 5 of your  
4 testimony, line 105, it states FERC has recently given  
5 the ISO additional guidance on how to implement Schedule  
6 12C, directing the ISO that any costs incurred above  
7 these basic costs, which include the costs necessary to  
8 maintain safe, reliable, and adequate transmission  
9 infrastructure should be borne by the locality that will  
10 benefit from them. Based on your current understanding,  
11 what system configuration would conform basic costs?

12 MR. WHITLEY: Well, I don't have all of  
13 the information presented to me at this point. There's a  
14 process that this 12C calls for for the Applicants to  
15 bring forward data to show the costs of the proposal and  
16 the cost of the modifications that have been made to the  
17 proposal and why they're justified. The original  
18 proposal approved in RTEP was for two overhead 345-kV  
19 lines. So when the project actually comes back through  
20 the ISO and the NEPOOL Reliability Committee, the  
21 Applicants will bring forward facts to show why certain  
22 changes were made to the design, to demonstrate that  
23 those were technically feasible, and that here's the  
24 justification for those changes, here's the cost of those

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1 changes, here's why they're required, are they required  
2 for engineering reasons, and what are the costs of making  
3 that change. And at that point when the evidence is  
4 presented to us, we'll make a decision on what should be  
5 rolled in and what should not be rolled in.

6 MR. CUNLIFFE: What proposal was totally  
7 overhead?

8 MR. WHITLEY: The original plan in the  
9 RTEP that was approved in RTEP, the Regional Transmission  
10 Expansion Plan was for a 345-kV loop that was all  
11 overhead.

12 VICE CHAIRMAN TAIT: You're talking --  
13 you're talking about 217 -- Docket 217 and Docket 272?  
14 That's the plan you're talking about?

15 MR. MACLEOD: Well, I believe that Mr.  
16 Whitley is talking about the plan that was actually in  
17 RTEP-02. RTEP-02 is an exhibit in both of those dockets.  
18 But that was approved through the stakeholder process.

19 VICE CHAIRMAN TAIT: But those were in  
20 effect 217 and 272 all overhead?

21 A VOICE: Yes --

22 MR. ASHTON: Let's be specific. In 217  
23 the line went from Bethel Plumtree Substation to Norwalk.  
24 In this docket we're going from Norwalk to Devon to

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1 Middletown. And that -- all of those circuit sections  
2 were overhead in RTEP-02?

3 MR. KOWALSKI: That's correct.

4 VICE CHAIRMAN TAIT: That's what I was  
5 asking. So Phase 2 coming in or Docket 272 has not  
6 included some under-grounding which you didn't look at  
7 before --

8 A VOICE: Right --

9 VICE CHAIRMAN TAIT: -- or at least it  
10 wasn't looked at before.

11 MR. CUNLIFFE: Were those overhead  
12 proposals proposed by the individual utility in the  
13 territory or was that a general thought process that  
14 these proposals would be overhead?

15 MR. WHITLEY: Yeah, those were proposed by  
16 the Applicants at the time.

17 VICE CHAIRMAN TAIT: When did you first  
18 know that under-grounding was being proposed in Docket  
19 272? (Pause). I assume it was before 272 was filed last  
20 October?

21 MR. KOWALSKI: Shortly before the filing  
22 we were aware that the proposal had been made to put  
23 sections of the line underground.

24 VICE CHAIRMAN TAIT: Can you put a date on

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1 that?

2 MR. KOWALSKI: I -- I do not have an exact  
3 date --

4 VICE CHAIRMAN TAIT: The summer -- the  
5 summer of 2003?

6 MR. KOWALSKI: Somewhere between the  
7 summer and the fall.

8 VICE CHAIRMAN TAIT: Okay. At that point  
9 what did you do?

10 MR. KOWALSKI: At --

11 VICE CHAIRMAN TAIT: Did you write CL&P?  
12 Did you write NU? Did you write UI saying, hey, boys, we  
13 have doubts? Boys and girls.

14 MR. KOWALSKI: The -- well the approach we  
15 took was -- the information that we were getting from  
16 CL&P and UI at the time was it encountered some  
17 difficulty in the right-of-ways, and the preliminary  
18 estimate, cost estimates were suggesting that for some --  
19 for the sections that were being proposed, that it was  
20 comparable costs. So the approach we took was -- there  
21 were two things going on at the time. The first is we  
22 were reviewing the Phase 1 proposal, the Bethel to  
23 Norwalk section, in the -- what finally came out of the  
24 commission, to review the impact and each functionality.

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1 We then incorporated that into this revised  
2 overhead/underground plan for the Middletown to Norwalk  
3 section --

4 VICE CHAIRMAN TAIT: And when did that  
5 occur?

6 MR. KOWALSKI: That -- that would have  
7 been sometime in the summer/fall period that we began  
8 studying it to assure that the proposal would actually  
9 function, and to look at what refinements might have to  
10 be made in order to make it a functioning project.

11 VICE CHAIRMAN TAIT: And did you send any  
12 warning flag to CL&P and UI that you had doubts?

13 MR. KOWALSKI: At the time, we had -- the  
14 issues that we uncovered -- and I believe that we  
15 discussed these in our March testimony -- our earliest  
16 findings were because of the difference in the  
17 underground cable technology in parallel with the  
18 overhead, that we had lower capacity facilities, natural  
19 of underground, that more power naturally wanted to flow  
20 on. So we were finding that we had to mitigate, try and  
21 come up with means to buck the flow off these lines to  
22 try and get the whole 345-kV loop back into some kind of  
23 a balance without creating additional problems. So we  
24 spent a considerable amount of effort trying to do that



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1 in conjunction with trying to determine ways to now  
2 regulate voltage in the area over a wide period of time.

3 The introduction of the cables introduces a large amount  
4 of capacitance --

5 VICE CHAIRMAN TAIT: We realize that now -  
6 -

7 MR. KOWALSKI: Okay --

8 VICE CHAIRMAN TAIT: -- we have your  
9 report of June 7<sup>th</sup>. UI and CL&P said they had an hour's  
10 notice before they got that. The parties themselves had  
11 no notice until that same time. At this point we now are  
12 faced with ISO's statement that this won't work. I'm  
13 just amazed that we have to wait until June when you knew  
14 the problem back in the summer of 2003 and didn't work  
15 with CL&P and UI -- or did you?

16 MR. WHITLEY: Well, let me comment that  
17 the focus of our early studies and investigations were on  
18 the security aspects of the project, will it meet the  
19 needs, will it provide the power to the locations that  
20 it's needed in a reliable manner, will the voltage be  
21 maintained within criteria, will thermal overloads be  
22 prevented, will stability be maintained, and those are  
23 the focus of studies in these stages of the planning  
24 process. And when you get into issues of switching

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1 transients and harmonics, which have been uncovered under  
2 this later phase of design, those are studies that  
3 typically don't come up in front-end planning studies.  
4 And really we weren't aware of the significance of this  
5 problem until much later, until we really first started  
6 looking at the result of the GE --

7 VICE CHAIRMAN TAIT: When were you first  
8 aware of the problem?

9 MR. WHITLEY: When the GE studies came  
10 out.

11 VICE CHAIRMAN TAIT: Which is what date?

12 MR. WHITLEY: Rich?

13 MR. KOWALSKI: In the fall we became aware  
14 of the potential for the harmonics issue. And that's  
15 when we started exploring it. And we did refer to that  
16 also in our March testimony. We were still trying to  
17 enhance our understanding of the problem. As Steve  
18 points out, it's not normally an issue that needs to be  
19 dealt with in the primary planning of the system. It's -  
20 - typically harmonics and transients are typically a  
21 nominal concern that can be dealt with after the fact in  
22 engineering and design. As we developed our  
23 appreciation, explored the issue more fully is when we  
24 realized that we needed to pursue outside consultants in

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1 addition to our own review of the GE report. So we were  
2 aware that there was a concern. We continued our  
3 explorations. Unfortunately, the timing was such that  
4 the --

5 VICE CHAIRMAN TAIT: Well, you can  
6 understand the frustration of this Council and all  
7 parties as to your conclusions that arrive on our desk on  
8 June 7<sup>th</sup>. Mr. Ashton.

9 MR. WHITLEY: We -- we certainly, you  
10 know, wish we would have had a better understanding  
11 sooner than we did. I would point out though when we  
12 testified to this Council in March, both Rich and I  
13 testified that we had serious concerns about the level of  
14 under-grounding that had already been approved and that  
15 we were now talking about even more. We were really, you  
16 know, beginning to -- beginning to understand how serious  
17 this was, but really needed outside help to investigate  
18 it.

19 MR. ASHTON: Mr. --

20 COURT REPORTER: One moment please.

21 (Pause). Thank you.

22 MR. ASHTON: Mr. Whitley, ISO was a party  
23 to Docket 217, were they not?

24 MR. WHITLEY: Yes.

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1 MR. ASHTON: I'm sorry, I didn't hear.

2 MR. KOWALSKI: Yes --

3 MR. WHITLEY: Yes, we were.

4 MR. ASHTON: Did -- when did you -- did  
5 you read the final decision and descending opinion that  
6 came out of that?

7 MR. WHITLEY: Yes.

8 MR. ASHTON: Were there comments in that  
9 descending opinion that there was cause for concern over  
10 switching transients and over-voltages and things like  
11 that?

12 MR. WHITLEY: I don't recall. Do you  
13 recall?

14 MR. KOWALSKI: I don't recall.

15 MR. WHITLEY: We don't recall.

16 MR. ASHTON: When -- were you aware that  
17 the Applicant was filing for a significant underground  
18 portion in Docket 272?

19 VICE CHAIRMAN TAIT: I thought that  
20 testimony was the summer of 2003.

21 MR. WHITLEY: Right.

22 MR. ASHTON: And yet that didn't cause you  
23 to say stop everything and let's do something -- let's do  
24 some studies before we get irrevocably committed?

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1 MR. KOWALSKI: We immediately began, as  
2 Steve pointed out, focusing on the basic security and  
3 reliability analyses --

4 MR. ASHTON: What -- what comments did you  
5 have to the Applicant when that filing -- when you found  
6 that they were going to file with a Phase 1 underground?

7 MR. KOWALSKI: Well at that point our  
8 objective was to try and come up with a plan that would  
9 function. That was what we were trying to do --

10 MR. ASHTON: Did you tell the Applicant,  
11 whoa, we've got a problem potentially here, let's --  
12 let's stop and not proceed until we know what we're  
13 dealing with?

14 MR. KOWALSKI: Well, our -- again, the  
15 objective was -- we realized that we had --

16 MR. ASHTON: I understand your objective.  
17 I want to know what the action was?

18 MR. KOWALSKI: The action was to try and  
19 pursue the studies to make the plan work. We were not  
20 aware of the transient issues at the time.

21 MR. ASHTON: But wasn't that -- isn't that  
22 a red flag immediately when you see the amount of cable  
23 system that's being proposed?

24 MR. KOWALSKI: I suppose in retrospect it

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1 should have been. Our experience in New England, we have  
2 not had anywhere -- we have not been anywhere near this  
3 type of a problem --

4 MR. ASHTON: But you haven't had anywhere  
5 near this significant a cable system, have you?

6 MR. KOWALSKI: This is true.

7 MR. WHITLEY: Well, it's a combination of  
8 the cable system and the weak system in Southwest  
9 Connecticut, that the very reason we need infrastructure  
10 in Connecticut is because we have such a weak system.  
11 And when you integrate this much capacitance in a weak  
12 system, it's -- after working with our consultant, it's  
13 very difficult to mitigate. I think -- we had hopes  
14 working with the Applicants and doing those studies back  
15 in those months that mitigative actions could be  
16 developed --

17 MR. ASHTON: What --

18 MR. WHITLEY: -- that might solve this  
19 problem.

20 MR. ASHTON: Was the Applicant involved  
21 with the studies that I guess are embodied in Exhibit 10?

22 MR. KOWALSKI: No.

23 MR. ASHTON: Why not?

24 MR. KOWALSKI: The Applicant was involved

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1 in the General -- performed the General Electric study.  
2 Our effort really focused on our consultant reviewing the  
3 General Electric study and providing feedback to us.

4 VICE CHAIRMAN TAIT: Was CL&P aware that  
5 you had retained an independent person to review GE?

6 MR. KOWALSKI: They were not.

7 VICE CHAIRMAN TAIT: So they didn't know  
8 about the power study, that you had such significant  
9 things that you had asked for an independent review of  
10 GE? Did CL&P know you had retained PB Power to review  
11 their GE studies?

12 MR. KOWALSKI: No, they did not.

13 VICE CHAIRMAN TAIT: Why didn't you tell  
14 them? (Pause). We're having too much fun. Maybe we  
15 ought to back off and just get on with what you have put  
16 before us.

17 MR. HEFFERNAN: May I ask one question --

18 VICE CHAIRMAN TAIT: Yeah. Gerry and then  
19 --

20 MR. HEFFERNAN: The one question I have is  
21 -- as a member of the Council, I sit here and as the  
22 Applicant puts forth their application and we're going to  
23 come to some conclusions about the configuration, I've  
24 always had some confidence that we wouldn't reach a

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1 conclusion where there was no reliability. I mean the  
2 cost might be a factor. So if I'm hearing this  
3 correctly, you're saying that, gees, you better watch out  
4 reaching an agreement with the Applicant because even  
5 though they think it's reliable, it might not be?

6 VICE CHAIRMAN TAIT: Or because they think  
7 it's reliable and you don't think it's reliable, they  
8 can't go if it's your opinion it's not reliable.

9 MR. HEFFERNAN: Yeah.

10 VICE CHAIRMAN TAIT: It says -- on page 2  
11 it says upon notice by ISO that it's to not proceed.  
12 They can't do anything besides engineering studies. Have  
13 you sent them that notice now? Is your testimony of  
14 June 7<sup>th</sup> this notice to stop?

15 MR. WHITLEY: We have -- we have talked to  
16 them, yes.

17 VICE CHAIRMAN TAIT: No, no, your  
18 testimony says if the participants proposing transmission  
19 receives notice from ISO that it will have a significant  
20 adverse -- they must stop.

21 MR. WHITLEY: That's correct.

22 VICE CHAIRMAN TAIT: So you've just told  
23 them that.

24 MR. KOWALSKI: And they haven't -- they



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1 haven't pursued an application --

2 MR. WHITLEY: Explain it to them --

3 MR. KOWALSKI: The -- I believe you're  
4 referring to some of the terms in Section 18.4 of the  
5 NEPOOL agreement, which goes towards implementation. The  
6 -- the approach should be and would be that we've  
7 identified an issue, albeit late in the game, and we want  
8 to pursue working with the Applicant to find remedies --

9 VICE CHAIRMAN TAIT: I just look at page 2  
10 and 3 -- particularly page 3, Mr. Whitley, which it says  
11 may not proceed say for preliminary engineering work. I  
12 think we're well past preliminary engineering work.  
13 We've been at this for --

14 MR. WHITLEY: Well, the other thing that  
15 we have here is we have a moving target --

16 VICE CHAIRMAN TAIT: Yes --

17 MR. WHITLEY: -- we have a moving target.  
18 We talk about X miles of line and then the next week we  
19 talk about X plus Y miles of line, and then X plus Y plus  
20 Z miles of line --

21 VICE CHAIRMAN TAIT: But you're looking at  
22 the proposal that has 24 miles and that's always been in  
23 the application since last fall. That's not a moving  
24 target.

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1 A VOICE: Colin --

2 MR. MACLEOD: Mr. Chairman, perhaps --

3 (Multiple voices overlapping,  
4 indiscernible)

5 MR. HEFFERNAN: Are you saying that the  
6 Applicant would agree to do something if they weren't  
7 sure of the reliability of it?

8 MR. WHITLEY: I'm not -- I'm saying what  
9 we're - I'm not speaking for the Applicant at all --

10 MR. HEFFERNAN: Oh, okay, so --

11 MR. WHITLEY: -- I'm speaking for ISO New  
12 England --

13 MR. HEFFERNAN: -- so what --

14 MR. WHITLEY: -- all I'm going to say --

15 COURT REPORTER: One at a time please --

16 MR. WHITLEY: -- is ISO New England sees  
17 that there is a serious problem with this proposal and we  
18 cannot accept it period.

19 VICE CHAIRMAN TAIT: We appreciate that  
20 analysis. It's just this late date means that to  
21 accommodate those comments and to work with you -- and  
22 I'm glad you offered to work with us and the Applicant to  
23 make a solution, that's what we need now to address.

24 MR. WHITLEY: Then we need to start

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1 looking at some alternatives.

2 VICE CHAIRMAN TAIT: That's correct. And  
3 I think --

4 MR. ASHTON: Mr. Whitley, just to help --

5 VICE CHAIRMAN TAIT: I'd like to turn to  
6 those comments now --

7 MR. ASHTON: Just to help me out a little  
8 bit here to get the full perspective, in Docket 217 it  
9 was originally an overhead proposal. And you were a  
10 party to that -- in fact you testified --

11 MR. WHITLEY: Right --

12 MR. ASHTON: -- as I recall at the  
13 hearing. Were you consulted by the Applicant in 217 as to  
14 the proposed configuration X that became a basis for the  
15 final certification. Before that was filed was ISO  
16 consulted as to whether this was a feasible alternative?

17 VICE CHAIRMAN TAIT: Phil, is this  
18 necessary?

19 MR. KOWALSKI: Prior to it being  
20 suggested, no, we were not.

21 MR. ASHTON: So you learned -- did you  
22 learn of it after it had been filed?

23 MR. KOWALSKI: Yes, we did.

24 VICE CHAIRMAN TAIT: I'd -- I'd like to

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1 now turn our attention to solutions rather than problems.

2 Danny, you had one question --

3 MR. MACLEOD: Professor Tait --

4 MR. DANIEL P. LYNCH, JR.: Yeah --

5 MR. MACLEOD: -- Mr. Chairman, if --

6 perhaps I can offer something that -- since it's a little  
7 bit legal, I have -- I have an opening to offer that  
8 might clarify the process that has taken place to date.  
9 I think you were asking about the notice that was  
10 referred to in the testimony. That notice arises in the  
11 context of 18.4. And my understanding is that the 18.4  
12 process is perhaps not concluded and maybe not started --

13 VICE CHAIRMAN TAIT: Okay --

14 MR. MACLEOD: -- so it would not under the  
15 terms of the agreement be appropriate --

16 VICE CHAIRMAN TAIT: Okay --

17 MR. MACLEOD: -- to send that written  
18 notice yet.

19 VICE CHAIRMAN TAIT: But it would sound  
20 like it's imminent.

21 MR. MACLEOD: I don't know where they are  
22 in the process and I can't testify.

23 VICE CHAIRMAN TAIT: Okay. Thank you for  
24 the clarification. Mr. Lynch.

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1 MR. LYNCH: I'm going to complicate the  
2 issue a little bit more and add a moving target, and that  
3 -- if you had serious concerns, which you have expressed  
4 to us in 217 and again this March, my thought or thinking  
5 is we've been -- under the General Assembly they passed a  
6 law that says the Connecticut Siting Council must look at  
7 under-grounding in residential areas, recreational areas,  
8 churches and schools. Why weren't your concerns  
9 expressed to the Legislature to help them in formulating  
10 this law? I mean again this is something that could have  
11 probably helped in the long-run knowing the concerns that  
12 you've had for the last couple of years.

13 MR. WHITLEY: I believe we did provide  
14 some input to those folks. I don't have the specific  
15 documents, but I believe we did express some concerns.

16 VICE CHAIRMAN TAIT: You're aware of the -  
17 -

18 A VOICE: Tony has them --

19 VICE CHAIRMAN TAIT: You're aware of the  
20 statute that was passed --

21 MR. WHITLEY: Yes.

22 VICE CHAIRMAN TAIT: -- and what this  
23 Council is now faced with is being a presumption that you  
24 shall go underground --

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1 MR. WHITLEY: If it's technically  
2 feasible.

3 VICE CHAIRMAN TAIT: -- and you're telling  
4 us that not only no more than 24, but not even 24?

5 MR. WHITLEY: And I don't know the exact  
6 number of miles. That's --

7 VICE CHAIRMAN TAIT: No --

8 MR. WHITLEY: -- I think that's one of the  
9 first things we need to determine, is what -- what --  
10 what configuration in terms of mileage gets you to the --  
11 over the edge --

12 VICE CHAIRMAN TAIT: Okay --

13 MR. WHITLEY: -- and then that helps you  
14 frame some alternatives, and in looking at different  
15 cable designs and other options how to get there.

16 VICE CHAIRMAN TAIT: And you will expedite  
17 I hope your review of what's developed in this docket as  
18 to what those alternatives might be?

19 MR. WHITLEY: Absolutely.

20 VICE CHAIRMAN TAIT: It's a priority item.  
21 And you said you'll work with us until we get it done by  
22 the end of the year.

23 MR. WHITLEY: We will. I just want to  
24 reemphasize how important it is to get this project in

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1 place as soon as possible --

2 VICE CHAIRMAN TAIT: To all of us --

3 MR. WHITLEY: -- no one wants this more  
4 than we do. Connecticut is in jeopardy. The load is  
5 continuing to grow. We need this project yesterday. And  
6 every day that it's delayed is going to be bad.

7 VICE CHAIRMAN TAIT: Fred, why don't you  
8 continue.

9 MR. CUNLIFFE: I just want to make sure  
10 we're clear that -- on page 6, line 114, you say that the  
11 project as proposed and presently designed will not  
12 operate reliably. And I think you've already testified  
13 to that. Could you -- and you may have already provided  
14 some input to that, but please state again the basis for  
15 that statement?

16 MR. WHITLEY: Well, I'd like to ask our  
17 consultant to comment on that as well, but our problem is  
18 in terms of the operability of the design and the amount  
19 of capacitance that's put on the system with that design  
20 can create situations that can cause serious equipment  
21 damage and possible outages, including widespread  
22 outages. So let me hand it off to David.

23 MR. HACKWELL: Yes, I agree entirely with  
24 that. We've looked at the GE studies and concluded that

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1 the findings in there we do agree with, there is a  
2 serious risk of equipment damage, power quality problems  
3 for consumers under certain operating configurations of  
4 the system.

5 MR. CUNLIFFE: When did ISO New England  
6 contract with PB Power?

7 MR. HACKWELL: I think it's now about  
8 three weeks ago we had first contact.

9 MR. CUNLIFFE: And what -- what were you  
10 charged to do?

11 MR. HACKWELL: We were charged to review  
12 the studies prepared by GE. And there were -- I think  
13 there were six studies listed, and they are in our  
14 report. The studies we were asked to review are listed in  
15 the report.

16 COURT REPORTER: Mr. Hackwell, move that  
17 microphone just a little closer --

18 MR. HACKWELL: Certainly.

19 MR. CUNLIFFE: In your view of the data,  
20 did PB Power make any other studies or variations on the  
21 GE studies?

22 MR. HACKWELL: We did not do any other  
23 studies. We were only asked to review the studies as  
24 presented.



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1 MR. CUNLIFFE: It appears that there are  
2 two different conclusions here based on the same studies  
3 if I'm assuming right in that the Applicant concludes  
4 that they had done a cable transient and harmonic study  
5 in March of 2003 and they did another transient and  
6 harmonic study for Phase 1, a summary in 2003, and again  
7 they did a transient and harmonic study with Phase 1, and  
8 in effect a Phase 2 addition again in October 2003, and  
9 finally they were able to get a Phase 2 final report in  
10 November of 2003. Based on those studies, they concluded  
11 that this proposal, as the application is before us,  
12 believe it can work, and in your opinion it does not.  
13 How does that work out?

14 MR. HACKWELL: I think the conclusion is  
15 that it can work with a large number of mitigating  
16 measures taken --

17 MR. CUNLIFFE: And what -- could you --

18 MR. HACKWELL: -- to solve the basic  
19 problem.

20 MR. CUNLIFFE: And could you identify a  
21 number of mitigating measures?

22 VICE CHAIRMAN TAIT: Yes, would you  
23 specify them as concretely as you can?

24 MR. HACKWELL: The measures as I

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1 understand it were the use of control switching of  
2 circuit breakers within the entire 345-kV system,  
3 possible use of pre-insertion resistors on the circuit  
4 breakers, and the use of high energy rated surge  
5 arrestors to control transient or voltages. And this --  
6 the number and extent of these devices was set out in  
7 some of the sketches associated with the reports.

8 MR. CUNLIFFE: And with those measures  
9 would the project be reliable?

10 VICE CHAIRMAN TAIT: We're talking about  
11 the 24 miles of underground and nothing more at this  
12 time.

13 MR. HACKWELL: The project would be  
14 technically -- we would resolve a majority of the  
15 technical issues. Reliability I think would need to be  
16 considered separately in view of the additional equipment  
17 that's been added to the system.

18 VICE CHAIRMAN TAIT: Would you get  
19 harmonics above the third?

20 MR. HACKWELL: Please repeat that.

21 VICE CHAIRMAN TAIT: Would you get above  
22 the third harmonic or are you still down in that area  
23 that you say won't work --

24 MR. HACKWELL: We --

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1 VICE CHAIRMAN TAIT: -- resonance?

2 MR. HACKWELL: The study concludes that  
3 the resonance would still occur below the third harmonic.

4 VICE CHAIRMAN TAIT: And your opinion if  
5 that's so, is it's not reliable?

6 MR. HACKWELL: What we said in our report  
7 was that we would need to look at practical and effective  
8 mitigating measures in the specific context of that  
9 scenario. We haven't said it's definitely unacceptable,  
10 but we would conclude that additional studies would be  
11 needed to --

12 VICE CHAIRMAN TAIT: If you get above --

13 MR. HACKWELL: -- ensure that reliability.

14 VICE CHAIRMAN TAIT: If you get above the  
15 third harmonic, would that satisfy you?

16 MR. HACKWELL: It certainly helps.

17 VICE CHAIRMAN TAIT: Mr. Whitley, I go  
18 back to your testimony on page 9, the question, would the  
19 minimum resonance frequency in the project as proposed  
20 always be above the third harmonic? And then over on  
21 page 10, another question, so if the project were  
22 designed to achieve operations above the third harmonic,  
23 would your concerns be resolved? Answer, not  
24 necessarily.

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1 MR. WHITLEY: A lot -- a lot of studies  
2 would need to be done. I think the concerns we have --  
3 if you look at the GE curves that they provide and show  
4 the -- you know, the flatness on the curve when you're  
5 above the third harmonic, but when you get down to the  
6 third and lower, the curve almost goes vertical --

7 VICE CHAIRMAN TAIT: We have a nice  
8 colored chart that was put in --

9 MR. WHITLEY: Right. And then also it's  
10 our understanding with input from our consultant that  
11 when you try to mitigate these conditions at the third  
12 harmonic or below, they're very very impractical to  
13 mitigate.

14 VICE CHAIRMAN TAIT: Yeah, but thinking  
15 about third harmonic and above because that's -- you said  
16 even that wouldn't satisfy you.

17 MR. WHITLEY: Yeah. We think it's more  
18 likely that they could be satisfied. It's more  
19 reasonable that they could be satisfied at above the  
20 third harmonic.

21 VICE CHAIRMAN TAIT: The higher the  
22 better, but --

23 MR. WHITLEY: The higher the better.

24 VICE CHAIRMAN TAIT: Fred.

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1 MR. CUNLIFFE: You describe that certain  
2 reinforcements will be needed to the entire 345-kV  
3 system. Define that entire 345-kV system?

4 MR. WHITLEY: Well, if you're referring to  
5 the basic 345-kV loop, remembering the present system  
6 that we have there now in Southwest Connecticut is -- we  
7 have a very weak 115-kV system that's very dependent on a  
8 lot of local generation to be running and on-line to keep  
9 the lights on, and even under that scenario we found  
10 ourselves short this summer and had to issue an emergency  
11 RFP for demand response and emergency diesel generators  
12 to try to keep the power -- the lights on in Connecticut  
13 --

14 MR. CUNLIFFE: Mr. Whitley, I think I'm  
15 trying to -- what part of the 345-kV system are we  
16 speaking? Are we speaking of the 400 miles in the State  
17 of Connecticut at particular substations or are we only  
18 talking about in the vicinity of the proposal?

19 MR. WHITLEY: Would you rephrase the  
20 question for me? What was the intent of the question?

21 MR. CUNLIFFE: Mr. Hackwell said that  
22 certain reinforcements, mitigation measures would need to  
23 be implemented in the entire 345-kV system. And I want  
24 to be a little bit more specific of what he meant by

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1 entire.

2 MR. WHITLEY: Well, let me let him answer  
3 that.

4 MR. HACKWELL: Perhaps the use of entire  
5 was incorrect. What I was referring to was the extent to  
6 which we reviewed the reports, which was the loop from --  
7 through -- up to Plumtree.

8 MR. CUNLIFFE: Okay, thank you.

9 MR. WHITLEY: I think it's probably good  
10 to add -- maybe amplify the number of different switching  
11 operations, fault operations and so forth that can get us  
12 in trouble when we're operating in this zone. Would you  
13 kind of cover those issues?

14 MR. HACKWELL: Yes, certainly. I think  
15 it's been very well covered in the reports that there are  
16 a number of causal events that trigger this system. The  
17 fact that a system resonates a particular value is in  
18 itself not a problem. What is the problem is the product  
19 of disturbing situations together with that resonance  
20 condition, which then result in unacceptable power  
21 quality for uses on the system. And that may be the  
22 result of distorted loads in -- on consumers' terminals  
23 or the results of switching actions on the system itself,  
24 which in turn cause disturbances.

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1 MR. CUNLIFFE: And how far could these  
2 disturbances go out?

3 MR. HACKWELL: It -- that's a very  
4 difficult question to answer, but they are propagated out  
5 from the switching action and will tend to diminish due  
6 to damping in the system from the point of initiation.  
7 But that point of initiation could be anywhere within the  
8 system.

9 MR. CUNLIFFE: Thank you. I want to turn  
10 over the cross to Mr. Johan Enslin of KEMA.

11 COURT REPORTER: Mr. Enslin, would you be  
12 good enough to spell your name for me please.

13 MR. JOHAN ENSLIN: Johan Enslin, E-n-s-l-  
14 i-n.

15 COURT REPORTER: The first name?

16 MR. ENSLIN: Johan, J-o-h-a-n.

17 COURT REPORTER: And one more time on the  
18 last name.

19 MR. ENSLIN: E-n-s-l-i-n. I think the  
20 proposed mitigation techniques are mainly associated with  
21 transient calculations, am I right?

22 MR. HACKWELL: That is correct. Those  
23 that have been proposed in the report, the switching  
24 issues, yes.

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1 MR. ENSLIN: Did you indicate any  
2 mitigation techniques for harmonics will be resonance  
3 problem?

4 MR. HACKWELL: No, we did not. We could  
5 not evaluate from the report how the existing capacity  
6 banks on the 115-kV side had been modeled. We did ask  
7 for that information to be provided so we could carry out  
8 such a review.

9 MR. ENSLIN: Maybe as part of this, do you  
10 know of any damping circuits on those capacity  
11 installations?

12 MR. HACKWELL: I don't know specifically  
13 from the information we were given, no.

14 MR. ENSLIN: Maybe we can direct the  
15 question back to the ISO.

16 MR. WHITLEY: No, we do not either.

17 MR. ENSLIN: Thank you.

18 MR. CUNLIFFE: Earlier you had mentioned  
19 RTEP 2. Could you tell us the frequency of when these  
20 meetings are conducted and what RTEP level are we at  
21 today?

22 MR. WHITLEY: Well, this fall we'll be  
23 issuing RTEP-04, which takes into account another year's  
24 worth of planning, looking at the system on out into the



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1 future, identifying system needs and projects that have  
2 been identified to mitigate those system needs. And we  
3 also provide updates to RTEP periodically during the  
4 year, but the next major release will be this fall.

5 MR. CUNLIFFE: Thank you. Did ISO take  
6 any action to identify any problems with the proposed  
7 project?

8 MR. WHITLEY: We have taken action to go  
9 out and investigate the problems to try to better  
10 understand the problems.

11 MR. CUNLIFFE: And have you defined any  
12 resolutions to those?

13 MR. WHITLEY: We have not defined any.  
14 We're working with our consultant. And we'll work with  
15 the Applicants to try to look at alternatives.  
16 Obviously, the first thing that comes to mind is trying  
17 to get some of this capacitance off of this design  
18 because it's injecting a large amount of capacitance onto  
19 a weak system, and so there are alternatives that can do  
20 that.

21 VICE CHAIRMAN TAIT: As I read your  
22 testimony, the solutions you have is perhaps to use XLPE  
23 cable, but on page 11 it's, you know, more overhead, less  
24 underground. Is that one of your solutions?

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1 MR. WHITLEY: Well --

2 VICE CHAIRMAN TAIT: In other words --

3 MR. WHITLEY: -- what we would like to see  
4 is a study to determine with the present cable design --  
5 start -- start with the base case with this entire  
6 project being overhead and run that as a base case and  
7 then incrementally add five miles of underground cable  
8 with this technology that's proposed until we see how  
9 close we get to the third harmonic and look at that  
10 amount of mileage. And that could be one base case that  
11 could possibly be feasible. And then start from that and  
12 look at alternative designs, which might be integration  
13 of -- a mix of that cable, maybe different configurations  
14 of cable there and this other type of cable that has less  
15 capacitance. And then there are also other types of  
16 designs that could be looked at as well that we have not  
17 looked at, but things like -- our consultant has told us  
18 about a gas insulated line which generates a lot less  
19 capacitance.

20 VICE CHAIRMAN TAIT: With that sort of  
21 study, it wouldn't matter where the under-grounding was,  
22 it's still the total that the system would take?

23 MR. WHITLEY: It -- I think --

24 VICE CHAIRMAN TAIT: And the siting of it,

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1 10 miles, 15 miles, 24 miles, would not impact your study  
2 in that situation?

3 MR. WHITLEY: I think in general you're  
4 correct. There may be some specific cases that we  
5 uncover that it may make a difference, but I think in  
6 general this is driven by the total amount of capacitance  
7 in this weak system.

8 VICE CHAIRMAN TAIT: So let's assume that  
9 you come up with 15 miles -- it will take 15 miles  
10 through all the mitigation. Where it goes would not  
11 impact reliability? Not --

12 MR. WHITLEY: Rich --

13 VICE CHAIRMAN TAIT: -- never say never  
14 and never say --

15 MR. WHITLEY: Right.

16 MR. KOWALSKI: Yeah, I mean I'd hate to  
17 give a blank check. We would still --

18 VICE CHAIRMAN TAIT: You sound like a  
19 lawyer. (Laughter). I --

20 A VOICE: He's a good engineer.

21 VICE CHAIRMAN TAIT: I understand, but  
22 what I'm saying is that that's not a critical factor of  
23 where it goes? Does it have to be -- does it have to be  
24 all in one length or can it be three 5-mile lengths?

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1 MR. HACKWELL: If I could come in on that?  
2 I think it's quite feasible that it could be a number of  
3 short lengths. But once you've looked to the most  
4 effective positions for those short lengths, then it  
5 would be prudent to go back and redo the study --

6 VICE CHAIRMAN TAIT: Okay --

7 MR. HACKWELL: -- to confirm that you  
8 don't -- haven't created another problem.

9 VICE CHAIRMAN TAIT: And of course the  
10 cost would go up the more short break you have, but  
11 that's a different consideration than reliability?

12 MR. HACKWELL: Right.

13 MR. KOWALSKI: And then once we -- once we  
14 know that we can meet this design, then we go back and  
15 look and make sure it meets the overall requirements of  
16 the project from thermal voltage and so forth.

17 VICE CHAIRMAN TAIT: Okay. Fred.

18 MR. CUNLIFFE: Did PB Power make any other  
19 findings that are not described in your testimony?

20 MR. WHITLEY: No.

21 MR. CUNLIFFE: And you described that  
22 other studies would need to be conducted. Could you  
23 identify the types of studies that would be done?

24 MR. WHITLEY: Studies very similar to

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1 these GE studies that have been done.

2 MR. CUNLIFFE: And what is your  
3 understanding of the timing to conduct these studies?

4 MR. WHITLEY: Well, I think the timing --  
5 there's -- it takes a lot of time to build a model to do  
6 these types of studies. But I believe once you have the  
7 model in place, it doesn't take as long to study  
8 alternatives.

9 MR. CUNLIFFE: What's the timing, Mr.  
10 Hackwell, is it four weeks, six weeks, two months?

11 MR. HACKWELL: I would say a minimum of  
12 four weeks --

13 MR. CUNLIFFE: A minimum, thank you --

14 MR. HACKWELL: -- possibly a little  
15 longer.

16 MR. CUNLIFFE: On page 7 of your  
17 testimony, Mr. Whitley, line 145, you make a statement  
18 that these phenomena may cause cascading failures on the  
19 bulk power system. Please describe the credible  
20 scenarios under which such cascading failures may occur?

21 MR. WHITLEY: Well, when you have rapid  
22 over-voltage conditions like this, they can cause  
23 flashovers and faults on the system. That can happen  
24 right away, which can trigger other events, loss of

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1 equipment under a stressful condition that can cause  
2 cascading outages. Also what's worrisome about this is  
3 that you can have these transient over-voltages occur  
4 over time, damaging the insulation of transformers,  
5 deteriorating that insulation over time, and you may have  
6 a premature fault on a transformer that's caused by this  
7 high voltage exposure over time. So those are the kinds  
8 of things that can happen. And certainly you can have  
9 transient events and outages that can spread. We just  
10 had another in -- on the west coast within the last week.

11 And certainly you don't want to design yourself into a  
12 place to have that kind of thing happening. You want to  
13 be going in the other direction.

14 MR. CUNLIFFE: Has ISO done any studies to  
15 determine any type of cascading outages?

16 MR. MACLEOD: Well, can I ask for a little  
17 bit more on that question. Cascading outages as a result  
18 of what or in connection with what, or --

19 MR. RICHARD WAKEFIELD: I'll respond. My  
20 name is Richard Wakefield.

21 COURT REPORTER: Spell it please.

22 MR. WAKEFIELD: W-a-k-e-f-i-e-l-d. We're  
23 just trying to clarify -- Mr. Whitley responded to the  
24 earlier question by mentioning situations that have in

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1 some cases led to cascading outages or may possibly lead  
2 to cascading outages. All we're trying to do is to  
3 clarify were studies made or analyses made where you  
4 showed a cascading outage occurring as a result of the  
5 proposed -- or the Applicants' proposed design?

6 MR. WHITLEY: No, we have not.

7 MR. WAKEFIELD: Thank you.

8 MR. CUNLIFFE: On page 12 of your  
9 testimony, line 268, you say -- stated studies to date do  
10 not indicate that this standard can be reached if more  
11 cable is used than the Applicants have proposed. Please  
12 identify all studies on which this statement is based?

13 MR. MACLEOD: Which line again, Mr.  
14 Cunliffe, sorry?

15 MR. CUNLIFFE: It's beginning with line  
16 268.

17 MR. MACLEOD: Thank you.

18 MR. CUNLIFFE: And I'm going to restate  
19 the question. Studies to date do not indicate that this  
20 standard can be reached if more cable is used than the  
21 Applicants have proposed. Are you also saying that the  
22 proposed cable is not capable of operating reliably?

23 MR. WHITLEY: That's correct, we are  
24 saying that.

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1 MR. CUNLIFFE: Thank you. And if I could  
2 come back to the South Connecticut Working Group, is it  
3 not the responsibility of that group to sort of define  
4 the type of transmission system to be in place, overhead,  
5 underground, and then trying to work out the details, a  
6 little bit about where you want to go with that?

7 MR. KOWALSKI: I'd say that's correct.  
8 Most of our focus, and this really emanates from the  
9 majority of our experience in New England, has been on  
10 the primary security -- system security and operability  
11 aspects of the project. That had been the focus of the  
12 efforts.

13 The significance of this particular  
14 harmonics issue was one that hadn't really been a focus  
15 of attention in the group. Certainly had we been aware  
16 of it, it would have been a factor that would have been  
17 integral to the design of the system and would have been  
18 included in the efforts of the technical group to try and  
19 develop a coordinated design. And we would have  
20 certainly used the expertise in the group to direct the  
21 effort -- to come up with something that would work  
22 comprehensively, addressing all issues.

23 MR. CUNLIFFE: Will any future meetings of  
24 the Southwest Connecticut group look at any transient or



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1 harmonic issues?

2 MR. KOWALSKI: I would suspect that we --

3 A VOICE: (Indiscernible) --

4 MR. KOWALSKI: -- we should -- yes.

5 MR. CUNLIFFE: If I could go back to Mr.  
6 Hackwell and the report provided to -- that you generated  
7 for the ISO. On page 11 you start talking about  
8 different types of technologies, particularly in cables.  
9 Do you know of any manufacturers that offer a cable of  
10 low density polyethylene today?

11 A VOICE: What --

12 MR. HACKWELL: Low density polyethylene,  
13 I'm not aware of any. It's relatively old technology.

14 COURT REPORTER: Mr. Hackwell, move closer  
15 to the microphone --

16 MR. HACKWELL: Do you want me to repeat  
17 that? I'm not aware of any manufacturer who makes that  
18 today --

19 MR. CUNLIFFE: So that would not be a  
20 choice that we would look at?

21 MR. HACKWELL: I don't believe so, no.

22 MR. CUNLIFFE: Alright. You also state  
23 about installing XLPE in tunnels. Would -- should that  
24 be the preferred method?

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1 MR. HACKWELL: It is a solution which is  
2 being proposed by a number of utilities for long length  
3 XLPE cable installation.

4 MR. CUNLIFFE: Can XLPE cable be either  
5 directly buried or placed in ducts?

6 MR. HACKWELL: Yes, it can.

7 MR. CUNLIFFE: You also raised the point  
8 about identifying --

9 A VOICE: Deflection -- PD deflection --PD  
10 power --

11 MR. CUNLIFFE: Just one moment -- (pause)  
12 -- you mentioned that the use of tunneling is much more  
13 preferred so that you could detect power deflection --

14 A VOICE: Partial discharge.

15 MR. CUNLIFFE: Partial discharge.

16 MR. HACKWELL: Partial discharge. That's  
17 a test which is done to check the quality of the  
18 installation immediately after the circuit is first  
19 installed prior to its energization.

20 MR. CUNLIFFE: And are there techniques  
21 that you could do this if they were in a buried scenario?

22 MR. HACKWELL: They are -- there are  
23 techniques which could do that. But I think as we've  
24 pointed out in the report, the sensitivity of such tests

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1 is better served by being installed in a tunnel.

2 MR. CUNLIFFE: And the installation of  
3 HVDC, would you not agree that you would have cost  
4 savings with greater distances, say greater than 30  
5 miles?

6 MR. HACKWELL: That is generally the case  
7 for long distance DC transmission.

8 MR. CUNLIFFE: Okay. Those are my  
9 questions.

10 VICE CHAIRMAN TAIT: Fred, do you want to  
11 switch to --

12 MR. CUNLIFFE: I'm finished with --

13 VICE CHAIRMAN TAIT: Okay --

14 MR. CUNLIFFE: I'm finished with ISO New  
15 England as far as cross-examination, but we do have some  
16 other cross for other witnesses --

17 VICE CHAIRMAN TAIT: Yes --

18 MR. CUNLIFFE: -- that we'd like to fit  
19 in.

20 VICE CHAIRMAN TAIT: Yes. So would you  
21 call -- could we have those witnesses come to the stand.

22 MR. CUNLIFFE: I think we wanted the  
23 Applicant -- Mr. Zaklukiewicz and --

24 VICE CHAIRMAN TAIT: Mr. --

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1 MR. CUNLIFFE: -- Mr. Walling.

2 VICE CHAIRMAN TAIT: Mr. Walling, yeah. I  
3 trust you're not surprised, Miss Randell?

4 A VOICE: I was --

5 MS. RANDELL: (Indiscernible) -- was not  
6 in the prehearing conference and I neglected to tell him.  
7 Mr. Walling is alerted to it.

8 VICE CHAIRMAN TAIT: Okay.

9 A VOICE: Can we move --

10 MS. RANDELL: We can ask that they just  
11 move to the end of the table --

12 VICE CHAIRMAN TAIT: Yes, can the  
13 Applicants' witnesses go to the far end --

14 MS. RANDELL: The ISO's people could just  
15 stay there --

16 VICE CHAIRMAN TAIT: You folks can stay  
17 there unless those seats are hot and you want them to  
18 cool off.

19 A VOICE: The air-conditioning must be  
20 off. (Laughter).

21 VICE CHAIRMAN TAIT: That's it.

22 MS. RANDELL: They haven't gotten to  
23 whoopee cushions yet.

24 VICE CHAIRMAN TAIT: For peoples' notice,

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1 Mr. Gregory will be here after lunch.

2 MS. RANDELL: Yes.

3 VICE CHAIRMAN TAIT: Okay.

4 COURT REPORTER: Mr. Walling --

5 (indiscernible) -- give your name and spell it please --

6 MR. REIGH WALLING: You had it yesterday  
7 also -- you need it again today? Okay. Reigh Walling.

8 The first name is spelled R-e-i-g-h. The last name  
9 Walling, W-a-l-l-i-n-g.

10 MR. ENSLIN: I think I -- I think I  
11 identified myself earlier, but Johan Enslin from KEMA.

12 I had distributed yesterday some  
13 information about damping filters in existing capacity  
14 installations. And my question is has the Applicant and  
15 GE perhaps had time to look at the option of looking into  
16 damping on existing capacitive installations? Not in  
17 detail of course, but just the principle.

18 MR. WALLING: I very recently, very  
19 recently, since yesterday performed such an analysis. I  
20 think that the challenge is that (1) the capacitor banks  
21 are not the primary cause of the resonance issue, that  
22 the amount of charging -- the amount of capacitance  
23 provided by the cables far outweighs that. The capacitor  
24 banks are not on all the time in the system. So when

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1 they're not on, they're not in any way contributing to  
2 the damping in the system, there's no feasible way to  
3 convert the cables into filters that I know of.

4 Also, my analysis shows that using a damp  
5 filter tuned to the third harmonic as in the paper that  
6 was distributed to us, does very little to minimize  
7 resonance problems at the frequency down below that,  
8 particularly it created a very -- a proximate and quick  
9 model of the system similar to what the Applicants'  
10 system would be with the proposed system with a resonant  
11 frequency above -- somewhat above the second harmonic.  
12 And put the damp filter in as the paper suggested, and it  
13 seems to have very little impact on the severity of the  
14 resonance near the second harmonic.

15 MR. ENSLIN: Let me maybe redirect the --  
16 that is of course a different system and the frequency  
17 characteristics of that specific system is of course much  
18 higher than the system here, so you have to redesign that  
19 filter of course. So looking at that as an option --

20 MR. WALLING: Well, it was not put in  
21 exactly -- it was put in to the point of creating a type  
22 C filter with a damping ratio of 10, similar to that  
23 filter tuned to the third harmonic.

24 MR. ENSLIN: So to -- would -- would you

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1 consider studying in more detail this option for the  
2 existing capacity installations?

3 MR. ROGER ZAKLUKIEWICZ: I think we would  
4 respond to that and say, yes, we would look at it.

5 Again, I'm not certain you clearly  
6 understand. The capacitance of the cables is not a  
7 source point as your paper identifies HVDC terminals  
8 and/or wind farm terminations at single locations. As  
9 previously testified this morning when Mr. Cunliffe asked  
10 -- when Mr. Tait asked if -- could the capacitors be  
11 added at any number of different locations if we were  
12 told 15 miles or 20 miles or 10 miles could be located,  
13 we would really have to study and clearly understand that  
14 a cable two miles long, 10 miles long, or whatever the  
15 distance, clearly is a point source. As you've indicated  
16 here, the reason for installing the filters is not  
17 because of the system today but it's in anticipation of  
18 what the system may be in the future when HVDC terminals  
19 are added. We would have to look at that in a greater  
20 amount of detail to clearly understand whether this will  
21 work under all combinations of cable in -- when the cable  
22 is in, it's not -- it's somewhat different when the point  
23 source is removed. In other words, HVDC terminals are  
24 out of service and the filters themselves are.

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1                   We also have to be concerned with the  
2 numbers we're talking about and clearly understand  
3 whether placing the filters on each of the 115-kV --  
4 that's 115,000 volt capacitor banks -- will do what is  
5 necessary, and are there many other locations. Clearly,  
6 I do not have an appreciation for the size of these  
7 filters. I'm assuming they're quite large. From a  
8 standpoint if you looked at aerial views of our  
9 substations, with few exceptions, there is no room to  
10 install the filters that you identify in Figure 6 in your  
11 tutorial. So we are talking about installing all totally  
12 new capacitor banks at certain locations I believe. But  
13 again, these are details we would have to look at. You  
14 should also know that we have no -- at this time no  
15 capacitors whatsoever on the 345-kV system. We typically  
16 use ungrounded capacitor banks for good reasons. To my  
17 understanding there are no ungrounded capacitor banks at  
18 345 again for switching, and reasons -- and the duty on  
19 the circuit --

20                   COURT REPORTER: Excuse me. (Pause).

21                   MR. ZAKLUKIEWICZ: These would --

22                   COURT REPORTER: Okay.

23                   MR. ZAKLUKIEWICZ: Yeah. We would -- we  
24 would have to study these in significant detail.



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1 MR. WALLING: I think the key point is  
2 that converting capacitor banks to filters does not do  
3 anything when the capacitor banks are not on-line.

4 MR. ENSLIN: Yes, you're totally right,  
5 but the point in your studies -- it showed that you have  
6 a worse case when all the capacitor banks are switched  
7 in. In a condition where all the capacitor banks are  
8 switched out, the resonance frequency is still the ninth  
9 harmonic.

10 MR. ZAKLUKIEWICZ: I think that --

11 MR. ENSLIN: That's what you showed  
12 yesterday --

13 MR. WALLING: Excuse me. With the -- with  
14 the cables -- with the cables in, the resonant frequency  
15 with the capacitor banks out is well below the third  
16 harmonic in many cases. Also, the simulation results  
17 show a number of cases with quite severe results with all  
18 capacitor banks out. So, I do not understand what the  
19 relevance is of redesigning the cap banks to be something  
20 different if they're not in when a significant situation  
21 is also a factor.

22 MR. ENSLIN: There are also new  
23 substations where you can use it, but anyway that's --

24 MR. WALLING: Are you proposing we build

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1 some new substations to --

2 MR. ENSLIN: I just have -- just a final  
3 question. Can we please ask for the record to have the  
4 results which you indicated -- available to us sometime  
5 in the future, so we can evaluate the results?

6 MS. RANDELL: (Indiscernible) --

7 VICE CHAIRMAN TAIT: Can you be a little  
8 bit more specific?

9 MR. ENSLIN: The results basically done  
10 yesterday or follow-up work on that. If it's already  
11 available, we would like to see that.

12 MS. RANDELL: Mr. Tait, I'm woefully  
13 confused.

14 VICE CHAIRMAN TAIT: I am too. Could you  
15 be specific?

16 MR. CUNLIFFE: Mr. Walling, you referred  
17 to some analysis that you did --

18 MR. WALLING: I did -- I did some  
19 calculations on my computer while I was sitting in the  
20 room this morning.

21 MR. CUNLIFFE: Is that analysis -- can be  
22 available to the Council? Can we submit that to the  
23 record?

24 VICE CHAIRMAN TAIT: Can you print it out

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1 --

2 MR. CUNLIFFE: At some point?

3 MR. WALLING: I --

4 MS. RANDELL: To what end would be my  
5 question? It's draft -- it's something done, you know,  
6 while he was working here --

7 VICE CHAIRMAN TAIT: If our --

8 MS. RANDELL: -- I mean is there a request  
9 for a study?

10 VICE CHAIRMAN TAIT: If our consultant  
11 thinks it's useful, I guess I think it's useful, unless  
12 you think it's proprietary or inaccurate. I don't want  
13 to intrude on privacy concerns, but --

14 MS. RANDELL: I have little doubt about  
15 the accuracy --

16 VICE CHAIRMAN TAIT: Right --

17 MS. RANDELL: -- having spent some time  
18 with Mr. Walling, but I would ask that he be able to go  
19 back and, you know, look to see that --

20 VICE CHAIRMAN TAIT: Certainly --

21 MS. RANDELL: -- it is as complete as he  
22 would like it to be.

23 VICE CHAIRMAN TAIT: Would he do that and  
24 perhaps produce it or not produce it after lunch?

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1 MS. RANDELL: Gee, that -- that's really a  
2 long time --

3 VICE CHAIRMAN TAIT: Well, no, I'm -- you  
4 certainly can have any time you want to make sure it's  
5 accurate. We need it at some point --

6 MS. RANDELL: I do understand that --

7 VICE CHAIRMAN TAIT: I don't need it, but  
8 I think our consultant could use it.

9 MS. RANDELL: We do understand that and  
10 certainly we're trying to be helpful here. And we'll get  
11 with Mr. Walling at lunch --

12 VICE CHAIRMAN TAIT: Thank you, Mr.  
13 Walling --

14 MS. RANDELL: -- and determine what we  
15 need.

16 MR. CUNLIFFE: Those are our questions,  
17 Mr. Chairman.

18 VICE CHAIRMAN TAIT: Thank you, gentlemen.  
19 Are there any questions of -- yes.

20 MR. HEFFERNAN: Mr. Zaklukiewicz, I mean  
21 would you ever agree to a configuration that you didn't  
22 believe was totally reliable?

23 MR. ZAKLUKIEWICZ: No, I do not.

24 MR. HEFFERNAN: Thank you.

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1 MR. ASHTON: That leads to a very critical  
2 question. We've been talking as to whether reliability  
3 is acceptable or not acceptable, but I've not heard a  
4 good measure, a threshold if you will --

5 VICE CHAIRMAN TAIT: I would like to  
6 reserve the questions for this group to the questions put  
7 forth by Fred and not open it up to other areas --

8 MR. ASHTON: Okay --

9 VICE CHAIRMAN TAIT: -- they will be  
10 available --

11 MR. ASHTON: Okay --

12 VICE CHAIRMAN TAIT: Are there any --

13 MR. ASHTON: I'm going to come back to  
14 that --

15 VICE CHAIRMAN TAIT: Does anybody on the  
16 Council have questions of Mr. Walling on the topics that  
17 were just raised? Anybody in the towns want to have  
18 cross-examination of Mr. Walling on his recent testimony?  
19 Do I need to read the list? Hearing no requests for me  
20 to read the list, I'll assume there are no further  
21 questions of Mr. Walling and Mr. Zaklukiewicz on this  
22 particular topic. Thank you.

23 We will now resume cross-examination of  
24 ISO. And Fred, I understand your questions -- you're

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1 through with your questions?

2 MR. CUNLIFFE: The staff has concluded.

3 VICE CHAIRMAN TAIT: Okay. Mr. Murphy.

4 MR. JAMES J. MURPHY, JR.: I have no  
5 questions.

6 VICE CHAIRMAN TAIT: No questions. Brian.

7 MR. BRIAN EMERICK: The only question I  
8 have is one I'm not going to get an answer to, but it's  
9 kind of like where do we go from here?

10 MR. WHITLEY: Well, I --

11 VICE CHAIRMAN TAIT: That's the best  
12 question.

13 MR. WHITLEY: I think the best thing to do  
14 is to identify some alternatives and evaluate those  
15 alternatives very quickly working together to see what  
16 their impact is on this harmonic resonance issue and see  
17 what those impacts are to the performance of the system  
18 as far as meeting the reliability criteria to keep the  
19 lights on in Connecticut and New England. So that would  
20 be the next step.

21 VICE CHAIRMAN TAIT: Well, I guess the  
22 Council is trying to figure out how to accomplish that.  
23 We had wished this had happened back in the fall of 2003,  
24 that you could have gotten together to present to us

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1 something that you both agree will work. Is it sensible  
2 to have CL&P and ISO sit down tomorrow and start this  
3 process? I'm just talking out loud. We -- you know, our  
4 next hearings are July 17<sup>th</sup>. Is there any way -- any  
5 possible way for CL&P an ISO to present to the Council  
6 and the parties a plan that you both agree will work?  
7 Because if you don't agree it will, it's not going to get  
8 certified no matter what we say. It's not our decision.

9 MR. WHITLEY: We certainly would come to  
10 the table to do that and I expect they would as well.

11 VICE CHAIRMAN TAIT: The table I'm coming  
12 to is tomorrow or ASAP --

13 MR. WHITLEY: Yes --

14 VICE CHAIRMAN TAIT: -- and then if you  
15 come up with a proposal like that, all the parties need  
16 to have a chance to look at that proposal after it's been  
17 submitted, and -- we seem to have lost a lot of ground.

18 My thought is that we're nearing  
19 lunchtime. Everybody ought to think about where we go  
20 from here without deciding --

21 MR. BALL: Mr. Tait, if I might. David  
22 Ball on behalf of Woodbridge, Wilton, Weston. It would  
23 be -- it would seem to me that it would be very very  
24 important for the towns to be involved in this process,

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1 in this process of identifying what seems to be starting  
2 from scratch and coming up with a brand new solution. We  
3 have all been operating and spending an enormous amount  
4 of time and money, as you have, with the assumption that  
5 the Applicants' proposal is what was on the table, and  
6 we've been working off of that and modeling studies off  
7 of that. As I understood Mr. Whitley's testimony, he's  
8 suggesting let's start from scratch from the presumption  
9 of overhead lines, contrary to the statute, and try and  
10 come up with new configurations. I would think the  
11 Towns' involvement would be essential in this process.

12 VICE CHAIRMAN TAIT: The question is at  
13 what point would it be essential --

14 MR. BALL: I --

15 VICE CHAIRMAN TAIT: -- unless the  
16 Applicant and ISO come to some sort of agreement, what we  
17 think and what you think is not going to solve the  
18 problem. You'll have your full chance to look at it once  
19 they propose it. I'm not sure in the planning stages too  
20 many cooks don't spoil the broth --

21 MR. BALL: I appreciate --

22 VICE CHAIRMAN TAIT: -- but I don't want  
23 to make any decisions, I'm just talking off the record  
24 sort of out loud. Let's think about it because this



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1 testimony sets us back.

2 MR. BALL: I appreciate that. My  
3 perspective, just for the record, is that the Towns'  
4 consultants ought to be involved at this stage and ought  
5 to have some input in it right now, rather than being  
6 caught again at the eleventh hour with some testimony or  
7 reports that we've never seen before and then we don't  
8 have time to deal with.

9 VICE CHAIRMAN TAIT: Fine.

10 MS. RANDELL: Shall I wait then until  
11 after lunch to address this issue?

12 VICE CHAIRMAN TAIT: I think it would be  
13 more productive and I'll keep my mouth shut too--

14 MS. RANDELL: I would be thrilled.

15 MR. ASHTON: (Indiscernible) -- hold the  
16 conversations --

17 VICE CHAIRMAN TAIT: Yes --

18 MR. ASHTON: -- (indiscernible) -- the  
19 conversations --

20 VICE CHAIRMAN TAIT: Hold the -- we need  
21 to know where we go from here.

22 MS. RANDELL: Indeed.

23 VICE CHAIRMAN TAIT: But let's continue  
24 where we are right now. Okay.

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1 MR. EMERICK: I have no further questions.  
2 (Laughter).

3 VICE CHAIRMAN TAIT: Mr. Ashton.

4 MR. ASHTON: I'd like to go back, if I  
5 could, and at least probe with ISO when a system is  
6 reliable and when it's not and what is the determinate  
7 for making that decision. We've heard the Applicants  
8 indicate that they find the reliability acceptable. And  
9 another synonym for that word has been feasible, which is  
10 equally pregnant as far as I'm concerned --

11 VICE CHAIRMAN TAIT: I'd add another one,  
12 palatable.

13 MR. ASHTON: Yeah. We need some guidance  
14 as to when it is and when it ain't. And I'd like to hear  
15 your comments on that?

16 MR. WHITLEY: From the standpoint of  
17 typical reliability measures, thermal overloads, voltage  
18 criteria, I don't think there's any question we have --

19 MR. ASHTON: We seem to have transcended  
20 that hurdle --

21 MR. WHITLEY: Right. We're over into  
22 harmonic resonance now and the operability of a plan  
23 that's a very complex plan in a very weak system where  
24 generation can be on or off, different configurations are

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1 going to be in, we're going to be working on construction  
2 in this system for a number of years trying to rebuild  
3 the system to keep the lights on, and -- and we don't  
4 have a plan that we have seen that proposes hardware that  
5 fixes these harmonic resonance problems at the third  
6 harmonic or lower. It -- the study shows us that there's  
7 all kinds of problems, that we're injecting thousands of  
8 megaVARS of capacitance in this system that's going to  
9 generate all these problems and there's no solution in  
10 front of us on how those are going to be mitigated. Our  
11 consultant tells us, based on all of his experience, the  
12 solutions that we're going to be looking at if they are  
13 proposed are going to be very very impractical. So that  
14 leads us to say we can't operate this reliably. My  
15 operators are going to have to operate this power system  
16 and make decisions on whether to put this line in or that  
17 line in, not only to think about providing adequate  
18 voltage and thermal capability but what's this doing when  
19 I switch something, and there's just an infinite number  
20 of combinations they have to deal with. So, I want to  
21 make sure that I'm not in this danger zone, I'm in the  
22 safe zone. And clearly from what my consultant is  
23 telling me and our engineers' interpretation of the GE  
24 studies, that we need to be above that third harmonic to

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1 do that.

2 MR. ASHTON: Let me just explore that a  
3 little bit if I can. Are you familiar with what is  
4 Applicants' Exhibit 110, which was the GE --

5 MR. WHITLEY: Yes --

6 MR. ASHTON: -- produced document?

7 MR. WHITLEY: Yes.

8 MR. ASHTON: And I refer you to page 9,  
9 which was the --

10 VICE CHAIRMAN TAIT: That was a very  
11 useful page for all of us --

12 MR. WHITLEY: Right --

13 MR. ASHTON: Yeah, somebody got their  
14 money's worth out of that page.

15 VICE CHAIRMAN TAIT: Yes, we appreciate  
16 that.

17 MR. ASHTON: First of all a threshold  
18 question. Is there anything you disagree with in Exhibit  
19 110?

20 MR. WHITLEY: No.

21 MR. ASHTON: Okay. So we've got a common  
22 starting point there. Going to that family of curves.  
23 Is it your testimony, Mr. Whitley, that anything that  
24 falls below the third harmonic is unreliable, period, end

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1 of discussion?

2 MR. WHITLEY: Yeah, unless there are some  
3 mitigating proposals that will mitigate that.

4 MR. ASHTON: Anything that falls --

5 MR. WHITLEY: Right --

6 MR. ASHTON: -- if it's unmitigated or  
7 mitigated, if it falls below that third harmonic, ISO is  
8 not buying it. Is that fair to say?

9 MR. HACKWELL: I would say there's a very  
10 high risk of system failures if you get into that area.

11 MR. ASHTON: That's not my question --

12 VICE CHAIRMAN TAIT: I thought the  
13 question was will ISO approve it?

14 MR. ASHTON: Well, that's not my question  
15 --

16 VICE CHAIRMAN TAIT: It's my question.

17 MR. WHITLEY: Well, my -- my answer is no,  
18 we're not going to approve it unless we're comfortable  
19 that we can operate with safe risks in that zone with  
20 mitigating measures. And we haven't seen those. So --

21 VICE CHAIRMAN TAIT: And you called them  
22 impractical?

23 MR. WHITLEY: Yes.

24 VICE CHAIRMAN TAIT: So I read that as --

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1 MR. WHITLEY: Right, and -- you know, the  
2 consultant has told me that when you design a filter  
3 let's say for the third harmonic, it introduces more  
4 problems for the second harmonic, so which in second  
5 harmonics are very common. So we're in a very very  
6 complex area. And we need to be moving away from that  
7 zone down toward the toward the green colored --

8 VICE CHAIRMAN TAIT: So the likelihood of  
9 ISO ever approving anything below the third harmonic is  
10 very slight?

11 MR. WHITLEY: We would have to have a lot  
12 of evidence that looked at a lot of scenarios that told  
13 us we would be operating safely based on what we know  
14 from these studies.

15 MR. ASHTON: I think I'm going to defer  
16 anything further right now.

17 VICE CHAIRMAN TAIT: Okay. Gerry.

18 MR. HEFFERNAN: Yeah -- probably more of a  
19 statement than anything else I guess. A lot of it is  
20 very confusing to me. The one thing that isn't confusing  
21 I don't think is that at the bottom line it has to work -  
22 -

23 A VOICE: Exactly.

24 MR. HEFFERNAN: -- you know. And I

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1 certainly can't -- as one member have difficulty trying  
2 to make that decision with ISO saying we don't think it's  
3 going to work, the Applicant saying we think it's going  
4 to work, the Towns saying well we think it could work if  
5 you do this. And I understand the needs and they're  
6 real. So somehow there has to be, as the Chairman  
7 suggested before, some conversations between the parties  
8 before any work --

9 VICE CHAIRMAN TAIT: And not to be  
10 forgotten we have to solve the EMF question. If you say  
11 it works, we then have a statute to deal with. Okay.

12 MR. ASHTON: Life ain't simple.

13 VICE CHAIRMAN TAIT: It's now time for  
14 people to start cross-examination -- is it time to take a  
15 little early lunch so you can start your lunchtime  
16 conversation?

17 MS. RANDELL: I was going to ask you what  
18 the correct answer to the question of should I start? I  
19 take it the answer is --

20 VICE CHAIRMAN TAIT: Your choice --

21 MS. RANDELL: -- no?

22 VICE CHAIRMAN TAIT: No, your choice.

23 MS. RANDELL: No, we're happy to just  
24 break now.

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1 VICE CHAIRMAN TAIT: Okay. That will give  
2 you a little bit more time to talk.

3 MS. RANDELL: Yes.

4 VICE CHAIRMAN TAIT: I think we'll need  
5 some time at the end of this session to see -- to report  
6 back on what your conversations were because we're not  
7 going to meet again --

8 MS. RANDELL: Right --

9 VICE CHAIRMAN TAIT: -- until two weeks.  
10 And so I'm sure Chairman Katz would like to know where  
11 we're going from here within the interim. So maybe we  
12 could save 15 minutes at the end of the day.

13 MS. RANDELL: That -- that would be fine.  
14 I would suggest that if we don't have a plan to start  
15 something tomorrow, we're all not doing our job.

16 VICE CHAIRMAN TAIT: Okay, we will break  
17 until 1:00 o'clock then.

18 (Whereupon, a luncheon recess was taken.)

19 VICE CHAIRMAN TAIT: I call this hearing  
20 to order this afternoon. The first party is  
21 Representative Adinolfi. I understand you have a witness  
22 for us.

23 REPRESENTATIVE AL ADINOLFI: Thank you,  
24 Mr. Chairman. Yes, I do have a witness.



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1                   On March 9<sup>th</sup> my constituent Prakash Vaidya  
2                   submitted testimony and what he called some solutions to  
3                   under-grounding. And I was requested by NU, or the  
4                   Applicant I should say, last month that they wanted to  
5                   cross-examine him and I wasn't prepared and so on. And  
6                   so we have him here available today for that cross-  
7                   examination.

8                   And Mr. Prakash -- Prakash Vaidya has  
9                   degrees in Physics from the University of Delhi, India,  
10                  Electrical Engineering and Computer Science from computer  
11                  -- from Columbia University of New York, and has been  
12                  practicing engineering since 1976. When the application  
13                  of the 345-kV was presented, Mr. Vaidya researched the  
14                  problem with other engineers and reached a conclusion  
15                  that under-grounding cabling is a viable solution for  
16                  Phase 2 and submitted that testimony. And he's here for  
17                  any cross-examination on his testimony now.

18                  VICE CHAIRMAN TAIT: Sir, I believe you  
19                  were already -- were you sworn in March?

20                  A VOICE: No --

21                  MR. VAIDYA: No, I wasn't.

22                  VICE CHAIRMAN TAIT: Okay. I guess we'll  
23                  do it now then.

24                  MR. HAINES: Would you stand, sir, and

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1 raise your right hand please --

2 COURT REPORTER: Well before he does that,  
3 could he just give me his name and spell it please,  
4 slowly.

5 MR. VAIDYA: Sure. The first name  
6 Prakash, spelled P-r-a-k-a-s-h. The last name V as in  
7 Victor, a-i, d as in David, y-a.

8 COURT REPORTER: Thank you very much.

9 MR. HAINES: Okay. Would you raise your  
10 right hand.

11 (Whereupon, Prakash Vaidya was duly sworn  
12 in.)

13 MR. HAINES: Please be seated.

14 VICE CHAIRMAN TAIT: Mr. Vaidya, I have  
15 before me a statement dated March 9, 2004, a Statement of  
16 Limited Appearance, entitled It Is Possible to Bury the  
17 Entire Line. Is that your testimony today that you will  
18 swear to today that that document is --

19 MR. VAIDYA: This is the document I  
20 prepared, yes.

21 VICE CHAIRMAN TAIT: You prepared and it's  
22 true and accurate to the best of your knowledge and  
23 believe?

24 MR. VAIDYA: That's correct.

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1 VICE CHAIRMAN TAIT: And that this is your  
2 testimony basically today?

3 MR. VAIDYA: Yes, of course. Given  
4 today's circumstances, but yes.

5 VICE CHAIRMAN TAIT: Yes. Since it wasn't  
6 sworn to back in March --

7 MR. VAIDYA: Right --

8 VICE CHAIRMAN TAIT: Does the Applicant  
9 have some questions?

10 MS. RANDELL: We do not.

11 VICE CHAIRMAN TAIT: Do any of the parties  
12 in the audience have a question of this witness rather  
13 than go through the whole list --

14 MR. RICHARD BURTURLA: Yes, Mr. Chairman.  
15 Richard Burturla on behalf of the Town of Cheshire. I  
16 have some limited cross.

17 VICE CHAIRMAN TAIT: Thank you. Why don't  
18 you do it right now.

19 MR. BURTURLA: Mr. Vaidya, thank you for  
20 coming today. Could you tell the folks on the Siting  
21 Council where you live?

22 MR. VAIDYA: I live in Cheshire in the --  
23 what we call the Old Farms community neighborhood. A  
24 beautiful area, surrounded by greenery, not too much

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1 going on, a quiet neighborhood, approximately about 30  
2 families or so. We're adjacent to the Hamden line, so  
3 there's a number of families there. Is there anything  
4 else --

5 MR. BURTURLA: And where precisely is your  
6 home with respect to the right-of-way?

7 MR. VAIDYA: The right-of-way goes on the  
8 edge of my property and so there's power lines that go on  
9 the edge of my property all the way down through my  
10 neighbors.

11 MR. BURTURLA: Alright. And are there  
12 children in the neighborhood?

13 MR. VAIDYA: There's a lot of children,  
14 school children, preschool children. It's a real  
15 community with families, young families, just growing as  
16 they grow.

17 MR. BURTURLA: And I take it the only way  
18 to enter that particular neighborhood is to cross under  
19 the existing 115-kV lines and that same -- that street --  
20 the proposed 345-kV lines would be above that particular  
21 street, is that right?

22 MR. VAIDYA: That's -- that's absolutely  
23 correct. There's only two ways in and out of this  
24 neighborhood. One is if you come off Route 10 and go

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1 down Old Lane Road, you end up at Old Farms. And the  
2 other one is off Cook Hill Road through Turtle to Old  
3 Farms. So you cannot pass through without going through  
4 these overhead lines. And of course I think we've cited  
5 in the past our concerns about some of these falling  
6 lines too.

7 MR. BURTURLA: Could you tell the folks on  
8 the Council exactly where -- and you just told me this --  
9 exactly where is the school bus stop?

10 MR. VAIDYA: Well, it takes a right-hand  
11 turn on Old Farms Road. Old Farms Road is like an S  
12 shape curve and there's -- so it makes -- it comes in at  
13 a 90-degree turn and there's a series of these overhead  
14 towers and, unfortunately, the children have to stand  
15 underneath the towers while they wait for their school  
16 bus.

17 MR. BURTURLA: Thank you, Mr. Vaidya.  
18 Now, you have a background in physics I take it and  
19 electrical engineering, is that right?

20 MR. VAIDYA: That's correct.

21 MR. BURTURLA: And you have done some  
22 research related to under-grounding of power lines, is  
23 that right?

24 MR. VAIDYA: Yes, that's correct. I have

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1       been working with -- I've been studying the literature,  
2       I've been talking to people who are in the field. I've  
3       contacted people at different public service commissions.  
4       And I've presented each one of them the problem and I  
5       said this is what is being said and can we put it  
6       underground.

7                       MR. BURTURLA: And are you aware of an  
8       underground 345-kV line in the greater New York area in  
9       excess of 24 miles?

10                      MR. VAIDYA: Yes, I am.

11                      MR. BURTURLA: And where is that line?

12                      MR. VAIDYA: This line is going from New  
13       Rochelle to Hampsted, Long Island. This line was put in  
14       I guess in the late 80's and early 90's.

15                      MR. BURTURLA: Thank you. I have nothing  
16       further.

17                      VICE CHAIRMAN TAIT: Are there any other  
18       parties or intervenors in the audience who would like to  
19       cross-examine this witness? Are there any questions from  
20       the Council?

21                      MR. ASHTON: Mr. Chairman -- I'm sorry --

22                      VICE CHAIRMAN TAIT: Fred.

23                      MR. CUNLIFFE: Yes, I have a couple. One  
24       is the line you just referred to in New York --

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1 MR. VAIDYA: Yes --

2 MR. CUNLIFFE: -- do you know the type of  
3 cable installation?

4 MR. VAIDYA: Yes. This is SCFF, fluid  
5 filled.

6 MR. CUNLIFFE: Okay, thank you.

7 MR. VAIDYA: And then part of it is a  
8 submarine that goes through the Sound.

9 VICE CHAIRMAN TAIT: And what voltage is  
10 it, sir?

11 MR. VAIDYA: 345 kilovolts.

12 VICE CHAIRMAN TAIT: Thank you.

13 MR. CUNLIFFE: And the other is -- since  
14 you've made a comment about the previous testimony if you  
15 were here this morning, what -- would your testimony  
16 change in any way based on that?

17 MR. VAIDYA: Well from what I understand  
18 is that ISO is -- has an objection to this whole  
19 application, and then there's these issues of EMF,  
20 there's harmonics, and a myriad of issues that have been  
21 raised. My suggestion is they -- the Applicant should  
22 probably be looking at DC because it eradicates all of  
23 these problems, there's no EMF, there's no harmonic  
24 problems. There would be -- it would not affect the

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1 communities that it's going through. And it's -- you  
2 know, there's no reactive power so it's more reliable.  
3 And we pay for basically what we use.

4 VICE CHAIRMAN TAIT: Would you suggest it  
5 go overhead or underground?

6 MR. ASHTON: DC.

7 VICE CHAIRMAN TAIT: If it's DC and  
8 there's no EMF problems?

9 MR. VAIDYA: I think that would be  
10 something that the State would have -- the Legislators  
11 would have to decide what makes sense. It's not an area  
12 I have researched into, but it certainly looks like that  
13 would be, given the circumstances today, something that  
14 would be considered. I guess there's a new technology  
15 also called light HVDC that someone may want to  
16 investigate as well.

17 MR. CUNLIFFE: I have no further  
18 questions.

19 VICE CHAIRMAN TAIT: Phil.

20 MR. ASHTON: Mr. Vaidya, you referred to a  
21 system called FFACTS, fast acting AC transmission system.  
22 And that is -- am I correct in understanding that's  
23 achieved by adding capacitors in series with a  
24 transmission line?



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1 MR. VAIDYA: Actually FFACTS if flexible  
2 AC transmission, which is basically using solid state  
3 electronics to -- we used to have the old shunt reactors  
4 and so on and now they've got these devices which are  
5 solid state and they can be continuously monitoring and  
6 injecting reactive power where needed.

7 MR. ASHTON: Shunt reactors you're  
8 talking?

9 MR. VAIDYA: They use -- I have a document  
10 --

11 MR. ASHTON: I know what a shunt reactor  
12 is. I'm asking you want -- how does the FFACTS work?

13 MR. VAIDYA: How does FFACTS work? Well,  
14 there's a whole series of applications of where you would  
15 use FFACTS. You could use it for injecting reactive  
16 power. You could --

17 MR. ASHTON: Well just tell me how it  
18 works first, never mind -- let's do that --

19 MR. VAIDYA: There's a solid state device  
20 which is monitoring the voltage. It's a micro process --

21 MR. ASHTON: Yeah --

22 MR. VAIDYA: -- computer that's monitoring  
23 the line voltages and currents. And as it determines  
24 something has to be rectified, it will inject the

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1 appropriate reactive current in the circuit.

2 MR. ASHTON: Inductive current or  
3 capacitive?

4 MR. VAIDYA: Yeah -- both.

5 MR. ASHTON: Both, okay. You also  
6 mentioned the use of series capacitors, is that correct?

7 MR. VAIDYA: Series inductors and shunt --

8 MR. ASHTON: Just give me a second here  
9 and I'll see if I can find the specific reference to it -  
10 - (pause) -- I can't put my fingers on it, but I believe  
11 -- I thought you mentioned it in here --

12 MR. VAIDYA: What was the question? If I  
13 could --

14 MR. ASHTON: Did you recommend using  
15 series capacitors to increase the loading on existing  
16 transmission lines?

17 MR. VAIDYA: I was focusing on the  
18 charging capacitance. And in that case you would use  
19 shunt reactors. If you had a situation where you have  
20 low voltage, then of course you would use capacitors,  
21 shunt capacitors.

22 MR. ASHTON: That I understand too. I  
23 can't see -- I thought I -- I thought I read it -- in  
24 general is U.S. transmission line technology consistent

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1 with that of the rest of the world, ignoring the fact  
2 that 50-hertz and 60-hertz are applied?

3 MR. VAIDYA: I think our engineers are as  
4 capable as any engineer in Europe. However, I think  
5 there has been a reluctance to make use of technology.  
6 And let me give you an example. We -- people have been  
7 talking about XLPE is too new, it doesn't have -- you  
8 know, hasn't been around long enough for us to consider  
9 it. But you are familiar with C-I-G-R-E, CIGRE, the --

10 MR. ASHTON: Congressional International -  
11 - (speaks French) --

12 MR. VAIDYA: Right --

13 MR. ASHTON: -- Ground Research (speaks  
14 French) --

15 COURT REPORTER: Spell that --

16 MR. ASHTON: No, it's French -- that's the  
17 one we talked about, Tony.

18 MR. VAIDYA: There's a paper coming out in  
19 August from Switzerland, which is basically something to  
20 the effect of a decade of experience with high voltage  
21 XLPE underground cables --

22 MR. ASHTON: And what high -- what's the  
23 voltage you're talking about here, quantify it?

24 MR. VAIDYA: I -- I could be wrong, but I

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1 think it's 400 -kV.

2 MR. ASHTON: Um-hmm --

3 MR. VAIDYA: So let me just say I'm not  
4 sure -- I don't have the paper obviously, so -- but  
5 people are willing to share a decade of experience, so  
6 it's not as new as people make it out to be.

7 I guess the other thing is that it seems  
8 like people overseas are willing to try more things. For  
9 example, in Iceland, which as you know has got terrible  
10 meteorological conditions, the weather affects all their  
11 lines, so now they're trying to go underground. And  
12 about two years ago they came up with a solution to do  
13 200 kilometers of under-grounding. Admittedly it's not  
14 345-kV, it's I think 132-kV. But what was interesting is  
15 they're putting shunt reactors every five kilometers  
16 along this because they claim they have a weak system and  
17 that they found that they can overcome it and take care  
18 of all the charging effects by using these.

19 MR. ASHTON: Do you know if shunt reactors  
20 are used in this country at all?

21 MR. VAIDYA: I believe NU had said they do  
22 use it. And that was one of the reasons why we have such  
23 a weak system.

24 MR. ASHTON: NU said they what?

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1 MR. VAIDYA: They are using it?

2 MR. ASHTON: That's your -- that's your  
3 testimony? I'm just asking you, you're telling me.

4 MR. VAIDYA: Yeah, I -- I said I believe  
5 I've read that NU said in one of -- (pause) -- I think it  
6 says shunt capacitors in here --

7 MR. ASHTON: I'm sorry?

8 MR. VAIDYA: I'm looking at a document  
9 sent by Northeast Utilities on March 3<sup>rd</sup> and I believe  
10 that they had made reference to shunt capacitors, fixed  
11 shunt capacitors at substations.

12 MR. ASHTON: Would we agree that shunt  
13 reactors and shunt capacitors are not the same thing?

14 MR. VAIDYA: That's correct.

15 MR. ASHTON: I did find in your -- in your  
16 testimony I did find the article or the reference to  
17 series compensation. It's -- they're unnumbered pages,  
18 but it's under the heading of facts, it's the second  
19 paragraph --

20 MR. VAIDYA: Okay.

21 MR. ASHTON: Were you referring to series  
22 capacitors in that case or -- or what?

23 MR. VAIDYA: Uh --

24 MR. ASHTON: The pages aren't numbered

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1 unfortunately, but it's -- it's -- the heading on the  
2 left is facts.

3 MR. VAIDYA: Okay. This -- okay.

4 MR. ASHTON: Do you see the second  
5 paragraph --

6 MR. VAIDYA: Yes.

7 MR. ASHTON: -- it says -- the words begin  
8 by considering series compensation.

9 MR. VAIDYA: Yes.

10 MR. ASHTON: Are you talking capacitors,  
11 series capacitors there?

12 MR. VAIDYA: Here -- basically, I should  
13 give you the source where I'm getting this from --

14 MR. ASHTON: No, I want to find out what  
15 you're talking about first --

16 MR. VAIDYA: Okay, but I'm quoting someone  
17 on this.

18 MR. ASHTON: Well, I didn't see any  
19 quotation marks around it --

20 MR. VAIDYA: I know. It's not put in the  
21 thing because I assumed I was going to be giving this as  
22 a speech. I didn't realize it was going to be submitted  
23 in as a document. I would have provided references. I  
24 do have the references with me. So -- that's why I'm

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1 having a problem finding the pages because what you have  
2 is different from what I have. But -- so yes, this is  
3 basically a report that's from the World Bank and put out  
4 by ABB.

5 MR. ASHTON: And what does series  
6 compensation refer to?

7 MR. VAIDYA: I guess that would be a --  
8 that would be speculation on my part. I have an idea  
9 what it is, but since you want me to be accurate --

10 MR. ASHTON: Okay, thank you. Nothing  
11 further.

12 VICE CHAIRMAN TAIT: Ed.

13 MR. EDWARD S. WILENSKY: I think we -- I  
14 drove through -- or we drove through your neighborhood,  
15 am I correct on that, on one of the visits that we made  
16 to the various towns? Is it -- is part of that line  
17 going underground in your particular neighborhood, the  
18 existing 115 line, a short portion of it?

19 MR. VAIDYA: No.

20 MR. WILENSKY: That wasn't the area that I  
21 was in then?

22 REPRESENTATIVE ADINOLFI: Can I answer  
23 that? In the proposed proposal from the Applicant, they  
24 would take one of the 115 lines, existing 115 lines and

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1 run them underground down Old Farms Road so that they  
2 could make room for the 345-kV line and stay within the  
3 exiting right-of-way.

4 MR. WILENSKY: This is the area that this  
5 gentlemen lives in, is that --

6 REPRESENTATIVE ADINOLFI: That's correct.

7 MR. WILENSKY: Okay. I just wanted to  
8 make sure I knew where you were because I remember  
9 driving some of the areas and that helps refresh my mind.  
10 Thank you very much. Thank you, Mr. Chairman.

11 VICE CHAIRMAN TAIT: Any questions?

12 MR. HEFFERNAN: No questions.

13 VICE CHAIRMAN TAIT: Does any -- again the  
14 last call on the parties, is there anybody who would like  
15 to ask this witness any questions on cross-examination?  
16 Hearing none, thank you very much.

17 MR. VAIDYA: Thank you.

18 VICE CHAIRMAN TAIT: Representative  
19 Adinolfi, thank you for coming, sir.

20 REPRESENTATIVE ADINOLFI: Thank you.

21 VICE CHAIRMAN TAIT: Our next panel of  
22 witnesses has been called the institutional panel of Ezra  
23 Academy. We're trying to look for a better name, but  
24 that's what I've been stuck with.



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1 (Pause)

2 VICE CHAIRMAN TAIT: Thank you for the  
3 nametags. We all set, Ed?

4 COURT REPORTER: Can I get their names --

5 VICE CHAIRMAN TAIT: Yeah --

6 COURT REPORTER: -- and spellings please.

7 VICE CHAIRMAN TAIT: Mr. Schaefer, would  
8 you introduce your panel and --

9 MR. DAVID SCHAEFER: Sure. If I can go in  
10 order across. Miss Siegel, would you introduce yourself  
11 and say what organization you're affiliated with.

12 MS. RONNY SIEGEL: My name is Ronny Siegel  
13 and I'm the Executive Director of the Jewish Community  
14 Center of Greater New Haven.

15 COURT REPORTER: You need to spell your  
16 name for me please.

17 MS. SIEGEL: The first one or second one?

18 COURT REPORTER: Both.

19 MS. SIEGEL: Ronny, R-o-n-n-y. Siegel, S-  
20 i-e-g-e-l.

21 MR. SCHAEFER: Okay. And Shelley Kreiger.

22 MS. SHELLEY KREIGER: My name is Shelley  
23 Kreiger. I'm the head of school at Ezra Academy. And  
24 it's S-h-e-l-l-e-y, K-r-e-i-g-e-r. Ezra Academy is the

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1 bicultural Jewish day school with Connecticut Association  
2 of Independent Schools in the Solomon Schechter  
3 Association.

4 MR. SCHAEFER: Okay. Mr. Wunsch.

5 MR. ALAN V, WUNSCH: Alan V. Wunsch. I'm  
6 the Executive Director of Congregation B'Nai Jacob, the  
7 second largest conservative synagogue in the State of  
8 Connecticut. A-l-a-n, V as in Victor. Wunsch, W-u-n-s-  
9 c-h.

10 MR. SCHAEFER: Okay. And Miss Perry.

11 MS. SYDNEY PERRY: I'm Sydney Perry, S-y-  
12 d-n-e-y, P-e-r-r-y. I'm the Acting Director of the  
13 Jewish Federation of Greater New Haven, and the long-term  
14 Director of the Department of Jewish Education of the  
15 same institution.

16 VICE CHAIRMAN TAIT: Please stand and take  
17 the oath.

18 MR. HAINES: Thank you. Would you raise  
19 our right hand please.

20 (Whereupon, the Ezra Academy Et Al panel  
21 of witnesses was duly sworn in.)

22 MR. HAINES: Thank you. Be seated please.

23 VICE CHAIRMAN TAIT: Do we have prefiled  
24 testimony?

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1 MR. SCHAEFER: Yes, we do. There are two  
2 prefiled testimony. One is the prefiled testimony of  
3 Alan V. Wunsch on behalf of Congregation B'Nai Jacob  
4 dated June 7, 2004. And there are exhibits attached to  
5 this that would be helpful to the Council -- I have extra  
6 copies if members of the Council don't have it with them.

7 VICE CHAIRMAN TAIT: Thank you.

8 (Pause)

9 MR. SCHAEFER: And then there is also  
10 prefiled testimony of the other three witnesses, Sydney  
11 Perry, Shelley Kreiger and Ronny Siegel, also dated June  
12 7, 2004. And again there are a number of pictures and  
13 maps attached. And I have extra copies.

14 VICE CHAIRMAN TAIT: Thank you. Mr.  
15 Schaefer, my program indicates several other exhibits to  
16 be verified?

17 MR. SCHAEFER: Okay. I don't have my  
18 program in front of me. If you could tell me what they  
19 are, I'll be glad to do so.

20 VICE CHAIRMAN TAIT: I have No. 3,  
21 Responses to Applicants' Interrogatories, dated May 21,  
22 2004 --

23 MR. SCHAEFER: Okay --

24 VICE CHAIRMAN TAIT: -- to be verified.

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1 Supplemental Testimony Concerning Laboratory Studies of  
2 Effects of EMF from Drs. Bell, etcetera.

3 MR. SCHAEFER: That's been done  
4 previously.

5 VICE CHAIRMAN TAIT: Okay.

6 MR. SCHAEFER: When the panel was here  
7 yesterday that was done.

8 VICE CHAIRMAN TAIT: Okay. Appendix to  
9 Supplemental Testimony from Dr. Bell. That was done --

10 MR. SCHAEFER: That's been done.

11 VICE CHAIRMAN TAIT: Okay. So it's just  
12 the Responses to Interrogatories and the testimony of  
13 your witnesses.

14 MR. SCHAEFER: Okay. The -- the -- I  
15 believe the responses to the interrogatories that you're  
16 referencing are the resumes of the panel from yesterday  
17 and so these people would not be able to swear to that --  
18 if I've got the right document. I thought that was  
19 handled yesterday. It may not have been, but this panel  
20 could not swear to that.

21 VICE CHAIRMAN TAIT: Do you know whether  
22 it was -- got into the record yesterday, Fred, the  
23 resumes? Do you have copies of the resumes?

24 MR. SCHAEFER: I do not -- from the panel

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1 yesterday I do not have it with me here.

2 VICE CHAIRMAN TAIT: I was wondering if  
3 anybody, any party objects to having them come into  
4 evidence right now without having seen them before.

5 MR. SCHAEFER: Well, they've been served  
6 on everybody.

7 VICE CHAIRMAN TAIT: Everybody has been  
8 served?

9 MR. SCHAEFER: Yes.

10 VICE CHAIRMAN TAIT: Are there any  
11 objections to having those resumes coming in as a full  
12 exhibit?

13 MS. RANDELL: No objection.

14 VICE CHAIRMAN TAIT: Hearing none, we will  
15 accept those as exhibit -- 3? Yes.

16 MR. SCHAEFER: Yes.

17 (Whereupon, Ezra Academy Et Al Exhibit No.  
18 3 was received into evidence as a full exhibit.)

19 MR. SCHAEFER: Would you like for me to  
20 have them sponsor the testimony --

21 VICE CHAIRMAN TAIT: Yes, I would. Yes.

22 MR. SCHAEFER: Okay. If I could start  
23 with Mr. Wunsch. Mr. Wunsch, do you have a copy of your  
24 testimony in front of you --

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1 MR. WUNSCH: Yes, I do --

2 MR. SCHAEFER: -- dated June 7, 2004, and  
3 is -- is this testimony which -- is true and accurate to  
4 the best of your belief?

5 MR. WUNSCH: There's one correction that  
6 needs to be made to the prefiled testimony.

7 MR. SCHAEFER: Would you state what that  
8 correction is?

9 MR. WUNSCH: Certainly. On page 2 from  
10 the prefiled testimony where the description of the power  
11 lines in relation to Congregation B'Nai Jacob, it should  
12 have read the edge of the right-of-way runs approximately  
13 46 feet from the edge of the building and the edge of the  
14 right-of-way runs approximately 37 feet from the Ezra  
15 playground. And I apologize for that error.

16 MR. SCHAEFER: And are you correcting the  
17 first full paragraph on the top of page 2?

18 MR. WUNSCH: Yes, I am.

19 MR. SCHAEFER: Okay. And we'd be glad to  
20 file a written errata sheet --

21 VICE CHAIRMAN TAIT: Yes --

22 MR. SCHAEFER: -- for that.

23 VICE CHAIRMAN TAIT: -- thank you.

24 MR. ASHTON: Mr. Schaefer, may I ask also

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1 on page 3 at the -- it's a single question and answer --  
2 the answer in the fourth line refers to a transmission  
3 line of 460-kV. Would that be a typographical error?

4 MR. SCHAEFER: Or that may have been 345  
5 plus 115, so it was adding the two together.

6 MR. ASHTON: The engineering escapes me on  
7 that.

8 MR. SCHAEFER: Well, I'm not sure that it  
9 was done by an engineer. We can ask Mr. Wunsch about his  
10 qualifications --

11 MR. ASHTON: I will --

12 MR. SCHAEFER: -- but I think that's what  
13 the reference --

14 MR. ASHTON: -- I'll ask what the source  
15 of that --

16 MR. SCHAEFER: I think that's what the  
17 reference was to.

18 MR. ASHTON: I hadn't thought of adding --

19 MR. SCHAEFER: Yeah. I would offer this  
20 as an exhibit.

21 VICE CHAIRMAN TAIT: Are there any  
22 objections to the testimony of Allan Wunsch? Hearing  
23 none, we'll accept it as a full exhibit.

24 MR. SCHAEFER: Okay.

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1 (Whereupon, Ezra Academy Et Al Exhibit No.  
2 6 was received into evidence as a full exhibit.)

3 MR. SCHAEFER: And then with respect to  
4 the testimony of Sydney Perry, Shelley Kreiger and Ronny  
5 Siegel -- Mrs. Perry, Kreiger and Siegel, is this your  
6 testimony?

7 MS. SIEGEL: Yep.

8 MS. KREIGER: Yes, it is.

9 MS. PERRY: Yes.

10 MR. SCHAEFER: Okay. Is it accurate to  
11 the best of your knowledge and belief?

12 MS. SIEGEL: Yes.

13 MS. KREIGER: Absolutely.

14 MS. PERRY: Yes.

15 MR. SCHAEFER: And do you sponsor this  
16 testimony?

17 MS. SIEGEL: Yes.

18 MS. KREIGER: Yes.

19 MS. PERRY: I do.

20 MR. SCHAEFER: And do you ask the Council  
21 to consider it?

22 MS. SIEGEL: Yes.

23 MS. KREIGER: Yes.

24 MS. PERRY: Please.



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1 MR. SCHAEFER: I would move its admission.

2 COURT REPORTER: Those were all yes's?

3 MS. PERRY: Yeah.

4 VICE CHAIRMAN TAIT: All yes's. Are there  
5 objections to the admission of these documents? So  
6 they'll be admitted as Exhibit 7.

7 (Whereupon, Ezra Academy Et Al Exhibit No.  
8 7 was received into evidence as a full exhibit.)

9 VICE CHAIRMAN TAIT: Available for cross-  
10 examination?

11 MR. SCHAEFER: Yes, they are.

12 VICE CHAIRMAN TAIT: The Applicant.

13 MS. RANDELL: Yes. I can't resist.

14 Following up on Mr. Ashton's question, there's a  
15 reference on the last page of each of your testimony to  
16 460 volts of power lines --

17 MR. ASHTON: kV -- kV.

18 MS. RANDELL: It is page 8 of the group  
19 testimony and page 3 as you pointed out, Mr. Ashton, of  
20 the Wunsch testimony.

21 MR. ASHTON: It's kV though, not volts.

22 MS. RANDELL: I'm sorry, kilovolts.

23 Excuse me, kilovolts. Which one of you wrote that?

24 COURT REPORTER: One moment please before

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1 you answer. (Pause). Thank you.

2 MR. WUNSCH: If I could answer on behalf  
3 of all four of us, that was prepared in conjunction with  
4 some of our volunteers and it was the adding of the 115  
5 line plus the 345 line to come up with the 460.

6 MS. RANDELL: And with respect to the  
7 testimony generally, let's stay with you, Mr. -- Wunsch?  
8 Have I got that right?

9 MR. WUNSCH: Yes. It rhymes with lunch.

10 MS. RANDELL: Did you write the testimony  
11 or was it prepared by volunteers?

12 MR. WUNSCH: It was prepared with others.  
13 I reviewed drafts of it and prepared it with them.

14 MS. RANDELL: And the same question to  
15 Mrs. Perry, Kreiger and Siegel?

16 MS. PERRY: That would be true for me,  
17 yes.

18 MS. RANDELL: Thank you.

19 MS. KREIGER: That would be true for me as  
20 well.

21 MS. SIEGEL: For me too.

22 MS. RANDELL: A question generally on the  
23 quotations of numbers of children participating in  
24 programs and the like. Page 3 of the group testimony, at

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1 the very top of the page there's a reference to 4,000  
2 children are members of the institutions and 2100  
3 participate in programs. Just an overall question. If  
4 my child goes to camp at the JCC, goes to services at  
5 B'Nai Jacob, and also is in the sixth grade at Ezra  
6 Academy, is that one child for this purpose or three?

7 MS. KREIGER: That would be three children  
8 according to that purpose, but that would be a lot of  
9 hours near the power lines.

10 MS. RANDELL: I hear you, I just wasn't  
11 clear as I read the testimony --

12 MS. KREIGER: We gave them -- we gave  
13 total number --

14 MS. PERRY: Total figures --

15 MS. KREIGER: -- we didn't -- it would  
16 have been --

17 MS. SIEGEL: It wouldn't --

18 MS. KREIGER: -- impossible to track each  
19 child --

20 COURT REPORTER: One at a time --

21 MS. SIEGEL: Yeah.

22 MS. RANDELL: And that is precisely how I  
23 came to the conclusion that that was that.

24 MS. KREIGER: Yep.

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1 MS. RANDELL: So that Tony won't yell at  
2 me and you, one person needs to speak at a time. I'll  
3 try on my end, but then you just need to coordinate.  
4 Thank you.

5 Let's start with what I've called the  
6 group testimony. With respect to the JCC, that land was  
7 purchased from CL&P, correct?

8 MS. SIEGEL: Um-hmm.

9 COURT REPORTER: Was that a yes?

10 MS. SIEGEL: Yes.

11 VICE CHAIRMAN TAIT: We need an audible  
12 yes.

13 MS. SIEGEL: Yes.

14 VICE CHAIRMAN TAIT: And an identifiable  
15 witness. So you might give your name if --

16 MS. SIEGEL: Ronny --

17 VICE CHAIRMAN TAIT: Yes.

18 MS. SIEGEL: Yes -- the answer is yes.

19 MS. RANDELL: In April of 1990?

20 MS. SIEGEL: Yes.

21 MS. RANDELL: Mr. Tait, we have a  
22 collection of exhibits that all of them are already in  
23 the record. We thought it would just be easier if we all  
24 had a package. So with your permission, Mr. McDermott

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1 will provide them to the witness panel and to the Council  
2 and to the witness panel's attorney.

3 VICE CHAIRMAN TAIT: These are documents  
4 already in the record?

5 MS. RANDELL: I believe so.

6 VICE CHAIRMAN TAIT: Are these from the  
7 Applicants' documents?

8 MS. RANDELL: They are primarily from the  
9 witness panel's documents --

10 VICE CHAIRMAN TAIT: At the back of their  
11 testimony?

12 MS. RANDELL: At the back of their  
13 testimony, just to ease -- there are a few --

14 VICE CHAIRMAN TAIT: A few others --

15 MS. RANDELL: -- that are Applicants'  
16 documents.

17 VICE CHAIRMAN TAIT: Okay. Which they  
18 haven't subscribed to --

19 MS. RANDELL: No --

20 VICE CHAIRMAN TAIT: Okay --

21 MS. RANDELL: No, no, no.

22 MR. SCHAEFER: They -- they appear to be  
23 from the exhibits to the -- to the panel's testimony,  
24 except for some projections of EMF levels that were

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1 charts prepared by the Applicant that they've attached to  
2 this.

3 MS. RANDELL: And when we get to those,  
4 you will recognize them as ones that Dr. Bailey has  
5 subscribed to.

6 VICE CHAIRMAN TAIT: Okay. Alright.

7 MS. RANDELL: And you have as the first  
8 page a copy of Exhibit R to the panel's testimony, which  
9 is the deed from the JCC to CL -- from CL&P to the JCC.

10 MS. SIEGEL: Yes.

11 MS. RANDELL: Okay. At the time the land  
12 was conveyed to the JCC, the land was undeveloped except  
13 for the existing 115 kilovolt transmission lines,  
14 correct?

15 MS. SIEGEL: Correct.

16 MS. RANDELL: And those transmission lines  
17 had been there for quite a number of years?

18 MS. SIEGEL: I assume so.

19 MS. RANDELL: So the pictures that you've  
20 appended to your testimony -- let's just take Exhibit K  
21 to the group testimony -- (pause) -- we're fine, people  
22 have them --

23 MR. SCHAEFER: Not everybody has got it  
24 though -- you're referring to something that many people

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1 don't have.

2 MS. SIEGEL: Yes.

3 MS. RANDELL: My problem is I just need to  
4 be able to see --

5 A VOICE: It's the same picture --

6 MS. RANDELL: -- what they're going to see  
7 --

8 MR. ASHTON: The same picture --

9 VICE CHAIRMAN TAIT: The same picture.

10 MS. RANDELL: Okay. Back in 1990 if that  
11 picture were taken, the only thing that would be there  
12 would be the transmission line and the trees, right?

13 MS. SIEGEL: I said correct.

14 MS. RANDELL: Okay. And that's true of  
15 all the pictures that you've appended?

16 MS. SIEGEL: It is true of all the  
17 pictures taken of the JCC, yes, and its camp.

18 MS. RANDELL: CL&P retained an easement as  
19 part of the deed when it conveyed the property, yes?

20 MS. SIEGEL: Correct, in 1990.

21 MS. RANDELL: And the easement gave CL&P  
22 the right to maintain the transmission lines, build new  
23 transmission lines, do what was necessary with respect to  
24 those lines, yes?

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1 MS. SIEGEL: Yes.

2 MS. RANDELL: And the easement agreement  
3 also precluded the JCC from utilizing the right-of-way  
4 for parking?

5 MS. SIEGEL: That was resolved after the  
6 deed.

7 MS. RANDELL: And at the time that the  
8 deed --

9 MS. SIEGEL: At the time, they -- as I  
10 understand because I wasn't there --

11 MS. RANDELL: Right --

12 MS. SIEGEL: -- so you have to take my  
13 word afterward -- they did come to some agreement about  
14 the parking lot --

15 MS. RANDELL: After --

16 MS. SIEGEL: -- because we would not have  
17 been able to build the building without parking, we  
18 wouldn't get any zoning.

19 MS. RANDELL: So after the property was  
20 conveyed by CL&P to the JCC, the JCC asked CL&P if they  
21 could change the easement to provide that the JCC could  
22 utilize the area under the transmission lines in the  
23 right-of-way for parking?

24 MS. SIEGEL: Correct.



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1 MS. RANDELL: And in November of 1990 CL&P  
2 agreed to that and there's a document that shows that?

3 MS. SIEGEL: Correct.

4 MS. RANDELL: Alright. And what, if  
5 anything, in terms of dollars did the JCC pay for CL&P's  
6 agreeing to let -- to forebear its easement rights?

7 MS. SIEGEL: I do not know. But if you  
8 give me some chance, I'll get the information to you.

9 MS. RANDELL: Well subject to check, when  
10 you check, would you agree that the JCC did not pay  
11 anything to CL&P --

12 MS. SIEGEL: I do not know --

13 MS. RANDELL: -- for that permission?  
14 Okay. Now, when did the JCC open at this location?

15 MS. SIEGEL: In 1993.

16 MS. RANDELL: What month?

17 MS. SIEGEL: November.

18 MS. RANDELL: So before the JCC --

19 MS. SIEGEL: October, I'm sorry. October  
20 of 1993.

21 MS. RANDELL: October of '93. Before the  
22 JCC opened, some representative of the JCC called United  
23 Illuminating and asked that EMF measurements be taken,  
24 correct?

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1 MS. SIEGEL: Correct.

2 MS. RANDELL: And why was that done?

3 MS. SIEGEL: It was done because some of  
4 the parents of the day care and preschool wanted us to  
5 assure them that there is no problem with that. And  
6 because of the pressure of the parents, the JCC took upon  
7 itself to find out from the utility company whether or  
8 not the levels are acceptable and -- that's what we did.  
9 And --

10 MS. RANDELL: And UI came out in May of  
11 1993 --

12 MS. SIEGEL: Correct --

13 MS. RANDELL: -- to do measurements before  
14 the JCC moved in as it were?

15 MS. SIEGEL: That I'm not sure. You have  
16 the date?

17 MS. RANDELL: If -- if you would --

18 MS. SIEGEL: If you check the date and  
19 it's correct, yes, but --

20 MS. RANDELL: If you would turn to page 5  
21 of the handout.

22 MS. SIEGEL: Okay, one minute, I will.  
23 Yes, they did it on November 29, 1993. And we opened  
24 October 1993.

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1 MS. RANDELL: And if -- this is a letter  
2 that the JCC provided in discovery in this proceeding,  
3 correct? You can look to your counsel --

4 MS. SIEGEL: I --

5 MS. RANDELL: -- for confirmation.

6 MS. SIEGEL: Okay.

7 MR. SCHAEFER: It's a letter from United  
8 Illuminating that we provided back to you, yes.

9 MS. SIEGEL: Yeah.

10 MS. RANDELL: If you would look at that  
11 letter, it notes values from May 19<sup>th</sup> are shown in  
12 parenthesis. There are two sets of EMF measurements in  
13 the letter. Would you agree with me that --

14 MS. SIEGEL: One was made November 19<sup>th</sup> and  
15 one was made in a different date, that's correct.

16 MS. RANDELL: And the letter states that  
17 the earlier date, the one -- the measurements in  
18 parenthesis were from May?

19 MS. SIEGEL: Um-hmm, yeah -

20 MS. RANDELL: You agree?

21 MS. SIEGEL: Yeah.

22 MS. RANDELL: And that was before the  
23 building opened?

24 MS. SIEGEL: Yeah.

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1 MS. RANDELL: Okay. Why did you have UI  
2 come back after the building opened to take another set  
3 of measurements?

4 MS. SIEGEL: Because as I understand from  
5 the history, I was -- of the Center -- the group of  
6 parents that -- we used to have the day care and  
7 preschool in Hamden, not in Woodbridge. And when we  
8 finished the building closer to '93, all these parents  
9 were going to move to Woodbridge. At that time they  
10 wanted us to assure them that the UI would do additional  
11 testing for them to move from Hamden to Woodbridge. It  
12 was a whole process of moving. Some moved from downtown,  
13 some moved from Hamden, some moved from another area.  
14 And I think that in response to parents whose children's  
15 safety is the utmost concern to them, we did it. And the  
16 UI assured us that everything is okay. At that time we  
17 also had some testimony from other people who assured the  
18 parents that it's okay, otherwise we wouldn't be able to  
19 open the preschool.

20 MS. RANDELL: Were you associated with the  
21 JCC in 1993?

22 MS. SIEGEL: No. I started to work in the  
23 JCC in 1997.

24 MS. RANDELL: So who told you that UI

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1 assured the JCC of anything with respect to electric and  
2 magnetic fields in 1993?

3 MS. SIEGEL: Who told me? The previous  
4 director --

5 MS. RANDELL: And --

6 MS. SIEGEL: -- and some of the  
7 representative of UI came in July and talked to me and  
8 reminded me that although I wasn't there, they did it  
9 before the building was opened and assured us. Some of  
10 them are here.

11 MS. RANDELL: And that would be Miss  
12 Shanley?

13 MS. SIEGEL: I don't remember her name,  
14 but I can check my record in my appointment book through  
15 July and let you know.

16 VICE CHAIRMAN TAIT: July of what year?

17 MS. SIEGEL: This --

18 A VOICE: This past --

19 MS. SIEGEL: -- 19 -- the past year, 1994  
20 --

21 MS. RANDELL: And --

22 MS. SIEGEL: -- 2004. Sorry -- sorry,  
23 sorry. Take it off the testimony.

24 MR. ASHTON: 2003 you mean? July?

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1 MS. SIEGEL: No, this -- this -- this July

2 --

3 A VOICE: 2003 --

4 VICE CHAIRMAN TAIT: It hasn't come yet --

5 (Multiple voices overlapping,

6 indiscernible)

7 MS. SIEGEL: Before this whole process  
8 started, the UI came to visit the center and assured us  
9 that they are looking for a very amicable process of  
10 increasing and they wanted to meet with us. And we met  
11 with them. It was very pleasant and very amicable. And  
12 they did what they did and they said we would make sure  
13 there is no more than -- you know, all the things that  
14 the UI told us before, they told us again.

15 MS. RANDELL: Well, I need to know since  
16 you weren't there in '93 -- and let's focus on what the  
17 UI representative told you in July of 2003, and I need  
18 specifics --

19 MS. SIEGEL: That there will be no more --  
20 no danger from whatever they're going to put in there  
21 than this which we have before. And that they assured us  
22 before and they'll assure us again.

23 MS. RANDELL: And so the representative  
24 from UI who you spoke with in July 2003, it's your

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1 testimony that she assured you that whatever you were  
2 told in 1993 --

3 MS. SIEGEL: Is the same now --

4 MS. RANDELL: -- is the same now?

5 MS. SIEGEL: Yes.

6 MS. RANDELL: And she said that there is  
7 no danger? Is that your recollection?

8 MS. SIEGEL: I don't know if she used  
9 those words. Don't quote those words. She just assured  
10 me there's no more than what they assured us then that  
11 they assure us now. So whatever they assured us then,  
12 that is still -- is still now. There's no -- it's not  
13 any worse or not -- we shouldn't be more alarmed, we  
14 shouldn't look at it as an additional problem for us.

15 MS. RANDELL: Mr. Wunsch, were you there  
16 in 1993?

17 MR. WUNSCH: No, I was not.

18 A VOICE: Nobody was -- maybe Sydney --

19 MS. RANDELL: Between 1993 and 2003 did  
20 anyone -- did any representative of the JCC speak to UI  
21 about electric and magnetic fields?

22 MS. SIEGEL: No. Only that time in July  
23 that I just talked about.

24 MS. RANDELL: And based on the records or

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1 what people told you, did the JCC take any action with  
2 respect to the day care center after having the  
3 measurements done in 1993?

4 MS. SIEGEL: No.

5 MS. RANDELL: You said there were other  
6 assurances by other people than UI in 1993. Who provided  
7 those assurances?

8 MS. SIEGEL: I'd have to look into the  
9 record of that time. I don't know --

10 MS. RANDELL: Would you?

11 MS. SIEGEL: Sure. I don't know if there  
12 was -- I said the UI was the one who talked to me and  
13 said it. I don't know if other people. There was  
14 testimony of doctors, but I don't know what they were,  
15 they testimony. There was some testimonies of similar --  
16 but I don't know the content of them at this point and  
17 I'd have to look at what they said and what they didn't  
18 say in order to provide your -- the information.

19 VICE CHAIRMAN TAIT: Miss Siegel --

20 MS. SIEGEL: Yes?

21 VICE CHAIRMAN TAIT: -- this conversation  
22 is July 2003?

23 MS. SIEGEL: Yeah.

24 VICE CHAIRMAN TAIT: Was it with a man or



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1 a woman?

2 MS. SIEGEL: One man and one woman.

3 VICE CHAIRMAN TAIT: And they were talking  
4 about the existing lines --

5 MS. SIEGEL: Yes --

6 VICE CHAIRMAN TAIT: -- or the new 345  
7 line?

8 MS. SIEGEL: They were talking about the  
9 various option -- they gave us a heads-up to the process,  
10 that's why they came.

11 VICE CHAIRMAN TAIT: I'm trying to  
12 distinguish between the '93 letter, which was talking  
13 about existing 115 lines, and the new 345 lines that are  
14 being proposed in this application. Was the conversation  
15 this July about the new 345 line, which you say --

16 MS. SIEGEL: Yes --

17 VICE CHAIRMAN TAIT: -- they assured you  
18 there was no change?

19 MS. SIEGEL: Yes. Either they'll be  
20 taller or they'll be different or be crossed -- I don't  
21 remember the details, but there was a conversation saying  
22 there will not be -- you won't be subject to any more  
23 than what before, so we should not be alarmed that the  
24 process is going to put us into something that we don't

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1 want to be in.

2 VICE CHAIRMAN TAIT: Thank you.

3 MS. RANDELL: Are there any notes from  
4 1993 or from your conversation in 2003?

5 MS. SIEGEL: I don't know if there are  
6 notes, but there are probably just -- I don't --

7 MS. RANDELL: You don't know?

8 MS. SIEGEL: No, I don't know.

9 MS. RANDELL: Okay --

10 MS. SIEGEL: I don't know if they took  
11 notes either.

12 MS. RANDELL: Has the day care center been  
13 in use continuously since the building was constructed  
14 and opened --

15 MS. SIEGEL: Yes --

16 MS. RANDELL: -- in October'ish 1993?

17 MS. SIEGEL: Yes.

18 MS. RANDELL: You haven't moved it?

19 MS. SIEGEL: We have not moved it because  
20 I don't think we can.

21 MS. RANDELL: When did you construct the  
22 pool? When did the JCC construct the pool that's on-  
23 site?

24 MS. SIEGEL: Later than we opened the

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1 building. It took about -- between -- if we opened in  
2 '93 the pool was done probably in '94, '95.

3 MS. RANDELL: And --

4 MR. SCHAEFER: I assume you're referring  
5 to the outdoor pool and not the indoor pool.

6 MS. SIEGEL: The outdoor, the day camp --  
7 you're talking about the day camp now?

8 MS. RANDELL: I was talking about the  
9 outdoor pool, thank you.

10 MS. SIEGEL: It's the day camp.

11 MS. RANDELL: The indoor pool has been  
12 there I assume --

13 MS. SIEGEL: Yes --

14 MS. RANDELL: -- since the building was --

15 MS. SIEGEL: Yes, yes.

16 MS. RANDELL: And when did you construct  
17 the ball field near the JCC?

18 MS. SIEGEL: About the summer of opening  
19 the building, about '94.

20 MS. RANDELL: And when did the day camp  
21 start operating?

22 MS. SIEGEL: In '94.

23 MS. RANDELL: Between 1993 and 2003, and I  
24 apologize if I asked you this, did anyone at the JCC have

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1 any conversation or communication with UI about electric  
2 and magnetic fields?

3 MS. SIEGEL: Not specifically, but the day  
4 care, it was the same conversation we had in July.

5 MS. RANDELL: I'm sorry, just between --  
6 I'm just trying to cover the years and move on. Nothing  
7 --

8 MS. SIEGEL: Oh -- no, no --

9 MS. RANDELL: Nothing happened --

10 MS. SIEGEL: No --

11 MS. RANDELL: -- in your --

12 MS. SIEGEL: No --

13 MS. RANDELL: No conversations --

14 MS. SIEGEL: No, no.

15 MS. RANDELL: Okay. Between 1993 and 2003  
16 did the JCC have any inquiries from parents with respect  
17 to electric and magnetic fields?

18 MS. SIEGEL: No, not about the day camp.

19 MS. RANDELL: Or the day care center or  
20 anything?

21 MS. SIEGEL: From time to time somebody  
22 would ask, but it was not a major event. It was not  
23 really an objection or a complaint, it was just a  
24 question, like they ask about everything else about the

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1 center.

2 MS. RANDELL: And did you respond?

3 MS. SIEGEL: The director of the preschool  
4 and day care responded, yes.

5 MS. RANDELL: And did they report to you  
6 that they had discussed this?

7 MS. SIEGEL: With a parent?

8 MS. RANDELL: Yes.

9 MS. SIEGEL: Yes.

10 MS. RANDELL: Is there any record of that?

11 MS. SIEGEL: Probably, yes.

12 MS. RANDELL: And did any of those  
13 inquiries cause you to talk to anyone outside of the JCC  
14 about electric and magnetic fields?

15 MS. SIEGEL: The practice of the director  
16 of day care when a parent inquired about it used to be  
17 providing them with the same information you have in  
18 front of you, the UI and the other article and  
19 information that helped us open without feeling that it's  
20 not right to do. So a parent who asked that, had a talk  
21 with the director and received the information for their  
22 -- to read. And then if they had a question, if they had  
23 objection, we probably would have pursued it, but usually  
24 that was sufficient for them.

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1 MS. RANDELL: Okay, so -- from your  
2 personal knowledge, this letter from UI dated November  
3 1993 was provided to parents upon request?

4 MS. SIEGEL: The information on -- the  
5 information of this letter -- maybe not the exact letter,  
6 but the information contained in this letter was.

7 MS. RANDELL: Now are you aware that there  
8 are mitigation techniques to reduce magnetic fields, that  
9 there are designs for structures of overhead lines that  
10 can be utilized to reduce fields?

11 MS. SIEGEL: No, I'm personally not aware  
12 of it.

13 MS. RANDELL: I don't mean for Miss Siegel  
14 to have to dominate the panel. Anyone on the panel?

15 MS. KREIGER: Other than what I learned  
16 yesterday about contact currents, which is on my list to  
17 find out more about on Monday, no, I didn't know.

18 MS. RANDELL: Okay. Is anyone on the  
19 panel aware that representatives of the JCC, Ezra Academy  
20 and B'Nai Jacob have met with United Illuminating and  
21 Connecticut Light & Power to discuss a mitigating design  
22 for transmission lines?

23 MS. KREIGER: Can I?

24 MS. RANDELL: Please.

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1 MS. KREIGER: I met with Miss Shanley from  
2 the utility after the June community informational  
3 meeting regarding the upgrade on the power line. And at  
4 that point when we met, she did --

5 VICE CHAIRMAN TAIT: June of what year?

6 MS. KREIGER: This past June.

7 VICE CHAIRMAN TAIT: 2004?

8 MS. KREIGER: 2004.

9 VICE CHAIRMAN TAIT: 2003?

10 MS. KREIGER: At that point we did do  
11 measurements outside. And at no point --

12 VICE CHAIRMAN TAIT: I think you mean --

13 MS. KREIGER: -- was there a discussion of  
14 anyway to mitigate.

15 MS. RANDELL: Let me -- I think there's a  
16 little confusion. When you say June, you don't mean just  
17 a few weeks ago? You mean about a year ago?

18 A VOICE: A year --

19 MS. KREIGER: A year ago.

20 MS. RANDELL: Okay.

21 VICE CHAIRMAN TAIT: 2003 --

22 MS. KREIGER: 2003.

23 VICE CHAIRMAN TAIT: 2003.

24 MS. RANDELL: That would be 2003.

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1 MS. KREIGER: Sorry.

2 MS. SIEGEL: June and July of last year --

3 MS. RANDELL: Okay

4 MS. KREIGER: Yes --

5 MS. SIEGEL: -- that's when the whole

6 thing started.

7 MS. RANDELL: Okay. Mr. Wunsch --

8 MS. KREIGER: We were together --

9 MS. SIEGEL: Yeah --

10 VICE CHAIRMAN TAIT: Try to separate your

11 testimony so the court reporter knows who is saying what,

12 when.

13 MS. KREIGER: Got it.

14 MR. WUNSCH: Alan Wunsch is saying that he

15 was with Shelley Kreiger and Miss Shanley -- (laughter) -

16 - at that meeting.

17 VICE CHAIRMAN TAIT: Very good.

18 MS. RANDELL: Thank you. If you --

19 A VOICE: We can be obedient --

20 MS. RANDELL: -- could turn to page 8 of

21 your package.

22 MS. SIEGEL: Yes.

23 MS. RANDELL: Has any of you ever seen

24 this document or anything like it that has magnetic field



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1 calculations with respect to the Jewish Community Center?  
2 Have you ever seen that before I just handed it to you  
3 today?

4 MS. PERRY: I have not.

5 MS. KREIGER: I have not.

6 MS. SIEGEL: I have not.

7 MR. WUNSCH: I don't believe so. Alan  
8 Wunsch.

9 MS. SIEGEL: Ronny Siegel. Have not.

10 MS. RANDELL: You're all going to sound  
11 like superstar athletes referring to yourselves in the  
12 third person.

13 MS. SIEGEL: Don't worry, we'll never be  
14 confused with them.

15 MS. RANDELL: Okay. Accept if you would,  
16 subject to check, that what this document page 8 reflects  
17 is that magnetic field levels can be reduced through  
18 design, I assume you would agree that that would be a  
19 good thing?

20 MS. SIEGEL: Can I answer it with not a  
21 yes or no? Am I allowed to answer the question --

22 MS. RANDELL: Let's -- let's try yes or no  
23 --

24 VICE CHAIRMAN TAIT: Try yes or no. Would

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1 it be a good thing?

2 MS. SIEGEL: It's -- in principle, it  
3 would be a good thing.

4 MS. RANDELL: Good. And if levels could  
5 be at or below the levels -- the EMF levels -- the  
6 magnetic field levels that were reflected in this  
7 November 29, 1993 letter, that -- you would think also  
8 that would be a good thing?

9 MS. SIEGEL: In principle, yes.

10 MS. RANDELL: And if the right-of-way  
11 could be moved so that the transmission lines were  
12 farther away from the JCC, thereby reducing magnetic  
13 fields further, you would think that would be a good  
14 thing also?

15 MS. SIEGEL: In principle, yes.

16 MS. RANDELL: Would it be acceptable then  
17 to the Jewish Community Center, we'll start with you, if  
18 that change were made and therefore you had field levels  
19 at or below the measurements that were taken in 1993?

20 MS. PERRY: I'd like to answer that,  
21 Ronny, before you do. I have no idea where that question  
22 is taking us and, therefore, I refuse to answer yes or no  
23 to it. But I would say if there's a possibility to  
24 change a right-of-way, it's an enormous I think

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1       undertaking. And I guess we would have to seriously  
2       consider what that would mean both for our building and  
3       for our community.

4                   MS. RANDELL: Because that would mean you  
5       would have less property? What are your concerns?

6                   MS. PERRY: I do not know what it would  
7       mean, but I have to assume that it is a major undertaking  
8       to change that large of a right-of-way there. So, I  
9       would not want to say yes or no to your question because  
10      I'm not sure where it is taking us to the point --

11                   MS. RANDELL: Am I correct then that no  
12      one representing the Jewish Community Center, Ezra  
13      Academy, or B'Nai Jacob, either legal representation or  
14      just a representative of the organization, am I correct  
15      that none of those people have suggested to any of you  
16      people on the panel that there have been discussions with  
17      respect to the potential to move the right-of-way at the  
18      JCC?

19                   MR. SCHAEFER: I'm going to object. I  
20      don't know -- just --

21                   MS. SIEGEL: There were --

22                   MR. SCHAEFER: -- there have been meetings  
23      that counsel has with -- each of these organizations has  
24      lay-leadership that run the organization. These

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1 representatives are the professionals that operate the  
2 entities. And the substance of -- based on meetings with  
3 the Applicants and proposals that have been made, there  
4 have been meetings with the lay-leadership of these  
5 organizations discussing the options. I think --

6 MS. SIEGEL: Yes --

7 MR. SCHAEFER: -- I know that Mrs. Siegel  
8 was at one of the meetings --

9 MS. SIEGEL: Yes --

10 MR. SCHAEFER: -- but --

11 MS. SIEGEL: Yes -- Mrs. Siegel answers  
12 yes.

13 MR. SCHAEFER: Right. But I'm not sure  
14 the substance of those communications with counsel --

15 VICE CHAIRMAN TAIT: I'm not sure she's  
16 interested in the substance.

17 MS. RANDELL: No, I'm of course not  
18 interested in the substance. I'm interested in knowing  
19 what has been communicated to the witnesses who are  
20 representing these organizations.

21 MS. SIEGEL: We were aware of the meetings  
22 of counsel and we participated -- we had a meeting with  
23 him and we knew that there is dialogue between UI and  
24 counsel. And we are at this point only talking. There

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1 is nothing that we know is --

2 VICE CHAIRMAN TAIT: One of the topics  
3 though was --

4 MS. SIEGEL: About what?

5 VICE CHAIRMAN TAIT: One of the topics of  
6 those conversations was relocating the right-of-way?

7 MS. SIEGEL: Correct.

8 MR. SCHAEFER: I think it's important to  
9 be clear that the right-of-way goes between two  
10 facilities --

11 MS. SIEGEL: Right --

12 MR. SCHAEFER: -- and there's no way to  
13 move it without eliminating one of the facilities.

14 VICE CHAIRMAN TAIT: We have a map.

15 MR. SCHAEFER: Yes.

16 VICE CHAIRMAN TAIT: We have a map in the  
17 record.

18 MS. RANDELL: We have the map.

19 MS. SIEGEL: Yeah.

20 VICE CHAIRMAN TAIT: Okay.

21 MS. SIEGEL: But we are aware of it and  
22 yes we know it's happening and, yes, we continue to talk,  
23 but where it would lead us, I think Miss Perry said we  
24 don't know.

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1 MS. RANDELL: So you're not prepared to  
2 support that?

3 A VOICE: Not at this time --

4 MS. SIEGEL: I'm not -- not supporting it,  
5 let's put it this way.

6 VICE CHAIRMAN TAIT: I'm not sure they're  
7 the representatives who can support it. They're the  
8 professionals --

9 MS. RANDELL: They are indeed --

10 VICE CHAIRMAN TAIT: -- and not the  
11 principles --

12 A VOICE: Right.

13 MS. SIEGEL: I indeed would do anything  
14 that would make the kids at the center safe. So for me,  
15 whichever way would get there, I'll go there. It is my  
16 responsibility, so.

17 MS. PERRY: And I would say that while  
18 equally concerned about the safety of our children, as  
19 the Acting Director of the Jewish Federation, we have to  
20 be concerned with not only the health of our children but  
21 also the health of our community and institutions. And a  
22 change that might eliminate one of our institutions could  
23 be equally damaging and detrimental to our total vital  
24 community.

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1 MS. RANDELL: So it's a balance?

2 MS. SIEGEL: Always a balance --

3 MS. PERRY: Oh, it is not -- it is not a  
4 balance, but it is not desirable for us to see the  
5 elimination of one of our institutions, that is not a  
6 desirable.

7 MS. RANDELL: And which institution are  
8 you referring to, Miss Perry?

9 MS. PERRY: If you will, I think that the  
10 cornerstone institutions of the community are houses of  
11 prayer, schools and places of assembly. You're talking  
12 about those three in this conversation. And I find that  
13 to have to prioritize one over the other would be  
14 impossible.

15 MS. RANDELL: Perhaps I misunderstood,  
16 Miss Perry. I was not asking that. You said in your  
17 answer that to relocate the right-of-way at the JCC would  
18 result in the elimination, I think that was the word, of  
19 one of the institutions. And I'm just asking which one.

20 MS. PERRY: Uh -- let me restate then. I  
21 think I meant to have said if the change of the right-of-  
22 way would mean the elimination of one of our  
23 institutions, then that would cause us really  
24 considerable pain in the community.

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1 MS. RANDELL: Thank you. I have no  
2 follow-up on that now that I understand it, I appreciate  
3 it.

4 Mr. Wunsch, you're the representative of  
5 B'Nai Jacob?

6 MR. WUNSCH: Correct.

7 MS. RANDELL: Okay. And again the  
8 property on which the B'Nai Jacob facilities are located  
9 was sold from -- by CL&P to B'Nai Jacob in 1965, is that  
10 correct?

11 MR. WUNSCH: Actually, it's my  
12 understanding based on a review of the deed, that that  
13 occurred in 1957, though that was before my time.

14 MS. RANDELL: I'm sorry, I think you're  
15 right, I think that's what the deed reflects. And there  
16 were transmission lines at that location as well?

17 MR. WUNSCH: That is my understanding.

18 MS. RANDELL: And when did B'Nai Jacob  
19 open on that property?

20 MR. WUNSCH: It's my understanding again  
21 that construction was completed and the building opened  
22 in 1962.

23 MS. RANDELL: And prior to that, the land  
24 was undeveloped except for the transmission lines?



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1 MR. WUNSCH: I don't have any -- I don't  
2 know.

3 MS. RANDELL: Okay. It was just B'Nai  
4 Jacob that was located there in 1962, is that right, and  
5 the others followed?

6 MR. WUNSCH: That is my understanding.

7 MS. RANDELL: Okay. When did the Maquom  
8 Community Hebrew High School locate at the B'Nai Jacob  
9 facility.

10 MR. WUNSCH: I don't have an exact date,  
11 but I can go back at least 16 years for documentation  
12 before that for Maquom.

13 MS. RANDELL: And Ezra Academy?

14 MS. KREIGER: Ezra Academy moved to B'Nai  
15 Jacob in 1968.

16 MS. RANDELL: With respect to the property  
17 that B'Nai Jacob and these other entities are located,  
18 CL&P retained an easement for transmission lines on that  
19 property too, right?

20 MR. WUNSCH: Correct, from my reading of  
21 the deed.

22 MS. RANDELL: And the easement allows CL&P  
23 to do what is necessary to maintain those lines,  
24 reconstruct those lines, and so on?

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1 MR. WUNSCH: That's my understanding.

2 MS. RANDELL: Okay. Now, there's a  
3 basketball court presently located within the right-of-  
4 way near Ezra Academy, is that right?

5 MS. KREIGER: Yes.

6 MS. RANDELL: When was that put up?

7 MS. KREIGER: I don't know the date that  
8 that was put up, but it's no longer in use. It's being  
9 taken down this summer.

10 MS. RANDELL: Okay. Did anyone from B'Nai  
11 Jacob talk to CL&P about the basketball court and the  
12 hoop structure before it was built?

13 MR. WUNSCH: I'm not aware -- I'm not  
14 sure. I do not know on behalf of B'Nai Jacob.

15 MS. RANDELL: Did anybody check to  
16 determine whether the easement prohibited structures in  
17 the right-of-way?

18 MR. WUNSCH: Again on behalf of B'Nai  
19 Jacob, I do not know.

20 MS. RANDELL: Okay. When was the first  
21 time that anyone at B'Nai Jacob, and let's roll in Ezra  
22 Academy and the other lessees if we can, sought to have  
23 electric and magnetic field measurements at that  
24 location?

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1 MS. KREIGER: To my knowledge, the first  
2 time was when the testing was done by -- that I think is  
3 in your packet by the F.H. Hellene Company (phonetic), it  
4 predated my being head of school, so I just went to the  
5 file to see what was there.

6 MS. RANDELL: Thank you. That would be  
7 page 15 of your package.

8 A VOICE: Of your package --

9 MS. KREIGER: I believe so.

10 MS. RANDELL: The package that is --

11 MS. KREIGER: Yes --

12 MS. RANDELL: -- in front of the  
13 witnesses.

14 MS. KREIGER: Yes. Page 15.

15 MS. RANDELL: It is information that you -  
16 - your representatives provided in this proceeding,  
17 right, because they got it from you?

18 MS. KREIGER: Yes.

19 MS. RANDELL: Okay. Why did B'Nai Jacob  
20 call F.L. Hellene to take magnetic field measurements?

21 MS. KREIGER: Actually, I don't believe  
22 B'Nai Jacob did. I believe Ezra Academy called --

23 MS. RANDELL: Okay --

24 MS. KREIGER: -- FH -- F.L. Hellene. The

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1 history, which is an oral history at this point and  
2 predated me --

3 MS. RANDELL: Right --

4 MS. KREIGER: -- was that there were some  
5 concerns that people wanted to know about electromagnetic  
6 fields. The lines are obviously visible. They had  
7 measurements taken. And looked at the current data then,  
8 which seemed to indicate that the levels based on the  
9 information available at the time were not to be of  
10 concern in the area of the school. And that's what we  
11 knew then, and --

12 MS. RANDELL: What is the source of your  
13 information, Miss Kreigel -- Miss Kreiger -- about what  
14 happened back then?

15 MS. KREIGER: The source of my information  
16 is just maybe the discussions from the school secretary  
17 who was there at the time and, you know, a past parent  
18 who had a recollection, you know, going back and asking.

19 MS. RANDELL: Were any actions taken after  
20 these measurements were received?

21 MS. KREIGER: Just that it peaked --  
22 certainly when I came in, I wouldn't say that it was on  
23 the agenda for a new head of school, but as time came and  
24 I did admissions work and people would ask questions when

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1 they would come to look at the school and seeing the  
2 power lines, we would try to stay current in, you know,  
3 whatever research was available --

4 MS. RANDELL: And how --

5 MS. KREIGER: -- and we would give it to  
6 the parents.

7 MS. RANDELL: How would you stay current  
8 in the research that was available?

9 MS. KREIGER: Well, we have a pretty  
10 informed parent body, they keep us very current.

11 MS. RANDELL: So the parent group would  
12 tell you about new developments?

13 MS. KREIGER: Yeah. If they were a  
14 physician, you know, and they read something in a  
15 journal, they would, you know, bring it in for me to  
16 read. And we kept a packet of information. And if  
17 people were concerned, we would give them what  
18 information we had, and they would go out and do their  
19 own research and make their own decision about whether  
20 they wanted to send their children there.

21 MS. RANDELL: Did any of them report back  
22 to you on what they'd learned?

23 MS. KREIGER: Generally the questions came  
24 up during pre-admissions, tours of the school. In some

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1 cases if people didn't come back to the school, I suppose  
2 there were a variety of reasons they might not have come  
3 back. I -- we've never done, you know, serious  
4 statistical exit surveys, but it might be interesting to  
5 go back and ask if they didn't come because of their  
6 concern about the lines. I don't know.

7 MS. RANDELL: And did anyone at Ezra  
8 Academy or B'Nai Jacob speak to United Illuminating after  
9 March 31, '93, and let's take it all the way up to last  
10 year, about electric and magnetic fields?

11 MS. KREIGER: Not to my knowledge.

12 MR. WUNSCH: For Congregation B'Nai Jacob,  
13 I'm not -- I just don't -- I do not know.

14 AUDIO TECHNICIAN: Miss Randell, would you  
15 turn that microphone please, so that --

16 MS. RANDELL: Sure. Am I correct based on  
17 our prior discussion of mitigation design with respect to  
18 the JCC, that none of the professionals at the witness  
19 table have seen any mitigation designs or calculations  
20 with respect to magnetic field levels at B'Nai Jacob and  
21 Ezra Academy?

22 MS. KREIGER: I have not seen any. I've  
23 heard a superficial discussion of something that's  
24 described like this when people talk about it, but --

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1 MS. RANDELL: No, that's pretty good.

2 VICE CHAIRMAN TAIT: Tony can handle that.

3 MS. KREIGER: Tony -- okay.

4 MR. WUNSCH: And for B'Nai Jacob, Alan  
5 Wunsch, similarly I have not seen anything but I've heard  
6 some third-party discussions concerning some, similar to  
7 what Shelley had said.

8 MS. PERRY: And I have not seen nor heard  
9 -- (laughter) -- but I still speak, so.

10 MS. RANDELL: That's okay. I'm going to  
11 hand you a document that has been admitted into evidence  
12 and just ask if any of you have seen it before.

13 MS. KREIGER: Okay.

14 MS. RANDELL: For the record, it is the  
15 cross-section mitigation that was filed I believe at the  
16 end of May.

17 VICE CHAIRMAN TAIT: Do we have an exhibit  
18 number?

19 MS. RANDELL: I'm sure Mr. McDermott will  
20 tell me what it is. (Pause).

21 Let me turn your attention specifically to  
22 Cross-Section 8, Segment B, and please just accept  
23 subject to check that that would relate to the location  
24 the JCC is at and Segment C would be the location that

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1 B'Nai Jacob and Ezra Academy are at. And just, if you  
2 would, tell me if you've seen this one before? I'm told  
3 by a chorus that it is Exhibit 96.

4 MS. KREIGER: I can't tell you if I've  
5 specifically seen this document. I've seen something  
6 with these pictures of these poles at the informational  
7 community meeting that was held in the Woodbridge town  
8 gymnasium --

9 MS. RANDELL: Um-hmm.

10 MS. KREIGER: -- but not as it's  
11 specifically related to Ezra Academy. I can't tell you  
12 if I've seen exactly this page --

13 MS. RANDELL: Thank you --

14 MS. KREIGER: -- or something like this.

15 MS. SIEGEL: I have exactly the same  
16 answer. We saw some variation of power lines and -- but  
17 we didn't see this specific one.

18 MR. WUNSCH: Alan Wunsch for B'Nai Jacob.  
19 I do not believe I have ever seen this document.

20 MS. PERRY: Nor have I. I was out of the  
21 country at that meeting when it might have be presented.

22 MS. RANDELL: Thank you. If a mitigation  
23 design could accomplish magnetic field levels at the  
24 building edge at Ezra Academy and B'Nai Jacob that would



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1 be less than the magnetic fields measured by F.H. -- F.L.  
2 Hellene in 1993, would that be acceptable to you?  
3 Speaking as professionals and not decision-makers for the  
4 organization?

5 MS. SIEGEL: Thank you.

6 MS. KREIGER: Based on what I've learned  
7 about the risks of electromagnetic fields, clearly  
8 reducing the risks is going to be my highest priority  
9 now. I've learned a lot in the past six months, more than  
10 I never --

11 MS. SIEGEL: Needed to --

12 MS. KREIGER: -- but I -- no, not --  
13 apparently not needed, but -- but my goal would be to  
14 reduce the risk and to lower the electromagnetic fields  
15 to where they're levels that everyone would agree provide  
16 no perceived risk, to be prudent to avoid risk.

17 COURT REPORTER: One moment please.

18 (Pause). Thank you.

19 MR. WUNSCH: Alan Wunsch for B'Nai Jacob.  
20 I would just echo Shelley Kreiger's comments.

21 MS. RANDELL: Thank you. At least one of  
22 you and maybe all of you was here yesterday during the  
23 discussion of contact currents?

24 MS. SIEGEL: Yes.

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1 MS. PERRY: Right.  
2 MS. SIEGEL: Yes.  
3 MS. RANDELL: Has any of your  
4 organizations taken action with respect to the JCC  
5 building or the Ezra Academy, B'Nai Jacob building to  
6 determine if contact currents are an issue and whether  
7 those can be mitigated?  
8 MS. KREIGER: I didn't know about contact  
9 currents until yesterday.  
10 MS. SIEGEL: I didn't either.  
11 MS. RANDELL: Okay.  
12 MS. KREIGER: But I did write it down.  
13 And the only action I've taken is that it's on Monday's  
14 list, so --  
15 MS. RANDELL: I understand the concept.  
16 Just quickly, Miss Siegel, back to the JCC, where are  
17 buses parked now?  
18 MS. SIEGEL: The buses are parked in the  
19 far -- the closer parking lot to camp --  
20 MS. RANDELL: And --  
21 MS. SIEGEL: -- to the day camp.  
22 MS. RANDELL: And that's a location --  
23 MS. SIEGEL: You have a picture there --  
24 MS. RANDELL: Right --

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1 MS. SIEGEL: -- of the entrance to the day  
2 camp --

3 MS. RANDELL: Um-hmm.

4 MS. SIEGEL: -- and that's where the buses  
5 for the day camp park. That's the buses of the after  
6 school park.

7 MS. RANDELL: And that's where CL&P had to  
8 agree to forebear on its easement?

9 MS. SIEGEL: Yeah.

10 MS. RANDELL: Okay.

11 MS. SIEGEL: Yes.

12 MS. RANDELL: Miss Kreiger --

13 MS. KREIGER: Yes.

14 MS. RANDELL: -- I think you're the one  
15 responsible for Ezra Academy?

16 MS. KREIGER: Yes, I am.

17 MS. RANDELL: Yes, you are, okay. Is it  
18 fair to say for -- that for many years one of your prime  
19 issues is enrollment?

20 MS. KREIGER: I think it's -- to any  
21 school their prime source of income is tuition and their  
22 focus is enrollment.

23 MS. RANDELL: That's where I was going to  
24 go. And particularly with the day schools in the New

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1 Haven area, enrollment at the levels of, you know,  
2 seventh grade and above is an issue as well?

3 MS. KREIGER: Yeah, I think that's true.

4 MS. RANDELL: It's a constant way of life?

5 MS. KREIGER: Yep.

6 MS. RANDELL: Mr. Wunsch, the same  
7 question with respect to membership at B'Nai Jacob is an  
8 issue, always has been an issue, always will be an issue?

9 MR. WUNSCH: Yes, I would say membership  
10 is paramount.

11 MS. RANDELL: Bear with me -- (pause) --  
12 Miss Siegel --

13 MS. SIEGEL: Yes --

14 MS. RANDELL: -- in designing the JCC  
15 facility --

16 MS. SIEGEL: Yes?

17 MS. RANDELL: -- have you been told why  
18 the preschool playground was located where it was along  
19 near the right-of-way?

20 MS. SIEGEL: I never asked because I came  
21 a few years after it was complete.

22 MS. RANDELL: Okay. And so you've never  
23 asked recently either?

24 MS. SIEGEL: No.

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1 MS. RANDELL: Miss Kreiger, the same  
2 question with respect to Ezra Academy, in designing the  
3 facility, why was the pickup and drop-off location put  
4 closest to the right-of-way? If you know.

5 MS. KREIGER: I mean I would only  
6 speculate, to guess since I wasn't there when the  
7 addition was put onto the building.

8 VICE CHAIRMAN TAIT: That's a good answer.

9 MS. KREIGER: Thank you. I appreciate  
10 that.

11 MS. RANDELL: Thank you.

12 MS. SIEGEL: Thank you very much.

13 MS. RANDELL: We have no further  
14 questions.

15 VICE CHAIRMAN TAIT: That's speaking for  
16 both UI and CL&P?

17 MS. RANDELL: Indeed.

18 VICE CHAIRMAN TAIT: Okay.

19 MS. SIEGEL: Thank you.

20 VICE CHAIRMAN TAIT: Representative  
21 Adinolfi, any questions? No questions. The Towns of  
22 Wallingford, Durham, Woodbridge, Milford, Orange, that  
23 group?

24 MS. RANDELL: Do you want to sit here,

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1 Monte?

2 (Pause)

3 VICE CHAIRMAN TAIT: Is this a group  
4 presentation?

5 MR. MONTE FRANK: I'm asking questions on  
6 behalf of the Town of Woodbridge.

7 VICE CHAIRMAN TAIT: Okay. And Mr. Ball,  
8 will you be asking questions too?

9 MR. BALL: No, I will not.

10 VICE CHAIRMAN TAIT: Mr. Boucher, will you  
11 be asking questions too or can we -- was that no, Mr. --

12 A VOICE: Correct.

13 COURT REPORTER: Could you repeat that?

14 VICE CHAIRMAN TAIT: He said no -- I think  
15 that's what he said.

16 MR. FRANK: May I proceed, Mr. Tait?

17 VICE CHAIRMAN TAIT: Yep.

18 MR. FRANK: Thank you. Mrs. Kreiger, why  
19 don't I start with you. You testified that Ezra Academy  
20 is affiliated with Solomon Schecter? What does that  
21 mean?

22 COURT REPORTER: You have to answer  
23 audibly.

24 MS. KREIGER: I -- yes, I testified that

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1 Ezra Academy is a Solomon Schechter Jewish day school.  
2 That means that it is a school affiliated directly with  
3 the United Synagogue Conservative Movement, and it's the  
4 day school arm of that movement. The United Synagogue  
5 sponsors under its auspices synagogues of the  
6 conservative movement, the ramah (phonetic) camps,  
7 sleepover and day camps, and Solomon Schechter Schools,  
8 which are the full-day arm of the conservative movement.

9 MR. FRANK: Are there any other Solomon  
10 Schechter affiliated schools in the New Haven area?

11 MS. KREIGER: No, it's the only Solomon  
12 Schechter school in New Haven.

13 MR. FRANK: Is it fair to say that Ezra  
14 Academy is a regional institution?

15 MS. KREIGER: Ezra Academy -- yes. It has  
16 -- we have students from Cheshire to Westport.

17 MR. FRANK: And how many towns  
18 approximately?

19 MS. KREIGER: I think -- we identify them  
20 by participating synagogues. Twelve synagogues, probably  
21 equally as many communities.

22 MR. FRANK: And how many children does  
23 Ezra Academy currently serve?

24 MS. KREIGER: We have 214 students

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1 currently enrolled.

2 MR. FRANK: Okay. I want to follow up on  
3 a couple of questions that Miss Randell asked you. She  
4 asked you a number of questions about your knowledge of  
5 EMF prior to the proposed 345-kV line --

6 MS. KREIGER: Um-hmm --

7 MR. FRANK: -- do you recall those?

8 MS. KREIGER: Yes.

9 MR. FRANK: Is it fair to say that since  
10 the overhead 345-kV line was proposed, that you have  
11 learned a great deal about the association between EMF  
12 and childhood leukemia?

13 MS. KREIGER: Yes, I have.

14 MR. FRANK: Okay. Now, there were a  
15 number of what I call technical questions asked to you  
16 about potential mitigation measures and what particular  
17 readings of EMF mean. Are you an epidemiologist, a  
18 doctor, or scientist of any kind?

19 MS. KREIGER: No.

20 MR. FRANK: No --

21 MS. KREIGER: I'm a speech pathologist and  
22 learning disability specialist by background before I was  
23 the head of school.

24 MR. FRANK: Okay. With all due respect, I



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1 don't think that qualifies --

2 MS. KREIGER: I don't think it qualifies  
3 me at all in this.

4 MR. FRANK: And you are aware of the  
5 testimony of Dr. Bell, Dr. Rabinowitz, Dr. Gerber?

6 MS. KREIGER: Yes.

7 MR. FRANK: And you're aware of the  
8 testimony of Dr. Ginsberg of the Department of Public  
9 Health?

10 MS. KREIGER: Yes, I was made aware of  
11 that.

12 MR. FRANK: And am I correct to say that  
13 you were relying on their expertise and their advice on  
14 the issue of the association between EMF and childhood  
15 leukemia?

16 MS. KREIGER: I am relying on their  
17 advice.

18 MR. FRANK: And you're relying on their  
19 expertise and advice with respect to potential or  
20 possible mitigation measures or design?

21 MS. KREIGER: Absolutely. I wouldn't  
22 venture into that arena at all.

23 MR. FRANK: Okay. From your perspective  
24 as the head of school of Ezra, if the overhead line was

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1 approved -- were to be approved as proposed, what do you  
2 perceive as the potential impacts on your institution?

3 MS. KREIGER: I believe there has already  
4 been an impact on the institution just with the proposal.  
5 We have an entering kindergarten coming in in the fall of  
6 significantly lower numbers than we've had previously. I  
7 -- you know -- and that's -- that's unusual.

8 MR. FRANK: Why don't I shift gears please  
9 to Mr. Wunsch. Did I pronounce your last name correctly?

10 MR. WUNSCH: Wunsch.

11 MR. FRANK: Okay. You are the Executive  
12 Director of B'Nai Jacob?

13 MR. WUNSCH: Correct.

14 MR. FRANK: Okay. And how many members  
15 does B'Nai Jacob have?

16 MR. WUNSCH: Approximately, 696 family or  
17 single memberships.

18 MR. FRANK: Okay. And you mentioned  
19 that's the second largest conservative synagogue in the  
20 State of Connecticut?

21 MR. WUNSCH: Correct.

22 MR. FRANK: And how many towns does B'Nai  
23 Jacob draw from?

24 MR. WUNSCH: Twenty-seven.

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1 MR. FRANK: The same question to you,  
2 concerning your knowledge of EMF prior to the proposed  
3 overhead 345-kV line, is it fair to say that since the  
4 overhead 345-kV line was proposed, that you've learned a  
5 great deal about the association between EMF and  
6 childhood leukemia?

7 MR. WUNSCH: Correct, yes.

8 MR. FRANK: And I understand that you're a  
9 lawyer by training?

10 MR. WUNSCH: That is correct.

11 MR. FRANK: Okay. And I will stipulate to  
12 the record that in no way it qualifies you to testify as  
13 an epidemiologist, a doctor, or scientist, would you  
14 agree?

15 MR. WUNSCH: I think it actually hurts --  
16 yes, I would agree.

17 VICE CHAIRMAN TAIT: There's more than one  
18 of us that would agree with that. (Laughter).

19 MR. FRANK: And is it fair to say that you  
20 are also relying upon the expertise and advise of Dr.  
21 Bell, Dr. Rabinowitz, Dr. Gerber, and Dr. Ginsberg on the  
22 issue of the association between EMF and childhood  
23 leukemia?

24 MR. WUNSCH: Yes, I'm relying on their

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1 expertise.

2 MR. FRANK: And you're relying on their  
3 expertise with respect to possible mitigation design or  
4 measures?

5 MR. WUNSCH: Yes, I am relying on their  
6 expertise in that area also.

7 MR. FRANK: The same question I asked of  
8 Mrs. Kreiger, if the line as proposed were to be  
9 approved, what do you perceive as the potential impacts  
10 to your institution?

11 MR. WUNSCH: I think the impacts are  
12 clearly economic to us in two areas. One is the current  
13 landlord/tenant relationships that we have with Ezra and  
14 with Maquom Hebrew High School, certainly with Ezra  
15 though. I couch it on the terms of landlord/tenant,  
16 we're really symbiotic and we're a partnership, though  
17 technically we have a landlord/tenant in their ability to  
18 attract students and i.e. then pay their bills and rent  
19 are very important to us, and that would certainly have  
20 an impact. Our building was -- the addition was put on  
21 with the understanding that Ezra Academy would be in the  
22 building, pay rent, etcetera, etcetera. I also am  
23 concerned about the economics of our own membership of  
24 our parents sending their children to day school, you

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1 know, religious school, nursery school, and how that  
2 affects our membership and the costs associated with  
3 that.

4 MR. FRANK: Okay. Mrs. Siegel, I'd like  
5 to ask you a series of questions about the JCC or the  
6 Jewish Community Center. Is it fair to say that JCC is a  
7 regional institution?

8 MS. SIEGEL: Yes.

9 MR. FRANK: Okay. Are there any other  
10 JCCs in the New Haven area?

11 MS. SIEGEL: No.

12 MR. FRANK: Let me ask you another  
13 question. How many JCCs are there in the State of  
14 Connecticut?

15 MS. SIEGEL: Three.

16 MR. FRANK: And from what towns do you  
17 draw your members?

18 MS. SIEGEL: We draw our members  
19 predominantly from 16 towns, but we serve 48. There's  
20 members that live in 48 different towns in Connecticut.

21 MR. FRANK: Okay. Now, Miss Randell asked  
22 you a series of questions about what the JCC knew when it  
23 bought the property from CL&P in 1990, and let me ask you  
24 a couple of questions about that. In 1990 when the JCC

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1 bought the property from CL&P, are you aware of any  
2 disclosure from CL&P or United Illuminating that they  
3 intended to construct a 345-kilovolt overhead line --

4 MS. SIEGEL: No --

5 MR. FRANK: -- in place of what's there  
6 now?

7 MS. SIEGEL: No. There's no record of it  
8 either.

9 MR. FRANK: And when the easement was  
10 changed to allow parking under the existing 115-kilovolt  
11 line, did CL&P or United Illuminating disclose to you  
12 that they had an intent at some point in the future to  
13 construct overhead 345-kilovolt lines?

14 MS. SIEGEL: Not to my knowledge.

15 MR. FRANK: And the same question with  
16 respect to when the facility was opened in 1993, was  
17 there any disclosure made to the JCC about an intent to  
18 construct an overhead 345-kilovolt line?

19 MS. SIEGEL: Not to my knowledge or my  
20 records.

21 MR. FRANK: Let me ask the same question  
22 another way. When was the first time that you learned  
23 that CL&P and United Illuminating intended to construct  
24 an overhead 345-kilovolt line?

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1 MS. SIEGEL: In 2004 when the two  
2 representatives of UI came to see --  
3 VICE CHAIRMAN TAIT: Do you mean --  
4 MR. FRANK: You mean 2003?  
5 VICE CHAIRMAN TAIT: -- 2003 --  
6 MS. SIEGEL: '03 --  
7 VICE CHAIRMAN TAIT: -- Miss Siegel?  
8 MS. SIEGEL: I'm sorry. 2003.  
9 VICE CHAIRMAN TAIT: Times flies --  
10 MS. SIEGEL: To the record -- to the  
11 record, July or June of 2003.  
12 MR. FRANK: If -- if the line were  
13 approved as proposed, what do you perceive as the  
14 potential impacts to the JCC?  
15 MS. SIEGEL: From all the knowledge I  
16 acquired in the last few months, No. 1, it would be a  
17 safety issue for our children. And No. 2, fiscally I  
18 might be in jeopardy of staying in business because  
19 people are not going to give voluntary money to a place  
20 that they feel their children are not safe.  
21 MR. FRANK: Okay. Now, I asked the other  
22 panel members whether or not they were epidemiologists or  
23 doctors or scientists. Is it fair to say you are not  
24 either?

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1 MS. SIEGEL: I don't even sound like one.  
2 (Laughter).

3 MR. FRANK: Ask a stupid question and get  
4 a stupid answer.

5 MS. RANDELL: No, you got a good answer --

6 VICE CHAIRMAN TAIT: No, that was a very  
7 intelligent answer. (Laughter).

8 MR. FRANK: We'll just leave it I asked a  
9 stupid question. And to put myself at risk again --

10 VICE CHAIRMAN TAIT: That's what you're  
11 paid for as a lawyer.

12 MS. SIEGEL: That's okay, we each have our  
13 role.

14 MR. FRANK: I don't think I recall seeing  
15 a transcript of any of your classes where you teach at,  
16 Professor Tait.

17 VICE CHAIRMAN TAIT: I should edit.

18 MR. FRANK: Is it fair to say that you are  
19 relying on the expertise and advice of Dr. Bell, Dr.  
20 Rabinowitz, Dr. Gerber, and Dr. Ginsberg?

21 MS. SIEGEL: Yes, I do.

22 MR. FRANK: Okay. Miss Perry, could you  
23 just describe briefly what the Federation is?

24 MS. PERRY: Surely. The Federation



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1 Movement in our community has a mission of leading,  
2 building, strengthening, and constantly renewing the  
3 agencies of our community -- we have seven agencies --  
4 and with the desire to have a vital and dynamic community  
5 that is self-perpetuating and that builds the strongest  
6 kind of future for the Jewish people in our community.

7 MR. FRANK: Okay. And what is the  
8 relationship between the member institutions and the  
9 Federation?

10 VICE CHAIRMAN TAIT: Could you identify  
11 the seven members --

12 MS. PERRY: I would be happy to do that --

13 VICE CHAIRMAN TAIT: -- just for our --

14 MS. PERRY: Well, this will be a test for  
15 me, is that -- is that right --

16 VICE CHAIRMAN TAIT: A test for me.

17 MS. PERRY: Camp Laurelwood, which is a  
18 local overnight camp. The Jewish Community Center.

19 VICE CHAIRMAN TAIT: Camp Laurelwood is  
20 not located on these premises --

21 MS. PERRY: It is not, no. The seven  
22 agencies are not located on our campus.

23 VICE CHAIRMAN TAIT: Okay.

24 MS. PERRY: Only -- only one is in the

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1 same location. So Laurelwood, which is a sleepover camp.  
2 The Jewish Community Center. The Jewish Home for the  
3 Aged. Tower One, Tower East, which is elderly housing  
4 and independent living. The Jewish Family Service --  
5 (pause) --

6 VICE CHAIRMAN TAIT: It's a test.

7 MS. PERRY: No, no, I've got these two for  
8 sure -- (laughter) -- Ezra Academy and the Hebrew Day  
9 School, which is an orthodox day school in our community.  
10 Those are the seven constituent agencies of the  
11 Federation.

12 VICE CHAIRMAN TAIT: Okay.

13 MR. FRANK: And what are your concerns as  
14 -- on behalf of the Federation with respect to the  
15 proposed 345 overhead line?

16 MS. PERRY: Well, two-fold concerns, and  
17 they've both been touched on in our discussion. One is  
18 always the safety, the security, and the development and  
19 growth of our children, which are sureties for the  
20 future.

21 And the second is the fiscal health of our  
22 agencies. We are a fundraising organization which  
23 provides allocation to our constituent agencies as well  
24 as to the Jewish community overseas. Even the smallest

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1 variation in enrollments will affect the Federation. I  
2 don't know if it's been said, but I want to at least say  
3 that Ezra Academy is the largest day school in our  
4 community. B'Nai Jacob is the largest synagogue in our  
5 community. And the Jewish Community Center is the  
6 largest agency in our community. Therefore, for the  
7 three of them to be in any way at risk in terms of their  
8 enrollments, it will seriously impact our future. And  
9 that is one of the things that we as a federated  
10 community need to be very vigilant about.

11 VICE CHAIRMAN TAIT: Do I understand that  
12 you raise funds for all the agencies, they don't have  
13 independent --

14 MS. PERRY: We do --

15 VICE CHAIRMAN TAIT: -- fundraising --

16 MS. PERRY: No, I -- we raise money for  
17 all the agencies, but we do not raise all the money that  
18 the agencies need.

19 VICE CHAIRMAN TAIT: So they also have  
20 their own fundraising --

21 MS. PERRY: Exactly right, correct.

22 A VOICE: Are you taking pledges this  
23 afternoon -- (laughter) --

24 MS. PERRY: I'm always taking pledges,

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1 sir.

2 MR. FRANK: And just to clarify that, is  
3 it fair to say that each of the institutions receive some  
4 money from the Federation, right?

5 MS. PERRY: No, that is not correct,  
6 because the synagogue community does not receive --

7 VICE CHAIRMAN TAIT: That's one of those  
8 questions --

9 MS. PERRY: Right. The synagogue  
10 community does not receive direct allocation from the  
11 Federation --

12 MR. FRANK: Okay --

13 MS. PERRY: -- the agencies do, but the  
14 synagogue communities do not. There are other ways that  
15 they get service but not in direct funds.

16 MR. FRANK: Okay. And the synagogues rely  
17 -- how -- how does a synagogue raise money to support the  
18 institution?

19 MS. PERRY: I'll answer this and then Mr.  
20 Wunsch will correct me if I'm wrong, but they raise money  
21 through two traditional forms. One is the money that is  
22 paid for for family memberships and for school. And the  
23 second is, and a continual job at that I would say,  
24 fundraising.

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1 MR. FRANK: Okay. And with respect to the  
2 JCC and Ezra Academy, is it fair to say that the  
3 organizations are to a great extent dependent on tuition  
4 and membership fees?

5 MS. KREIGER: Ezra is predominantly --  
6 predominantly, I mean close to a 90 percent tuition drive  
7 school. And the remainder is fundraising.

8 MR. FRANK: Okay. And the same with JCC?

9 MS. SIEGEL: JCC is predominantly  
10 supported self from membership and fees for service, like  
11 day camp, preschool, day care.

12 MR. FRANK: Okay. And Mrs. Kreiger, just  
13 one last question. What would be the impact on Ezra if  
14 hypothetically enrollment was down 25 percent in a given  
15 year?

16 MS. KREIGER: Twenty-five percent? Uh --  
17 you know, it's a hard question to answer -- I'm going to  
18 try to answer it -- it would be devastating to the school  
19 if enrollment was down 25 percent. The problem with the  
20 kind of loss of enrollment you're talking about I believe  
21 is that it wouldn't be down 25 percent in a particular  
22 grade. You would have a 25 percent distribution over the  
23 nine grades of the school which would still require you  
24 to have teachers for those grades and not economically

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1 viable classes. When you do -- I can talk with some  
2 assurance about budgets for schools --  
3 MR. FRANK: You've --  
4 MS. KREIGER: -- a budget --  
5 MR. FRANK: You've answered my question.  
6 MS. KREIGER: Okay.  
7 MR. FRANK: Nothing further.  
8 VICE CHAIRMAN TAIT: Mr. Boucher does not  
9 have any questions. Mr. Bell? No questions?  
10 A VOICE: Ball -- Ball --  
11 VICE CHAIRMAN TAIT: Miss Donaldson? Mr.  
12 -- Mitch Goldblatt from Orange, any questions? The Town  
13 of Westport?  
14 A VOICE: No questions, Mr. Chairman.  
15 VICE CHAIRMAN TAIT: The City of Meriden?  
16 Absent. Attorney General -- Assistant Attorney General  
17 Wertheimer?  
18 MR. MICHAEL WERTHEIMER: No questions.  
19 VICE CHAIRMAN TAIT: Thank you. The City  
20 of Bridgeport? Absent. Communities for Responsible  
21 Energy?  
22 A VOICE: No questions.  
23 VICE CHAIRMAN TAIT: No questions. The  
24 Office of Consumer Counsel?

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1 MR. JOHNSON: No questions for this panel.

2 VICE CHAIRMAN TAIT: Woodlands Coalition?

3 Absent -- well, we understand -- yeah, no questions,  
4 okay. ISO New England?

5 MR. MACLEOD: No questions, thank you.

6 VICE CHAIRMAN TAIT: No questions. The  
7 Department of Transportation?

8 MS. MESKILL: No questions.

9 VICE CHAIRMAN TAIT: The Town of  
10 Fairfield?

11 A VOICE: No questions

12 VICE CHAIRMAN TAIT: The Town of Wilton?

13 MR. FRANK: No questions. (Laughter).

14 VICE CHAIRMAN TAIT: The Town of Weston?

15 MR. FRANK: No questions either. I think  
16 that gets back to our prior point --

17 VICE CHAIRMAN TAIT: It certainly does.  
18 South Central Water District?

19 A VOICE: No questions.

20 VICE CHAIRMAN TAIT: The Town of Cheshire?

21 MR. BURTURLA: No questions.

22 VICE CHAIRMAN TAIT: The Town of North  
23 Haven?

24 A VOICE: No questions.

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1 VICE CHAIRMAN TAIT: Council questions?

2 Fred, any questions?

3 MR. CUNLIFFE: No questions.

4 VICE CHAIRMAN TAIT: Mr. Murphy?

5 MR. MURPHY: No questions.

6 VICE CHAIRMAN TAIT: Brian?

7 MR. EMERICK: No.

8 VICE CHAIRMAN TAIT: Phil?

9 MR. ASHTON: Yeah, just a couple. Going  
10 back to my original question of 460-kV, that was supplied  
11 to you, am I correct, that figure?

12 MS. KREIGER: When I came, we had a  
13 conversation about our testimony. And then when I got  
14 the packet, I think it was just my volunteers who put it  
15 together.

16 MR. ASHTON: And who are your volunteers  
17 who put it together?

18 MS. KREIGER: Uh --

19 MR. ASHTON: Were they Drs. Bell, Gerber -

20 -

21 MS. KREIGER: No --

22 MR. ASHTON: -- Rabinowitz?

23 MS. KREIGER: -- not the -- no. Parent  
24 volunteers.



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1 MR. ASHTON: Okay. In your discussions  
2 with Drs. Bell, Gerber, Rabinowitz, Carpenter and so  
3 forth, did you get into technical aspects of the proposed  
4 line construction?

5 MS. KREIGER: I have not talked directly  
6 with Drs. Bell --

7 MR. ASHTON: Et al?

8 MS. KREIGER: I've never met Dr. Ginsberg.  
9 You know, we've talked -- I've had parent -- my parent  
10 volunteers who have talked with them and have come back  
11 and talked to me. I have talked to Dr. Rabinowitz --

12 MR. ASHTON: Okay --

13 MS. KREIGER: -- but I've not talked  
14 directly to Dr. Bell about this.

15 MR. ASHTON: Is that a fair answer for all  
16 four of you?

17 MS. SIEGEL: Yes.

18 MS. PERRY: Definitely.

19 MR. WUNSCH: Yes.

20 MR. ASHTON: One last question. Do you  
21 serve coffee at the institution?

22 MS. PERRY: Coffee, bagels, donuts --

23 MS. SIEGEL: Anything you want.

24 MR. ASHTON: Okay, thank you.

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1 MS. SIEGEL: Do you want to visit us?

2 MR. ASHTON: I've flown over it but I  
3 haven't visited it on the ground.

4 MS. SIEGEL: You should.

5 MR. WUNSCH: We serve coffee at B'Nai  
6 Jacob.

7 MS. KREIGER: Only to the teachers.

8 MR. ASHTON: I'm sorry?

9 MS. KREIGER: Only to the teachers and  
10 guests, not to students.

11 VICE CHAIRMAN TAIT: Gerry, any questions?

12 MR. WILENSKY: Can I ask one question?  
13 Just one -- (laughter) -- Mr. Wunsch, I noticed there are  
14 various exhibits from the academy and the day care. I  
15 don't see anything in there as far as pictures for B'Nai  
16 Jacob. Am I missing something or were they not included  
17 in this packet?

18 MR. WUNSCH: You're talking about my  
19 testimony? There were only two things included, Exhibit  
20 A, which is a copy of the deed, and --

21 MR. WILENSKY: But I noticed --

22 MS. KREIGER: Could I explain that?

23 MR. WILENSKY: Surely, please.

24 MS. KREIGER: I think Alan Wunsch aptly or

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1       tried to describe the kind of co-dependent relationship  
2       between Ezra Academy and B'Nai Jacob. We're actually in  
3       the same physical space. Ezra Academy put an addition  
4       onto Congregation B'Nai Jacob in 19 -- give me a minute -  
5       - '88. And I have pictures of that for you to see. If -  
6       -

7                   MR. WILENSKY: Yeah. But is it included -  
8       - it's not included in this packet then, is that right?

9                   MS. KREIGER: I believe it's Exhibit A, B,  
10       C, is the outside areas. And then you'll see a  
11       playground space, the back of the building with the  
12       flagpole for the American flag is Exhibit H, that dark  
13       thing is the building, part of the building of B'Nai  
14       Jacob --

15                   MR. WILENSKY: But A and B are Ezra  
16       Academy.

17                   MS. KREIGER: Where --

18                   MS. SIEGEL: It's the same building.

19                   A VOICE: The same --

20                   MR. WILENSKY: The same --

21                   MS. KREIGER: It's the same building --

22                   MR. WILENSKY: B'Nai --

23                   COURT REPORTER: One at a time --

24                   MS. KREIGER: -- we are in the back

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1 entrance --

2 VICE CHAIRMAN TAIT: One at a time please.

3 MS. KREIGER: I'm sorry.

4 MR. WILENSKY: Your turn.

5 MS. KREIGER: I'm not waiting my turn --

6 MR. WILENSKY: Go ahead please.

7 MS. KREIGER: Ezra Academy has a rear  
8 entrance to the building and B'Nai Jacob has the front  
9 entrance to the building, but it's the same building.

10 MR. WILENSKY: Okay. Thank you very much.  
11 Thank you, sir.

12 VICE CHAIRMAN TAIT: Is there any --

13 MR. HEFFERNAN: Just -- just one, Mr.  
14 Chairman. In reaction to Miss Randell's question, I mean  
15 I think we'd all agree that if nothing else changed and  
16 the milligauss went down, that would be a positive thing.  
17 Is there agreement on that?

18 MS. KREIGER: I think that -- I would  
19 agree with that --

20 MR. HEFFERNAN: I mean --

21 MS. KREIGER: -- but something -- we would  
22 change --

23 MR. HEFFERNAN: I mean there might be  
24 something else wrong I understand --

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1 MS. KREIGER: No, no --

2 MR. HEFFERNAN: -- but I mean just that's  
3 a positive move --

4 MS. KREIGER: No, but from what the school  
5 has learned in the last few months --

6 MR. HEFFERNAN: I understand that --

7 MS. KREIGER: -- we're moving the  
8 playground, we've closed the basketball court, we're  
9 moving the basketball courts. We're doing everything  
10 physically within our power to reduce whatever exposure  
11 the kids have --

12 MR. HEFFERNAN: But having it go down  
13 would be a positive thing?

14 MS. KREIGER: Yes.

15 MS. PERRY: Yes.

16 MS. SIEGEL: Yeah, we're doing the same in  
17 camp. We can't obviously do much in the building, but we  
18 moved a lot of camp activities to the other side of camp  
19 further away from the right-of-way.

20 MR. HEFFERNAN: I understand. Thank you.

21 VICE CHAIRMAN TAIT: Thank you. Is there  
22 any other party or intervenor who would like to cross-  
23 examine the panel at this time that hasn't had a chance  
24 to do so? Seeing none, we thank you very much for your

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1 attendance --

2 MR. SCHAEFER: Mr. Chairman, can I just  
3 ask one or two questions on redirect --

4 VICE CHAIRMAN TAIT: Yes --

5 MR. SCHAEFER: -- to clear things up.

6 Thank you. If -- if I could have -- Miss Siegel, looking  
7 at your testimony, Exhibit Q, which is a site plan of the  
8 Jewish Community Center --

9 MS. SIEGEL: Yeah?

10 MR. SCHAEFER: -- which shows the power  
11 line easement in yellow, is it true that that easement is  
12 45 feet from the corner of your building --

13 MS. SIEGEL: Yes --

14 MR. SCHAEFER: -- that has the day care  
15 facility?

16 MS. SIEGEL: Yes --

17 MR. SCHAEFER: Okay --

18 MS. SIEGEL: -- yes.

19 MR. SCHAEFER: And if the power lines or  
20 the power line easement are moved away from the Jewish  
21 Community Center building --

22 MS. SIEGEL: Um-hmm --

23 MR. SCHAEFER: -- does that necessarily  
24 move them closer to the day camp?

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1 MS. SIEGEL: Yes -- yes.

2 MR. SCHAEFER: Okay. Is there any way to  
3 move them where it doesn't move them closer to one  
4 facility or the other?

5 MS. SIEGEL: I don't know.

6 MR. SCHAEFER: Okay. And could you  
7 explain to the Council the importance of the -- well,  
8 first of all, do you know how much was spent building the  
9 day camp?

10 MS. SIEGEL: About probably half a million  
11 dollars.

12 MR. SCHAEFER: Okay. And can you explain  
13 to the Council the revenue -- the importance of the  
14 revenue for the day camp to the survival of the Jewish  
15 Community Center?

16 MS. SIEGEL: Well, the -- there are three  
17 major businesses the Jewish Center runs, one is camp, one  
18 is day care. And those two because they are so important  
19 to the Jewish Center, generate the majority of all  
20 families' fees because they serve children of families.  
21 The third one is obviously physical education. But those  
22 two, day care -- day camp and day care are the largest  
23 fee producers of the JCC and its services.

24 MR. SCHAEFER: Okay. I have no further

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1 questions. Thank you.

2 VICE CHAIRMAN TAIT: Thank you. Thank you  
3 for your testimony today. Is Mr. Gregory in the room?  
4 Miss Randell, is Mr. Gregory in the room?

5 A VOICE: Yes, he is.

6 MS. RANDELL: Uh -- there he is. Yes.

7 VICE CHAIRMAN TAIT: Could you come to the  
8 witness stand, Mr. Gregory.

9 COURT REPORTER: We're off the record, Mr.  
10 Chairman?

11 VICE CHAIRMAN TAIT: Yes, we're off.

12 (Off the record)

13 VICE CHAIRMAN TAIT: Mr. Gregory, you had  
14 some homework to do that took you --

15 MR. BRIAN GREGORY: A long time.

16 VICE CHAIRMAN TAIT: Well into the night  
17 it sounds like --

18 MR. GREGORY: Yes.

19 VICE CHAIRMAN TAIT: -- so would you --

20 COURT REPORTER: Back on the record --

21 VICE CHAIRMAN TAIT: We're back on the  
22 record, yes. Would you describe what you have before you  
23 and --

24 MR. GREGORY: Yes. I've prepared a



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1 document which calculates the fault rates around the  
2 world of certain cable circuits made of cross-link  
3 polyethylene. And this is to update the previous figures  
4 that were given in Docket 217.

5 VICE CHAIRMAN TAIT: And you are willing  
6 to stand by those figures and swear that to the best your  
7 knowledge and belief these are accurate and --

8 MR. GREGORY: Yes, these are as accurate  
9 as I can get at this moment.

10 VICE CHAIRMAN TAIT: Does anybody have any  
11 objections to the admission of this as docket -- as item,  
12 what, Fred -- one --

13 MS. RANDELL: 113.

14 VICE CHAIRMAN TAIT: 113?

15 MR. CUNLIFFE: Right.

16 VICE CHAIRMAN TAIT: Exhibit 113.

17 (Whereupon, Applicants' Exhibit No. 113  
18 was received into evidence.)

19 VICE CHAIRMAN TAIT: Does anybody wish to  
20 cross-examine Mr. Gregory on this docket? Fred, do we  
21 have any cross-examination?

22 MR. CUNLIFFE: Yes.

23 VICE CHAIRMAN TAIT: Okay, you can start.

24 MR. CUNLIFFE: Is it your understanding

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1 that XLPE has a lower capacitive charge than an HPFF  
2 cable?

3 MR. GREGORY: Yes, it has low capacitance.

4 MR. CUNLIFFE: Okay. And on your third  
5 page of your work you have a table of a comparison of  
6 fault rates between the 2001 table which you had  
7 generated and then updated it to 2003. What is the  
8 factors that are driving the downward trend of fault  
9 rates?

10 MR. GREGORY: Simply time.

11 MR. CUNLIFFE: Just experience?

12 MR. GREGORY: Yes.

13 MR. CUNLIFFE: Okay.

14 MR. GREGORY: Perhaps I should mention --  
15 I have listed this in a number of positions in this  
16 document -- since the previous occurrence in compiling  
17 this, time has moved on by two years, so some of the  
18 circuits were only two years old at that time, now  
19 they're four years old. So if they don't have the same  
20 incidence of rates per year, then simply the fault rate  
21 is halved. That is one issue.

22 The other issues, I've changed some of the  
23 circuits I looked at before. Before there were just five  
24 circuits that I was confident on that had -- we had

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1 fault data on. It's very difficult to collect fault  
2 data. People don't like to indicate their problems.  
3 This time we've got 13 listed circuits that I'm  
4 reasonably confident on. Some have faults and some do  
5 not. Now by adding in circuits that are not fouled, of  
6 course that also reduces the fault rate. So, I've tried  
7 to be fair in what I've done.

8 MR. CUNLIFFE: Would you agree as time  
9 went on there have been fewer faults?

10 MR. GREGORY: No. In terms of total  
11 number of faults, that has increased to 17 faults.

12 MR. CUNLIFFE: From a previous --

13 MR. GREGORY: From the previous occasion,  
14 yes. It's the difference between the absolute number of  
15 faults and the fault rate.

16 VICE CHAIRMAN TAIT: You don't attribute  
17 it to improved technology?

18 MR. GREGORY: No, because the -- there  
19 have been few extra circuits installed. As we can see  
20 here, it takes a very long time to plan a circuit and to  
21 manufacture and install it. We're talking of maybe a two  
22 or three-year period to manufacture and install after the  
23 planning is completed. So, I don't believe it's per say  
24 improved technology.

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1                   VICE CHAIRMAN TAIT: We've heard testimony  
2 that it's improving all the time. Would you comment on  
3 that sort of testimony that we've heard, it's getting  
4 better? Unquantifiably these statements have been --

5                   MR. GREGORY: It is, it's a qualitative  
6 statement. There was a big improvement to make EHV XLPE  
7 cables possible that occurred within the mid 1990's. And  
8 the circuits that we have listed largely embody those  
9 improvements already. And of course because it's a new  
10 technology, you can test it as much as you wish, but the  
11 real test is when it's put into service. So, I don't  
12 believe there has been further improvements. It is  
13 already as high a quality product I think as the  
14 manufacturers can achieve. And that doesn't mean to say  
15 that when they have faults, they won't attempt and will  
16 obviously analyze them and improve.

17                   VICE CHAIRMAN TAIT: We're considering a  
18 24-mile underground cable from Norwalk to Devon. Is that  
19 too long? Where would you place that on this chart as  
20 the likelihood of faults if you could?

21                   MR. GREGORY: I don't think the length  
22 itself will affect the fault rate.

23                   VICE CHAIRMAN TAIT: Okay.

24                   MR. GREGORY: What affects the fault rate

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1 is the selection of a manufacturer or manufacturers  
2 because I believe with that length you would probably  
3 need to have the cable sourced from several to be able to  
4 achieve it in the time scale that you wish.

5 VICE CHAIRMAN TAIT: Several  
6 manufacturers?

7 MR. GREGORY: Several manufacturers. So  
8 the issues are in selecting cable that has been pre-  
9 qualified according to the international standards, which  
10 recommend a one-year test on voltage at 70 percent over  
11 voltage and on load cycling, and also to look at  
12 manufacturers which have preferably a form of track  
13 record in both the cable and the joints, and then  
14 basically in selecting to select a manufacturer that's  
15 got a good quality record, by quality which is checking  
16 the manufacturer, the design facilities, the joint -- the  
17 design of the joints, etcetera, I think those are the key  
18 issues. And if they are followed, there is no major  
19 reason why a long circuit shouldn't be as reliable as a  
20 short one.

21 VICE CHAIRMAN TAIT: What time lag is  
22 there? If the Applicant placed their order today for 24  
23 miles of XLPE to a variety of manufacturers, when could  
24 they expect to be able to put it in the ground?

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1 MR. GREGORY: Well, there would be a lead  
2 time of one and a half years immediately assuming that it  
3 is pre-qualified by testing. And the manufacturer can  
4 manufacture cable during that time but he takes the risk  
5 that if he fails the test, his cables are scrapped. So  
6 that's assume that a cautious approach is taken and the  
7 cable is then made after the one and a half year period,  
8 we're probably looking at a two-year manufacturing period  
9 and another one year minimum to install.

10 VICE CHAIRMAN TAIT: If the Applicant was  
11 willing to assume the risk that the cable wouldn't work,  
12 you would knock out the one and a half year testing  
13 period?

14 MR. GREGORY: Yes. But it would be a  
15 brave manufacturer --

16 VICE CHAIRMAN TAIT: Not if the utility  
17 guaranteed the end --

18 MR. GREGORY: Yes, I guess so.

19 VICE CHAIRMAN TAIT: Okay. Fred.

20 MR. CUNLIFFE: I just want to get back  
21 again to what attributes the reduced fault rates for this  
22 data. You say it's time. But if the fault rates were X  
23 today, wouldn't they be the same in 10 years or 50 years?

24 MR. GREGORY: No. If you had the same --

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1 if a circuit had five faults each year and every year,  
2 then the length has stayed the same, time is moving on,  
3 so the fault rate would stay the same. But if -- if I  
4 take the example in Singapore, one circuit that was 20  
5 kilometers long suffered seven faults when it was  
6 commissioned during the first year of its service life,  
7 to such an extent it wasn't possible to fully utilize it.  
8 And it was such a serious nature that it was decided to  
9 replace every joint in the whole 20 kilometers. So that  
10 would be roughly a joint every half a kilometer and over  
11 three joints at each of those positions. So thereafter -  
12 - and that's been put back into service -- there haven't  
13 been failures reported. So the fault incident -- the  
14 number of faults stays the same but time is increasing,  
15 so the apparent fault rate decreases as time moves on.

16 MR. CUNLIFFE: You've mentioned one  
17 scenario and you said you had seven faults and you  
18 decided to replace everything, and wouldn't you be  
19 starting at zero again? So that if it was a successful  
20 commission, zero faults, that its fault rate to zero?  
21 You don't count the previous because those were old  
22 joints, you cut them out and threw them away?

23 MR. GREGORY: No, I don't.

24 MR. CUNLIFFE: Alright. Thank you.

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1 MR. GREGORY: It's -- it's very difficult  
2 to decide how to analyze figures. One collects the fault  
3 data that one has and uses that.

4 VICE CHAIRMAN TAIT: No question pending.  
5 Brian? Phil? Be short, we've got to get the Towns in.

6 MR. ASHTON: Yeah. I have just a couple  
7 of quick questions.

8 COURT REPORTER: Could you --

9 MR. ASHTON: Yes, I will. In the last two  
10 years -- you testified in Docket 217, the first phase of  
11 this from Bethel to Norwalk I believe. And I believe I  
12 asked you in that docket whether there was any  
13 indications of a failure mechanism which appeared years  
14 ago in distribution plastic cables, a phenomenon called  
15 treeing. Are you familiar with that?

16 MR. GREGORY: Yes.

17 MR. ASHTON: Has there been anything --  
18 any phenomenon of that nature which has appeared in XLPE  
19 in the last few years which could be a threat to its  
20 integrity?

21 MR. GREGORY: The phenomenon of treeing of  
22 course physically will always exist. And --

23 VICE CHAIRMAN TAIT: Could you spell that  
24 -- spell that?



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1 MR. GREGORY: It's tree as in t-r-e-e, as  
2 in arboreal tree. And it's named that because it looks  
3 like a tree, with the twigs and branches coming out.

4 MR. ASHTON: That's when you cut a cross  
5 section of the cable?

6 MR. GREGORY: Yes. So most of the treeing  
7 problems that occurred at distribution voltages were due  
8 to not having a metallic sheath that could prevent water  
9 from entering the cable. And that -- the general type of  
10 treeing that caused a great deal of problems with lower  
11 voltage XLPE cables was a diffusion of water from the  
12 ground through the outer layers of the cable and into the  
13 insulation. And unless you want me to, a certain  
14 phenomenon occurred that resulted in electrical distress  
15 --

16 MR. ASHTON: Yeah --

17 MR. GREGORY: -- but I should say that  
18 this also occurs in a very small form in EHV XLPE cables.  
19 So when we were manufacturing cables in my previous  
20 existence, if we sliced a cable after it had gone through  
21 the factory acceptance test and if the cable had had a  
22 chemical reaction which wasn't quite in the process  
23 window, we could find very small water trees in the  
24 insulation but of a microscopic scale. So the physical

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1 phenomenon still exists, but the cables are protected for  
2 metallic -- with a metallic sheath of foil so you can't  
3 get replenishment of water from the outside.

4 MR. ASHTON: There have been no other  
5 phenomenon uncovered which threatened the integrity of  
6 the insulation systems that were not anticipated I take  
7 it?

8 MR. GREGORY: The -- not seriously. What  
9 was investigated was space charge accumulation in which  
10 residual chemical molecules left over from the cross-  
11 linking reaction migrate onto the electric field too  
12 close to the shields around the conductor and around the  
13 outer surface of the insulation. On DC this has a very  
14 major effect in an XLPE cable. On AC it was found to  
15 have only a five or ten percent increase in the design  
16 stress.

17 MR. ASHTON: And that is -- is that life  
18 threatening to a cable?

19 MR. GREGORY: In a cable well designed and  
20 with a design margin included, no.

21 MR. ASHTON: Okay. One last question.  
22 Would you have any general comment on the state of U.S.  
23 technology versus technology throughout the rest of the  
24 world? Are they roughly equal, slightly different, but

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1 roughly equal, or what?

2 MR. GREGORY: Concerning cross-link  
3 polyethylene cables?

4 MR. ASHTON: Concerning cables in general?  
5 I don't want a long dissertation, I'm just looking for --  
6 are we roughly on par?

7 MR. GREGORY: No, behind.

8 MR. ASHTON: The U.S. is behind?

9 MR. GREGORY: Yes. The U.S. was with HPPF  
10 cables -- when I was a young engineer, or 30, maybe 35  
11 years ago, was on a level with world leading technology  
12 and people from Phelps Dodge came to the UK and I  
13 attended lectures, and subsequently we had a technology  
14 agreement with various companies in the States. But the  
15 U.S. utilities I think ceased to purchase cables for  
16 whatever reason, EHV. And one by one the cable companies  
17 closed. I think leaving just one now. And there isn't a  
18 significant manufacturer of XLPE EHV cable for 345-kV and  
19 above in the U.S.A.

20 COURT REPORTER: One moment please.

21 (Pause).

22 MR. GREGORY: But the type of circuit --

23 COURT REPORTER: Hold it, hold it -- okay,  
24 go ahead.

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1 MR. GREGORY: Yeah. The type of circuits  
2 being discussed now may well encourage U.S. manufacturers  
3 to invest in the future and to recover the technology.

4 MR. ASHTON: One last question. You're  
5 talking manufacturing capability or technology itself?

6 MR. GREGORY: Both in my view go in hand,  
7 EHV --

8 MR. ASHTON: Okay, thank you.

9 MR. WILENSKY: No questions.

10 MR. HEFFERNAN: No questions.

11 VICE CHAIRMAN TAIT: Thank you.

12 MS. RANDELL: (Indiscernible) --

13 VICE CHAIRMAN TAIT: Any further questions  
14 -- oh -- yes, Miss Randell?

15 MS. RANDELL: Might I just ask what might  
16 be helpful in view of the PB report that we got yesterday  
17 --

18 VICE CHAIRMAN TAIT: Um-hmm.

19 MS. RANDELL: Mr. Gregory, could you just  
20 quickly run down the list of these XLPE projects and tell  
21 us whether they were installed tunnel -- in a tunnel,  
22 direct buried, or duct? Would you be able to do that --

23 MR. GREGORY: Yes --

24 MS. RANDELL: -- just now?

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1 MR. GREGORY: No problem.

2 MS. RANDELL: Okay. When we file the  
3 official copy, we can add a little notation of, you know,  
4 T, DB, or D.

5 VICE CHAIRMAN TAIT: Okay.

6 MR. GREGORY: Yes. Going down, the first  
7 one is laid direct short length in a power station in the  
8 UK.

9 The second two, it says Germany, and  
10 BAYVAC (phonetic) is short for Berlin Electricity  
11 Company, these are circuits in tunnels under Berlin.

12 The next one -- the next two from  
13 Copenhagen are buried in the ground.

14 MS. RANDELL: Okay.

15 MR. GREGORY: The next one in Taiwan is in  
16 a tunnel.

17 The next one, the National Grid Company,  
18 is a very short length buried in the ground in a  
19 substation.

20 The next one, UK, is a private generator  
21 in Ireland, but still within the United Kingdom, Northern  
22 Ireland.

23 VICE CHAIRMAN TAIT: You were going to get  
24 an argument there.

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1 MR. GREGORY: No, no, no. That is  
2 aboveground in a substation.

3 Singapore, there are two of the circuits  
4 listed there. They are buried in the ground. In the  
5 U.S.A. --

6 MR. ASHTON: When you say buried in the  
7 ground, do you mean direct buried or --

8 MR. GREGORY: Direct buried.

9 MR. ASHTON: Okay.

10 MR. GREGORY: Then the next one is  
11 significant from this point of view in the U.S.A., Los  
12 Angeles, that is in ducts.

13 The next one, U.S.A., in Arizona is also  
14 in ducts. And Spain is in tunnel.

15 MS. RANDELL: Thank you. Would it also be  
16 useful when we do the official copy, that we append Mr.  
17 Gregory's original Docket 217 table?

18 VICE CHAIRMAN TAIT: I think that would be  
19 very helpful.

20 MS. RANDELL: We'll do that.

21 MR. ASHTON: To show the comparison.

22 MS. RANDELL: Right.

23 VICE CHAIRMAN TAIT: Is there anybody on  
24 the party list that would like to ask questions on this

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1 chart at this time?

2 MR. BALL: I don't have any -- I do not  
3 have any questions. I just wanted to reiterate the  
4 Woodlands Coalition's counsel is not here and I believe  
5 we have an understanding that they've reserved the right  
6 to cross-examine at a future date. I wanted to --

7 VICE CHAIRMAN TAIT: Yes, that's right.

8 MR. BALL: Thank you.

9 VICE CHAIRMAN TAIT: I would like to take  
10 a break now if people don't have further --

11 A VOICE: (Indiscernible) --

12 VICE CHAIRMAN TAIT: Yes, sir?

13 A VOICE: Is that -- (indiscernible) -- or  
14 an interested party --

15 COURT REPORTER: I can't pick you up --

16 VICE CHAIRMAN TAIT: We're not picking --  
17 you're not by a microphone, sir. Would you identify  
18 yourself?

19 MR. KENNETH FLATO: (Indiscernible) --  
20 interested party, Ken Flato --

21 COURT REPORTER: Hold it --

22 AUDIO TECHNICIAN: Sir, sir, right here --

23 VICE CHAIRMAN TAIT: Come to a microphone.

24 COURT REPORTER: I near you near a

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1 microphone.

2 MR. FLATO: I just didn't know if you  
3 wanted it through the attorney -- through our attorney or  
4 not --

5 COURT REPORTER: Sir --

6 VICE CHAIRMAN TAIT: Yes --

7 MR. FLATO: Just two quick --

8 COURT REPORTER: Sir, sir --

9 VICE CHAIRMAN TAIT: We would like it  
10 through your attorney if he has questions.

11 COURT REPORTER: Identify yourself please.

12 MR. FLATO: Ken Flato, First Selectman  
13 Fairfield.

14 VICE CHAIRMAN TAIT: We're going to let  
15 the officials make a statement to us after the break --

16 MR. FLATO: Right. These are questions to  
17 the table.

18 VICE CHAIRMAN TAIT: To Mr. Gregory?

19 MR. FLATO: Correct.

20 VICE CHAIRMAN TAIT: I would prefer they  
21 come from your counsel --

22 MR. FLATO: Okay --

23 VICE CHAIRMAN TAIT: -- if he's here.

24 MR. FLATO: We'll try to do this. Thank



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1       you.

2                   VICE CHAIRMAN TAIT: And this is the town  
3       of?

4                   A VOICE: Fairfield.

5                   VICE CHAIRMAN TAIT: Fairfield.

6                   MS. EILEEN KENNELLY: The first question  
7       is --

8                   VICE CHAIRMAN TAIT: Would you identify  
9       yourself please.

10                  MS. KENNELLY: I'm sorry. Eileen  
11       Kennelly, Assistant Town Attorney, Town of Fairfield.

12                  VICE CHAIRMAN TAIT: And would you spell  
13       your name?

14                  MS. KENNELLY: K-e-n-n-e-l-l-y. And the  
15       first name is E-i-l-e-e-n.

16                  COURT REPORTER: I didn't hear -- and the  
17       title was?

18                  MS. KENNELLY: Assistant Town Attorney,  
19       Town of Fairfield.

20                  I -- we understand that there are some  
21       additional locations in the United States where there are  
22       underground cable in Boston, New York, and Providence.  
23       And we're wondering why those were not included on your  
24       list? And could they be if you weren't previously aware

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1 of them?

2 MR. GREGORY: If I face the -- excuse me -  
3 -

4 VICE CHAIRMAN TAIT: Yes, you can answer  
5 the question.

6 MR. GREGORY: The installations in Boston,  
7 XLPE, are short lengths of 345-kV XLPE cable that have no  
8 joints and so I did not include them. Generally I try to  
9 include circuits which had joints which are the weak link  
10 or circuits that had failures, for example in the  
11 terminations. And to the best of my knowledge, Boston has  
12 not had a failure in the short lengths of 345-kV cable.

13 In New York they have -- and I'm very  
14 familiar with this for professional reasons -- they have  
15 138-kV XLPE cables installed, three cables in a pipe.  
16 That is below the voltage range that I've taken in  
17 looking EHV, which has been at 220-kV and above.

18 VICE CHAIRMAN TAIT: Thank you.

19 MR. GREGORY: In Providence, I must  
20 confess I don't know of Providence, and I apologize for  
21 this, or of that cable. So perhaps you could help me?

22 MS. KENNELLY: I just heard that. One  
23 other question, which I'm not sure you had answered  
24 earlier. Do the number of miles of cable make a

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1 difference to the failure rate?

2 MR. GREGORY: Yes, they do. Because the  
3 way it's worked out in the document is to multiply the  
4 length of the circuit, the single phase circuit times the  
5 time in years and take that figure, and then take the  
6 number of faults and divide it by that figure.

7 MS. KENNELLY: Thank you.

8 VICE CHAIRMAN TAIT: We will take a 10-  
9 minute break. And when we come back, we will have the  
10 Towns' presentation.

11 (Whereupon, a short recess was taken.)

12 VICE CHAIRMAN TAIT: We've had a request  
13 from several town officials to address the Council and  
14 we'd like to take the time to do so. And Mr. Hannah, I  
15 guess you're first. And we'd like you to sit down by  
16 that mic because they'll record your immortal words  
17 forever better that way.

18 MR. PAUL HANNAH: Do I need to fill this  
19 out?

20 VICE CHAIRMAN TAIT: We know you.

21 COURT REPORTER: Give your name and spell

22 --

23 VICE CHAIRMAN TAIT: But for the court  
24 reporter please spell your name, and your office.

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1 MR. HANNAH: My name is Paul Hannah.  
2 That's H-a-n-n-a-h, the same backwards and forwards. I'm  
3 the First Selectman of the Town of Wilton.

4 And I am a veteran of Phase 1. I was in  
5 the working group that was established by the  
6 Legislature, along with a representative of ISO New  
7 England and people from CL&P and other towns. I first  
8 got in this in July of 2001, three years ago, when the  
9 loop was first presented to us. And actually our first  
10 meeting with the lawyers was on a date that I will always  
11 remember, September 11, 2001, a meeting with our  
12 attorneys. So this is not a new -- the idea of a loop or  
13 the idea of reliable service in Southwest Connecticut is  
14 not a new idea.

15 I'm delighted that the Siting Council  
16 ordered that Phase 1 go ahead, that being the Norwalk to  
17 Bethel line. I understand from Bob Carberry that bids  
18 are -- have come in. And they're hoping, the court  
19 willing, to go ahead with that in July. And we certainly  
20 understand the need and are supporting that. Not all of  
21 my citizens are supporting it, but everybody -- but the  
22 towns are supporting it.

23 I'd like to point out that there has never  
24 been presented a 100 percent overhead route in any

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1 studies done by ISO New England or NEPOOL in the 345 line  
2 contrary to what Mr. Whitley told you this morning. The  
3 ones I think he was referring to had two miles  
4 underground in Bridgeport. There has never been a  
5 solution that's a hundred percent overhead in this loop  
6 area.

7 So we've been working on this particular  
8 Phase 2 project since June of 2003, a year. We, the  
9 seven communities in Segments 3 and 4, filed with the  
10 Siting Council in August of '03 an endorsement of the  
11 plan. And we have been spending a lot of money, a lot of  
12 time, a lot of effort in working on it and understanding  
13 it. And we're naturally very disappointed to learn -- I  
14 guess I didn't learn on June 7<sup>th</sup>, but to learn shortly  
15 thereafter that ISO New England, which had been working  
16 on this project certainly since July of 2001 and had  
17 always talked about a loop, was not saying that something  
18 they knew about for over a year was only worth hiring a  
19 consultant within the last six weeks.

20 I think you all have done a commendable  
21 job in pointing out the timetable and the fact that we're  
22 somewhat at the eleventh hour on this new development  
23 that the -- at least a significant player feels it's not  
24 reliable. And I certainly won't go through all the dates

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1 and that sort of thing.

2 The Siting Council is to be commended with  
3 -- and I think a very important need is we need more  
4 power in Southwest Connecticut. The principal users are  
5 of course Stamford, Norwalk and Greenwich, but the towns  
6 like Wilton and the smaller communities also need it.

7 I gather that more work is inevitable from  
8 what the Council said, that this does present a change in  
9 the way you're going to go about this because ISO New  
10 England has interpreted the data differently than the  
11 Applicants have interpreted it. And two -- I think you  
12 have two approaches that I hope you'll consider. There's  
13 one that I think makes sense and one that I think doesn't  
14 make sense.

15 Mr. Whitley this morning suggested you  
16 start with an all overhead approach. The presumption is  
17 that all overhead would work. I assume by that he means  
18 he'd include the two miles through Bridgeport. And then  
19 sort of look at five-mile segments of under-grounding. I  
20 submit to you that in fairness to the towns and the  
21 communities who have worked on this, in our case for  
22 three years, and everybody else's case for at a year, and  
23 in your case I guess for almost a year, that that is  
24 really tantamount to starting all over. You might as

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1 well have United Illuminating and Northeast Utilities  
2 withdraw this application and develop another one and  
3 start the process all over because it just doesn't make  
4 any sense, we don't have any data, we don't have any  
5 time, and I think it's very unfair to all the parties,  
6 not just to the municipalities.

7 A suggested approach instead of the  
8 Whitley approach would be to start from the Applicants'  
9 proposal, which we support, those of us in Segments 3 and  
10 4 support, recognizing that there will be need to tweak  
11 it in some areas here and there, but start from that  
12 proposal, look at ways to mitigate it or fix it, or  
13 whatever the correct term is. Things like changing the  
14 nature of the cable. I believe it's HPFF. And there are  
15 XLPE cables and there are other types of underground  
16 cable. Also looking at the other devices that can be  
17 hung on the lines. And harmonics is a new term to me. I  
18 haven't been attending these meetings. I've now got to  
19 learn how harmonics work. I'm convinced I can do that if  
20 necessary. But I hope that that will be the approach,  
21 you'll come from the Applicants' application and not take  
22 this all up de novo. I believe in fairness to all the  
23 parties and the intervenors that would be what should be  
24 done. If you're going to do what Mr. Whitley and the ISO

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1 people propose, that is to start with an all overhead  
2 configuration that nobody has really serious considered,  
3 there's certainly not a preferred route for an all  
4 overhead configuration that has ever been set out, then  
5 my suggestion would be that would be to start all over  
6 again.

7 I think the -- we support the Siting  
8 Council's work and the need to provide more power and  
9 would certainly like to work with you all and with the  
10 Applicants and with ISO New England. It's sort of ironic  
11 because in Phase 1, I think the towns felt that -- at  
12 least in the working group, there was three of us from  
13 the towns and three of us from ISO and C&P, and they kind  
14 of split three/three, and Joel Rinebold had to take the  
15 lead and try and hammer us together. Well in this one,  
16 it looks like ISO and CL&P -- or rather CL&P and UI on  
17 the other hand have split apart. So we're on the -- I  
18 guess we would like to work with CL&P, United  
19 Illuminating, and the other municipalities as we have  
20 been, the Legislature and other people to move this ahead  
21 without starting it over.

22 I wanted to thank for taking the time, Mr.  
23 Tait, in letting me speak, and I will leave the podium.

24 VICE CHAIRMAN TAIT: Thank you, Mr.



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1 Hannah. Is Mr. Flato here?

2 MR. FLATO: Yes, sir. There's one other  
3 member of our group that was asking to possibly speak for  
4 30 seconds, I think she's on your list next, if that's  
5 alright --

6 VICE CHAIRMAN TAIT: Eileen Kennelly? Do  
7 you want to defer to her?

8 MR. FLATO: Just for a moment because she  
9 has a -- she's late for a --

10 VICE CHAIRMAN TAIT: When you get to the  
11 microphone, please identify yourself and who you're  
12 representing.

13 MS. KENNELLY: Eileen Kennelly and I'm  
14 speaking on behalf of the Greater Bridgeport and Valley  
15 Metropolitan Planning Organization, among whose members  
16 are Bridgeport, Fairfield, Stratford, Easton and  
17 Trumbull, all of whom are affected by this plan.

18 I've been asked to read a letter to you  
19 addressed to Chairman Katz.

20 Dear Chairman Katz, the Greater Bridgeport  
21 and Valley Metropolitan Planning Organization comprised  
22 of 13 member communities passed a resolution at its  
23 quarterly meeting of June 15, 2004 as follows:

24 Be it resolved that the Greater Bridgeport

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1 and Valley MPO hereby endorses and fully supports the  
2 application before the Siting Council, Docket No. 272, as  
3 proposed by CL&P and UI, which recommends only  
4 underground 345-kV transmission lines to be constructed  
5 in Segment 3 and Segment 4 communities along routes filed  
6 with the Siting Council.

7 And be it further resolved that the Siting  
8 Council is urged to support area communities by approving  
9 the plan for underground lines wherever proposed.

10 And be it further resolved that the MPO  
11 strongly opposes overhead transmission lines in any of  
12 our communities at any other possible locations.

13 This resolution was adopted at the public  
14 meeting of June 15, 2004. Thank you very much.

15 VICE CHAIRMAN TAIT: Thank, you, Miss  
16 Kennelly. Mr. Flato.

17 MR. FLATO: Thank you and good afternoon.  
18 And my name backwards is otalf -- no, just kidding -- Ken  
19 Flato, First Selectman of the Town of Fairfield.

20 First of all, just, you know, let me say  
21 having only been to a couple of your meetings, one of the  
22 first hearings, I appreciate the amount of time and  
23 energy and effort you've been putting into this. And I  
24 can imagine how difficult it is when you're far along in

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1 a process to have new information come forward. But I'm  
2 an optimist and I'm hopeful that wise heads will figure  
3 out a way to move things along.

4 I have a small prepared statement and then  
5 some comments relative to that to the commission. The  
6 Town of Fairfield as a party in the contested proceeding  
7 is hereby responding to the request of the council to  
8 address the possibility of 345-kV lines running either  
9 underground or overhead through our town. Fairfield has  
10 no objection to any underground route and firmly believes  
11 the underground route proposed by the Applicants is the  
12 only feasible and realistic approach that could be  
13 considered within our town. In fact, any change  
14 suggested by others to consider a possible overhead route  
15 within Fairfield would lead to a unmitigated  
16 environmental disaster and to health related concerns in  
17 nearby schools, institutions for the elderly and other  
18 facilities.

19 Underground routes have proven reliable in  
20 other states, especially around high density areas.  
21 Fairfield is a relatively high density suburban area.  
22 Experts have testified to the validity of underground  
23 345-kV lines within the distances that extend through the  
24 small amount of mileage required through Fairfield and I

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1 believe nearby communities.

2           Fairfield must strongly object to any plan  
3 that leads to the destruction of our natural resources  
4 and that would impact schools, companies, and residents  
5 adversely. We reiterate our sole support for the  
6 underground lines through Segment 3 and 4 towns and urge  
7 the Council to approve the application.

8           If I could take a couple of minutes, you  
9 know, and comment. Having just over the last few days --  
10 and there would have been more CEOs here today, but  
11 frankly a lot of them were together earlier today and a  
12 few of us were able to come up on very short notice. One  
13 of the interesting things on this table, I was just  
14 looking at is, is there's no correlation between the  
15 length and amount of overhead -- of underground cable and  
16 the number of faults per cable. In fact, the interesting  
17 thing is the circuit failure rate is highest for the  
18 smallest underground cable under a mile, and the circuit  
19 failure rate is lowest in the longest 42-mile underground  
20 cable length in the table submitted to you. That's not  
21 to say there may not be safety issues that you should  
22 address that relate to joints and things like that, and  
23 obviously I'm not an expert in the technology relating to  
24 this, but I would hope that the focus is not on trying to

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1 change an entire process but on trying to find the  
2 feasible engineering solutions to the best cable you can  
3 put in these areas. As the gentleman before testified, a  
4 lot of this is dependent on the quality of what's  
5 installed.

6 It's interesting to me that the ISO at the  
7 last minute did this and puts words in as could result  
8 and not would result. And that just gravitates towards  
9 seeking more overhead lines.

10 There's an opinion I have about all this  
11 in terms of the need to move forward. And that is very  
12 simple, that if the ISO and the Siting Council thinks  
13 that you're going to accomplish your objectives by  
14 considering changing to an overhead configuration in any  
15 significant way through our communities, I can assure you  
16 that the cost estimates that the utilities perceived for  
17 those alternatives are way understated, that the number  
18 of lawsuits, the number of impact, the number of schools  
19 -- in our town alone, I'm guesstimating there are  
20 probably 10 institutions that may have the same concerns  
21 and impacts that you heard from Wallingford from one  
22 institution. We have many more near and close to those  
23 lines, residents and institutions, probably more than any  
24 other community in this entire segment, in this entire

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1 network. The reason they haven't all been here at the  
2 meetings is because they presumed that the direction that  
3 everything was going in had been validated by engineers  
4 and presented.

5 I believe that there may be other reasons  
6 that ISO at the last minute is raising these concerns. I  
7 think if you had just gone along with the proposal as it  
8 was presented, ISO never would have objected. I think  
9 their concern may be generated by the fact that other  
10 communities, rightly so, are seeking many many more miles  
11 of underground than in the application that was presented  
12 to you. And that -- and that may be a viable valid thing  
13 to consider, but it's interesting that until you started  
14 taking some of that seriously, there was nothing to be  
15 heard from ISO.

16 ISO may be concerned about costs. I can't  
17 imagine that the documented costs in the initial,  
18 possible, feasible -- in possible alternative of over  
19 ground documented properly the huge sums of millions of  
20 dollars that are going to be required for condemnation  
21 and the number of people that are going to claim that  
22 they are going to be impacted by overhead lines and by  
23 the health hazards of overhead lines that will result in  
24 exorbitant costs to utility customers and to the entire

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1 system. So, I don't see this thing getting done if this  
2 whole application gets turned on its head. I think you  
3 might as well, as Mr. Hannah said, forget the whole idea.

4 I mean a few brownouts a year isn't the worst thing in  
5 the world. I would very much like to see us having as  
6 modern a system as possible, but I don't want to see our  
7 communities impacted in ways so adversely that the  
8 detriment far outweighs any possible benefit for expanded  
9 growth down the road.

10 I'm hopeful that you'll persevere, that  
11 you'll -- that you'll work through these questions. I  
12 know there's a lot of information you're going to have to  
13 ask for, but I just wanted to let you know how forcefully  
14 and strongly many of my colleagues and myself  
15 representing our towns and cities -- I talked with the  
16 Mayor Bridgeport two days ago about it, and you got a  
17 letter from him recently about some of the concern for a  
18 small change in their area, and that was before they  
19 realized the extent of the possible overhead if it were  
20 to go, you know, in the formulary that the ISO New  
21 England is suggesting.

22 I think you've got a role to represent our  
23 state and our communities. And maybe the ISO has a  
24 different perspective. And I understand that safety

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1 obviously is paramount, but, you know, I urge you to live  
2 up to your responsibilities and to work for the  
3 communities involved and do your best to try to come up  
4 with a good solution. Thank you very much.

5 VICE CHAIRMAN TAIT: Thank you for your  
6 thoughts, Mr. Flato. I think Brian asked the question  
7 where do we go from here. Let me --

8 MR. EUGENE CEDERBAUM: Mr. Chairman, on  
9 behalf of the Town of Westport --

10 VICE CHAIRMAN TAIT: I'm sorry, I did say  
11 that you could have the mic.

12 MR. CEDERBAUM: I am -- I am not as  
13 impressive or as effective as Diane Farrell, but she has  
14 asked me to make a statement. Eugene Cederbaum --

15 VICE CHAIRMAN TAIT: For --

16 MR. CEDERBAUM: -- town counsel.

17 VICE CHAIRMAN TAIT: For the town of?

18 MR. CEDERBAUM: Westport.

19 VICE CHAIRMAN TAIT: Westport.

20 MR. CEDERBAUM: And it's funny that you  
21 should have said what you said because I sat through this  
22 morning's testimony, ISO testimony, and at lunch I  
23 prepared a closing argument. And then I said a closing  
24 argument is not what's appropriate. What's appropriate



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1 is not only where do we go from here, but how do we best  
2 get there, and how do we best get there as quickly as we  
3 can get there, because there is a solution that's going  
4 to be found. And that solution has to meet all of the  
5 issues that have been raised. It's just a shame that the  
6 timing is such that we find ourselves here in June and  
7 not earlier in last fall or summer.

8 I think we need a better process. I think  
9 this process failed. There was a lack of communication.

10 As -- as all of us involved in government affairs and  
11 those of us who are not only involved in government  
12 affairs but burdened to be lawyers, we know that process  
13 and communication is so important. And as I heard what  
14 happened with the timeline on what was known when and who  
15 knew it and what was communicated to whom, when I can't  
16 help but think that the municipalities and the Applicant  
17 and the Council and ISO all wanted the same result, but  
18 they weren't communicating. And I think that's because  
19 the process failed. So, I think going forward from here  
20 the process must be improved.

21 And I agree with Mr. Ball that it is  
22 essential that the Towns be involved in the communication  
23 and the process and the planning that is going to go on  
24 from here because they are as an important constituency

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1 as any other constituency. And they were completely --  
2 well, I can't -- let me just say that my involvement has  
3 been more recent, hasn't been three or four years back,  
4 but from the last six or nine months that I've been  
5 involved, the Towns' involvement in this process has been  
6 very limited and very frustrating from a lack of  
7 discovery to receiving documents at the eleventh hour.  
8 So this process can be improved in the modified planning  
9 for a new system by having the Towns as a player not as a  
10 constituency on the sideline.

11 Also there can't be any more surprises  
12 when an essential fact in this process or hypothesis or  
13 fear or concern is known by any of the parties. It  
14 should be known by all of the parties. This --

15 MS. RANDELL: Mr. Chairman, I hate to  
16 object and I have let this run on quite long, but this  
17 really is by way of legal argument and not a statement by  
18 the Selectman of Westport.

19 VICE CHAIRMAN TAIT: Well, I think we're  
20 going to address where we go from here as soon as you get  
21 through, sir. And you might prefer to wait until you  
22 have what -- we have suggestions for you.

23 MR. CEDERBAUM: Well this was intended by  
24 way of suggestion. It was not intended by way of

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1 criticism. If it's an appropriate -- if there's another  
2 appropriate time --

3 VICE CHAIRMAN TAIT: Well, I think you're  
4 now giving us suggestions as a lawyer of how to proceed.

5 And let me first say here's what we think might be a  
6 good approach and I'd appreciate any lawyer's comments on  
7 what we are planning to do.

8 MR. CEDERBAUM: Okay, so it's not  
9 appropriate now, it's appropriate at a later time?

10 VICE CHAIRMAN TAIT: Well, in about 10  
11 minutes.

12 MR. CEDERBAUM: I'll be here.

13 VICE CHAIRMAN TAIT: Yes.

14 MR. CEDERBAUM: Thank you very much.

15 VICE CHAIRMAN TAIT: I think it's the  
16 consensus of the Council that we are somewhat spinning  
17 our wheels for the rest of the day to continue what we're  
18 doing. And not that we won't finish our cross-  
19 examination of ISO, but that will be postponed for  
20 another day when perhaps we know more. I know ISO and  
21 CL&P and UI have been talking and talking productively.  
22 I think those conversations need to continue immediately.

23 I think what the best thing to do, and I'm  
24 asking for your comments on it, is to hold a meeting in

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1 New Britain as soon as possible with all parties to  
2 consider where we go from here, so that you have a chance  
3 to look at -- go back to your folks and talk to and get  
4 like the last suggestions. We don't need them this  
5 afternoon. And I'll have Mr. Phelps get in touch with  
6 you as to how fast we can get that going because the  
7 clock is ticking. My hope is that ISO and CL&P and UI  
8 will be talking. And so at that meeting we will have  
9 some thoughts of what people think can be done in the  
10 time we have. Our next hearing is July 17<sup>th</sup>, is it?

11 MR. ASHTON: 27<sup>th</sup> --

12 MS. RANDELL: I think it's --

13 VICE CHAIRMAN TAIT: The 27<sup>th</sup>. So that  
14 gives us five weeks to get something before July 27<sup>th</sup> to  
15 make any sense to go forward to discuss anything. So how  
16 does that schedule sound to you? Could I hear from  
17 counsel?

18 MS. RANDELL: Yes. I'd like to propose a  
19 modification if I may. I would suggest that the meeting  
20 you're talking about would be good, but it's not -- we  
21 should talk about the timing. What we would suggest, the  
22 companies and the ISO, is that Mr. Whitley and Mr.  
23 Zaklukiewicz oversee a group of people with the  
24 engineering and operational capabilities to design a

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1 solution that the ISO and the companies believe works  
2 with the goal of maximizing the linear length of  
3 underground consistent with it being obviously reliable  
4 and operable. I am hopeful, based on the discussions over  
5 the lunch hour, that this does not mean we are starting  
6 over, but instead that we would be able to submit a  
7 report to the Council by June 30<sup>th</sup> of the design that we  
8 would jointly propose to pursue. And that at that point  
9 the Council then would have a hearing -- or not a hearing  
10 -- a meeting, a discussion, however you want to, so that  
11 there can be discussion. At which point we can have the  
12 transient and harmonic study of this design done.

13 My understanding based on the timing for  
14 GE and the studies is that we could have the study done  
15 by mid August in time for the August hearings if they  
16 occur. And that if the Towns were to agree to suspend the  
17 GE study of the old Towns' proposal, which as I recall  
18 started with 24 miles of HPPF, which we know is a non-  
19 starter for the ISO, if they would agree to suspend that,  
20 I believe GE would have an ability to do one more study  
21 in that timeframe should that be necessary.

22 So, I would suggest that we follow that  
23 route, give the technical people the opportunity, hearing  
24 everything from the Council today, to develop a design

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1 that we are hopeful -- not we, I'm not one of the  
2 technical people -- that they are hopeful will work. And  
3 it's a way that gets from there to here, here to there,  
4 and get -- it avoids the problem as you pointed out of  
5 having, you know, 20 people try to do a design, that  
6 there is something that can be discussed.

7 VICE CHAIRMAN TAIT: The Towns have  
8 expressed a strong interest in participating in the  
9 initial phase of that rather than reacting to something  
10 that is presented. What is your reaction to that?

11 MS. RANDELL: My reaction to that is I  
12 think we know the sentiment of the Towns. We have been  
13 here quite awhile and we -- we understand fully where  
14 they are coming from. I can tell you that the companies  
15 agree that we should start from our proposal but deal  
16 with mitigation -- deal with things that get the  
17 capacitance off the system compared to what we've  
18 proposed. And I believe that would be more fruitful than  
19 having everybody sitting around and toss around ideas. I  
20 mean, I'm great, I can talk about what the capacitance is  
21 on XLPE and so on and HPFF, but really I think we need to  
22 give the technical people a chance. And I think I'm only  
23 talking 13 days, assuming I got my date right today, to  
24 develop something that should work. And I understand the

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1 sentiment of the Towns. And so I would suggest that, you  
2 know, GE not start that study -- I'm sure they can keep  
3 gainfully occupied in automating the model and so on, so  
4 that we can all proceed. And if there are serious  
5 issues, they can be discussed at the meeting.

6 VICE CHAIRMAN TAIT: Mr. Ball.

7 MR. BALL: First of all, I cannot speak  
8 for 16 towns. I appreciate Miss Randell's comments. I  
9 appreciate the thought behind it. The process makes some  
10 sense, although I'm not sure I would agree with the way  
11 she's characterized certain things, but that's maybe  
12 argument.

13 First of all, as part of this process  
14 whether our consultants are actually sitting at the table  
15 or not, I do believe there needs to be some communication  
16 with the Towns so that on June 30<sup>th</sup> we aren't yet again  
17 hit with a new configuration. I would like there to be  
18 some mechanism for there to be communication. That is  
19 the first point.

20 I agree conceptually that the notion  
21 should be working off the proposal and trying to find  
22 mitigation techniques working off of that proposal as  
23 opposed to starting from scratch with an overhead  
24 proposal, that makes perfect sense.

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1                   As far as suspending the GE studies, I  
2 simply don't have the ability to speak on behalf of 16  
3 towns as I stand here today, and we would obviously have  
4 to get back to the Applicants on that.

5                   VICE CHAIRMAN TAIT: I actually have to  
6 talk to the Chairman of the commission and we are not  
7 ready to make a final decision this afternoon. Let me  
8 talk to Chairman Katz and take your thoughts and decide  
9 what next to proceed.

10                  MR. BALL: And I think -- and my last  
11 point, if I may, is obviously the concern that we have is  
12 we are all operating under tight deadlines. And the  
13 Towns have enormous process concerns at this point as to  
14 the ability to present feasible alternatives and we don't  
15 want that right to be prejudiced.

16                  MS. RANDELL: Mr. Prete tells me that he's  
17 happy -- the companies are both happy to keep the Towns  
18 in touch of where we are. I don't know what the  
19 frequency Mr. Ball has in mind. I'm sure Mr. Prete would  
20 be thrilled to call you at 10:00 every --

21                  MR. BALL: I'm sure he would --

22                  MS. RANDELL: -- you know, every day or  
23 whatever --

24                  MR. BALL: We can talk about that off the



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1 record.

2 VICE CHAIRMAN TAIT: I urge all the  
3 parties to talk off the record while I talk to Chairman  
4 Katz. And is there any sense to have a meeting before  
5 the 30<sup>th</sup> to discuss where we go from here or do you wish  
6 the Council just to announce where we go from here?  
7 (Laughter).

8 MS. RANDELL: I was about to say no, let's  
9 not have a meeting. Of course if the Council is  
10 intending to do something that's different, sure, we  
11 would like an opportunity to discuss it.

12 VICE CHAIRMAN TAIT: I don't know what's  
13 different because nothing has actually been proposed that  
14 I've gotten Chairman Katz to say as to what she wants to  
15 do. My thought is to propose to her is to have a meeting  
16 with counsel to decide where we go so you can all think  
17 about it between now and next Monday.

18 MR. BALL: I agree with that. I think  
19 that, frankly, there are --

20 VICE CHAIRMAN TAIT: There's some good  
21 suggestions out there. You need to go back to your  
22 folks, they're talking about postponing the GE study,  
23 find out if all that's possible, and that we hold a  
24 meeting in New Britain ASAP with parties to fix June 30<sup>th</sup>

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1 dates or July --

2 MR. BALL: I think that should be done. I  
3 think we ought to have a meeting with the Council, a  
4 process meeting --

5 VICE CHAIRMAN TAIT: A process meeting --

6 MR. BALL: -- to discuss where we're going  
7 --

8 VICE CHAIRMAN TAIT: -- a prehearing on  
9 how we --

10 MR. BALL: -- sooner rather than later,  
11 because there may be all sorts of implications that we  
12 haven't considered at this point.

13 VICE CHAIRMAN TAIT: That's right, or  
14 there are things that would make it work better, or  
15 things that we haven't thought about that would make it  
16 worse. So my thought is that would be my recommendation  
17 to the Chairman that we would set a date as soon as  
18 possible to have that process meeting --

19 MR. BALL: I would agree with that --

20 VICE CHAIRMAN TAIT: -- and everybody is  
21 invited to it, all counsel I mean. There's no testimony,  
22 there's no substance to it.

23 MR. ASHTON: Mr. Ball, since the GE  
24 transient network analyzer study is highly specific as to

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1 what physical issue you're talking about, if in fact the  
2 proposed 24 miles of HPFF is a non-starter, then there's  
3 no reason that the Towns should not abandon that effort.

4 I mean technically it just doesn't make any sense --

5 A VOICE: Mr. Ashton, I need --

6 MR. ASHTON: I just want you to be clear  
7 on that. So that insofar as they can be -- GE can be  
8 told to hold off on that study, it will (a) save the  
9 Towns' money from being wasted, and (b) will help open a  
10 window of opportunity for the necessary TNA studies to be  
11 done on whatever configuration is finally going to be  
12 proposed --

13 MR. BALL: Thank you --

14 MR. ASHTON: -- and I think the Towns  
15 probably ought to participate in that -- setting that  
16 study up so that, you know, you see the whole thing --

17 MR. BALL: I -- I --

18 MR. ASHTON: -- it ought to be a  
19 transparent process.

20 MR. BALL: I agree with that. I agree  
21 with exactly what you said. I simply -- I think what I  
22 said, for the record, is I simply don't have the  
23 authority as I stand here today --

24 MR. ASHTON: I understand. I'm hoping

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1 you'll --

2 MR. BALL: I --

3 MR. ASHTON: -- take the message back that  
4 it's a waste of money --

5 MR. BALL: Fair enough --

6 MR. ASHTON: -- to pursue something that  
7 is a non-starter.

8 VICE CHAIRMAN TAIT: I would also suggest  
9 looking at the highway options again to see if we can't  
10 clean up the docket and simplify it, but --

11 MR. BALL: I only speak for three towns --

12 VICE CHAIRMAN TAIT: I realize that. But  
13 while you're talking with other towns, maybe you might  
14 pass the word along.

15 I don't know from our calendar whether  
16 June 30<sup>th</sup> would work. We are backed up on a lot of  
17 things. So my thought is by the close of business on  
18 Monday we will get a date out to you that we will hold a  
19 hearing, a process hearing --

20 MR. PHELPS: A process meeting.

21 VICE CHAIRMAN TAIT: -- to try to say  
22 precisely where we go from here. And we would urge all  
23 parties to think about that and come to the meeting  
24 prepared to come to a joint resolution so we can get on

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1 with this cooperatively.

2 MS. RANDELL: I think cooperatively is a  
3 really good idea --

4 VICE CHAIRMAN TAIT: All I've heard --

5 MS. RANDELL: -- I just want it to be  
6 clear that the companies do not think that there is any  
7 starting over involved, any -- you know, any suspension.  
8 I've now been authorized to say that the companies and  
9 the ISO believe an appropriate place to begin this look  
10 is very much like the GE study that we suggested  
11 yesterday, which is substitute XLPE for HPFF for the 24  
12 miles to see if it can work. And so we are really not in  
13 a starting over mode. I think we're just --

14 VICE CHAIRMAN TAIT: I think --

15 MS. RANDELL: -- essentially where we were  
16 yesterday morning.

17 VICE CHAIRMAN TAIT: I'm sure the Council  
18 is not interested in starting over again either.

19 MS. RANDELL: Well then -- then we're  
20 cool.

21 VICE CHAIRMAN TAIT: I think all I've  
22 heard is expressions of cooperation of ISO, from the  
23 Applicants and from the parties to it, and we will do so  
24 fast as we can. Mr. Johnson.

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1 MR. JOHNSON: Yes. On behalf of OCC, we  
2 have, as the Council knows, experts that understand these  
3 issues in the case already. We endorse the proposals  
4 that are here, namely a process -- a technical meeting of  
5 some sort at the Council as soon as possible and the  
6 proposal that the Applicants and ISO would get together  
7 in the next, you know, two weeks and give us a report --

8 VICE CHAIRMAN TAIT: And keeping --  
9 keeping everybody fully informed --

10 MR. JOHNSON: We would --

11 VICE CHAIRMAN TAIT: -- all along the way  
12 --

13 MR. JOHNSON: We -- we think it's probably  
14 more efficient to have a secondary role only for the  
15 others outside of ISO and the Applicants at this time.  
16 For instance if our people wanted to be involved, we  
17 could accept something -- specifically secondary, like  
18 observer status in those meetings or whatever.

19 VICE CHAIRMAN TAIT: Thank you. Mr.  
20 Phelps, is there anything we need to do before I --

21 MS. RANDELL: I think Mr. MacLeod needs to  
22 be --

23 MR. MACLEOD: Mr. Chairman --

24 VICE CHAIRMAN TAIT: Yes --

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1 MR. MACLEOD: -- I just thought it would  
2 be appropriate -- you've heard from everybody else -- I  
3 think in the line of march, ISO generally follows the OCC  
4 in this proceeding, so this is the time and this is the  
5 place. But I simply wanted to say for the record that  
6 ISO is absolutely in concurrence with what Linda Randell  
7 had said earlier, and I think that should be on the  
8 record, so there it is.

9 VICE CHAIRMAN TAIT: Okay.

10 COURT REPORTER: One moment please.

11 (Pause).

12 MR. WERTHEMIER: Thank you --

13 AUDIO TECHNICIAN: Wait a second, Mr.

14 Wertheimer. (Pause).

15 COURT REPORTER: Go ahead, Mr. Wertheimer.

16 MR. WERTHEIMER: Thank you. I understand  
17 the comments from Council and the ISO and I appreciate  
18 the cooperation. I would just like to reiterate from the  
19 Attorney General's perspective the absolute need for  
20 transparency and for as much involvement by the towns  
21 that are most directly affected by this as possible.  
22 Without that, we may be left with a situation where the  
23 Applicants and ISO come in with almost a take it or leave  
24 it thing. And that shifts too much of a burden on the

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1 back end to other people who want to have input. I think  
2 that would present significant process issues. So as  
3 much of this as we can take care of along the way to make  
4 it inclusive and transparent, the better. I also support  
5 the idea of a process meeting as soon as practical to try  
6 to map that out.

7 VICE CHAIRMAN TAIT: That's what I'm  
8 saying. I think at that point raise those issues that  
9 you're concerned about and we'll work on them and see if  
10 we can't get everybody on board.

11 MR. ASHTON: In the interests, a  
12 transcript --

13 VICE CHAIRMAN TAIT: So the Chairman has a  
14 nice tape of today's proceedings -- alright -- any other  
15 questions or process --

16 A VOICE: Mr. Chairman, did you set up a  
17 meeting for Monday?

18 VICE CHAIRMAN TAIT: No. By Monday night  
19 in the mail we'll have the date at which we're going to  
20 hold this process meeting.

21 MR. CEDERBAUM: And that will be -- that  
22 will come out in the normal --

23 VICE CHAIRMAN TAIT: On Monday night it  
24 will come out -- it will be in the mail to you on Monday



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1 night.

2 MR. CEDERBAUM: Thank you.

3 VICE CHAIRMAN TAIT: Is that right, Mr.  
4 Phelps?

5 MR. PHELPS: I just wish to confirm that  
6 pursuant to you conferring with the Chairman tomorrow,  
7 the staff in the office fully intends to send out  
8 communication by e-mail and by fax effectively by close  
9 of business Monday what the date will be of a process  
10 meeting. We'll hope to schedule it within seven business  
11 days of Monday. And then following from that, the  
12 participants will have a better impression -- following  
13 the process meeting, the participants will have a better  
14 road map as to what the expectations are for a process  
15 going forward.

16 VICE CHAIRMAN TAIT: Miss Randell.

17 MS. RANDELL: I have a document that Mr.  
18 Walling has printed from his computer --

19 VICE CHAIRMAN TAIT: Okay --

20 MS. RANDELL: -- called approximate  
21 evaluation of the effectiveness of a damped Type C third  
22 harmonic filter to mitigate system resonance between  
23 second and third harmonic. He is here. Shall I ask him  
24 to verify it --

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1 VICE CHAIRMAN TAIT: Would you --

2 MS. RANDELL: -- so we can give it an  
3 exhibit number --

4 VICE CHAIRMAN TAIT: Would you please --

5 MS. RANDELL: -- and be done?

6 VICE CHAIRMAN TAIT: Yes. Thank you very  
7 much for reminding me. And thanks, Mr. Walling, for  
8 doing it. Do we have an exhibit number? 114?

9 MS. RANDELL: 114 is my understanding.  
10 Mr. Walling, would you verify this document with the very  
11 long title I just read as your work product with your  
12 initial review of the Type C third harmonic filter  
13 related in the KEMA documents that we received at the  
14 close of hearing yesterday?

15 MR. WALLING: Yes, I do.

16 MS. RANDELL: I would offer it as a full  
17 exhibit.

18 VICE CHAIRMAN TAIT: Are there any  
19 objections? If not, it's admitted as a full exhibit.

20 (Whereupon, Applicants' Exhibit No. 114  
21 was received into evidence as a full exhibit.)

22 VICE CHAIRMAN TAIT: And does that  
23 complete our business for the day? I can now start my  
24 birthday.

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1 A VOICE: Happy birthday to you --

2 (singing, laughter) --

3

4 (Whereupon, the hearing adjourned at 4:20

5 p.m.)

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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 25<sup>th</sup> day of June, 2004.



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