

ORIGINAL

STATE OF CONNECTICUT

SITING COUNCIL

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MIDDLETOWN-NORWALK
PROJECT STEERING COMMITTEE PROCESS
* * * * *

* JUNE 23, 2004
* (10:10 a.m.)
*
* DOCKET NO. 272
*

BEFORE: PAMELA B. KATZ, CHAIRMAN
Colin C. Tait, Vice Chairman
Robert L. Marconi, AAG
S. Derek Phelps, Executive Director

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FOR THE CITY OF NORWALK:

Mayor Alex Knopp

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1 . . .Verbatim proceedings of a meeting
2 before the State of Connecticut Siting Council in the
3 matter of the Middletown-Norwalk Project Steering
4 Committee Process, held at offices of the Connecticut
5 Siting Council, 10 Franklin Square, New Britain,
6 Connecticut, on June 23, 2004 at 10:10 a.m., at which
7 time the parties were represented as hereinbefore set
8 forth . . .

9
10

11
12

13 CHAIRMAN PAMELA B. KATZ: I'll call this
14 process meeting for Docket 272 to order.

15 To say that I am disappointed and
16 frustrated that we have to be sitting here in June of
17 2004 and having this meeting is an understatement. But
18 the purpose of today is not looking, but looking forward
19 on a process and a calendar to complete this docket.

20 I've listened to all the audiotapes of
21 Thursday, so I am up to speed on what everybody said,
22 including Mr. Cederbaum what you said about the Siting
23 Council.

24 MR. EUGENE CEDERBAUM: Madam Chairman,

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1 that was directed to the --

2 COURT REPORTER: A microphone.

3 MR. CEDERBAUM: Madam Chairman, there was
4 truly and honestly a misunderstanding. The process that
5 I was speaking about was the process among the Applicant,
6 the ISO, and the Towns. I believe that it was those
7 groups' obligation to develop a process that would have
8 made the presentation of the application and the -- and
9 any possible modifications clearer, more succinct, and
10 more efficient to the Council. I did not mean to imply
11 that it was the Council's obligation to effect that
12 coordination.

13 CHAIRMAN KATZ: Thank you for that
14 clarification.

15 MR. CEDERBAUM: Okay. And I did -- I did
16 not --

17 CHAIRMAN KATZ: Perhaps it was clearer to
18 people in the room than it was on the audiotape.

19 MR. CEDERBAUM: No, actually it wasn't
20 because when I spoke to Mr. Phelps and to Mr. Tait -- or
21 Professor Tait -- the implication was otherwise.

22 CHAIRMAN KATZ: Okay.

23 MR. CEDERBAUM: I -- I -- I say this
24 honestly, it's been a pleasure to -- among the first or

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1 second time I've listened to the Council to see how the
2 Council operated. I was more concerned about us on this
3 side of the table and did not mean that as a criticism of
4 the Council.

5 CHAIRMAN KATZ: Understood.

6 MR. CEDERBAUM: Thank you for the
7 opportunity.

8 CHAIRMAN KATZ: I was listening to the
9 tapes in the car and almost went off the road.
10 (Laughter).

11 MR. ROBERT L. MARCONI: But we're getting
12 on the right track.

13 CHAIRMAN KATZ: The purpose of this
14 meeting is not to discuss the merits. We're going to
15 discuss process and calendar only and how we go forward
16 to complete the best possible transmission line.

17 I understand, Mr. Fitzgerald and Miss
18 Randell, that the -- I was given a document as I was
19 racing out the door this morning, which I read at
20 stoplights on the way over, a -- that I understand that
21 the Applicants want to share with everyone and have
22 copies. Is that my correct understanding?

23 MS. LINDELL RANDELL: That is correct.
24 Mr. McDermott e-mailed it I believe last evening --

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1 CHAIRMAN KATZ: Okay.

2 MS. RANDELL: -- but recognizing that he
3 mailed it rather late, our note says -- and we'll have
4 copies this morning -- we would like to have people have
5 the opportunity to read it and we'd like to explain it,
6 and we think it takes us from here to there.

7 CHAIRMAN KATZ: Do you have copies now for
8 everybody?

9 MS. RANDELL: I believe so.

10 CHAIRMAN KATZ: Have they been
11 distributed? If we could do that, what I'd like to do is
12 give everyone a chance to read it -- (pause, voices in
13 background) --

14 MR. COLIN C. TAIT: Derek, you got a copy?

15 MS. RANDELL: Mr. Henebry --

16 MR. S. DEREK PHELPS: Let me get a few of
17 those back from you.

18 A VOICE: Take those, Derek.

19 MS. RANDELL: Take those.

20 MR. PHELPS: Okay, thank you.

21 CHAIRMAN KATZ: My intention was this, to
22 allow everyone in the room to read it. Allow the
23 Applicant to make any comments they wish on it. Allow
24 everybody else to make a comment on whether they think

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1 this process and timetable works. And then once we have
2 that discussion, the Council would like to have a
3 discussion on how we think this works into a master
4 schedule. So if everyone has a copy and wants to take a
5 look at this, we'll take a reading moment. And we're off
6 the record.

7 (Off the record)

8 CHAIRMAN KATZ: Ready to proceed? On the
9 record. Does the Applicant wish to say anything about
10 this proposal and schedule?

11 MS. RANDELL: Yes, very briefly. Our goal
12 was to maximize the good use of everybody's time between
13 now and hopefully two or three months from now when the
14 record closes. And so not only do we have a proposal for
15 how we deal with the reliability question with the ISO,
16 but also we -- it's not included here, but have a
17 proposal for what can reasonably be done and needs to be
18 done we think at the July hearings as well.

19 So let me start with this proposal, it is
20 along the lines of what we were trying to develop during
21 the hearings last week where we obviously need to have a
22 good feel, all of us, that what comes out of these
23 discussions is going to be okay with the ISO. And as I
24 had indicated last week, the joint goal is to maximize

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1 the linear length of under-grounding that can be done,
2 consistent with all the reliability issues that everybody
3 needs to pay attention to --

4 CHAIRMAN KATZ: Before you continue --

5 MS. RANDELL: Yes?

6 CHAIRMAN KATZ: -- can you hear in the
7 back of the room? Okay.

8 MS. RANDELL: Yeah?

9 CHAIRMAN KATZ: Continue.

10 MS. RANDELL: We're okay? Okay. We
11 suggest that Mr. Zaklukiewicz on behalf of both companies
12 and Mr. Whitley on behalf of the ISO have overall
13 supervision of the process that will deal technically
14 with the reliability issues, and of course within that
15 the under-grounding. As we say here in the proposal, the
16 technical support would be representatives from the ISO
17 and the companies. The ISO will take the lead in our
18 view because ultimately they're the ones who have to say
19 okay. Obviously, the companies won't support something
20 they think is unreliable, but the ISO really has to deal
21 with us, and we need to know where they all stand.

22 Recognizing based on the communications
23 last week that we're not the only ones interested in what
24 happens here and what comes out of the process, we

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1 suggest two means of reporting to people and to give them
2 an idea of where we are and what's going on. The first
3 is a weekly conference call. We suggest Tuesday
4 mornings, just that it be every Tuesday morning for
5 approximately an hour where the companies will provide an
6 update on where we are, what's going on. We'll leave it
7 to Mr. Marconi and Mr. Haines, although we're happy to
8 comment on this, on whether members of the Siting Council
9 or its staff wish to listen in --

10 CHAIRMAN KATZ: I have a thought on that -
11 -

12 MS. RANDELL: Okay --

13 CHAIRMAN KATZ: -- I don't -- I don't want
14 members listening in.

15 MS. RANDELL: Okay.

16 CHAIRMAN KATZ: We might -- after
17 consultation with Mr. Marconi, consider having Fred
18 Cunliffe listen in, but I do not -- definitely do not
19 want -- in our quest for transparency, I just --

20 MS. RANDELL: And -- and that's fine.

21 CHAIRMAN KATZ: Yeah. There's no record
22 of those conversations and I just don't want to go there.

23 MS. RANDELL: And that's okay. And
24 actually recognizing that you might feel that way, we

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1 have the second means of communications, which would be a
2 biweekly, once every two week written report that would
3 be provided to everyone filed with the Council, you know,
4 much like we do all of our pleadings. And we suggest
5 that the first of those reports, the first -- you know,
6 two weeks from now essentially, the companies and the ISO
7 provide here's what we think we're going to study, here's
8 the expected schedule for the completion of the studies.

9 And then one possibility you might want to
10 think about or we all might want to think about on the
11 weekly conference call, the first conference call should
12 actually be in person with the option of people calling
13 in. I -- we're -- I personally am just a strong
14 proponent of it's a lot easier to talk to someone on the
15 phone who you've met, you know, who you've seen live. So
16 just as an option that people can do that on the first
17 one, especially if to the extent we're going to have
18 others than the lawyers. I mean, you know, Mr. Ball and
19 I can picture who the other one is, you know, when we're
20 on the phone, but that might not be true of everybody.

21 Maybe we want to do -- well, we'll have to
22 play this by ear, you know, but a planned agenda where we
23 would, you know, send out to, you know, the participants
24 the day before -- Monday afternoon we would send out an

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1 agenda of here's how we proceed. So that's what we think
2 gets us on the technical issues on the under-grounding.

3 If all goes well, as I'd indicated last
4 Thursday, the goal would be to have the GE studies
5 completed by the middle of August. And so that we could
6 proceed with hearings the last week of August --

7 CHAIRMAN KATZ: We'll talk about that
8 point --

9 MS. RANDELL: -- the week after Labor Day
10 --

11 CHAIRMAN KATZ: Yeah --

12 MS. RANDELL: -- or whatever that turns
13 out --

14 CHAIRMAN KATZ: Yeah.

15 MS. RANDELL: Then shifting gears,
16 recognizing that we have hearing dates for the end of
17 July, I think it's July 27th and forward, we suggest that
18 those be devoted to overhead on the portions of segments
19 -- Segments 1 and 2 overhead mitigation. We didn't, as
20 you know, get a chance to get to Dr. Bailey and the
21 various --

22 CHAIRMAN KATZ: Right --

23 MS. RANDELL: -- ways of split-phasing and
24 mitigation and such. So we would propose that we start

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1 with that, and we do really a top to bottom, since that's
2 how I visualize Middletown, you know, town to Milford
3 along the route of what mitigation options are open. We
4 suggest that that really be by way of presentation
5 because my understanding is we are not going to be
6 hearing from the Towns until the -- 16th?

7 CHAIRMAN KATZ: Well, that's --

8 MS. RANDELL: The 19th?

9 CHAIRMAN KATZ: We'll get --

10 MS. RANDELL: About -- you know, we need
11 to hear from them, you know, if it has to be overhead,
12 here's where I want it and here's what I want to do.

13 CHAIRMAN KATZ: Okay. We have definite
14 thoughts on the July hearings.

15 MS. RANDELL: Okay, good.

16 CHAIRMAN KATZ: So let's -- let's first --

17 MS. RANDELL: So that's -- that's it --

18 CHAIRMAN KATZ: -- concentrate on -- I
19 want comments from the parties and intervenors on this
20 August 16th schedule for a report to be issued that will
21 primarily be Segments 3 and 4 relooked at.

22 COURT REPORTER: Madam Chairman, when the
23 attorneys -- if you just have them give their --

24 CHAIRMAN KATZ: Yes --

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1 COURT REPORTER: -- and who they
2 represent.

3 CHAIRMAN KATZ: Please each attorney the
4 first time you speak, please give your name and who
5 you're representing. And pull that close, Mr. Ball.

6 MR. DAVID BALL: Thank you. David Ball,
7 representing Wilton, Weston and Woodbridge.

8 There are -- I have just a few
9 observations maybe that I can throw out there. Overall,
10 I -- I think the process is okay as it's been outlined.
11 I think it makes some sense, particularly the weekly
12 conference calls, which I think are a good idea and an
13 important one. And as I think we're all on the same page,
14 that the more transparency that there is to the process,
15 the better for everybody, and the more expedited the
16 process can move on. So, I think that's important.

17 I'll raise this question, which is whether
18 or not we might want to have representatives from KEMA
19 attending just the weekly conference calls.

20 CHAIRMAN KATZ: We'll think about that
21 one. A Good point.

22 MR. BALL: The overall concern that
23 obviously the Towns have, assuming that August 16th is the
24 date that we get some sort of modification to the

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1 proposal, is that we want to make sure we have enough
2 time to study it to -- you know, if discovery needs to be
3 done, however quickly we can get that done, and to
4 effectively analyze it so that the Towns as a matter of
5 process are not precluded from presenting alternatives.
6 That as a big picture issue is essential to avoiding any
7 due process concerns. So where the calendar goes from
8 there, that has to be an overriding concern and it's
9 certainly our overriding concern.

10 One thought that I have is that to the
11 extent -- and perhaps this will help speed up any
12 discovery that might be needed -- to the extent there are
13 documents produced by the committee, the ISO/Applicants'
14 committee, studies that are done, data, rather than
15 having to go through the formal process of requesting it
16 and waiting to get it back, as it's prepared and it's
17 done, the sooner it can be produced to us and to our
18 consultants the better. So, I would think that might be
19 part of this process. Anything else?

20 MR. MONTE FRANK: Monte Frank for the same
21 towns.

22 A couple of things to add. (1) I wanted
23 to reported back that the Towns have agreed to suspend
24 the Towns' GE studies so that this process can move

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1 forward.

2 Secondly, you know, I can't emphasize
3 enough the due process concerns that I have, particularly
4 with respect to Weston and Wilton. And so to the extent
5 that the report comes back and depending on what it says,
6 in order for us to effectively represent the Town and for
7 the Towns to present their position, the schedule is
8 going to have to be very generous in terms of potential
9 discovery, retention of experts and so forth.

10 MR. TAIT: Do you or Mr. Ball have a
11 suggested time period?

12 MR. FRANK: We can't --

13 MR. TAIT: A month? In other words, after
14 Labor Day?

15 MR. FRANK: You know, with --
16 unfortunately, without knowing --

17 MR. TAIT: Before Labor Day?

18 MR. FRANK: Without -- I mean I don't have
19 a crystal ball, so I don't know what the report is going
20 to say. And so without knowing what the report is going
21 to say and what the issues are going to be --

22 MR. TAIT: But I think waiting until
23 August 16th to set the next date is unrealistic --

24 CHAIRMAN KATZ: I think there's --

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1 MR. TAIT: -- for people's calendars --

2 CHAIRMAN KATZ: I think there's a middle
3 ground here --

4 MR. FRANK: The problem is, and let me
5 just say this for the record, that depending on what the
6 report says, this application may be a significantly
7 different application. And to that extent, you know --

8 MR. TAIT: We can always postpone it, but
9 I think -- I think we ought to set it. And then if for
10 some reason you can't make that time schedule, we can
11 reconsider --

12 CHAIRMAN KATZ: Here's --

13 MR. TAIT: -- that's my suggestion.

14 CHAIRMAN KATZ: Here's the problem. If
15 the August 16th report comes back and says there is a
16 change in the primary route through Segments 3 and 4 --
17 or more simply put, if things that are underground now
18 are suddenly seeing the light of day in a different area,
19 then I will insist on a municipal consultation period.
20 If the August 16th report comes back and says in Segments
21 3 and 4 the underground line is still where it is, it's
22 just a different type of cable, then that is a far
23 simpler item that can be addressed more simply. But if
24 we're suddenly going through new streets, taking houses,

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1 then the ballgame has definitely changed.

2 MR. BALL: If I might, just on that, I
3 agree wholeheartedly with that. However, even if it is
4 going to remain 23.6 miles underground or maybe even more
5 under-grounding with different cable technologies with
6 mitigation --

7 CHAIRMAN KATZ: I love an optimist --
8 (laughter) --

9 MS. RANDELL: It's three-quarters full --

10 MR. BALL: It depends on your viewpoint --
11 with different cable technologies, different mitigation
12 techniques, that still impacts from a timing perspective
13 our consultant's ability to then analyze it, perform load
14 flow studies, and then to get GE up and running to do the
15 kinds of studies that we had envisioned that they would
16 do --

17 CHAIRMAN KATZ: Okay --

18 MR. BALL: -- so those issues are still
19 there.

20 CHAIRMAN KATZ: Okay, understood. Anyone
21 else who wishes -- I'm sorry, Mr. Frank, were you done?

22 MR. FRANK: I am done. I think, Chairman
23 Katz --

24 CHAIRMAN KATZ: Okay --

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1 MR. FRANK: -- you said that much better
2 than I did.

3 CHAIRMAN KATZ: Okay. Other parties or
4 intervenors who wish to be heard? Mr. Boucher.

5 MR. PETER BOUCHER: Thank you, Madam
6 Chairman. First I'd like to associate myself with the
7 remarks already made by Attorneys Ball and Monte.

8 COURT REPORTER: Mr. Boucher -- Mr.
9 Boucher, would you identify yourself and spell your last
10 name --

11 MR. BOUCHER: Sure. It's Peter Boucher,
12 B-o-u-c-h-e-r. And I'm speaking on behalf of Durham and
13 Wallingford.

14 I certainly agree with the caveats and
15 comments that have been aired already on behalf of the
16 counsel for the other towns that were just identified.

17 A couple of suggestions in addition. It's
18 probably a good idea to have someone on the staff
19 involved in seeing the process go on and understand
20 what's being said so as to not lose any time and create a
21 backlog that has to be overcome if and when this process
22 kicks into gear later on. One way that might be done
23 under the ex parte restrictions, assuming that the staff
24 doing that is the staff tasked to the docket, would be to

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1 just maintain a transcript and notice those things. And
2 that could be done I would think on an up front basis so
3 that there would only be one notice for a group of
4 scheduled meetings. That might -- that's a suggestion
5 that I would throw out.

6 I would also like to amplify the concern
7 expressed by Attorney Monte, and that is no one knows
8 what's going to come over the transom sometime in August
9 and the extent to which under the Siting Council statute,
10 under the new statute now applies to the docket, we are
11 able to just proceed forward without some of the
12 attributes of a new application having to be
13 acknowledged. And so I think we certainly have to express
14 a reservation of the ability of the Towns once they see
15 it and review it, to advance that position if it's in
16 their interests and they believe that's the appropriate
17 position to take. And we don't want the Council to feel
18 it would be blindsided were that to happen later on.

19 CHAIRMAN KATZ: Thank you --

20 MR. BOUCHER: One -- one other comment,
21 and that is that the -- the -- the document that's been
22 circulated refers to an RTEP for the Middletown to
23 Norwalk project as being one of the guidepost for the
24 process that the Steering Committee would be functioning

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1 under, and I'm not aware that there is such a document.
2 I -- I don't want to get into the substance of anything
3 here, but I did want to alert the Council and the
4 companies and the other parties that I'm not aware that
5 there is one. But if there is one, we would certainly
6 all benefit by having a copy of it.

7 CHAIRMAN KATZ: Miss Randell, that can be
8 shared?

9 MS. RANDELL: I think the reference to
10 RTEP, and Mr. MacLeod can correct me if I'm wrong, is
11 that the Regional Transmission Expansion Plan already
12 identifies the system need. And perhaps we should be
13 blamed for not writing this crisply, but what we're
14 trying to say is it's system need as defined by RTEP.
15 And that's already -- I think that was in our RTEP 02, 03
16 --

17 MR. BOUCHER: Right --

18 MS. RANDELL: -- and so on. So it's a
19 preexisting document. It's not intended to be anything
20 more than that.

21 CHAIRMAN KATZ: Well --

22 MR. BOUCHER: Alright --

23 CHAIRMAN KATZ: -- we'll assume that if
24 you still have other questions on how to acquire it,

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1 they'll be helpful --

2 MR. BOUCHER: Certainly. And I believe
3 what's been referenced is the RTEP for the loop as
4 opposed to one for just this segment?

5 MS. RANDELL: That is correct.

6 CHAIRMAN KATZ: Okay.

7 MR. BOUCHER: Okay. The --

8 CHAIRMAN KATZ: Any -- anything else, Mr.
9 Boucher?

10 MR. BOUCHER: Just one last comment I
11 would make is in the interest of everybody's time being
12 well spent, it might behoove the Applicants to go through
13 this process of identifying, you know, what can be done
14 in compliance with the RTEP requirements, what can be
15 done in compliance with the legislation that is now
16 applicable to the docket not only on a Phase 1 but on a
17 combined Phase 1 and 2 basis. And -- and that's all the
18 comments that I have.

19 MR. ANTHONY FITZGERALD: Well --

20 CHAIRMAN KATZ: Well, Mr. Fitzgerald, what
21 I want to do is just give all the other parties --

22 MR. FITZGERALD: Sure --

23 CHAIRMAN KATZ: -- and then I'm going to
24 come back to you people, okay?

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1 MS. RANDELL: Okay. Sure.

2 CHAIRMAN KATZ: Other parties and
3 intervenors? Uh -- I know this name --

4 MR. IRA BLOOM: Bloom.

5 CHAIRMAN KATZ: Bloom -- Mr. Bloom.

6 MR. BLOOM: Thank you, Madam Chairman.
7 Good morning. My name is Ira Bloom, representing the
8 Town of Westport. Mr. Cederbaum asked me to make the
9 comments on behalf of Westport this morning, so --
10 (laughter) --

11 CHAIRMAN KATZ: I think that's wise
12 because he has to go back and tell the First Selectwoman
13 that if there's suddenly overhead in Westport --
14 (laughter) --

15 (Multiple voices overlapping,
16 indiscernible)

17 MR. BLOOM: He will be the one telling her
18 that.

19 CHAIRMAN KATZ: yes.

20 MR. BLOOM: I agree with everything that
21 was said. I just have one additional comment regarding
22 the possible need for additional studies by the
23 municipalities. A concern was raised Monday at a CEO
24 meeting about the cost of those studies if necessary.

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1 The Towns have already spent considerable funds for
2 private consultants. Those studies may be for naught or
3 perhaps of limited value. We don't know yet. I hope
4 they are still valuable. But if we do need additional
5 studies, we will need some time to accumulate those funds
6 if the taxpayers have to pay again. But there is a
7 concern about how many times we go back to the taxpayers
8 here and ask for additional funds for new studies and due
9 to the circumstances. So, I just want to call that to
10 the Council's attention and leave that out there for
11 future discussion if necessary.

12 CHAIRMAN KATZ: Okay.

13 MR. BLOOM: Thank you.

14 CHAIRMAN KATZ: Understood. Other parties
15 and intervenors? Mr. Johnson.

16 MR. BRUCE JOHNSON: Good morning, Chairman
17 Katz. Bruce Johnson for the Office of Consumer Counsel.

18 I'm endorsing, you know, everything that
19 was said. I think it's a sound proposal that the
20 Applicants and ISO have put together to proceed here.
21 The only question I would have would be about the ex
22 parte rules in those conference calls. I think Mr.
23 Boucher made a helpful suggestion. It's somewhat more
24 cumbersome to have the calls be transcribed, but that

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1 might be something helpful.

2 The -- my perception of the ex parte rules
3 is of course that no one should approach the decision-
4 makers in the case, your Council and your staff, of which
5 I would include KEMA in that matter, you know except that
6 everybody knows that such an approach has been made. I
7 know the Siting Council is highly sensitive to those
8 issues and has put procedures in place that that's the
9 way it should proceed. My own -- I think there's another
10 implicit aspect to the ex parte rules that should a staff
11 member or KEMA or Mr. Cunliffe or otherwise listen in on
12 the call, that they perhaps should merely listen and do -
13 -

14 CHAIRMAN KATZ: Oh, yes --

15 MR. JOHNSON: -- and specifically set out
16 not to do more --

17 CHAIRMAN KATZ: Yes --

18 MR. JOHNSON: -- as they wouldn't want --

19 CHAIRMAN KATZ: -- they would be a silent
20 participant --

21 MR. JOHNSON: -- any of the Council's own
22 evolving thinking, you know, to be disclosed prematurely
23 --

24 CHAIRMAN KATZ: Yes --

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1 MR. JOHNSON: -- I think that's -- that's
2 the only precaution --

3 CHAIRMAN KATZ: Yes --

4 MR. JOHNSON: -- but other than that --

5 CHAIRMAN KATZ: Mr. --

6 MR. JOHNSON: -- I think the ISO and the
7 Applicants have come up with what appears to be a sound
8 process to be responsible about this whole business and
9 also expeditious.

10 CHAIRMAN KATZ: Yes.

11 MR. JOHNSON: The only other comment I
12 would make is that Attorney Randell suggested to
13 structure the calls -- it appears that the first one
14 would be July 6th, the day after the 4th of July holiday,
15 which is fine, but, you know, there wouldn't be the
16 previous Monday to set this agenda out if that was the
17 case.

18 CHAIRMAN KATZ: Thank you for your
19 thoughts, Mr. Johnson. Mr. Marconi is going to have an
20 opportunity to give us some thought on the Council staff
21 listening in or KEMA listening in on these calls, and
22 he'll advise us.

23 Mr. Golden. And again officially, welcome
24 back to the process.

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1 MR. LAWRENCE GOLDEN: Thank you very much.
2 Larry Golden on behalf of Woodlands.

3 The only comment I have is in response to
4 Mr. Boucher's suggestion that perhaps Phase 1 is part of
5 this. As far as we're concerned it's not, it's not
6 legally part of this. I think if the Applicants' wanted
7 to voluntarily make some changes which don't change the
8 aesthetic character of what is offered in Phase 1, such
9 as perhaps more XLPE and less HPFF, fewer cables,
10 whatever, that don't really change the character of the
11 Phase 1 application, that would be acceptable. But any
12 other attempt to reopen Phase 1, if you will, would
13 certainly not.

14 CHAIRMAN KATZ: Yes -- well --

15 MR. MARCONI: Just a reminder, I think to
16 all counsel, is that after -- as soon as this meeting is
17 over, we have a pretrial before Judge Levine on Phase 1.

18 And I guess hope springs eternal that we -- maybe --
19 maybe things may happen that where, in the words of
20 Rodney King, we can all get along, you know. But --

21 CHAIRMAN KATZ: I have no inclination to
22 reopen Phase 1 --

23 MR. MARCONI: Right.

24 CHAIRMAN KATZ: -- and let's just leave it

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1 at that. Okay, other parties and intervenors. Mr.
2 Schaefer. And followed by Mr. Knopp afterwards.

3 COURT REPORTER: Mr. Schaefer, would you
4 be good enough to spell your last name.

5 MR. DAVID SCHAEFER: I'd be glad to. It's
6 David Schaefer, S-c-h-a-e-f-e-r, representing Ezra
7 Academy, Congregation B'Nai Jacob and the Jewish
8 Community Center of Greater New Haven and the Federation
9 of Greater New Haven.

10 I don't know if you want comments on the
11 mitigation portion of the -- of your scheduling that you
12 were talking about in July or do you want to wait?

13 CHAIRMAN KATZ: No, not yet.

14 MR. SCHAEFER: Okay.

15 CHAIRMAN KATZ: I'm going to announce how
16 I envision the July hearings and then we'll have comment
17 after that. Mayor Knopp, welcome to New Britain.

18 MAYOR ALEX KNOPP: Thank you, Chairman
19 Katz, always a pleasure to be here. And I'm not going to
20 discuss Phase 1. I'm just here to --

21 COURT REPORTER: Mayor --

22 MAYOR KNOPP: I'm sorry. Mayor Knopp, K-
23 n-o-p-p, Mayor of Norwalk.

24 I'm here just to raise a couple of

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1 concerns that I'm sure will get dealt with. First,
2 obviously the Siting Council is not delegating its
3 authority to decide this application to any kind of
4 steering committee. Therefore, I think even the name
5 steering committee is inappropriate. I hope this will
6 not be called a steering committee. It's an Applicants'
7 revising their application in cooperation with ISO New
8 England and resubmitting it in what is a proceeding in
9 which you represent the public interests and they don't.

10 CHAIRMAN KATZ: I think that's a fair
11 comment --

12 MAYOR KNOPP: Good --

13 CHAIRMAN KATZ: -- since we have the wheel
14 and we do the steering, and they'll come up with a new
15 name.

16 MAYOR KNOPP: And we hope you don't drive
17 off the road. So they may call it the Applicants'
18 committee for revised proposal, or something --

19 CHAIRMAN KATZ: They'll come up with
20 something --

21 MAYOR KNOPP: -- but it's not -- it's not
22 a steering committee.

23 Second, I think what is important, and I
24 don't mean to get into the substance of it, but I think

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1 when you set up this kind of process that the charge from
2 the Siting Council to this entity, whatever it's called,
3 is very important because a group like ISO New England
4 has many competing policy concerns as part of its
5 responsibilities, and one of them may be to deal with the
6 concerns of other states to minimize the expenses that
7 are socialized throughout New England. So, I think it's
8 very clear that you have to direct this committee as its
9 goal to determine what is the maximum under-grounding
10 that is technically reliable and conforms to the aspects
11 of the 18.4 process as I understand it, even if left to
12 their druthers ISO New England would prefer not to have
13 to socialize the maximum amount of under-grounding. So,
14 I think that we're not -- by putting ISO New England as
15 the lead organization, I think you need to recognize they
16 have competing interests and you are asking them to put
17 aside some of those interests and focus only on the
18 issues of reliability and the other sort of more narrow
19 concerns to maximize the under-grounding even if they
20 would prefer not to do that based on their relationships
21 with other states. I think that's -- your charge to them
22 is what's important. And I would feel more comfortable
23 with them being stated as the lead organization to
24 implement your direction rather than to take into account

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1 their competing policy interests, some of which are not
2 consistent with our interests.

3 And with those two concerns stated, I so
4 share myself with the other remarks, that the
5 municipalities need the opportunity to respond to the new
6 proposal, that we have jointly engaged consultants and if
7 their work is not still relevant to the new proposal, I
8 would ask you also to consider that this is a de facto
9 new proposal and that an additional amount of
10 compensation from the Applicants that the municipalities
11 could use to help fund consultants would be a relevant
12 request later on. Thank you.

13 CHAIRMAN KATZ: Yeah, the key word there I
14 think is later on since we don't know yet what's coming
15 over the transit. Any other party or intervenor? Mr.
16 MacLeod.

17 MR. ANTHONY MACLEOD: Good morning, Madam
18 Chair.

19 I just wanted to follow on Mayor Knopp's
20 comments and perhaps clarify for everybody's benefit that
21 I think it's important in this process that we make sure
22 that we are putting all of the right eggs in the right
23 baskets. And it may be a comfort to Mayor Knopp to know
24 that, as Miss Randell stated at the outset, the goal of

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1 this committee, however it ends up being named, is to see
2 how we can maximize the underground portions of the line
3 -- I shouldn't say line, I should say the transmission
4 facility.

5 The issue of cost socialization is a
6 separate one which gets taken up later and should not
7 interfere in any way with what goes underground. As a
8 matter of fact, I can recall some questions that
9 Professor Tait asked in one of the earlier hearings just
10 clarifying the difference between the so-called 12 seed
11 process in which the difference between socialized costs
12 and localized costs is determined and the so-called --

13 A VOICE: The 18.4 --

14 MR. MACLEOD: -- the 18.4 process in which
15 reliability is determined. So those are two separate
16 considerations. I think the goal of the committee is
17 really to get straight how much we can put underground
18 with -- if it's consistent with the reliability
19 obligations of ISO. And then later on we'll get to the
20 issue of who pays for what. But who pays is not going to
21 determine how much we can put underground or what's the
22 maximum amount that we can put underground.

23 CHAIRMAN KATZ: Thank you. And the
24 mission statement does say the maximum linear length of

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1 under-grounding that's technically feasible and
2 reliability, and we understand that. And Mr. MacLeod,
3 you can tell them back in Holyoke I've signed up for the
4 ISO conference in September --

5 MR. MACLEOD: They will be delighted --

6 CHAIRMAN KATZ: -- I've decided that I
7 need a closer encounter with our friends up north. Miss
8 Gilson.

9 MS. ELIZABETH GILSON: Thank you, Chairman
10 Katz. I'm Elizabeth Gilson representing the City of New
11 Haven. We have filed a Notice of Intent to intervene as
12 a party.

13 My only question here today is whether
14 this schedule will affect in any way either the task or
15 the briefing schedule regarding the notice for
16 alternatives?

17 CHAIRMAN KATZ: Specifically East Shore?

18 MS. GILSON: Yes.

19 CHAIRMAN KATZ: Would it be fair, Mr.
20 Frank and Mr. Ball, to say that East Shore is temporarily
21 off the table?

22 MR. FRANK: I -- I don't think it's off
23 the table.

24 CHAIRMAN KATZ: I said temporarily.

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1 MR. FRANK: I'd rather characterize it as
2 being on hold until we get the studies back. But I -- I
3 do have a suggestion --

4 CHAIRMAN KATZ: Yeah --

5 MR. FRANK: -- as it relates to East
6 Shore. You know, given the fact that we have this delay,
7 for lack of a better word, this may be a good opportunity
8 for the Applicants to begin the municipal consultation
9 period for the towns that potentially could be impacted
10 by the East Shore route.

11 MS. GILSON: In the absence of an
12 application, I would submit that the duty to do a
13 municipal consult has not been triggered.

14 MR. BOUCHER: If I may, I'd just like to
15 indicate that from Wallingford's perspective in
16 particular the East Shore route is something that it does
17 not want to be seen taken off the table at this point.
18 It's certainly something it continues to have an interest
19 in.

20 CHAIRMAN KATZ: Well, I guess I don't want
21 people, like the City of New Haven, having to spend a lot
22 of time briefing something that is on hold as Mr. Frank
23 has said. So, I'm thinking that we would suspend the
24 July 19th prefiled date that we asked for everything on

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1 East Shore for a date to be determined later with input
2 from the affected towns. Does that sound like a plan?

3 MR. FITZGERALD: Are you --

4 CHAIRMAN KATZ: Mr. Fitzgerald can you
5 lean in.

6 MR. FITZGERALD: Well, I don't think
7 there's a great burden to briefing the pure legal issue
8 of what are the Council's -- where does the Council --
9 what are the Council's powers with respect to an East
10 Shore alternative in this proceeding given what notice
11 has occurred. I mean this -- we just had an exchange
12 here where -- when somebody says well they ought to start
13 the municipal consultation on East Shore and somebody
14 else says well no you can't just start a municipal
15 consultation with a new town in the middle of a
16 proceeding if you don't have the proper notice, you have
17 to have a new application. I think those -- I think it's
18 not premature to get those issues sorted out. I do think
19 that spending a lot of time on an environmental analysis
20 of East Shore and so forth is not a good use of the time
21 right now, but I think it's probably not a waste of time
22 for us all to know what one another's positions are with
23 respect to what the Council could do in this proceeding -
24 -

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1 CHAIRMAN KATZ: On the narrowly focused
2 issue of how we would handle new towns?

3 MR. FITZGERALD: Right.

4 CHAIRMAN KATZ: Yes.

5 MR. FITZGERALD: And you -- you also asked
6 -- I mean that same brief includes such things, as you
7 identified it before, well, you know, what about the so-
8 called northerly route, you know, and there was another -
9 - there was another one --

10 A VOICE: Durham --

11 MR. FITZGERALD: The Durham bypass you
12 asked --

13 CHAIRMAN KATZ: Right.

14 MR. FITZGERALD: My own view is that those
15 -- there's quite simple answers to those questions --
16 East Shore is in another category, but we might as well
17 get everybody's views on what your abilities are to deal
18 with those --

19 CHAIRMAN KATZ: Changes --

20 MR. FITZGERALD: -- as a legal matter --

21 CHAIRMAN KATZ: Okay --

22 MR. FITZGERALD: -- with such changes.

23 CHAIRMAN KATZ: Understood.

24 MS. RANDELL: I agree with that, that's a

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1 limited amount of time, but I do think the benefit of
2 that to the Council and to everybody of knowing where
3 people stand is extremely important --

4 MR. TAIT: It's just lawyers' time and not
5 experts' time.

6 MS. RANDELL: Right.

7 MR. FITZGERALD: Right.

8 MS. RANDELL: Right. Whereas doing the
9 consultation process really in our view would be, you
10 know, a waste in terms of the cost benefit at this point
11 --

12 CHAIRMAN KATZ: Okay --

13 MS. RANDELL: -- for all the reasons that,
14 you know, I'm going to tell you --

15 CHAIRMAN KATZ: Is there a consensus that
16 we will proceed with that narrowly focused idea of briefs
17 on the Council's ability to --

18 MR. TAIT: Deviate from the route --

19 CHAIRMAN KATZ: -- deviate from the route
20 --

21 MR. TAIT: -- from the route in the
22 application --

23 CHAIRMAN KATZ: -- and the procedural
24 items that have to be --

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1 MR. TAIT: Yeah --

2 CHAIRMAN KATZ: -- carried on? Okay. I'm
3 going to take silence as acquiescence. Okay.

4 MS. GILSON: Thank you.

5 CHAIRMAN KATZ: Thank you, Miss Gilson.
6 Mr. Knapp.

7 MR. ERIC KNAPP: Good morning. Attorney
8 Eric Knapp, E-r-i-c, K-n-a-p-p, for the Town of
9 Middlefield --

10 COURT REPORTER: Attorney Knapp, could you
11 do that one more time a little closer to the mic --

12 MR. KNAPP: Okay, a little closer to the
13 mic -- E-r-i-c, K-n-a, two p's like Peter, the Town of
14 Middlefield.

15 COURT REPORTER: Thank you.

16 MR. KNAPP: Better? Okay, thank you. I
17 guess tied into what has previously been said, we agree
18 with much of the previous Towns' comments. We do have
19 concerns obviously regarding the northerly route which
20 would be through Middlefield. How does this play, or
21 maybe that's coming up later in this meeting, with the
22 obligation for July 19th to propose aboveground, partially
23 above and underground alternatives --

24 CHAIRMAN KATZ: That's on my list.

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1 MR. KNAPP: Okay, then I will wait and see
2 what comes up from that.

3 CHAIRMAN KATZ: Great. Anybody else?

4 MR. JOHNSON: Chairman Katz, one of the
5 other items in the schedule for legal briefing had been,
6 and perhaps you're going to get to this, the question of
7 the scope and application of the new law, 04-246 --

8 CHAIRMAN KATZ: Yes, it's on the list too
9 --

10 MR. JOHNSON: -- and that -- my suggestion
11 would be that that also could be, you know, brought
12 forward as a set of briefs to the Council on the
13 originally scheduled date, whatever it is, July 19th --

14 CHAIRMAN KATZ: Right --

15 MR. JOHNSON: -- because obviously it's
16 going to come into play in the way these studies are
17 interpreted and understood by the Council --

18 CHAIRMAN KATZ: Thank you --

19 MR. JOHNSON: -- whether --

20 CHAIRMAN KATZ: -- thank you. It sounds
21 like I should get to my list --

22 MS. RANDELL: Can I --

23 CHAIRMAN KATZ: Miss Randell, do you want
24 to say something before that?

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1 MS. RANDELL: Just a very brief response
2 just to -- it's going to be staccato because it's just a
3 few points. We do appreciate the Towns' agreement to
4 have GE stop its study of the old -- the old study at
5 this point. And the companies have directed GE at some
6 expense to the companies to begin an "automation
7 process", and I use that in quote, but it should
8 facilitate the future studies.

9 Regarding other studies, I am told that
10 thermal load flow studies should be done by the third
11 week of July. There's no reason to think that thermal is
12 going to be an issue here at all, but the companies are
13 happy to share those studies or provide the input data,
14 so that -- that does not need to wait until the middle of
15 August.

16 Regarding a new municipal consultation
17 process, if it turns out that we can't make 24 miles of
18 under-grounding work, we don't think that's necessary.
19 The companies did a municipal consultation process on
20 alternative A, which has 13 miles of underground, and
21 alternative B which has only five miles of underground.
22 I think we are confident that one of those could work if
23 we can't make the other work. But just so --

24 CHAIRMAN KATZ: Well, I guess --

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1 MS. RANDELL: -- we just don't think a new
2 process is required.

3 CHAIRMAN KATZ: I guess I respectfully
4 disagree. You had a primary route and you had an
5 alternate route. And frankly, I think the Towns' assumed
6 the primary route was the route and they put more
7 emphasis on that. And if the northern route through
8 those towns has been a primary route -- anyway, my
9 inclination is that if it's coming back up to the
10 surface, then we're going to ask -- allow them to take
11 another look.

12 MS. RANDELL: And finally, regarding the
13 need for a transcript at these meetings --

14 CHAIRMAN KATZ: Yeah?

15 MS. RANDELL: -- it will delay things
16 significantly --

17 CHAIRMAN KATZ: Yeah.

18 MS. RANDELL: -- it's not required of
19 course to meet ex parte rules as Mr. Marconi knows and
20 some of the people here who practice before the
21 Department of Public Utility Control --

22 CHAIRMAN KATZ: I was thinking more of --

23 MS. RANDELL: -- all you need to do is
24 just notice it --

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1 CHAIRMAN KATZ: -- minutes -- well, I was
2 thinking maybe more of minutes, summary minutes, but I
3 don't think a transcript -- but I want to consult --

4 MS. RANDELL: Sure --

5 CHAIRMAN KATZ: -- with Mr. Marconi on
6 that and get some thoughts from other people.

7 Okay, can we talk about July now, is that
8 agreeable with everybody? I have to tell you my first
9 inclination was to just jettison July, but I calmed down
10 and thought there's a number of topics in Segments 1 and
11 2 that we have an opportunity to button up the testimony
12 on. And I have prepared a list that I'd like to go
13 through and then take comments on people who would like
14 to add or delete to that list.

15 First -- and there's -- and you'll pick up
16 on a theme here -- the first is the EMF mitigation.
17 Cross-sections were done that we have touched on, but I
18 want the Council members to have a better understanding,
19 to use Miss Randell's thing, top to bottom on those
20 cross-sections on what EMF mitigation means.

21 Secondly, we had asked for briefs on
22 buffer zones, and we're going to change that a little.
23 We're now thinking of sending out interrogatories and
24 getting actual testimony on what you think the scientific

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1 evidence leads us to what the buffer zone should be.
2 This is an important part of the new legislation and I
3 want -- I want to get actual testimony on buffer zones,
4 and I thought we could that in July. And this is all for
5 the July 19th prefile for hearings on July 27th, 28th, and
6 29th if necessary.

7 Secondly, we have asked the Towns for the
8 preferred routes in Segments 1 and 2 -- and this is all
9 Segments 1 and 2 in July -- we want that. And again,
10 especially now based on the ISO testimony, we want it on
11 the all overhead route and also on the combination
12 overhead/underground route.

13 COURT REPORTER: Excuse me. (Pause).
14 Okay.

15 CHAIRMAN KATZ: Do you want to take a
16 break, Mr. Phelps?

17 MR. PHELPS: No.

18 CHAIRMAN KATZ: Oh, okay. And I want --
19 before you start detailing long lengths of under-
20 grounding as your preferred route, I'm going to make you
21 all read the ISO report again.

22 The next one is DC for Segments 1 and 2.
23 We had asked the Applicants to look into that. As you
24 know, KEMA, our consultants, think that that may be

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1 doable. And we have asked the Applicants to provide some
2 information on that and we want to explore that further
3 in Segments 1 and 2. And frankly, when you're doing your
4 steering committee that you're renaming to another name,
5 please look at DC in Segments 3 and 4. We'd like to do
6 that. And we ask the Applicants to -- if the land
7 acreage for these transition stations is a primary factor
8 as the testimony indicates, would flexibility in the
9 location of the East Devon Station be helpful and perhaps
10 maybe look further afield to Devon and East Devon. And
11 we'll throw that out there for you.

12 So those are the four major things that we
13 had looked at as covering in the July hearings, EMF
14 mitigation, buffer zones which we'll send out
15 interrogatories on, the Towns' preferred routes in
16 Segments 1 and 2, and on the DC option in Segments 1 and
17 2.

18 MR. PHELPS: Chairman.

19 CHAIRMAN KATZ: Mr. Phelps.

20 MR. PHELPS: With regard to the buffer
21 zone item, the second on your list, would it perhaps be
22 helpful to the process to allow the request for briefs to
23 stand --

24 CHAIRMAN KATZ: Yes --

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1 MR. PHELPS: -- on the legal
2 interpretation and just further to that have
3 interrogatories on scientific --

4 CHAIRMAN KATZ: Yes. Excellent point. I
5 still -- we still want the briefs on the legal
6 interpretation of the new legislation. That's a
7 different issue. But on the scientific part of buffer
8 zones is what we will be seeking information on. And we
9 will send out interrogatories very quickly on that. And
10 those all -- those four items all have that July 19th
11 prefiled date.

12 And at this point we'll take suggestions
13 for additions and deletions to that list. Mr. Johnson.

14 MR. JOHNSON: I simply repeat the inquiry
15 about the briefing on the new law as such --

16 CHAIRMAN KATZ: Uh, Mr. --

17 MR. JOHNSON: -- is that expected for the
18 19th?

19 CHAIRMAN KATZ: Yes -- I believe that's
20 what Mr. Phelps just said. Right?

21 MR. PHELPS: Yes, Madam Chairman.

22 CHAIRMAN KATZ: Yes. Mr. Schaefer.

23 MR. SCHAEFER: David Schaefer. I think
24 the list you've given is excellent. I would add to it

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1 proposals with respect to monitoring of actual operation
2 after construction in terms of EMF levels and any
3 penalties that will be associated with that, so -- we
4 believe that that's also something that the Council
5 should consider.

6 CHAIRMAN KATZ: I don't --

7 MR. TAIT: At this point I think we can --
8 knowing it will come to that, but I don't think at this
9 point of the proceeding that's --

10 CHAIRMAN KATZ: Normally, post-
11 construction monitoring we handle in the D&M plan --

12 MR. TAIT: Right.

13 CHAIRMAN KATZ: -- and we invite the
14 parties and intervenors to have input into that plan.

15 MR. TAIT: And if you think there ought to
16 be a penalty, I think we can address that later and not
17 right now.

18 MR. SCHAEFER: Okay. Obviously, you'll
19 make your decision. We believe that's very much a part
20 of what kind of buffer zone you have, what reliability
21 there are to the projections, so we think it's -- it's
22 integral to the consideration of the reliability of the
23 proposed mitigating proposals.

24 CHAIRMAN KATZ: If you want to somehow

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1 include that in your testimony, I think -- we will read
2 that.

3 Anyone else for additions or deletions to
4 that list? Miss Randell.

5 MS. RANDELL: I'm not sure these are
6 additions or deletions, but let me just try --

7 CHAIRMAN KATZ: Modifications?

8 MS. RANDELL: Yeah, maybe. In terms of
9 the Towns' figuring out what they would do for their
10 preferred all overhead and a combination
11 overhead/underground, it would be really helpful to the
12 companies if we could get from them based on the cross-
13 section information that we provided --

14 CHAIRMAN KATZ: The EMF cross-section?

15 MS. RANDELL: The EMF cross-section.
16 You'll recall that some of the sheets have -- there are
17 five different ways we could do this. We could do split
18 phasing, we could do this height, that height. If in
19 advance of the 19th, like maybe this week they could give
20 us their top two choices on construction, that will give
21 us the time to be able to do more detailed EMF
22 information and be able to actually provide you something
23 at the July hearings from a top to bottom be more
24 helpful. So we're not asking what streets, but we are

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1 asking okay is the pole -- you know, in the your
2 preferred route is the pole going to be 105 feet or 80
3 feet or 130 feet, do you want vertical or split-phasing,
4 it would be really helpful. And because of time
5 considerations and how, you know, extensive it is to do
6 these things, we'd preferred too rather than have to do -
7 - for example in Cross-Section 8 between the
8 Cheshire/Hamden town line and Glen Lake, 7 plus miles, we
9 had six options listed in this sheet, if they could
10 narrow it down to two and do it quickly for us, it would
11 be helpful I think to everybody to move the process
12 along.

13 CHAIRMAN KATZ: Can the Towns comment on
14 that? I'm assuming the Towns have been working on their
15 preferred routes, is that a good assumption?

16 MR. FRANK: On behalf of the Town of
17 Woodbridge --

18 CHAIRMAN KATZ: Pull that closer.

19 MR. FRANK: Attorney Monte on behalf of
20 the Town of Woodbridge -- (laughter) -- I'm glad this
21 process has become informal -- the Town of Woodbridge has
22 submitted its alternative underground proposal to the
23 Council and to the Applicants, and there's been some
24 testimony in the record about that already.

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1 CHAIRMAN KATZ: No, she's talking about
2 the overhead.

3 MR. FRANK: That we need to work on.

4 CHAIRMAN KATZ: Okay.

5 MS. RANDELL: And Mr. Prete tells me that
6 it's his understanding that the Towns have actually
7 already said as of last week that they would do this for
8 us.

9 CHAIRMAN KATZ: Okay, but we need a date -
10 -

11 MS. RANDELL: Yes, we do --

12 CHAIRMAN KATZ: -- so that you -- a date
13 that's reasonable for the Towns to come back and look at
14 the overheads, look at what they think their preferred
15 ones are, and then -- Mr. Ball, do you have anything --

16 MR. BALL: It's one thing for -- as I had
17 previously understood what our charge was, it was to
18 consider routing options. I'm not sure that I have the
19 technical expertise to understand as the record is now
20 the effectiveness of any mitigation techniques on EMF and
21 what I should be proposing for any town. And that
22 probably goes for all these towns. I don't think any of
23 us today can say, you know, split-phasing sounds like a
24 great idea, we loved it right here. I -- I just don't

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1 think the record is complete on it. It's one thing to
2 ask the Town of Woodbridge generally for their thoughts
3 on an all overhead route or a combination overhead and
4 underground, but it's quite another to ask us at this
5 point to design the line. I'm not sure we have the
6 ability to do that --

7 CHAIRMAN KATZ: Okay --

8 MR. BALL: -- perhaps after the mitigation
9 hearing as you've outlined it, the first issue, which I
10 agree we need more testimony on that to have a better
11 understanding of the effectiveness of EMF mitigation, we
12 will be in a better position to weigh in on it, but my
13 own concern is I hesitate -- I hesitate at this point to
14 try and design the line with the information I have.

15 CHAIRMAN KATZ: Okay. I guess then the
16 Towns that feel they can indicate a preference to the
17 Applicants will do so and those who can't won't.

18 MR. TAIT: Yeah. And you aren't bound by
19 it --

20 CHAIRMAN KATZ: Right --

21 MR. TAIT: -- this is to help --

22 CHAIRMAN KATZ: Right --

23 MR. TAIT: -- expedite things. So if you
24 can give us any help --

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1 CHAIRMAN KATZ: Yes --

2 MR. TAIT: -- would you rather have a
3 higher tower, a wider right-of-way --

4 MR. BALL: I understand --

5 CHAIRMAN KATZ: Right --

6 MR. TAIT: -- those are the tradeoffs that
7 we have to play with.

8 MR. BALL: Yeah --

9 CHAIRMAN KATZ: Why don't you submit to
10 the Applicants at the comfort level you have of what you
11 can submit. Mr. Prete.

12 MR. PRETE: Yes, thank you. We were
13 instructed last week to meet about all the outstanding
14 EMF interrogatories. And as part of a resolution we have
15 requested two options that we would provide back to the
16 Towns -- you remember seeing this, right -- such that we
17 would give you the answer to your interrogatories. So
18 what we're asking for is for those two options simply, so
19 then you can have that and run with it and make your
20 decisions as you go forward. So, I'm just asking for a
21 date that we confirmed last week it was going to be done.

22 CHAIRMAN KATZ: So perhaps you can talk
23 later and work that out.

24 MS. RANDELL: Just one other thing if I

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1 may. With respect to DC --

2 CHAIRMAN KATZ: Yes.

3 MS. RANDELL: -- if KEMA has a written
4 study with respect to DC, would it be appropriate for us
5 to ask that that be shared with us so that we can take
6 that and then move along with it?

7 CHAIRMAN KATZ: We will talk to KEMA and
8 see what we can provide --

9 MS. RANDELL: Thanks --

10 CHAIRMAN KATZ: -- if that will help
11 expedite it.

12 MS. RANDELL: Thank you.

13 CHAIRMAN KATZ: Any other -- Mr. Phelps.

14 MR. PHELPS: I just wish to clarify that
15 if the utility companies or anybody for that matter has
16 specific questions that relate to clarification about
17 technical terms or matters of a technical engineering
18 nature that they would like to have answered by KEMA,
19 that they can and should channel those questions through
20 staff, and we'll do everything we can to get them back
21 expeditiously. It was just a question that was brought
22 up recently and I wanted to put that out in front of
23 everybody here this morning.

24 CHAIRMAN KATZ: Okay. Hearing nothing

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1 else, that will be -- we'll send out a letter basically
2 summarizing what we see the July hearings being.

3 If this report is coming in August 16th, I
4 do not see August hearings. Our staff, the Towns, people
5 are going to need time to look at this, and it is August.

6 So what I'm going to suggest is that the
7 Applicants and the parties and intervenors develop what
8 they think a reasonable schedule is for September, of
9 course with consultation with our staff on a prefile date
10 and hearing dates in September to do continuation of this
11 hearing. I'd like to -- I'd like this to be the last
12 hearings on this.

13 I had a goal of finishing in December, I
14 don't know, we'll see. Because we still are talking
15 about the possibility of having a day of oral argument on
16 a draft opinion. And again, we're going to need time for
17 post-hearing briefs and -- it all takes time. So at this
18 point we are not inclined to have August hearings, but we
19 do -- would like to have people discuss among themselves
20 September hearings to finish up Segments 3 and 4 and
21 perhaps revisit East Shore if you determine that you want
22 that.

23 MR. FRANK: We're -- yeah, that was my
24 point. The Town of Woodbridge is very interested in East

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1 Shore. We've agreed so that this process can move along
2 to suspend the GE studies on East Shore. Depending on
3 what comes out of the report, we are -- we are still very
4 interested in pursuing East Shore and believe that it's
5 potentially a viable alternative.

6 MR. TAIT: I was glad to see that we've
7 dropped the railroad alternative. I would urge all Towns
8 to look seriously at the highway alternatives and be
9 realistic. I don't want to -- to see what --

10 CHAIRMAN KATZ: Yeah --

11 MR. TAIT: -- to the extent that we can
12 simplify the number of options we have to work with, we
13 will get through this job. If they never get off the
14 table and we have to address all of them --

15 CHAIRMAN KATZ: Right --

16 MR. TAIT: -- it's going to take us all a
17 lot more time. So please go back to your towns and think
18 --

19 CHAIRMAN KATZ: Based on --

20 MR. TAIT: -- what's in your best
21 interests and our best interest.

22 CHAIRMAN KATZ: Based on the hearing
23 testimony to date, it's time for everybody to take a new
24 look at practicality. And if some of the highway

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1 alternatives you don't think work, let's just get them
2 off the table.

3 MR. BALL: If I may, I happen to agree
4 with that, and that is an ongoing discussion that the
5 Towns have been having and you should know that.

6 MR. TAIT: We appreciate that.

7 MR. BALL: I cannot fathom that September
8 is a realistic deadline to complete this docket, I really
9 can't. And in addition to East Shore being on the table,
10 as you will recall certain towns, Milford and Woodbridge
11 had been looking at town specific routes, under-grounding
12 routes which may well still be on the table, and -- and I
13 think it would be grossly unfair if they don't have the
14 opportunity to perform the studies after August 16th to
15 explore that.

16 CHAIRMAN KATZ: Well at this point I don't
17 think we know enough to be able to set September dates.
18 I think we'll know more, especially you people will know
19 more as you get into your weekly conference calls on
20 where this is going, but I want the parties to be
21 thinking of potential post-Labor Day dates.

22 MS. RANDELL: I agree with that. Picking
23 up on Mr. Tait's point, you're so much better if you have
24 all the dates locked in and then you drop them if you

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1 can't get to them, but they also serve the purpose of
2 being an incentive to try to reach them. And we should
3 remember that given these weekly conference calls we're
4 having and the biweekly status reports in writing, there
5 shouldn't be all that many surprises by the time we get
6 to August 16th.

7 CHAIRMAN KATZ: That's what I'm hoping.
8 I'm hoping things --

9 MR. TAIT: Stay tuned.

10 CHAIRMAN KATZ: I'm hoping the Towns and
11 the Applicants will see things beginning to gel --

12 MR. TAIT: Rather than new things come up,
13 things being reduced and --

14 CHAIRMAN KATZ: Right.

15 MS. RANDELL: Yeah.

16 CHAIRMAN KATZ: Yeah, September has its
17 problems, we have Labor Day, we've got high holidays in
18 the middle of the month, yeah -- but we're -- you know,
19 we're moving forward.

20 MR. TAIT: My suggestion, without having
21 talked to my Chairman, which is always dangerous, is
22 between Labor Day and the high holiday we have a hearing
23 set if nothing more than to get together. We won't have
24 met since late -- as a whole council, so -- and then

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1 another one still in September after that, and set those
2 dates, and if we have to postpone them, we'll have to
3 postpone them --

4 CHAIRMAN KATZ: Yeah. Yeah, I --

5 MR. TAIT: -- let's move the process.

6 CHAIRMAN KATZ: That's definitely a
7 possibility, that we could have a one-day hearing to
8 determine where we are in September and what things still
9 need to be studied or what's still on the table, what's
10 off the table --

11 MR. TAIT: It could be just a process
12 hearing again if that's all that we need.

13 CHAIRMAN KATZ: Right, yeah.

14 MR. FITZGERALD: I think that's a good
15 idea.

16 MS. RANDELL: Yeah.

17 CHAIRMAN KATZ: I think we could do that,
18 yeah. Forward progress -- my former mantra was no stone
19 unturned, now the mantra is forward progress.

20 Other process calendar business we need to
21 do? Mr. Phelps, can you think of anything else we need
22 to while we've got --

23 MR. PHELPS: You have another meeting
24 waiting for you --

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1 CHAIRMAN KATZ: You're right. Anything
2 else we need to do? We are adjourned. Thank you.

3

4 (Whereupon, the meeting adjourned at 11:10
5 a.m.)

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 30th day of June, 2004.



Paul Landman
President

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