

ORIGINAL

STATE OF CONNECTICUT  
SITING COUNCIL

\* \* \* \* \*

~~CONNECTICUT LIGHT & POWER COMPANY~~      ~~AUGUST 19, 2004~~  
~~AND UNITED ILLUMINATING COMPANY~~      ~~(10:00 A.M.)~~

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

DOCKET NO. 272

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\* \* \* \* \*

BEFORE:      PAMELA B. KATZ, CHAIRMAN

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                         Fred O. Cunliffe, Siting Analyst

APPEARANCES:

FOR THE APPLICANT, CONNECTICUT LIGHT & POWER:

CARMODY & TORRANCE, LLP  
195 Church Street  
New Haven, Connecticut

By: ANTHONY M. FITZGERALD, ESQUIRE

FOR THE APPLICANT, UNITED ILLUMINATING:

WIGGIN & DANA, LLP  
One Century Tower  
New Haven, Connecticut 06508  
By: LINDA L. RANDELL, ATTORNEY

FOR THE PARTY, TOWN OF MILFORD:

HURWITZ & SAGARIN  
147 North Broad Street  
Post Office Box 112  
Milford, Connecticut 06460  
By: JULIE DONALDSON KOHLER, ATTORNEY

FOR THE PARTIES, TOWN OF WALLINGFORD and  
TOWN OF DURHAM:

HALLORAN & SAGE  
One Goodwin Square  
Hartford, Connecticut 06103  
By: PETER G. BOUCHER, ESQUIRE

FOR THE PARTY, CITY OF NORWALK:

LOUIS CICCARELLO, ESQUIRE  
Corporation Counsel  
City of Norwalk  
Norwalk, Connecticut

FOR THE PARTY, TOWN OF WESTPORT:

WAKE, SEE, DIMES & BRYNICZKA  
27 Imperial Avenue  
Westport, Connecticut 06880  
By: EUGENE E. CEDERBAUM, ESQUIRE  
IRA BLOOM, ESQUIRE

FOR THE PARTIES, TOWNS OF WOODBRIDGE,  
WILTON and WESTON:

COHEN & WOLF  
1115 Broad Street  
Bridgeport, Connecticut 06604  
By: DAVID BALL, ESQUIRE  
MONTE FRANK, ESQUIRE

FOR THE PARTY, CITY OF MERIDEN:

DEBORAH L. MOORE, ATTORNEY  
142 East Main Street  
Meriden, Connecticut 06450

FOR THE PARTY, TOWN OF ORANGE:

SOUSA, STONE & D'AGOSTO  
375 Bridgeport Avenue  
Post Office Box 805  
Shelton, Connecticut 06084  
By: BRIAN M. STONE, ESQUIRE

FOR THE PARTY, CITY OF BRIDGEPORT:

MELANIE J. HOWLETT, ATTORNEY  
Assistant Town Attorney  
Town Hall Annex  
999 Broad Street  
Bridgeport, Connecticut 06604

FOR THE PARTY, TOWN OF NORTH HAVEN:

UPDIKE, KELLY & SPELLACY  
One State Street  
Box 231277  
Hartford, Connecticut 06123  
By: BENJAMIN J. BERGER, ESQUIRE

A PARTY, TOWN OF BETHANY

FOR THE PARTY, TOWN OF CHESHIRE:

BERCHEM, MOSES & DEVLIN  
75 Broad Street  
Milford, Connecticut 06460  
By: RICHARD J. BURTURLA, ESQUIRE

FOR THE PARTY, CITY OF MIDDLETOWN:

TIMOTHY P. LYNCH, ESQUIRE

A PARTY, TOWN OF HAMDEN

FOR THE PARTY, TOWN OF MIDDLEFIELD:

BRANSE & WILLIS, LLC  
41C New London Turnpike  
Glen Lochen East  
Glastonbury, Connecticut 06033  
By: ERIC KNAPP, ESQUIRE

A PARTY, TOWN OF EASTON

FOR THE PARTY, CITY OF NEW HAVEN:

ELIZABETH GILSON, ATTORNEY  
383 Orange Street  
New Haven, Connecticut 06511

FOR THE PARTY, COMMUNITIES FOR RESPONSIBLE  
ENERGY II:

PATRICIA BRADLEY, PRESIDENT  
47 Ironwood Lane  
Durham, Connecticut 06422

FOR THE PARTY, OFFICE OF CONSUMER COUNSEL:

BRUCE C. JOHNSON, ESQUIRE  
Ten Franklin Square  
New Britain, Connecticut 06051

FOR THE PARTY, THE WOODLANDS COALITION FOR  
RESPONSIBLE ENERGY:

PULLMAN & COMLEY, LLC  
90 State House Square  
Hartford, Connecticut 06103  
By: LAWRENCE J. GOLDEN, ESQUIRE

FOR THE PARTY, ATTORNEY GENERAL RICHARD  
BLUMENTHAL:

MICHAEL C. WERTHEIMER, ESQUIRE  
Assistant Attorney General  
Ten Franklin Square  
New Britain, Connecticut 06051

FOR THE PARTY, SOUTH CENTRAL CONNECTICUT  
WATER AUTHORITY:

MURTHA CULLINA, LLP  
Cityplace I  
185 Asylum Street  
Hartford, Connecticut 06103  
By: ANDREW W. LORD, ESQUIRE

A PARTY, ROBERT W. MEGNA, STATE  
REPRESENTATIVE, 97<sup>TH</sup> DISTRICT

AN INTERVENOR, NORWALK ASSOCIATION OF  
SILVERMINE HOMEOWNERS

FOR THE INTERVENOR, TOWN OF FAIRFIELD:

EILEEN KENNELLY, ATTORNEY  
Assistant Town Attorney  
725 Old Post Road  
Fairfield, Connecticut 06824

AN INTERVENOR, FIRST DISTRICT WATER COMPANY

FOR THE INTERVENOR, WOODBRIDGE JEWISH  
ORGANIZATIONS (EZRA ACADEMY, B'NAI JACOB,  
THE JEWISH COMMUNITY CENTER OF GREATER NEW  
HAVEN, DEPARTMENT OF JEWISH EDUCATION):

BRENNER, SALTZMAN & WALLMAN  
271 Whitney Avenue  
New Haven, Connecticut 06511  
By: DAVID R. SCHAEFER, ESQUIRE  
KENNETH ROSENTHAL, ESQUIRE

FOR THE INTERVENOR, ISO NEW ENGLAND:

WHITMAN, BREED, ABBOT & MORGAN  
100 Field Point Road  
Greenwich, Connecticut 06830  
By: ANTHONY M. MacLEOD, ESQUIRE

FOR THE INTERVENOR, DEPARTMENT OF TRANSPORTATION:

CHARLES WALSH, ESQUIRE  
EILEEN MESKILL, ATTORNEY  
Assistant Attorneys General  
55 Elm Street  
Hartford, Connecticut 06106

POST REPORTING SERVICE  
HAMDEN, CT (800) 262-4102

FOR THE INTERVENOR, CONNECTICUT BUSINESS &  
INDUSTRY ASSOCIATION:

ROBERT E. EARLEY, ESQUIRE  
Staff Attorney  
350 Church Street  
Hartford, Connecticut 06103

FOR THE INTERVENOR, PSEG POWER CONNECTICUT LLC:

MCCARTER & ENGLISH  
Cityplace I  
185 Asylum Street  
Hartford, Connecticut 06103  
By: DAVID REIF, ESQUIRE

AN INTERVENOR, MARY G. FRITZ, STATE  
REPRESENTATIVE, 90<sup>TH</sup> DISTRICT

AN INTERVENOR, AL ADINOLFI, STATE  
REPRESENTATIVE, 103RD DISTRICT

AN INTERVENOR, RAYMOND KALINOWSKI,  
STATE REPRESENTATIVE, 100<sup>TH</sup> DISTRICT

AN INTERVENOR, THEMIS KLARIDES, STATE  
REPRESENTATIVE, 114<sup>TH</sup> DISTRICT

AN INTERVENOR, JOHN E. STRIPP, STATE  
REPRESENTATIVE, 135<sup>TH</sup> DISTRICT

AN INTERVENOR, WILLIAM ANISKOVICH,  
STATE REPRESENTATIVE, 12<sup>TH</sup> SENATE DISTRICT

AN INTERVENOR, JOSEPH CRISCO, JR, STATE  
REPRESENTATIVE, 17<sup>TH</sup> SENATE DISTRICT

AN INTERVENOR, LEONARD FASANO, STATE  
REPRESENTATIVE, 34<sup>TH</sup> SENATE 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 and Power  
4 Company and United Illuminating Company, held at the  
5 Connecticut Siting Council, Ten Franklin Square, New  
6 Britain, Connecticut, on August 19, 2004, at 10:00 a.m.,  
7 at which time the parties were represented as hereinbefore  
8 set forth . . .

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10  
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15 CHAIRMAN PAMELA KATZ: I'd like to call  
16 this process meeting to order. I'm going to begin with a  
17 thought and then some announcements.

18 As I kidded with you previously in sessions  
19 for this docket, I do lot of the thinking on this docket  
20 on my early morning run. Well, this morning I was almost  
21 -- in so much thought, I almost ran into the minivan that  
22 delivers the Hartford Courant.

23 But by the end of the run, I saw I had made  
24 a resolution. This docket has sort of gotten into an ugly

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1 stage. But my resolution was hopefully by the end of the  
2 morning, with the help of the applicants and all the  
3 parties and intervenors, that in this docket we're going  
4 to come up with a plan of action to move this docket  
5 forward to a resolution that -- of a transmission line  
6 that we can all be happy with.

7                   So I want everyone to please think in a  
8 positive spirit this morning on that level.

9                   First some announcements. Previously, I  
10 had announced that the Siting Council is suspending future  
11 evidentiary hearings on the ROC Group report. That will  
12 be until that time where the ROC Group comes in with a  
13 report that the Council feels has a -- or I should say,  
14 more accurately, where I feel that there is a case put  
15 forward that we have some degree of feeling that it could  
16 pass an 18.4 and that we can move forward on that. So  
17 we're looking forward to that in the future.

18                   But on September 8, we're going to take up  
19 some other matters related to this docket. In the  
20 morning, we have two motions before the Council from  
21 Attorney Boucher. We are going to take those up on the  
22 morning of September 8. And Mr. Marconi will be  
23 discussing procedurally later in the meeting how we're  
24 going to do that.



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1 Later in the morning, we'll take up other  
2 procedural issues that might have to be addressed on this  
3 docket.

4 At 1:00 P.M. on September 8, the Council is  
5 going to do what I'm calling a workshop but more  
6 accurately is called I guess probably a technical session  
7 on Public Act 04-246, the buffer zone. And I want to  
8 briefly explain to you what I sort of envision this  
9 technical session being. And we'll be getting something  
10 out in the mail to the service list next week.

11 The buffer zone Public Act is new territory  
12 for everybody. And the Council needs to think about a  
13 number of issues. We're going to be putting out some  
14 speaking points that we'd like input from parties,  
15 intervenors and members of the public. A partial preview  
16 of that, of those speaking points, is how should we define  
17 the buffer zone, by distance or by milliGauss? And if so,  
18 what criteria? How should we define residential area?  
19 What gigawatts will we be using in our EMF calculations  
20 for the buffer zone, 15 gigawatts, 27 gigawatts or  
21 something else?

22 Should the buffer zone be wider than the  
23 right-of-way? Should this Council restrict existing or  
24 future uses of the buffer zone? Should there be signage

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1 demarcating the edges of the buffer zone?

2                   We're going to ask speakers to speak to  
3 those points. And we're also going to ask them to be  
4 available for Council questions. Speakers do not have to  
5 pre-file for this.

6                   After we have the speaker portion of the  
7 technical session, Council members are going to discuss  
8 among themselves and with their staff what we heard. I'm  
9 hoping that through this technical session exercise we  
10 start gelling some ideas about how we should do the buffer  
11 zone for any parts of the line that remain above-ground.

12                   The point of this technical session is not  
13 so much for legal argument. It's really not even for the  
14 intent of the legislation. It's basically for practical  
15 application, sort of ground-level this is what we think  
16 the buffer zone should look like. And I'm really hoping  
17 that we get a number of Mayors, First Selectmen and  
18 neighborhood leaders up at that microphone for this  
19 technical session on September 8 to tell us how they  
20 envision the buffer zone in their town. And I think that  
21 would be helpful.

22                   I also want to announce that KEMA, our  
23 undergrounding expert, is continuing their efforts to  
24 maximize undergrounding. That work is going on. It will

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1 not slow. They are currently doing modeling. And we  
2 expect a report from them by the end of September. And we  
3 will distribute that report and we envision public  
4 hearings on that in October, dates to be announced.

5                   The way I'd like to do this process meeting  
6 this morning is I'd like to ask the applicants to give a  
7 report on what direction they would like to go in next.  
8 And then I'm going to ask parties and intervenors to give  
9 any comments on that. And then later in the meeting, Mr.  
10 Marconi will talk about the motions that we'll be  
11 handling, how we'll be handling those on the 8<sup>th</sup>.

12                   For the applicants?

13                   MR. ANTHONY FITZGERALD: Good morning,  
14 Madam Chairman. Anthony Fitzgerald for the applicant.  
15 Thank you for clarifying your statement about hearings.  
16 We think that's a good way to proceed. I think that, on  
17 the subject of EMF workshops, there is a -- maybe as a  
18 follow-on to what you've described, there is a lot of work  
19 that can be done before the ROC Group supplemental reports  
20 come in on specific overhead line, field reduction  
21 strategies along the different cross-sections.

22                   We've given you information about what can  
23 be done on a -- I won't say a generic basis, but on  
24 somewhat of an overview basis. I think that there is

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1 still more specific looks that can be taken. We can bring  
2 in more detailed drawings of cross-sections of what the  
3 sort of top two candidates for low field reduction cross-  
4 sections would look like.

5 We have -- we made a filing yesterday that  
6 deals with this subject. You've asked for a drawing  
7 showing Segment 15 as a -- as sort of an example which you  
8 were then going to look at and then, you know, decide  
9 whether to ask us to do them for each of the segments or  
10 to do something different for each of the segments.

11 We have brought today an example of just  
12 what you asked for would look like, as well as an example  
13 of what we think would do what you're asking be done in a  
14 better way. And maybe you haven't seen that letter yet.  
15 It was filed electronically yesterday.

16 CHAIRMAN KATZ: No, I have not.

17 MR. FITZGERALD: Okay. Well, if I can just  
18 take a minute to summarize it?

19 CHAIRMAN KATZ: Before you do, Mr.  
20 Fitzgerald, this meeting is just about the process --

21 MR. FITZGERALD: Yeah. Right.

22 CHAIRMAN KATZ: -- not about the evidence.

23 MR. FITZGERALD: Well, yes.

24 CHAIRMAN KATZ: Okay.

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1 MR. FITZGERALD: The process is we would  
2 like some -- we would (A) suggest that we have a hearing  
3 next month to deal with this issue of overhead EMF  
4 reduction --

5 CHAIRMAN KATZ: I understand.

6 MR. FITZGERALD: -- and we would propose as  
7 part of today's process meeting to show you examples of  
8 the kinds of exhibits that we suggest we -- or one  
9 particular exhibit that we suggest we should develop as an  
10 alternative to what you asked for. So we'd like to show  
11 you what you asked for and show you the alternative we're  
12 proposing so that we could then have direction to go off  
13 and work up some more --

14 MS. LINDA RANDELL: We actually have had  
15 the project people very busy working on field reductions  
16 and providing information to help you. So we think the  
17 idea of a technical session on September 8 is a great  
18 idea. In advance of that, we'll have a lot of information  
19 for people. And then we'd suggest that September 9, which  
20 was also a date set for hearing, could pick up real  
21 hearing sworn testimony on the record with respect to  
22 field reduction, that hopefully in the month of September  
23 we can wrap up the EMF reduction issues on a factual basis  
24 for the evidentiary record.

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1                   We also have some ideas -- and I'll turn  
2 this back to Mr. Fitzgerald -- on other matters that can  
3 be addressed in September that will need to be done that  
4 do not directly relate or actually even indirectly relate  
5 to the ROC Group report.

6                   MR. FITZGERALD: Well, you -- the meeting  
7 that you asked to take place between the towns and the DOT  
8 and the companies on the underground, the proposed  
9 underground, route is happening this afternoon. And  
10 something's going to come out of it. And there's going to  
11 need to be some hearings some time on the underground  
12 portions of the route.

13                   We're still committed to making the -- to  
14 making the 24 miles work. We'll see. But I don't think  
15 it would be a bad use of time to look at the alternate  
16 suggestions for the -- for that portion of the route, the  
17 underground portion of the route.

18                   We have your message on the necessity for a  
19 more definitive ROC report. That work is going forward.

20                   CHAIRMAN KATZ: I was afraid I'd been too  
21 subtle.

22                   MR. FITZGERALD: No. Going forward on a  
23 double-time basis. We are hopeful of being in a position  
24 to provide such a report the first week of October. And

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1 we -- that does depend on a lot of outside independent  
2 people getting work done. But we are going to do our  
3 utmost to have it deliverable for you by October 4. And  
4 we certainly would expect to give you some progress  
5 reports along the way as to whether that's going to be --  
6 you know, how that date is looking.

7 MS. RANDELL: We thought a useful way to  
8 use the time in September, too, so that everyone will have  
9 an understanding of what's being discussed, is to schedule  
10 a site visit to see a stat com. There is a stat com  
11 constructed at Glenbrook in Stamford. And perhaps  
12 everyone is somewhat more sophisticated than me. I  
13 thought a stat com was probably about the size of my VCR.  
14 And then I was told it was probably about the size of a  
15 building. And we thought it would be useful for people to  
16 understand what that looks like.

17 We would -- picking up on Mr. Fitzgerald's  
18 comment on providing status reports, the companies are  
19 happy to do that on a biweekly basis, on a set time by  
20 phone, in writing, however you would like that; because we  
21 recognize everyone is interested. And we do believe that  
22 those weekly calls that were held over the course of the  
23 summer and biweekly reports were useful.

24 CHAIRMAN KATZ: Were you planning on

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1 continuing that?

2 MS. RANDELL: I don't know that that makes  
3 sense. That would be your call. We don't -- what we fear  
4 is having a weekly report where we're saying "Still  
5 working". But that's up to you. Perhaps biweekly --  
6 these biweekly status reports can serve that purpose.

7 CHAIRMAN KATZ: Okay. What I'm going to do  
8 is I'm going to allow you to speak first and then I'm  
9 going to let any parties and intervenors who wish to speak  
10 to the points you raise to do so.

11 Just a question. Are there any security  
12 issues with us going inside the stat com? This is a brave  
13 new world.

14 MS. ANNE BARTOSEWICZ: We will make -- I  
15 will make appropriate arrangements and let your staff know  
16 what we need to do, what we can see, how much we can see  
17 if we need to get in. I'll do that work before we  
18 schedule --

19 CHAIRMAN KATZ: Wait a minute. It would  
20 have to be open to the public. So --

21 MS. BARTOSEWICZ: Instead of like a sealed  
22 review? Well, I guess that's open to the public as well.

23 CHAIRMAN KATZ: Yeah. Think about that.

24 MS. RANDELL: There might be a difference



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1 between outside the fence line and inside.

2 MS. BARTOSEWICZ: Yes.

3 CHAIRMAN KATZ: Okay.

4 MS. BARTOSEWICZ: And certainly, outside  
5 the fence line is easy. It's a tight parcel. There will  
6 be plenty -- you'll be able to see the scope of what a  
7 stat com is from outside. I'll investigate if anyone can  
8 actually get inside and --

9 CHAIRMAN KATZ: Okay.

10 MS. BARTOSEWICZ: I'll work that out.

11 CHAIRMAN KATZ: Yeah. Please contact the  
12 staff.

13 Anything else, Mr. Fitzgerald?

14 Ms. Randell?

15 MR. FITZGERALD: Well, just that issue that  
16 I brought up about the aerial photograph --

17 CHAIRMAN KATZ: Yes.

18 MR. FITZGERALD: -- that you asked about.

19 Anne, could I have the little ones there?

20 What you asked for was a copy of the -- and  
21 I have two copies here. But it might be helpful if I  
22 passed up some examples. You asked us to take the aerial  
23 map that was presented in Segment 15 and on it superimpose  
24 the right lines to designate the right-of-way and the

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1 three milliGauss and six milliGauss field boundaries so  
2 that you could look at the document and see where they  
3 fell with respect to adjacent structures.

4                   That -- and that's what you have in front  
5 of you. That turns out to be a useful thing but an  
6 extremely time-consuming one to prepare because you're  
7 using a hard copy as a basis for it and then plotting the  
8 lines by hand. And that -- trying to do that accurately  
9 is quite challenging and time-consuming, I'm told.

10                   Also, the lines turn out to be -- you know,  
11 to have a dimension themselves in relation to what they're  
12 adjacent to that's rather thick.

13                   Now, on the other hand, we have this GIS  
14 data base, which the Council also has, and, of course,  
15 it's got the same underlying information in it. And using  
16 the GIS format, the engineers can use the computer to plot  
17 the lines, which is more accurate. And it also gives you  
18 a product that can result in a printed-out map or a hard  
19 copy. We can also give you the data, give you another  
20 layer for your GIS data base, which you then put into your  
21 data base. And that just gives you the ability to look at  
22 it on the screen at different levels of resolution. And  
23 it enables the companies to get the work done faster. And  
24 that product is this large map that I just also handed out

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1 to you.

2 This -- maybe it wasn't. I'm sorry.

3 A VOICE: Waiting for the cue.

4 MS. BARTOSEWICZ: I just want to interject,  
5 Chairman. The reason we're kind of going through this now  
6 is because we think it's relevant to EMF. And there's  
7 some work involved. And we'd like to do this work in  
8 advance of September and so that you know what work  
9 product you might end up with.

10 MR. FITZGERALD: Now, it -- the large map  
11 includes the Segment 15, which was on the first example  
12 that we handed up. It obviously extends beyond that.  
13 This has got, I think --

14 Rich, is there seven, seven segments on  
15 here?

16 And so there would be a number of these  
17 maps to cover the whole overhead section.

18 CHAIRMAN KATZ: Does that conclude your  
19 request? I'm trying to be a good Navajo here and let you  
20 --

21 MR. FITZGERALD: Yes. Yes, it does.  
22 Except to say that, obviously, we would like to get some  
23 direction from the Council as to how we should go.

24 CHAIRMAN KATZ: Okay.

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1                   Okay. I'm going to at this time -- first  
2 I'd like to make those exhibits or -- I shouldn't call  
3 them exhibits. Those documents that you handed up  
4 available to the parties and intervenors behind you.

5                   MS. RANDELL: Certainly.

6                   CHAIRMAN KATZ: And I want to give the  
7 parties and intervenors an opportunity to comment on a  
8 couple of items. First -- well, four items. Should the  
9 Siting Council hold an evidentiary hearing on EMF on  
10 September 9? Should a September 9 hearing discuss DOT  
11 routing? Should the -- what would you call it?  
12 Teleconferences? -- conference calls with the ROC Group  
13 continue and at what frequency? And should there be a  
14 field trip to the stat com in Glenbrook? EMF. Yes.

15                   Is there any party or intervenor who wishes  
16 to comment on a possible evidentiary hearing September 9?

17                   After we do that, we're going to have a  
18 short recess to allow people to look at those documents  
19 that the applicants just referred to.

20                   If you could just identify yourself to  
21 start off?

22                   MR. MONTE FRANK: Sure. Monte Frank for  
23 the Town of Woodbridge, Weston and Wilton.

24                   MR. RICHARD BURTURLA: Richard Burturla on

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1 behalf of the Town of Cheshire. But I'll be speaking  
2 after having consulted with a number of the other  
3 municipal attorneys.

4 MR. FRANK: For the record, with me is  
5 David Ball. And Julie Kohler is here on behalf of the  
6 City of Milford.

7 CHAIRMAN KATZ: Okay.

8 And, Mr. Boucher, we see you. So we will  
9 recognize you, also.

10 And, Mr. Blumenthal, welcome.

11 ATTORNEY GENERAL RICHARD BLUMENTHAL: Yes.  
12 Thank you very much, Madam Chairman. I will follow or go  
13 in whatever order you please.

14 CHAIRMAN KATZ: Okay.

15 ATTORNEY GENERAL BLUMENTHAL: Thank you.

16 CHAIRMAN KATZ: Mr. Frank, I guess you were  
17 first to the microphone. So --

18 MR. FRANK: Thank you, Madam Chairman.  
19 First of all, the towns have no objection to the agenda  
20 for September 8. I think in light of what has occurred in  
21 this docket and the issues that have been raised, the  
22 agenda for September 8 makes a lot of sense.

23 With respect to the suggestion that we have  
24 evidentiary hearings on September 9, the towns object to

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1 that for a number of reasons. One, most importantly, the  
2 Council needs to understand that the towns and the other  
3 parties have spent a considerable amount of money and time  
4 and resources studying and analyzing an application that  
5 was put forth before the Council that has changed  
6 dramatically. The towns had nothing to do with that,  
7 obviously. We are not seeking to delay. We have  
8 participated in the process. We have engaged experts. We  
9 have attended all the public hearings.

10 As a result of the change of the  
11 application, the towns at this point have really no  
12 interest in expending additional costs in attorneys' time  
13 and experts' time to analyze an application that, frankly,  
14 the applicants are not firmly behind.

15 We would prefer to see an application come  
16 back to the Council that both the ISO New England and the  
17 applicants are behind and then engage in the process of  
18 analyzing it further and participating in public hearings.

19 Secondly, on the topics that have been  
20 raised, we are now in the middle of or towards the end of  
21 August. And from a practical standpoint, for the towns to  
22 engage in studying these issues and presented pre-filed  
23 testimony, I, frankly, don't think there's enough time in  
24 order to do the job that we feel would be appropriate in

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1 order to present the evidence to the Council in the  
2 appropriate manner.

3 CHAIRMAN KATZ: Mr. Burturla?

4 MR. BURTURLA: Well, on behalf of Cheshire,  
5 I would join in those remarks of Attorney Frank. And I  
6 would also note that we support the continued efforts of  
7 the ROC Group to study the proposed route and to study the  
8 maximization of undergrounding.

9 We would respectfully suggest that those  
10 studies with respect to technological feasibility should  
11 go beyond the 24-mile, what is feasible to what must be  
12 done to have 24 miles of undergrounding.

13 We respectfully submit that what is  
14 feasible -- that they should be looking beyond that to  
15 determine what is the maximum extent necessary.

16 CHAIRMAN KATZ: Well, I think I sent that  
17 arrow across and I think it hit the target.

18 MR. BURTURLA: Well, we would like to go on  
19 record. And that's the purpose for making that remark,  
20 our remarks today in that vein.

21 We also believe that the teleconferences  
22 should continue and that they should continue on a weekly  
23 basis. The municipalities have great interest, as the  
24 Chair knows, in this particular subject.

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1 CHAIRMAN KATZ: Ms. Kohler? Followed by  
2 Mr. Boucher, if he wishes to speak, followed by Mr.  
3 Blumenthal.

4 MR. JULIE KOHLER: My colleagues have  
5 articulated the city's position as well. I think that we  
6 would agree that the field trip to Glenbrook would be an  
7 interesting one and one that we would look forward to.  
8 And that we would also join in the fact that the ROC  
9 committee meeting should be held on a weekly basis and the  
10 towns be allowed to participate. And I don't believe that  
11 there's an objection to the hearing, the issues about the  
12 DOT routing, discussions about that, at least as far as  
13 Milford goes.

14 CHAIRMAN KATZ: Thank you.  
15 Mr. Boucher, can we get you to a  
16 microphone? Identify yourself.

17 MR. PETER BOUCHER: Thank you, Madam  
18 Chairman. Peter Boucher on behalf of the Towns of Durham  
19 and Wallingford. I would certainly want to state my  
20 concurrence with the comments of the other town counsel  
21 who preceded me. And what I would, by way of addition,  
22 comment on is that what we heard from the applicants this  
23 morning, applicants' counsel, is that they are still  
24 attempting to keep the 24 miles that have been proposed



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1 viably underground as opposed to the Chair's letter of the  
2 14<sup>th</sup>, which is to push forward on seeing how much could be  
3 maximized. What's the maximum amount that could be  
4 undergrounded?

5                   So I'm not sure that the Chair's admonition  
6 has been taken up as the ROC committee's charge. And I  
7 would hope that they will be realigned with that very  
8 important distinction that the Chair has made in writing  
9 on July 14.

10                   The other comment I would make certainly on  
11 behalf of Durham and Wallingford is that the applicants,  
12 through the ROC committee process, are exploring cases in  
13 which modifications to either the facilities or the  
14 operations, the operation of the Phase 1 facilities, have  
15 to be undertaken and examined in order to find ways to  
16 make the applicants' proposal here reliably or  
17 sufficiently reliable to meet the requirements of the ISO.

18                   And for our part, meaning towns at this  
19 point only hearing about aerial configurations, Durham and  
20 Wallingford, there are others, we would hope that the ROC  
21 committee will undertake an unlimited look and not some  
22 kind of self-proposed look at ways in which the  
23 configuration in Phase 1 could be modified either  
24 physically or operationally in order to permit more

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1 undergrounding in Phase 2.

2                   And we will attempt to more clearly  
3 articulate what we think they might -- they should be  
4 looking at in order to take the restrictions off of Phase  
5 2 that apparently have resulted from the Phase 1  
6 configuration.

7                   That's all I have. Thank you.

8                   CHAIRMAN KATZ: Thank you.

9                   Mr. Bloom -- oh. Mr. Blumenthal and then  
10 Mr. Bloom. I just thought -- I was thinking of doing all  
11 the towns.

12                   ATTORNEY GENERAL BLUMENTHAL: Oh. Well --

13                   CHAIRMAN KATZ: If you don't mind, sir.

14                   ATTORNEY GENERAL BLUMENTHAL: That's fine  
15 with me.

16                   CHAIRMAN KATZ: Is there any other town?

17                   Mr. Knapp, you're next after Mr. Bloom.

18                   MR. IRA BLOOM: Thank you, Madam Chairman.

19 Ira Bloom, representing the Town of Westport. With regard  
20 to your specific question of September 9 being utilized to  
21 discuss the DOT new routing, we would object to that at  
22 this point. We will attend this afternoon's session. I  
23 understand the DOT was asked to have that kind of a  
24 session to explain their views. And we'll be there to

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1 listen. But I think that it's way premature to begin any  
2 sort of evidentiary hearings on that and, indeed, I think  
3 would be inappropriate at this point.

4 We would view that as a new application.  
5 And it has not been formally presented or proposed. And I  
6 think at this point it would be inappropriate and  
7 premature to begin any sort of deliberations on September  
8 9 with regard to their preferred routing.

9 Thank you.

10 CHAIRMAN KATZ: Thank you.

11 Mr. Knapp?

12 MR. ERIC KNAPP: Thank you, Madam Chair.  
13 Eric Knapp, Town of Middlefield. Just very briefly. I  
14 would concur with much of what has been said. I would say  
15 that a field trip to the stat com would be of great  
16 interest to the Town of Middlefield. The ROC conference  
17 calls should probably be continued on a weekly basis.

18 I don't know that Middlefield has  
19 particular interest one way or the other in whether the  
20 DOT routing goes forward on September 9 or not because it  
21 doesn't affect us particularly.

22 Given that things at this point are  
23 dramatically up in the air, I think sort of further  
24 evidencing on EMF and things of that sort may be premature

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1 simply because we're getting to the point where we have  
2 ABB which has information that we haven't heard. We have  
3 other things that are really up in the air. And we seem  
4 to be chasing down avenues that, you know, we do a lot of  
5 work looking into and then it turns out that we really  
6 almost wasted our time to some extent. So I would --

7 CHAIRMAN KATZ: Peter, Paul & Mary had a  
8 song about that.

9 MR. KNAPP: I would ask, I guess, that,  
10 given the towns' limited resources, that before the towns  
11 spend a great deal more effort, we try and limit the  
12 numbers of places the town would have to spend their money  
13 because we're really reaching the point -- I think all the  
14 towns are -- where we've exhausted the original pool we  
15 sort of went into this with and the First Selectmen and  
16 Mayors and such are sort of scrambling to figure out how  
17 to go forward at this point.

18 And any efforts that can be made to sort of  
19 limit the number of avenues that the towns need to  
20 investigate would be appreciated by the towns.

21 CHAIRMAN KATZ: Thank you, Mr. Knapp.

22 Mr. Ball? Followed by Mayor Knopp.

23 MR. DAVID BALL: Thank you, Chairman Katz.

24 I just wanted to follow up on one of the -- David Ball for

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1 the Towns of Woodbridge, Wilton and Weston. I just wanted  
2 to follow up on one of the comments Mr. Knapp just made,  
3 which I agreed with.

4 In the process of the ROC group, we had  
5 been hearing reports from the applicants as to meetings  
6 that were ongoing with ABB to look at DC technology and  
7 the possibility of a configuration or at least studies  
8 that would take that into consideration. I don't believe  
9 that we've heard anything about it today. I would  
10 certainly -- I think it might be useful to understand from  
11 the applicants where that stands, whether or not they  
12 contemplate some sort of proposal that does include a DC  
13 segment. If so, then we ought to talk about when we would  
14 hear back from them and possibly evidentiary hearings on  
15 that topic obviously in the future.

16 CHAIRMAN KATZ: Thank you, Mr. Ball.

17 MR. BALL: Thank you.

18 CHAIRMAN KATZ: Mayor Knopp?

19 MAYOR ALEX KNOPP: Thank you, Chairman  
20 Katz. Alex Knopp, Mayor of Norwalk. Two comments.  
21 First, on the DOT routing, I think it might be productive  
22 to wait until after this afternoon's meeting to get a  
23 sense of the timing of those inquiries.

24 The DOT route, as people may know, is three

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1 miles longer than the applicant's route. And all of the  
2 discussion in terms of the ROC committee, in terms of the  
3 length being so critical, it just seems premature. And,  
4 therefore, I would agree that evidentiary hearings on  
5 September 9 would not be productive on the DOT routing.

6                   Second, I hope that the -- in terms of the  
7 process meeting this morning, that the four items you've  
8 asked for comment on are not really all that we'll be  
9 discussing. In my view, the letter that Attorney General  
10 Blumenthal sent earlier this month, endorsed by I think  
11 all of the towns, really is the most critical issue, which  
12 is what happens -- what process should we be establishing  
13 after the ROC report is submitted? I think that is really  
14 the meat and bones of the process issue. And these other  
15 ones are interesting but, in my view, relatively minor.

16                   I realize you have to procedurally deal  
17 with them. But I hope that this morning we will address  
18 the major concerns of the towns, which was the proposals  
19 made in Attorney General Blumenthal's letter.

20                   CHAIRMAN KATZ: Yes. We -- that I only  
21 brought up because we were discussing the September  
22 calendar.

23                   MAYOR KNOPP: Okay. Thank you.

24                   CHAIRMAN KATZ: And the ROC report would be

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1 in the October calendar.

2 MAYOR KNOPP: Thank you.

3 CHAIRMAN KATZ: Mr. Blumenthal.

4 ATTORNEY GENERAL BLUMENTHAL: Thank you.

5 Thank you, Madam Chairman. First, let me thank the  
6 Council and the Chairman in particular for the leadership  
7 that you have provided in this very difficult and  
8 challenging situation.

9 We have no objection per se to meetings or  
10 hearings such as the one that's been suggested for  
11 September 9. But we're very sensitive to the concerns  
12 that the towns have raised about limited resources and  
13 time. And so we would concur that those resources should  
14 be saved, if possible, for a time when we have a specific,  
15 concrete proposal before us.

16 And with respect to the conference calls  
17 that have been taking place, again we have no objection to  
18 those continuing. But they do take time and resources.  
19 Even more important, to some extent they create the  
20 illusion -- and it is an illusion -- that this process of  
21 producing the report will be a collaborative one. The  
22 report, the one due on October 4, is a report that will be  
23 submitted to the towns and the State. And our point is  
24 that we really need an opportunity to review, comment,

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1 additional process. We're talking about process this  
2 morning. And an opportunity to give it the kind of  
3 scrutiny, oversight, study that it really deserves. And  
4 that will not take place in those conference calls. And  
5 we would certainly want to avoid any impression or  
6 illusion that there is collaboration or that the proposal  
7 is going to be a joint one.

8                   And I'd just add that I hope, not in any  
9 way disrespectfully, that the October 4 date provided by  
10 the Chairman will be one that is --

11                   CHAIRMAN KATZ: I don't remember saying  
12 October 4. I'm sorry.

13                   ATTORNEY GENERAL BLUMENTHAL: Did you set a  
14 date for the report to be submitted?

15                   CHAIRMAN KATZ: I believe they volunteered  
16 the first week in October.

17                   ATTORNEY GENERAL BLUMENTHAL: First week.  
18 Maybe that's what created my misimpression.

19                   CHAIRMAN KATZ: Yeah.

20                   ATTORNEY GENERAL BLUMENTHAL: And I  
21 apologize. But even more than to my point that perhaps a  
22 firm date ought to be set by the Council for that report  
23 because no one's interests are served by delay. No one  
24 wants delay. And so a firm date, in light of the



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1 confusion that's been created by ISO's late in the day  
2 objections to the plan that was submitted by the  
3 applicants might be interests of everyone concerned.

4 Thank you very much.

5 CHAIRMAN KATZ: Thank you, Mr. Blumenthal.

6 Let me just say that I am hesitant on  
7 setting a firm date because I don't think the applicants  
8 know how long it's going to take for them to come forward  
9 with a case where they can stand up and say, "This is the  
10 way we can build it. This is the way we should build it.  
11 And this is the way we want to build it." And those words  
12 need -- or paraphrase need to be in what is submitted to  
13 this Council for further evidentiary hearings. And words  
14 like "marginally acceptable" and "undesirably complex"  
15 hopefully will be absent.

16 So I'm hesitant to set a firm deadline  
17 because -- and perhaps later we can. But right now, I'm  
18 not sure they know how long it's going to take them to do  
19 it satisfactorily.

20 What I'd like to do is take a brief recess  
21 to allow parties and intervenors to look at the documents  
22 that the applicants discussed. Let's do a ten-minute  
23 recess. And then I'd like to give the floor back to the  
24 applicants after that.

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1 Mr. Fitzgerald?

2 MR. FITZGERALD: Thank you.

3 CHAIRMAN KATZ: Ten-minute recess.

4 (RECESS)

5 CHAIRMAN KATZ: I'd like to hear from Ms.  
6 Kennelly from the Town of Fairfield, who has comments on  
7 behalf of the town.

8 Ms. Kennelly, if we could get you to that  
9 microphone? Would you identify yourself?

10 MS. EILEEN KENNELLY: Yes. Eileen  
11 Kennelly, Assistant Town Attorney for the Town of  
12 Fairfield. K-e-n-n-e-l-l-y.

13 I would like to submit a letter to Mr.  
14 Phelps from our First Selectman which addresses the DOT  
15 proposal. And it is -- what we'd like to say is the DOT  
16 proposal is, as Westport has mentioned, a new application  
17 from our perspective. Everything in it is brand-new, just  
18 came up. We don't feel it can be addressed as early as  
19 September. And this letter just contains our very first  
20 impressions, negative impressions, of the application. We  
21 feel we need much more time to study it.

22 And, of course, we will find it interesting  
23 to see what comes up in this afternoon's meeting. But we  
24 doubt that we'll learn enough at that point to be able to

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1 address it as soon as September.

2 CHAIRMAN KATZ: Okay. Thank you for your  
3 remarks.

4 At this point, I'd like to turn it back to  
5 the applicants.

6 MS. BARTOSEWICZ: Thank you, Chairman.  
7 Anne Bartosewicz for Northeast Utilities. I'm going to  
8 say a few words first.

9 First of all, I appreciate your comments  
10 today. Thank you very much. Particularly on the drop-  
11 dead date for the report, your comments are right on  
12 target. This is a difficult issue. We are, like Mr.  
13 Fitzgerald said, we are working double-time. As we get  
14 information from GE and the consultants, we will know  
15 better whether that first week of October is the date or  
16 not. So I believe the weekly conference calls are  
17 important to let folks know what's going on.

18 I must caution, though, we may have a  
19 conference call one week that says, "I've got nothing to  
20 report because I have nothing to share yet." So I propose  
21 that the first call start the first Tuesday in September.  
22 Give us a couple of weeks to see if we get any results.  
23 And we would propose the exact same time that we've been  
24 having the calls, the exact same format. Nothing's changed

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1 for those calls. But the first one we would propose to be  
2 the first Tuesday in September.

3 CHAIRMAN KATZ: September 7? Right after  
4 Labor Day.

5 MS. BARTOSEWICZ: Right.

6 A couple of other comments. As on the  
7 hearing on the 9<sup>th</sup> on what we proposed was EMF, we didn't  
8 actually perceive pre-filed testimony for that issue. We  
9 just want the opportunity to present and put in the record  
10 the magnetic field mitigation issues that we have been  
11 talking about for a long time in this proceeding. We need  
12 to get those taken care of and at least out there. And  
13 since the day is already set aside, we just feel that we  
14 can put that information into the record. It's a site-  
15 specific basis look. I hope folks got a chance to look at  
16 the maps that we provided. There's a lot of evidence  
17 already in the record on magnetic fields. And this is just  
18 a continuation of an issue that will stay in this  
19 proceeding.

20 So -- we also think that it will help with  
21 your buffer zone discussion as you deliberate on what a  
22 buffer zone really means.

23 Underground -- the C-DOT route. What I'd  
24 like to do is just briefly remind folks that the Chairman

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1 requested that parties come up with their preferred  
2 routes, both -- both the applicants, both all the towns.  
3 And that was to the DOT as well. And when they came in  
4 and testified a month ago or so with their maps and  
5 everything, that was their response to a Council request.  
6 Essentially, we consider that homework and not a new  
7 application.

8                   It is true that this afternoon at 1:30 I  
9 will be -- actually, it will be me moderating the meeting  
10 this afternoon. The DOT is coming, as are all four towns.

11 And I expect a good discussion. And we think that I can  
12 at least report on that discussion in the September time  
13 frame when we have -- if we have those hearings.

14                   And the last thing I guess I would address  
15 is some folks mentioned ABB and the DC work that's  
16 ongoing. Yes, indeed, ABB is still looking a DC solution.

17 And what we would intend to do is, while we're working  
18 with ABB and trying to -- you know, we are working weekly  
19 with them, answering their questions as they're trying to  
20 meet all of the criteria a solution needs to have. And we  
21 will include updates on ABB in our weekly calls just to  
22 keep everybody informed because we expect that before the  
23 end of September that ABB is scheduled to complete their  
24 look at DC.

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1                   And with that, in case I forgot something,  
2 I will turn it back over to Ms. Randell or Mr. Fitzgerald.

3                   MS. RANDELL: Thank you. I would like to  
4 emphasize what we consider to be the real importance of  
5 using September on all the remaining matters. We  
6 understand that the ROC group report is obviously  
7 extremely important. And the technical people will be  
8 working on that and will be doing the updates.

9                   But there are these various issues that are  
10 hanging out there that will need to be addressed no matter  
11 what. And what we're trying to do is provide for a more  
12 efficient process to get from the application to the  
13 decision.

14                   And I think we all recognize from  
15 experience that if you have large gaps in the hearing  
16 process, it's a lot harder to get back to. So if we've  
17 had EMF at various points. It's most efficient, we  
18 believe, to utilize the September time to wrap those up,  
19 close out issues so that we can all move forward.

20                   MR. FITZGERALD: I have nothing further.

21                   CHAIRMAN KATZ: Thank you.

22                   Just some preliminary decisions. First,  
23 I'll have a decision by close of business on Monday  
24 concerning September 9. We do accept having the first

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1 weekly conference call September 7. I'm going to say at  
2 this time a minimum of biweekly after that. But I will  
3 take input on whether people think, after the September 7  
4 call, that weekly is more helpful. The parties and  
5 intervenors.

6 On the stat com visit, my understanding is,  
7 Ms. Bartosewicz, that you will contact the staff  
8 concerning those issues. And -- okay.

9 Are you stretching your legs, Mr. Johnson,  
10 or would you like to be recognized?

11 MR. BRUCE JOHNSON: I was stretching my  
12 legs and I would like to be recognized.

13 CHAIRMAN KATZ: Okay. Have a microphone.

14 MR. JOHNSON: Bruce Johnson on behalf of  
15 the Office of Consumer Counsel, a party in this docket.  
16 Just in general, I think that your own initiatives,  
17 Chairman Katz, explained today and the applicants'  
18 suggestions as well to do -- continue as best we can in  
19 the absence of a definitive ROC report, you know, during  
20 September are excellent. And that's fine. We would  
21 endorse those without being more specific about the  
22 particular items that people have gone into already.

23 And I think it's -- I wanted to make a  
24 couple of comments on the -- since it was referred to

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1 here, the August 12 letter that the 14 towns and the  
2 Attorney General submitted, you know, to try to frame  
3 their thoughts on today's meeting, et cetera.

4                   We certainly agree at OCC that the  
5 procedural rights of all parties to this docket should be  
6 fully honored. And we see no indication that the Siting  
7 Council has any intention of short-changing that aspect.  
8 We think you've done well and that you, you know -- I  
9 would be confident that you would continue. And I think  
10 that's important that all people would have the  
11 opportunity to litigate as they choose the issues of the  
12 docket.

13                   There was one thing that OCC found  
14 bothersome in the letter. And that was a suggestion that  
15 a process should be established to provide further  
16 applicant support for some of the costs that the towns  
17 have or may incur. And it wasn't referred to specifically  
18 in that letter. But there was a news report on July 29 --  
19 and I don't know if it's accurate. It was in the New  
20 Haven Register. That said that the -- several of the  
21 communities would submit a legal bill of more than a  
22 million dollars to the Siting Council demanding that  
23 utilities or the ISO pay.

24                   I haven't seen any such motion or request



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1 as yet. But I would just indicate that if OCC saw such a  
2 request, we would expect to oppose that request. I don't  
3 think it's appropriate.

4 I was surprised that -- because -- the  
5 reason being that if the Siting Council ordered the  
6 applicants to pay such amounts, there was no doubt that  
7 the applicants could, in turn, recover those from rate  
8 payers. And it's clearly a tradition that parties to  
9 these dockets bear their own costs.

10 CHAIRMAN KATZ: Well, we'll cross that  
11 bridge when we come to it.

12 MR. JOHNSON: Understood.

13 The other -- the only other point was that  
14 -- and I guess this will be a matter later in the morning  
15 as you announced it, will be the question of what you  
16 described as Mr. Boucher's two motions. I wanted to, you  
17 know, be clear what those were.

18 If your consideration and contemplation is  
19 that one of those motions is Mr. Boucher's objection to  
20 our Discovery questions, I would just indicate to you that  
21 OCC would -- expects in the near future to comment on Mr.  
22 Boucher's objections in that regard and would ask you not  
23 to rule on that request, if that's -- if you're thinking  
24 of that as one of the motions in question, until you've

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1 heard from OCC on point.

2 CHAIRMAN KATZ: My anticipation on  
3 September 8 was to allow all parties and intervenors who  
4 wish to comment on the Boucher motions to do so.

5 MR. JOHNSON: Thank you.

6 CHAIRMAN KATZ: One other item --

7 MR. FITZGERALD: Could you identify what  
8 two motions --

9 CHAIRMAN KATZ: Mr. Marconi is going to get  
10 to that.

11 MR. FITZGERALD: Okay.

12 CHAIRMAN KATZ: That's -- coming  
13 attractions.

14 One of the other things that I wanted to  
15 just mention, that I understand there's sort of a working  
16 committee to discuss a procedure on how this Council might  
17 be able to entertain oral argument prior to making a  
18 decision.

19 And, Mr. Wertheimer and Ms. Randell, I  
20 guess you were members of that.

21 MS. RANDELL: Indeed.

22 CHAIRMAN KATZ: And I'm thinking that the  
23 morning of September 8, if you people have any preliminary  
24 report, that would be an opportunity to do that, some time

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1 between motions and lunch.

2 MS. RANDELL: Yes.

3 CHAIRMAN KATZ: So just keep that in mind.

4 MS. RANDELL: Yes.

5 CHAIRMAN KATZ: Thank you.

6 Ms. Kohler?

7 MS. KOHLER: I just wanted to eliminate any  
8 misimpression that may have been left. I signed a letter  
9 on behalf of the towns with -- the joint AG letter. And  
10 the press release that Mr. Johnson was talking about and  
11 the Milford Mayor's comments have absolutely nothing at  
12 all to do with the process that was requested or the GE  
13 studies that were noted in that letter.

14 The applicants had already agreed to fund  
15 those GE studies earlier. And we took them out of the  
16 queue at the Council's and the applicants' request. So  
17 the two things are completely separate. I just wanted to  
18 eliminate any misimpression.

19 CHAIRMAN KATZ: Thank you for that  
20 clarification.

21 MS. RANDELL: Madam Chairman?

22 CHAIRMAN KATZ: Yes?

23 MS. RANDELL: Could I respond and hopefully  
24 alleviate any concerns of the towns with respect to the

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1 frequency scans? What I now know the GE studies really  
2 are.

3 We remain committed, the companies remain  
4 committed, to what we agreed to before. And in order to  
5 speed the process, we have determined that ABB is able to  
6 frequency scans. And so -- and other studies. And so, to  
7 the extent that we can move this process along, we can get  
8 that going and talk to the towns about having ABB do the  
9 scans because GE is going to be busy doing further scans  
10 and studies and transient analyses and so on for the ROC  
11 group between -- at least for much of the month of  
12 September. So we would like to see if we can move along  
13 parallel paths.

14 CHAIRMAN KATZ: Understood.

15 Woodlands Coalition? Ms. Wiesenthal-Gold?

16 MS. RUTH ANN WIESENTHAL-GOLD: Yes. Do you  
17 need me to say it and spell it?

18 COURT REPORTER: Yes, please.

19 MS. WIESENTHAL-GOLD: Okay. Ruth Ann, two  
20 words, no "E". Wiesenthal, W-i-e-s-n-t-h-a-l, hyphen,  
21 Gold, G-o-l-d.

22 I just wanted to ask -- it was talked about  
23 earlier in public comments regarding buffer zone. Can --  
24 do people need to attend that hearing on the 8<sup>th</sup>? Or can

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1 they send in written statements?

2 CHAIRMAN KATZ: Well, I am not -- my --  
3 well, this will be on tomorrow's running route to think  
4 this out a little more. But I had not anticipated pre-  
5 filed. What I had, therefore -- yeah, I guess we could  
6 figure out a way to take statements if they can't come.

7 MS. WIESENTHAL-GOLD: Okay. Thank you.

8 CHAIRMAN KATZ: Yeah. But I would  
9 encourage attendance because one of the things -- why this  
10 is not a limited appearance and not a public hearing is  
11 because I want to give the opportunity for Council members  
12 to ask the speakers questions.

13 MS. WIESENTHAL-GOLD: Okay. We'll try.  
14 But, you know, people are upset as it is that the hearings  
15 are held not -- they feel that they should be held in  
16 their town in the evenings. And part of -- obviously,  
17 people do work.

18 CHAIRMAN KATZ: Yes.

19 MS. WIESENTHAL-GOLD: And they're not  
20 always able to come in. So I didn't know if a compilation  
21 of statements could be made and handed in or --

22 CHAIRMAN KATZ: I think we can work out a  
23 way to do that.

24 MS. WIESENTHAL-GOLD: Okay.

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1 CHAIRMAN KATZ: I see your point. It's a  
2 good point.

3 MS. WIESENTHAL-GOLD: Thank you.

4 CHAIRMAN KATZ: Representative Adinolfi?

5 REPRESENTATIVE ADINOLFI: Thank you.

6 Representative Adinolfi, A-d-i-n-o-l-f-i, representing the  
7 103<sup>rd</sup> District, Wallingford, Cheshire and Hamden. Thank  
8 you, Madam Chairman.

9 CHAIRMAN KATZ: Back off a little bit from  
10 the mike.

11 REPRESENTATIVE ADINOLFI: Just two  
12 questions. And I don't really -- I might not even have a  
13 comment. One, who makes the final determination on the  
14 milliGauss level of the MF as a safe value?

15 CHAIRMAN KATZ: Siting Council.

16 REPRESENTATIVE ADINOLFI: The Siting  
17 Council. Okay.

18 CHAIRMAN KATZ: Unequivocally.

19 REPRESENTATIVE ADINOLFI: Okay. Well, what  
20 -- the reason I'm asking that question -- everything I've  
21 read in the last few weeks has been talking of three  
22 milliGauss. And I heard testimony here -- I think we're  
23 reinventing the wheel. We went to .6 milliGauss and point  
24 -- and three milliGauss. Have you made that decision?

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1 CHAIRMAN KATZ: No.

2 REPRESENTATIVE ADINOLFI: Okay. So -- but  
3 I think the applicants are -- I believe the applicants  
4 have made that decision because all their literature  
5 speaks that way. I mean what you've been asking for, this  
6 chart -- and I hate to send them back to the drawing  
7 board. Maybe they should have .6 milliGauss in there also  
8 so we could make a determination later. So that's my  
9 first question you answered.

10 The second question is who makes the final  
11 decision on feasibility? Because it seems that the only  
12 people who are making the decisions on feasibility are the  
13 ROC group right now. And the ROC group, unless I'm  
14 missing something, consists of strictly the applicants and  
15 ISO.

16 CHAIRMAN KATZ: The Siting Council  
17 unequivocally makes the decision on feasibility.

18 REPRESENTATIVE ADINOLFI: Okay.

19 CHAIRMAN KATZ: The ROC group is putting  
20 forth a report that the Siting Council will use as part of  
21 its decision-making process. And all parties and  
22 intervenors will have an opportunity to comment on the ROC  
23 group's report.

24 REPRESENTATIVE ADINOLFI: Okay. Thank you.

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1 The other point I wanted to make is that I had expected  
2 to see a complete underground route. It can be done.  
3 Whether it's feasible or not is another decision.

4 CHAIRMAN KATZ: Well, you're --

5 REPRESENTATIVE ADINOLFI: An underground  
6 route in the areas where there's schools according to the  
7 Public Act.

8 CHAIRMAN KATZ: Okay.

9 REPRESENTATIVE ADINOLFI: Okay? They might  
10 not even be near that area at that time. To go  
11 underground, they might have to go alternate routes and  
12 stuff. But I have been waiting to see an underground  
13 route that could be done. They might have to add more  
14 stat coms or shunt reactors or whatever means they do to  
15 make it work. And then the Siting Council will say, well,  
16 maybe this is not feasible or it isn't feasible because  
17 you might need a shunt reactor every two or three miles,  
18 which obviously would be not feasible.

19 But I would -- when will we see that plan?  
20 We haven't seen that yet. And I said it before and I'll  
21 say it again. We're putting the cart before the horse.

22 CHAIRMAN KATZ: Respectfully --

23 REPRESENTATIVE ADINOLFI: Go ahead.

24 CHAIRMAN KATZ: I disagree.



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1 REPRESENTATIVE ADINOLFI: Okay.

2 CHAIRMAN KATZ: My -- the charge to the ROC  
3 group is to maximize undergrounding. So I anticipate that  
4 they will come in with a case that they can feel they can  
5 defend that has the maximum amount of undergrounding. I  
6 don't want them to come in with an all-underground line  
7 and then tell us, "Well, this is what it would look like,  
8 but we can't build it." I'm not sure that's -- or "It  
9 won't work." I'm sure that's -- I don't think that's  
10 helpful to any of us. So, they -- I --

11 Ms. Randell, please tell me the ROC group  
12 understands the charge of maximizing undergrounding.

13 MS. RANDELL: Yes, they do.

14 CHAIRMAN KATZ: Okay.

15 REPRESENTATIVE ADINOLFI: Well, all I've seen so far --

16 CHAIRMAN KATZ: Yes.

17 REPRESENTATIVE ADINOLFI: -- is to prove  
18 their -- say that what they already have proposed --

19 CHAIRMAN KATZ: Yes.

20 REPRESENTATIVE ADINOLFI: -- will work.

21 CHAIRMAN KATZ: Right. And they understand  
22 they have to do more. And if they cannot, they -- they  
23 understand that they have to maximize undergrounding. And  
24 that means that they have to look at Segments 1, 2, 3 and

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1 4.

2 REPRESENTATIVE ADINOLFI: Thank you.

3 CHAIRMAN KATZ: Thank you.

4 REPRESENTATIVE ADINOLFI: If they do that,  
5 I'll be happy.

6 CHAIRMAN KATZ: Mr. Schaefer?

7 MS. RANDELL: While Mr. Schaefer is walking  
8 to the microphone, just to clarify. The companies did, of  
9 course, identify where an all-underground route would be.  
10 And that would be -- that is in the application. But  
11 that's -- that's a separate issue than what the ROC group  
12 is doing.

13 CHAIRMAN KATZ: Okay. Perhaps after the  
14 meeting, you could give the Representative that citation  
15 again.

16 MS. RANDELL: Certainly.

17 REPRESENTATIVE ADINOLFI: Thank you.

18 CHAIRMAN KATZ: Mr. Schaefer?

19 MR. DAVID SCHAEFER: Thank you, Madam  
20 Chairman. The communications with the applicants may be  
21 at a level that I'm not aware of. But when I saw the  
22 interim report, it appeared to be can we find a way to do  
23 the 24 miles that the applicants proposed to put  
24 underground. When saying you want to look at maximizing

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1 undergrounding, does that assume that the first 24 miles  
2 of undergrounding will necessarily be where the applicants  
3 have proposed? And isn't part of the charge to say,  
4 "Well, if we want to underground in areas where there are  
5 large concentrations of children or schools or whatever,  
6 we can do that if we give up one mile of the original 24."  
7 In other words -- or I -- my impression is that the  
8 applicants are coming to the table with an assumption that  
9 the first 24 miles of undergrounding are what they  
10 proposed. And I didn't know if that's an assumption that  
11 the Council had signed off on.

12 CHAIRMAN KATZ: No. The Council has not  
13 signed off on the assumption that the first 24 miles of  
14 undergrounding have to be in Segments 3 and 4. The  
15 applicants have the charge of taking a holistic approach  
16 to maximizing undergrounding.

17 Applicants, is that your understanding,  
18 also?

19 MS. RANDELL: Yes.

20 CHAIRMAN KATZ: Thank you.

21 MR. SCHAEFER: Okay. And I have a comment  
22 on the maps. I don't know if you want that now or you --

23 CHAIRMAN KATZ: Sure.

24 MR. SCHAEFER: -- want to wait. Just that

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1 -- while I'm not a technical person, there's differences  
2 in resolution, whatever. If it turns out that the  
3 computerized map is going to be submitted to the Council,  
4 I would ask that one copy of the software and underlying  
5 data in a computer format be provided to the towns so it  
6 can be given to an expert they retain so they can analyze  
7 and manipulate the material in the same way that the  
8 Council and the applicants can.

9 MS. BARTOSEWICZ: I would say that the  
10 software is GIS. And I don't believe I can give that to  
11 anyone. If you have it, you do. If you don't, you don't.  
12 But I --

13 CHAIRMAN KATZ: Can they sell it to  
14 anybody?

15 MS. BARTOSEWICZ: I believe so. Most towns  
16 have GIS.

17 MR. SCHAEFER: Well, again, I'm not a  
18 technical -- without having had time this morning to  
19 consult with technical people, I don't -- I will tell you  
20 on the EMF calculations, I asked for the model being used  
21 in the data and it was not given in a form that was  
22 usable.

23 CHAIRMAN KATZ: Okay.

24 MR. SCHAEFER: And so I assume they're

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1 going to provide it to the Council in a form that you can  
2 use with respect to your GIS system and would say that it  
3 should be given, not in hard copy, but given in the same  
4 computer disk format to the towns so that they have the  
5 ability to utilize, analyze and manipulate the data in the  
6 same way.

7 CHAIRMAN KATZ: Okay. Why don't we take  
8 that under advisement? And I'll ask the applicants --

9 MS. BARTOSEWICZ: What we can provide is  
10 the data layers. I can't provide you the GIS system in  
11 which to read those data layers. I can provide you a hard  
12 copy of the maps in the large format.

13 CHAIRMAN KATZ: Okay. Well, as I say, we  
14 have GIS at the Siting Council. Most towns have GIS. And  
15 I think there's -- yes. And our competent staff will work  
16 out those details.

17 But let me just say I'm hesitant to direct  
18 the applicants to develop many maps using assumptions  
19 where we as a Siting Council may not be there yet. For  
20 example, on Segment 15, you used an assumption of 15  
21 milliGauss. You used assumptions on a definition of a  
22 residential area. Things that we as the Council have not  
23 necessarily adopted that criteria as our criteria yet.

24 MS. BARTOSEWICZ: But the benefit of those

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1 maps is every structure, every house, every building,  
2 every business is identified. So you can see what -- you  
3 can choose a different criteria and -- anyone can. And  
4 you can interpret the data and you can do the map that  
5 way.

6 CHAIRMAN KATZ: Yeah.

7 MS. BARTOSEWICZ: So every house is there  
8 to be able to be counted.

9 CHAIRMAN KATZ: Good point.

10 MS. BARTOSEWICZ: Which is a benefit of  
11 that, of the GIS map and drawing those lines. And we've  
12 done it for the three and the six milliGauss case and the  
13 fifteen gigawatt and --

14 CHAIRMAN KATZ: I believe the map is just  
15 on the 15 gigawatt case.

16 MS. BARTOSEWICZ: Correct.

17 CHAIRMAN KATZ: Which I personally am not  
18 there yet.

19 Yes, briefly, Mr. Frank. And then I'm  
20 going to go to Mr. Marconi who is going to talk about the  
21 motions.

22 MR. FRANK: Thank you, Chairman Katz. Just  
23 picking up on the point you just raised, the towns have  
24 some serious concerns about the maps that are being

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1 proposed for a number of reasons. And we've stated these  
2 objections on the record during the hearings.

3 We do not believe that these exhibits are  
4 probative at all. And we think they're, frankly,  
5 misleading. One is the fact that it's based on a 15-  
6 gigawatt case. There's been evidence that New England  
7 peak load of 30 gigawatts is coming in the very near  
8 future. It assumes that mitigation measures work. And  
9 there's been scant evidence of that. It assumes a  
10 definition of residential areas --

11 CHAIRMAN KATZ: Right.

12 MR. FRANK: -- and so forth. It assumes  
13 that the three to six-milliGauss measurement is  
14 appropriate.

15 CHAIRMAN KATZ: Right. And --

16 MR. FRANK: There's been substantial  
17 testimony that background --

18 CHAIRMAN KATZ: Yes.

19 MR. FRANK: -- or safe levels of load --

20 CHAIRMAN KATZ: You're commenting on the  
21 merits of the evidence. And we're -- don't do that.

22 MR. FRANK: I do think that it's premature  
23 and that it makes sense to wait until after the technical  
24 session.

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1 CHAIRMAN KATZ: Okay.

2 MR. FRANK: Thank you.

3 CHAIRMAN KATZ: Okay.

4 Mr. Marconi, if you could elaborate on the  
5 motions that we will be taking up and our requests on pre-  
6 filing?

7 MR. MARCONI: There were several -- a  
8 couple of motions that were filed by Attorney Boucher in  
9 July. One of them is the -- entitled Procedural Motion of  
10 Towns of Durham and Wallingford in which part of the  
11 request is that the Council reconsider, reopen its  
12 decision in Docket 217.

13 The Council will address that in one of its  
14 Council meetings in which it will be published in the  
15 agenda when this motion is going to be considered, whether  
16 it be in August or September.

17 CHAIRMAN KATZ: But not on September 8.

18 MR. MARCONI: Right. It's not to be part  
19 of the 272 hearing.

20 If the Council winds up granting that  
21 motion, then the Council will then have to decide whether  
22 or not to go on to consolidation of the proceedings. If  
23 the Council denies that motion, then it makes the second  
24 step of that motion, the consolidation, moot.



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1                   On September 8, we can consider at least  
2 part of the motion which is -- which can be taken  
3 separately, which is Point No. 3, the request to update  
4 the Council's, quote, best management practices for  
5 electric and magnetic fields for electric transmission  
6 lines, end quote, and apply the updated best practices to  
7 the pending proceedings.

8                   That could be considered on September 8.  
9 In that case, we would want to have any comments in  
10 writing received by September 1 so we have about a week to  
11 go through those comments.

12                   The other motion is a Motion to Compel  
13 Discovery. During the break, Attorney Boucher had advised  
14 me that that part -- that motion may be moot because  
15 they're making now another Discovery Request that might be  
16 worked out with the applicants, as I understand it.

17                   I'd like both Attorney Boucher and  
18 applicants' counsel to be able to address what they  
19 understand is now pending.

20                   Attorney Boucher?

21                   MR. BOUCHER: Yes. Thank you. The Motion  
22 to Compel was to compel a response to a Discovery Request  
23 on behalf of Durham that certain EMF readings be made  
24 throughout a particular location in the town. Since that

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1 motion was filed, I have been in discussions with counsel  
2 for CL&P. Yesterday we filed a substitute motion for  
3 Discovery which withdrew the earlier one which was the  
4 subject of the Motion to Compel. And at this point, we  
5 are reasonably confident that a response to that motion --  
6 a response to that request for Discovery is going to be  
7 forthcoming. So I believe the -- certainly the Motion to  
8 Compel is now moot.

9 MR. MARCONI: So we will not be addressing  
10 on the 8<sup>th</sup>, applicants' counsel?

11 MR. FITZGERALD: Yeah. I think there's no  
12 -- that corresponds with my understanding. There's no  
13 need to take up that previous motion. That's now off the  
14 boards and we're discussing a resolution of the new  
15 motion.

16 CHAIRMAN KATZ: Thank you.

17 MR. MARCONI: So basically -- again, my  
18 understanding is the only thing left now on the 8<sup>th</sup> of  
19 your motions would be the procedural motion of the Towns  
20 of Durham and Wallingford, Items 3 and 4.

21 MR. BOUCHER: Okay. Thank you.

22 CHAIRMAN KATZ: But, again, the morning of  
23 the 8<sup>th</sup>, if there are other procedural matters that we  
24 need to take up concerning this docket, that would be a

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1 good time to take them.

2 I'd also like to make a note that --

3 Mr. Johnson?

4 MR. JOHNSON: Well, you know, there was one  
5 of those procedural matters involves OCC. I know the  
6 custom of the Council is to, you know, deliberate in  
7 public on motions that have been placed before it but not  
8 to -- you know, not to take comment or argument from the  
9 attorneys or others interested at that time. Is that what  
10 you're saying that you would --

11 CHAIRMAN KATZ: No.

12 MR. JOHNSON: -- be doing on the 8<sup>th</sup>? Or  
13 would you --

14 CHAIRMAN KATZ: I was going to -- I was  
15 going to have us go mostly on the paper. But I was going  
16 to give an opportunity for supplemental comments by  
17 parties and intervenors.

18 MR. JOHNSON: Thank you.

19 CHAIRMAN KATZ: I want to mention that  
20 we've been talking about the possibility of a evidentiary  
21 hearing on September 9 on certain matters. The Council  
22 had put aside at the end of September some other dates.  
23 September --

24 MR. S. DEREK PHELPS: Subject to check,

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1 Chairman, 28, 29 and 30 September.

2 CHAIRMAN KATZ: So some of the requests for  
3 September 9 -- those later dates in September, it might be  
4 more appropriate. But, again, the Council will have a  
5 decision by close of business on Monday.

6 Any other process matters we need to take  
7 up today? Going once --

8 Thank you everybody for your attendance.

9 We are adjourned.

10 (Whereupon, the meeting was adjourned at  
11 11:25 A.M.)

12

## 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.

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In witness whereof I have hereunto set my hand and do so attest to the above, this 23rd day of August, 2004.



Paul Landman  
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