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STATE OF CONNECTICUT

SITING COUNCIL

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CONNECTICUT  
SITING COUNCIL

TECHNICAL SESSION MEETING

RE: DOCKET NO. 272

CONNECTICUT LIGHT & POWER COMPANY

AND UNITED ILLUMINATING COMPANY

SEPTEMBER 8, 2004

CENTRAL CONNECTICUT STATE UNIVERSITY  
INSTITUTE OF TECHNOLOGY & BUSINESS DEVELOPMENT  
185 MAIN STREET  
NEW BRITAIN, CONNECTICUT

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1 . . . . . Verbatim proceedings of a meeting of  
2 the State of Connecticut Sitting Council in the matter of  
3 an application by Connecticut Light & Power Company and  
4 United Illuminating Company, held at Central Connecticut  
5 State University Institute of Technology & Business, 185  
6 Main Street, New Britain, Connecticut, on September 8,  
7 2004 at 10:05 a.m., at which time the parties were  
8 represented as hereinbefore set forth . . . . .

11 CHAIRMAN PAMELA B. KATZ: I call this

12 Council meeting to order. The subject of this meeting is  
13 various -- of this morning is various motions having to do  
14 with Docket 272 and some reports. At -- we'll be taking  
15 our lunch break at noon. And then at 1:00 o'clock -- from  
16 1:00 to 5:00 p.m. will be exclusively for public comment  
17 on the buffer zone with questions by the Council. This is  
18 -- this will not be cross-examination after lunch but just  
19 Council questions.

20 The first item on the agenda is -- I have  
21 is -- well, Mr. Phelps, did we have any housekeeping  
22 announcements you need to make before we --

23 MR. S. DEREK PHELPS: (Indiscernible, not

24 near mic) --

CHAIRMAN KATZ: Okay --

MR. PHELPS: -- no, Madam Chairman.

CHAIRMAN KATZ: The first item on the

agenda is motions from the Town of Durham and Wallingford. And I'm going to ask Mr. Marconi to just update us on the

-- what we need to do here.

MR. ROBERT L. MARCONI: And I'd like -- I'd

like Attorney Boucher to correct me if I'm wrong on this,

but my understanding is that there were four -- four

points that were being requested by the Towns of Durham

and Wallingford. One point was a reopening of what has

been commonly called Phase 1, which was basically the

Council Docket 217. A second point that was being

requested was a consolidated then of this docket with

Docket 217. A third point that was being asked was

updating the Council's best management practices for

electric and magnetic fields. And then the fourth point,

as I recall it, was to then apply those best management

practices to a consolidated docket.

First of all, Mr. Boucher, do I have that

correct?

MR. PETER G. BOUCHER: (Indiscernible).

MR. MARCONI: Okay, an affirmative response

from Attorney Boucher. Let me -- let me confirm on the

1 217 aspect, Mr. Boucher, are you representing Durham and  
2 Wallingford or Norwalk on that, because on the appeal of  
3 217 you represented Norwalk? Could I --  
4 CHAIRMAN KATZ: Could you come down to the  
5 microphone, Mr. Boucher.  
6 MR. BOUCHER: My clients in this proceeding  
7 and the ones on behalf of whom I filed that motion are  
8 Durham and Wallingford.  
9 MR. MARCONI: Okay, I just wanted to get  
10 that clarified. Thanks.  
11 MR. BOUCHER: Sure.  
12 MR. MARCONI: Okay. Now, since this is not  
13 Docket 217, I think I've mentioned before, and I think the  
14 Council -- Council Chair concurs is that 217 -- the Motion  
15 to Reopen would be considered at a Council meeting as  
16 opposed to a hearing on this docket. And I think that the  
17 other issue, the consolidation issue, doesn't get acted  
18 upon unless the first one gets passed. So it looks to me  
19 like we have really three -- or one and a half points out  
20 of the four, the question of updating best management  
21 practices and then applying them to Docket 272, and that's  
22 what I believe we would be considering today. And is that  
23 your understanding, Attorney Boucher?  
24 MR. BOUCHER: That's my understanding based

1 on the notice of today's technical meeting, that only the  
2 best management practices issue is going to be the subject  
3 of either comment or determination today.  
4 CHAIRMAN KATZ: Thank you. Okay.  
5 MR. MARCONI: Did you want to ask him to go  
6 first or -- (indiscernible) --  
7 CHAIRMAN KATZ: No, I'll take it. And the  
8 motion to -- as Mr. Marconi mentioned, the Motion to  
9 Reopen Docket 217 would be taken up at a future Council  
10 meeting. I do not anticipate the Council taking that up  
11 until the updated ROC report comes out, until we find out  
12 what the implications of that are as for -- toward Docket  
13 217. And I'm hoping also that the five towns in Phase 1  
14 have worked out their D&M issues prior to us deciding if  
15 we have to reopen 217, which would be a whole other  
16 interesting matter.  
17 (Whereupon, the Motion to Reopen was tabled  
18 for a future meeting.)  
19 CHAIRMAN KATZ: Okay, at this point, Mr.  
20 Boucher, I'm going to ask you to come down to the  
21 microphone and you're going to -- we're going to allow you  
22 to speak first on the Motion to Update the Council's Best  
23 Management Practices. And then I'm going to ask if there  
24 are any other parties and intervenors who wish to the

1 motion and then I'm going to ask the Applicants' attorneys

2 to speak last. Mr. Boucher.

3 MR. BOUCHER: Thank you, Madam Chairman.

4 I'm merely going to supplement the comments that were

5 included in the motion itself and just briefly

6 recapitulate the motion is based on the legislation that

7 was adopted this legislative session, 04-246. It

8 requires, I think as conceived -- as conceived by the

9 Applicants, that the overhead -- any overhead transmission

10 lines have to be consistent with the Council's best

11 management practices. And I believe that that law is the

12 first indication that the Legislature is recognizing that

13 there are best management practices that are in place that

14 have been adopted by the Council. And I believe the

15 Legislature is presumed to know what those standards are

16 as well as when they were adopted, which is -- my

17 understanding is the result of a task force that was

18 created in 1991. And the best management practices, it's

19 my understanding, are essentially in the form they were

20 adopted back in 1993.

21 I think the crust -- the thrust of the

22 issue that the Council needs to decide here is whether the

23 current best management practices are based on the latest

24 completed and ongoing scientific and medical research. I

1 think that's the language out of the special act. And I  
2 think the issue for the Council to decide is whether the  
3 current 1993 version is based on the most up-to-date  
4 medical and scientific research. I submit that it's  
5 probably not, but I think that's an issue the Council has  
6 to decide. If the Council were to decide that it's best  
7 management practices today on its books and as essentially  
8 unchanged since 1993 are based on the most current  
9 scientific and medical research available and underway,  
10 then I think that the job of the Council is quite  
11 straightforward, they would -- they would apply them. But  
12 I don't think the legislature should be presumed to  
13 believe that the 1993 best management practices are based  
14 on the most current scientific and medical research.  
15 The -- the best management practices as now  
16 recognized and authorized and now mandated by the  
17 legislature, as I indicated, have to be applied to  
18 whatever emerges from this docket. I don't think it's a -  
19 - it's a form over substance issue. I think that what the  
20 legislature is intending here is that what would emerge  
21 from this proceeding is a facility that will meet all of  
22 the additional requirements enacted in 04-246, as well as  
23 a facility which is consistent with the current version of  
24 the best management practices.

1 Now, the -- the response that has been  
2 filled by the companies, they refer to the best management  
3 practices that are currently on the books as the initial  
4 best management practices, conceding that they go back to  
5 1993. The companies -- I think they raise some  
6 substantive issues, but I don't think the issues are  
7 dispositive. They talk in terms of the need for a general  
8 standard setting proceeding and some -- and a proceeding  
9 in which in a deliberate manner the Council could address  
10 what should be the best management practices based on  
11 today's scientific and medical knowledge. And I -- I --  
12 that would be nice, but I don't think that's what the  
13 legislature intended. And I take -- I take some comfort  
14 from the Chairperson's public invitation for comment in  
15 which this proceeding and this application was  
16 characterized as perhaps one of the most important ever to  
17 come before the Council, and it's certainly a major and  
18 significant application for a transmission circuit.  
19 I think it would behoove the Council to  
20 conclude that its current best management practices need  
21 to be updated and that this very important proceeding be  
22 based on a more current version of them.  
23 The -- I think the legislature wisely --  
24 when it codified and recognized that there is these best



1 management practices, it wisely exempted them from the  
2 regulation making proceeding process, which could make it  
3 difficult to get through and apply in the context of a  
4 pending application. Instead it specifically said it's --  
5 it's not something that needs to be adopted that way, it's  
6 a standard, it's not a regulation. And I think they've,  
7 essentially, signaled to the Council that this is  
8 something that you should get done in the context of the  
9 pending application, which they also carefully put under  
10 the coverage of the new legislation as well.  
11 So -- although the Applicants in their  
12 objection state concerns about rushing to judgment and  
13 having the leisure of being able to be more deliberative,  
14 I think those concerns are greatly outweighed by what the  
15 Legislature has mandated, and that is that they be made  
16 current and that they be made applicable to the current  
17 application.  
18 And just as another item I want to bring to  
19 the Council's attention, those best management practices,  
20 which are appended to the brief of the objections filed by  
21 the companies, contain two requirements that I would just  
22 want to alert the Council to because I'm not certain that  
23 they're -- that they're currently on the table or  
24 currently being pursued, and that's Item 6 and 8, which

1 are germane because they are relevant to various efforts  
2 on the part of my clients to get existing EMF data into  
3 the record.  
4 Item 6 of the current best management  
5 practices says that there shall be required, quote,  
6 "baseline preconstruction measurements of EMF during  
7 siting of new facilities". I'm not sure we have any that  
8 have been filed in the proceeding so far. The only EMF  
9 measurements that are in the record so far are  
10 measurements which the Applicants themselves dismiss as  
11 meaningless because they are -- they are momentary,  
12 spontaneous milligauss readings without reference to the  
13 line loading at the time or without any indication as to  
14 the extent to which those momentary readings reflect what  
15 would typically be associated with those lines. That's  
16 Item 6.  
17 And Item 8 requires the adoption and use of  
18 a uniform measurement protocol. And I think given that  
19 what's been filed in the record so far are these momentary  
20 EMF readings without regard to any other information which  
21 would make them meaningful, that the Council should  
22 enforce its current EMF base practices -- best management  
23 practices to require that there be such a protocol and to  
24 make sure that it's applied in this proceeding.

1 And with those additional comments, I'm --

2 I thank the Council for its attention.

3 CHAIRMAN KATZ: Thank you, Mr. Boucher.

4 I'd just like to state for the record that as soon as the  
5 Council received the legislation that required the update  
6 of the EMF best management practice, the Council -- the  
7 Executive Director started the Council staff on this  
8 effort. So while we appreciate a motion, we didn't need  
9 one to start the effort, we started it as soon as we got  
10 the legislation, and it's actively being worked on. In  
11 fact, we have enlisted Dr. Ginsberg from Public Health to  
12 help us on the update of the BMS.

13 Is there any other party or intervenor who  
14 wishes to speak to the motion? Mr. Johnson, followed by  
15 Miss Kohler.

16 MR. BRUCE JOHNSON: Good morning, Chairman  
17 Katz and Council members. OCC will offer just very

18 limited comments here.

19 Our reading of Public Act 04-246 is that it  
20 does have a new requirement, as Mr. Boucher is right about  
21 that, which is that the Council must keep itself up-to-  
22 date with its EMF best practices. And I'm -- you know,  
23 obviously, you just commented that the Council understands  
24 the law the same way and has been proceeding in that

1 direction. However, I -- I don't believe that 04-246  
2 offers any judgment in itself on whether the Council is or  
3 is not already up-to-date appropriately in that regard.  
4 It leaves to the Council's discretion whether those  
5 guidelines need to be changed in their wording or their  
6 application as already published.  
7 In part -- it appears to us that Mr.  
8 Boucher's motion on behalf of the Towns is based in some  
9 part on the -- on an assessment that the expert witnesses  
10 already presented on EMF issues in this docket by the  
11 Towns and local other groups have more credibility than  
12 the expert witnesses presented by the Towns. I don't  
13 think the Council needs to go there. And of course we'll  
14 be testing that credibility, that relative comparative  
15 credibility as it makes its decision in this docket. I  
16 don't think it needs to go there, you know, at this time  
17 in order to decide this issue of this motion.  
18 The only other comment OCC will make here  
19 is that we find it noteworthy that in the 217 docket that  
20 EMF issues -- you know, the best management practices were  
21 of course applied there. And the EMF issue as such played  
22 a very secondary role. We -- I look back at the findings  
23 of fact associated with that decision, which had 260  
24 numbered items, as the Council I'm sure painfully

1 remembers, and only three of those items specifically  
2 dealt with EMFs, and of course undergrounning was as hotly  
3 contested in that docket as here, but the litigation on  
4 that issue was not centered on EMF issues at that time and  
5 that was only a year ago. That's all I have. Thank you.  
6 CHAIRMAN KATZ: Thank you. If any Council  
7 member has a question for any of the speakers, just signal  
8 me. Miss Kohler.  
9 MS. JULIE DONALDSON KOHLER: Julie  
10 Donaldson Kohler. The towns support the Durham and  
11 Wallingford motion to the extent that it requests the 1993  
12 best management practices be updated, which sounds like  
13 it's underway.  
14 CHAIRMAN KATZ: Thank you. Any others?  
15 Does the Applicants wish to speak to the motion?  
16 MR. ANTHONY FITZGERALD: Yes. First of  
17 all, I'd like to point out that we filed a brief on this  
18 dated September 3<sup>rd</sup>.  
19 Secondly, I think that Mr. Johnson stated  
20 the legal situation as I would state it, the legislation  
21 specifically does not direct that the Council revise its  
22 best management practices before deciding this docket or  
23 any other docket. And in fact, the only thing it says  
24 about when they shall be revised is that they shall be

1 revised as the Council deems necessary. So as in so many  
2 other instances, it has committed that decision to the  
3 discretion of the Council. And the best management  
4 practices themselves are so open-ended in directing for  
5 instance the Council to take into account the latest  
6 ongoing and completed research in a specific instance, the  
7 exact language that the statute picks up, that they are in  
8 a sense self-renewing, they allow you -- they don't -- let  
9 me put it this way, they don't constrain you from looking  
10 at any research, any field management technique that is  
11 current at the time of a given proceeding.  
12 In the brief I then go on to say well it  
13 could be that the Council may want to update these or  
14 consider whether any updating is required regardless of  
15 whether it's done before or after a decision in this  
16 docket. And I make some suggestions for how you might  
17 want to go about it similar to -- in order to get a  
18 product of equal value and endurance as you did the first  
19 time by involving not just an individual from the  
20 Department of Health but the entire inner-agency EMF task  
21 force, which allows you to tap into the viewpoints of  
22 other agencies as well.  
23 And I would add to that brief only by  
24 saying that -- one thing that's not in the brief, which is

1 I think there's a real danger to adopting general  
2 guidelines in the context of a specific proceeding. Now,  
3 there are certain things that are -- that appear to be  
4 possible with respect to this docket and this line. The  
5 Applicant is turning itself into a pretzel in order to  
6 accommodate public requests and the Council's directions  
7 and requests to lower fields. And -- and there are unique  
8 opportunities to do that in this docket. And those unique  
9 opportunities it seems are likely to be reflected in the -  
10 - in at least some of the overhead construction that is  
11 approved in this docket. That may not be possible  
12 elsewhere. And so if you get your Health Department  
13 consultant and start looking at the evidence in this  
14 docket and then say, okay, we're going to adopt some --  
15 we're going to depart -- for instance -- I mean who knows  
16 what you would do, but as a hypothetical we're going to  
17 depart from our well-established policy of not adopting a  
18 quantitative edge of right-of-way guideline, a milligauss  
19 level, and we're going to adopt one and put it in the best  
20 management practices, you're likely -- if you do that on  
21 the basis of the evidence in this docket, you'd be likely  
22 to be doing something that would essentially destroy the  
23 ability to build other -- some other overhead lines.  
24 So, I think that if you're going to be

1 Looking at a general revision of a document of general  
2 application, you ought to do it in the same kind of way  
3 that the initial document was adopted. Meanwhile, that  
4 document is sufficiently general that it allows you to  
5 consider every bit of legislation to make every kind of an  
6 order that would be allowed were you to update the best  
7 management practices in the context of this docket.  
8 CHAIRMAN KATZ: Okay. Yes, Mr. Lynch.  
9 MR. DANIEL P. LYNCH, JR.: Mr. Fitzgerald,  
10 when you referred to overhead lines and a milligauss  
11 regulation or minimum, are you also including in that  
12 distribution lines, overhead lines?  
13 MR. FITZGERALD: No. The Council doesn't  
14 have any jurisdiction over overhead lines --  
15 MR. LYNCH: Uh --  
16 MR. FITZGERALD: -- but I would point one  
17 thing -- I mean over distribution lines. But I would  
18 point one thing out, the Council has been approving  
19 transmission lines since 1972 or thereabouts, and I think  
20 every one of those lines that's been approved, or at least  
21 most of them, there is a provision that says we find no  
22 basis to adopt any quantitative limitations on EMF. There  
23 is -- the science is now to the point where a hazard has  
24 been established or there is any basis for setting health



1 based exposure criteria; however, we order that if in the  
2 future the Federal Government or the State should adopt  
3 criteria, quantitative criteria, then these lines must be  
4 made to comply with them. And so depending on what the  
5 Council did and how what it did compared with what it  
6 described in the earlier decisions, you could be adopting  
7 a requirement that would of itself then reach back and  
8 apply to all those preexisting lines without knowing what  
9 the effect was going to be.

10 MR. LYNCH: That's part of my inquiry, Mr.  
11 Fitzgerald, that (1), yes, if you do set a milligauss  
12 standard, would it become -- and I know we don't have  
13 jurisdiction over distribution lines -- but would it  
14 become a de facto standard for all overhead lines as well  
15 as the existing transmission and distribution lines?  
16 MR. FITZGERALD: Well, I -- I -- I think  
17 that it would certainly have a lot of ripple effects sure.  
18 People who -- would then say who live next to distribution  
19 lines say -- or exempt transmission lines that were never  
20 under the Council's jurisdiction -- sure would say well  
21 look the Council has recognized that X milligauss --  
22 beyond X milligauss is unsafe, and that's what I've got,  
23 do something about it.

24 MR. LYNCH: Thank you

1 CHAIRMAN KATZ: Thank you. Any -- any  
2 other questions? Mr. Ashton.  
3 MR. PHILIP T. ASHTON: Wouldn't that also  
4 apply to underground --  
5 MR. FITZGERALD: Sure --  
6 MR. ASHTON: -- as well as overhead?  
7 MR. FITZGERALD: Sure. The last -- in the  
8 last scenario that I -- absolutely.  
9 CHAIRMAN KATZ: Alright. And we did have  
10 testimony on EMFs from underground. Okay. Mr. -- yeah,  
11 Mr. Emerick.  
12 MR. BRIAN EMERICK: Mr. Fitzgerald, do you  
13 have any response to Mr. Boucher's comments with respect  
14 to Item 6 and 8 in the existing guidelines and its  
15 application to the current docket?  
16 MR. FITZGERALD: Yeah. 6 -- 6 has  
17 certainly been complied with in the application. Remember  
18 we're talking about measurements here. First of all, in  
19 the application there are measurements reported for the  
20 existing lines and the existing environment in the same  
21 format that has been provided regularly.  
22 It's also the Council's practice to require  
23 -- they're talking here about preconstruction  
24 measurements, and the Council typically will require in

1 the Dam plan that there be measurements taken  
2 preconstruction and post-construction. So, I don't think  
3 there's any issue about that.  
4 The -- I was sort of looking around when he  
5 was talking about 8, the option and use of a uniform  
6 measurement protocol, the -- I believe that there is an  
7 industry protocol for taking EMF measurements, which  
8 specifies such things that they be at the height of one  
9 meter above ground, you know, basically waist level, so  
10 that when you're told that there's a 3 milligauss  
11 measurement at such and such a point, that everybody knows  
12 that means three point -- three feet three inches above --  
13 you know, above the ground, whether you're talking about  
14 an overhead line or -- a field from an overhead line or a  
15 field from an underground line or an ambient field. And I  
16 believe that all of the measurements that have been taken  
17 and submitted are in accordance with that industry  
18 protocol. So to that extent this proviso has been  
19 satisfied. But I think -- you know, I can't testify to  
20 that. That's my --  
21 CHAIRMAN KATZ: Okay --  
22 MR. FITZGERALD: -- but that's my  
23 understanding.  
24 CHAIRMAN KATZ: I'd like -- I'd like to

1 move on because I envision in the future we'll probably  
2 have a whole session on EMF/BMPS. My feeling, Mr.  
3 Boucher, is that we really don't have to vote to accept or  
4 deny your motion because basically it's moot as the  
5 Council is undergoing this effort. So, I'd like to just  
6 leave it on the table if we can do that. Mr. Marconi.  
7 MR. MARCONI: Yes. And I don't necessarily  
8 think we have to regard it say as moot at this point, but  
9 the staff is working on the best management practices, and  
10 I think before we reach a final decision on this case, I  
11 think, obviously, the Council will decide whether or not  
12 it needs to update those best management practices and  
13 whether or not it needs to apply them to this case.  
14 (Whereupon, no action was taken on the  
15 Motion to Update the Council's Best Management Practices  
16 on EMFs.)  
17 CHAIRMAN KATZ: Okay. Thank you. I'd like  
18 to move on to the next item on the agenda, the Towns of  
19 Woodbridge, Milford, Orange, Cheshire, Wallingford,  
20 Durham, and Middlefield's objection dated August 12, 2004  
21 to OCC's Request for Discovery dated July 29, 2004. Who  
22 will be speaking for the Towns?  
23 MR. RICHARD BURTTURLA: I will, Madam Chair.  
24 CHAIRMAN KATZ: For the record.

1 MR. BURTURLA: Richard Burtula on behalf  
2 of the Towns. In this proceeding I represent the Town of  
3 Cheshire. Thank you for this opportunity to address the  
4 Council, we appreciate it.  
5 Our objection we believe in its entirety is  
6 well founded. The interrogatories that have been  
7 propounded upon the municipalities do not seek factual  
8 information, they actually seek our legal position on a  
9 host of issues concerning cost allocation and cost  
10 recovery, neither of which I would submit belong before  
11 this Council at this time.  
12 Secondly, I'd point out that the Towns have  
13 no burden of production on these issues. And to put it  
14 another way, we do not believe that cost allocation and  
15 cost recovery are proper issues for the Sitting Council.  
16 We believe that they are in essence -- and the questions  
17 themselves assume it if you look at the vast majority of  
18 them, they refer to the DPUC, they do not refer to ISO New  
19 England, but that's ultimately where those issues are  
20 going to be made.  
21 And with respect to the questions in terms  
22 of the municipalities that stated a preference for an  
23 alternate route, my recollection, and indeed the  
24 recollection of all municipal counsel is the sitting

1 Council asked us to respond in terms of our preferences,

2 and each municipality did in fact respond. Most responded  
3 that they were in favor of studying -- further studying

4 the suggested East Shore alternative, there was some

5 derivation of that particular route.

6 As you all are painfully aware and as we

7 are, the proceedings have changed substantially with the  
8 pronouncement by ISO New England in terms of the

9 maximization of undergrouding and the like --

10 CHAIRMAN KATZ: I call it the June

11 surprise.

12 MR. BURTRIA: The June surprise. Well, it  
13 surprised all of us. I know it surprised you, it

14 surprised the municipalities, and indeed it surprised the

15 Applicants as well. So on one issue I guess we're all --

16 we're all in the same place.

17 Having said that -- and the fact that there

18 is no clear primary route at this time upon which the

19 Towns can begin their own studies, studies were begun,

20 studies were halted, studies were stopped before --

21 certain studies that were being funded by the Applicants

22 were halted in Woodbridge and Milford. We're not in a

23 position to answer that question at this time.

24 And there are a couple of other points I'd

1 like to add in terms of OCC's comments that were recently  
2 filed I think on or about September 3<sup>rd</sup>. They talk about  
3 well we've been asked what our preferences were. Sure we  
4 were asked what our preferences were and we gave our  
5 preferences, but this proceeding is not -- although we've  
6 been here a long time, the June surprise has certainly  
7 changed the landscape in a substantial way. And I don't  
8 want to have OCC confused with what preferences may be.  
9 We have a preference as does the Connecticut General  
10 Assembly for maximum undergrounning if technologically  
11 feasible. That's what we advocate and that's -- that's  
12 indeed what the law is. But compliance -- that's what  
13 we've been advocating. And compliance with the law is not  
14 a preference. I don't think we need to answer any further  
15 questions on that particular subject, we're all working  
16 toward that goal.  
17 And for the record, there is one statement  
18 in that September 3<sup>rd</sup> reply to our objections where OCC  
19 states that the utilities have been asked by the  
20 municipalities to fund part of the litigation costs, I  
21 don't believe that's the record, that's not the case, that  
22 hasn't been done. And I don't think the Applicant is  
23 looking forward to funding our litigation costs --  
24 CHAIRMAN KATZ: And not a matter before us.

1 MR. BURTURLA: Yeah, and not a matter --

2 and I guess to sum up, if I may, these are the wrong

3 questions propounded to the wrong parties at the wrong

4 time in the wrong proceeding --

5 CHAIRMAN KATZ: You sound like --

6 MR. BURTURLA: -- they don't belong here.

7 CHAIRMAN KATZ: Doesn't this sound like a

8 Kerry campaign speech -- (laughter) -- W stands for wrong.

9 MR. BURTURLA: I didn't say that, I didn't

10 say that. And -- and we certainly -- given the makeup of

11 the respective municipalities, we take no position on

12 that. Thank you.

13 CHAIRMAN KATZ: Thank you, Mr. Burturła.

14 Council questions for the Towns -- Mr. Johnson, I'm going

15 to ask you to go last if you don't mind -- any Council

16 questions for the Towns? Any other parties and

17 intervenors other than OCC, who I'm going to ask to go

18 last? Mr. Wertheimer.

19 MR. MICHAEL WERTHEIMER: Thank you.

20 Michael Wertheimer for the Attorney General's Office.

21 The Attorney General supports the Towns'

22 objection to these interrogatories for a couple of reasons

23 not stated by the Towns' attorney, but first to concur the

24 Towns -- the interrogatories are based on statements



1 provided by the Towns in response to a Council question to  
2 express their preferences. These were comments submitted  
3 I believe over the signature of the Towns' attorneys, it  
4 was not submitted by expert testimony from the Towns on  
5 these subjects. Therefore, responses to interrogatories  
6 based by the OCC would either come from the CEOs of the  
7 Towns or they'd have to retain experts. I do not believe  
8 it is consistent with administrative practice in this  
9 agency or others that participants expose themselves to  
10 discovery in this manner without having submitted expert  
11 testimony on a subject just by merely participating and  
12 responding to the Council's request for information. If  
13 that is the standard, I think it would be harmful to the  
14 administrative process as well as to the Towns here.  
15 First of all, certainly participants may be reluctant to  
16 respond to such requests by the Council if they believe or  
17 understand that it could expose them to this sort of  
18 interrogatories. If they don't have to -- as I said, to  
19 respond to these you either need expert testimony, which  
20 they don't have for this purpose, or you'd get the opinion  
21 of CEOs. I'm not sure the opinion of CEOs on cost  
22 recovery, cost allocation is going to be particularly  
23 probative to the Council in the context of this case. I  
24 say that respectfully to all the CEOs, but it's a highly

1 complex world out there.  
2 I also -- finally, to respond to -- the OCC  
3 submitted a sort of rebuttal in this case and they talked  
4 about the centrality of cost issues to this proceeding. I  
5 don't think that anyone has disputed in this case that  
6 cost is one of many considerations that has to be on the  
7 table here. However, just because cost is relevant does  
8 not make these interrogatories appropriate to ask this  
9 information of these parties under these circumstances.  
10 CHAIRMAN KATZ: Thank you.  
11 MR. WERTHEIMER: Thank you.  
12 CHAIRMAN KATZ: Other parties and  
13 intervenors for the -- let's do the Applicants and then  
14 Mr. Johnson. Anybody else other than the Applicants and  
15 Mr. Johnson? Okay, Miss Randell.  
16 MS. LINDA RANDELL: The companies filed a  
17 letter dated September 7<sup>th</sup>, I don't know that that's gotten  
18 to you yet, so I just wanted to say that --  
19 CHAIRMAN KATZ: Just -- excuse me. Could  
20 you bump that -- okay. Could you start over.  
21 MS. RANDELL: Sure. The companies filed a  
22 letter with the Council on this matter September 7<sup>th</sup>. We --  
23 -- we agree that the information requested in the  
24 interrogatory if it can be provided, would be useful to

1 the Council in its deliberations. Obviously, if Mr.

2 Burtula is right and the information cannot be provided,

3 then the Towns can say so. But if it's available -- and

4 we don't think expert witnesses are required or should be

5 required by anybody -- if they can answer them, we think

6 it would be useful to you.

7 CHAIRMAN KATZ: Miss Randell, what about

8 the argument though that the types of information that OCC

9 has asked for from the Towns may be more appropriate for a

10 brief and then as -- instead of a response to an

11 interrogatory?

12 MS. RANDELL: To the extent that legal

13 interpretations are required, those would typically not be

14 in interrogatories or interrogatory answers. To the

15 extent there are factual questions that can be answered, I

16 think it would be appropriate to answer them, because as

17 you know, and I believe Mr. Marconi would confirm, the

18 brief can't provide new factual information to the

19 Council, it has to be somewhere in the record. I -- you

20 know, the companies don't have a position on whether there

21 are legal issues or factual issues, but to the extent

22 there are factual questions that can be answered, we think

23 it would be helpful to you.

24 CHAIRMAN KATZ: Thank you. Anyone else

1 before the OCC? Mr. Johnson, if you could come up to the  
2 podium.

3 MR. JOHNSON: Thank you, Chairman Katz and  
4 Council members. The -- I listened closely to the

5 attorney from Cheshire and he on the whole confined the  
6 points he made on his client's behalf to what had been  
7 said in the August 12<sup>th</sup> letter from the Towns' counsel  
8 under the signature of Mr. Boucher. So those particular  
9 points were already discussed in OCC's more recent and  
10 lengthy reply and I won't go back over them here.

11 There was a discussion a moment ago  
12 basically you might say between yourself and Mr.

13 Wertheimer for the AG and Linda Randell for the companies  
14 about whether or not these are appropriate for a brief or  
15 for a -- you know, discovery in this docket. OCC agrees  
16 with the distinction between legal points which are for  
17 the brief basically, speaking very generally, and the  
18 factual points which are for the record. We do not agree  
19 that what we're asking in the questions we gave to this  
20 docket on the 29<sup>th</sup> of July are legal positions. We're

21 asking what the companies -- I mean the Towns think would  
22 happen if this, that, or the other plays out in this way  
23 and whether it would change their advocacy in this docket.  
24 It may change the advocacy if they find out or believe

1 that they're going to pay for these amounts.  
2 CHAIRMAN KATZ: Mr. Johnson, it sounds like  
3 you just made a great argument for a brief --  
4 MR. JOHNSON: Well, I --  
5 CHAIRMAN KATZ: -- but I'll go back to  
6 being an engineer, sorry --  
7 MR. JOHNSON: -- I -- you know, I think  
8 indirectly and informally the way that this docket is  
9 playing out since the Council has requested opinions on  
10 many things incrementally from the docket participants,  
11 we're all crafting one or another page of our brief as we  
12 go along here, so maybe that will help us all get to the  
13 end.  
14 At bottom, this is really a very simple  
15 matter, would having in hand the Towns' answers to the  
16 OCC's interrogatories assist the Council in making the  
17 determinations it has to make in this docket. And I think  
18 it's pretty obvious the answer is yes.  
19 And by the way, to the extent that this  
20 issue of legal versus factual is something the Council  
21 finds a distinction that has to be maintained and  
22 addressed in this context, what I would say is that you  
23 don't answer it appropriately by simply making a blanket  
24 denial -- allowing the Towns to make a blanket denial

1 saying we're not going to answer any questions. They can  
2 take this one question or one sub-question at a time and  
3 go through and they say we don't want to answer part B  
4 because it requires a legal interpretation or we refuse to  
5 answer part C and so forth. It's quite straightforward  
6 and that will get the record completed or at least  
7 supplemented in an appropriate way.  
8 The -- I'm delighted to note that the  
9 Applicants agree with OCC on this issue. That of course  
10 is not always the case when the ratepayer advocate and the  
11 utilities are in a docket, but here we are.  
12 Let me just make a few other comments and  
13 then I'll close and take -- and also take questions from  
14 the Council members, if any. Lately I saw a news report  
15 indicating that some proponents of extensive  
16 underpinning of this line in this docket would hope that  
17 Governor Rell would negotiate with the other five New  
18 England States in order to assure regional socialization  
19 of the extra costs. We all understand that there will be  
20 extra costs to the extent this underpinning is  
21 certified by this Council. Well, with all due respect,  
22 that's not going to happen. The -- the -- I have no idea  
23 what initiatives our Governor may take across New England,  
24 but this issue is not going to be decided on a political

1 or negotiated basis. The -- it's going to be decided  
2 under normal existing well articulated NEPOOL procedures.  
3 Those procedures are -- already have detailed guidelines  
4 in place, they can be found on the ISO website, anyone can  
5 look at them, think about them, and figure out what they -  
6 - the implications for this docket may be. And that is of  
7 course part of what OCC wanted the Towns to address in our  
8 questions. The only participants in this docket who are  
9 part of that decision world, the NEPOOL/ISO decision  
10 world, that will determine the regional socialization  
11 issue are the two utilities, ISO, and OCC.  
12 The guidelines by our understanding will  
13 almost certainly play out to reject regional socialization  
14 of these special Connecticut costs. And in fact, if that  
15 what does occur as a future event, we don't entirely know,  
16 and of course the point of OCC asking the Towns these  
17 questions is to get the record supplemented so that the  
18 Council can make appropriate determinations to shape what  
19 the ISO and/or DPUC in the other context will do, but we  
20 think that those -- those guidelines are likely to play  
21 out to reject regional socialization of the special  
22 Connecticut costs.  
23 And in the long-run that is most likely the  
24 correct answer. These new NEPOOL rules are in place for

1 the long-run and they would apply to projects in other  
2 states in the future. There are transmission projects and  
3 a lot of local sentiment in favor of undergrounning that  
4 are being under consideration in the Boston area, in  
5 Vermont, and even in the relatively near term in Maine,  
6 and the -- those regional socialization guidelines would -  
7 - if there are special state centered costs that are  
8 generated in Vermont, Massachusetts or Maine, they would  
9 be imposed on those states, not on Connecticut. So you  
10 know, it plays out over the long-run in a manner that  
11 NEPOOL has already some time ago decided is fair and  
12 appropriate.  
13 The other reason -- one of the other  
14 reasons OCC thinks it's fairly important that the Towns be  
15 asked and required by this Council to answer these  
16 questions is that the costs in question are huge. NU says  
17 that the Woodbridge undergrounning request alone would be  
18 a 132 million dollar increment. Obviously, the Towns are  
19 free to challenge that estimate if they wish to do so. NU  
20 also estimates that the Millford undergrounning increment  
21 requested by that town is an incremental cost of 67  
22 million dollars. That's in the data responses already on  
23 file in this case. And the STATCOMS that ISO is now  
24 talking about, it has said, as everyone knows, that there



1 would be a minimum of 250 million dollars associated with

2 those six -- five or six, whatever it is, STATCOMS, if

3 they are put in as a solution to the reliability issue.

4 Those three dollar issue estimates alone that I just

5 mentioned add up to 449 million dollars if I did my math

6 correctly. The original project cost as the Council is

7 aware for the main proposal was estimated in the

8 application as 604 million dollars. Well if 449 million

9 dollars is in play, we're already talking about adding 74

10 percent to the original project costs. Now when we

11 consider that it's not only Milford and Woodbridge that

12 have asked for undergrouding of this or that portion of

13 the proposed line and we also consider that ISO has said

14 that 250 million dollars is a back of the envelop estimate

15 which is a minimum, it's clear that what we're really

16 talking about here is something on the order of

17 approximately doubling the project's first projected

18 costs.

19 These are extraordinary issues, they're not

20 secondary or incidental to this docket whatsoever. And

21 the notion that the Towns should be allowed to sit on

22 their hands and not answer written questions about the

23 issues, I don't think really washes.

24 And if it turns out to be true that the

1 extra costs for installing substantial portions to the  
2 line underground will be rejected for regional  
3 socialization at the NEPOOL level, ISO, then it's also  
4 pretty clear that Section 11 of the new law will come into  
5 play, and that of course would be at the DPUC. And the  
6 agency has a policy on point, which are articulated in  
7 writing, as recently as last winter in the case of  
8 distribution lines and it will squarely have to face  
9 whether to continue that policy at that time, you know,  
10 the question of which customers or subset of customers  
11 will pay these extraordinary extra amounts. And they will  
12 depend in fair measure on guidance that arises out of this  
13 docket, whatever findings of fact the Council makes and  
14 decision and opinion that the Council produces on this  
15 issue of who's benefiting from how much undergrounding and  
16 so forth. And it seems fairly evident that the proponents  
17 of these amounts of undergrounding by answering OCC's  
18 questions would assist the Council in making that very  
19 important set of determinations.  
20 So you know, keep in mind I think that the  
21 -- we're not talking about the larger task of actually  
22 resolving these incredibly complex issues. We're only  
23 talking about asking -- as this point about asking the  
24 Towns to put more evidence in the record to help the

1 Council resolve them as we move along. And again, if the

2 Council is not of a mind to reject the Towns' motion and

3 grant OCC's request that the questions be compelled to be

4 answered, then I would at least ask that the Council to

5 require them to answer with an articulated statement of

6 objection on whatever grounds they wish to bring forward

7 on a part-by-part basis rather than on a blanket simple

8 simplified basis.

9 CHAIRMAN KATZ: Thank you, Mr. Johnson. Do

10 any Council members have questions? Mr. Heffernan.

11 MR. GERALD J. HEFFERNAN: Just a comment.

12 It's my understanding that we asked the Towns to put forth

13 -- for us to consider what they deemed would be the best

14 possible way to do this. Is that --

15 CHAIRMAN KATZ: Correct.

16 MR. HEFFERNAN: And as they said, they --

17 you know, it's like well what do you want, I want the war

18 to end. And it seems to me that if in fact as these

19 proposals come forth, we look at them and decide that we

20 might go with one of those routes, that those questions

21 would be more appropriate at that time and not necessarily

22 now.

23 CHAIRMAN KATZ: Thank you. Any other

24 Council member have questions? Mr. Marconi, you had a

1 legal issue you wanted to --  
2 MR. MARCONI: Yes. I just wanted to ask  
3 Attorney Johnson a question. If we were to assume that we  
4 don't go ahead -- if the Council does not go ahead and  
5 require the Towns to answer the interrogatories, wouldn't  
6 you still be free to argue that the Council should take an  
7 adverse inference from the Towns not putting on for  
8 instance evidence to show any benefit outside of their  
9 immediate towns to going ahead with the undergrouding?  
10 Aren't you basically free to make all the arguments that  
11 you presumably would make even if the Towns answered these  
12 interrogatories?  
13 And second, I -- I do want to ask is when  
14 you're asking questions such as what do you think the DPUC  
15 would do, are those not in fact asking questions based  
16 upon interpretations of regulations and laws as opposed to  
17 for evidence and facts coming in?  
18 MR. JOHNSON: The -- again with respect to  
19 your second query to me, Mr. Marconi, the Towns are free  
20 to say, if they're answering that question, I have no idea  
21 what the DPUC would do in their answer. They also are --  
22 CHAIRMAN KATZ: Then why ask the question?  
23 MR. JOHNSON: They're also asked --  
24 CHAIRMAN KATZ: Why -- why ask that

1 question then?  
2 MR. JOHNSON: Because they could say that  
3 the -- that they believe that undergrounning here, there,  
4 or in another part of Connecticut is clearly in the public  
5 benefit of all of Connecticut, and we believe the DPUC  
6 would spread this cost across all the ratepayers of  
7 Connecticut. They can -- you know, they're open -- we're  
8 not trying to guide what their answer is. We also asked  
9 what they would advocate when they went to the DPUC -- or  
10 if the utility had gone to the DPUC and -- or if the Towns  
11 are faced with the prospect of the costs being imposed on  
12 them in particular, they may resist that.  
13 The other point that -- the first one that  
14 Mr. Marconi has asked me isn't -- even if these questions  
15 are not answered, isn't OCC free to make arguments in  
16 whatever form, on brief or otherwise on point? We are.  
17 But we are the advocate for all the ratepayers in  
18 Connecticut. The issue is clearly in front of us in this  
19 docket as to who these -- who would be benefited by  
20 various expenditures, you know, and various project  
21 reconfigurations that are under -- you know, before the  
22 Council. And OCC would love to have the advocates of  
23 these particular line variations defend and articulate if  
24 they want to take that direction, the claim that this will

1 benefit all ratepayers in Connecticut, all citizens of  
2 Connecticut, and then we can be assisted in what we will  
3 be working in, not only the sitting Council 272 proceeding  
4 but in the NEPOOL future proceedings on socialization.  
5 And in the possible eventual DPUC proceedings we'll be  
6 informed as to how we should proceed and think about those  
7 issues on behalf of our statutory clients.  
8 But the main point why I think that the  
9 Towns should be required to answer is not to assist OCC as  
10 such but to assist the Council in its determinations.  
11 CHAIRMAN KATZ: Thank you. Any other final  
12 questions before we have a Council motion on the Towns'  
13 objection? (Pause). Thank you, Mr. Johnson. I think --  
14 are we ready for a Council motion based on the -- to  
15 approve or disapprove the Towns' objection to provide  
16 responses to OCC interrogatories, Set No. 3?  
17 MR. ASHTON: Madam Chairman, I move to  
18 sustain --  
19 CHAIRMAN KATZ: You can pull that mic --  
20 MR. ASHTON: Oh, sorry --  
21 CHAIRMAN KATZ: Yes?  
22 MR. EMERICK: Can we postpone for a minute,  
23 Mr. Heffernan has left the room.  
24 CHAIRMAN KATZ: Yes. Why don't we do this,

1 why don't we get a motion on the floor and then we'll --  
2 MR. ASHTON: Okay --  
3 CHAIRMAN KATZ: -- have a moment before we  
4 actually vote --  
5 MR. ASHTON: Madam Chairman, I --  
6 CHAIRMAN KATZ: Can you pull your mic a  
7 little closer.  
8 MR. ASHTON: I -- I move to sustain the  
9 Towns' objection to the data request for the OCC. I think  
10 the facilities are woefully inadequately defined, hence  
11 the costs are totally uncertain. I think the Towns -- it  
12 would be an unreasonable burden to ask the Towns for  
13 speculative answers on what may or may not come to pass.  
14 I think there are also questions as to whether they're  
15 getting outside of the Towns' domain, in fact even outside  
16 of the Council's domain. And I think that at this stage  
17 of the game, I would move that the Towns' objection be  
18 sustained and that they not be required to answer those  
19 questions.  
20 CHAIRMAN KATZ: Is there a second to the  
21 motion?  
22 MR. LYNCH: Second.  
23 CHAIRMAN KATZ: Okay. What I'd like to do  
24 -- we're due for about a five-minute break. After the

1 break, we'll do discussion and voting on the motion.  
2 We're adjourned for five minutes.

3 (Whereupon, a short recess was taken.)

4 CHAIRMAN KATZ: Okay, we're ready to

5 resume. We had a motion and a second on the table to

6 sustain the Towns' objections to responses to OCC

7 Interrogatories, Set No. 3. We are ready for Council

8 discussion. Does any Council member wish to discuss the

9 motion?

10 MR. ASHTON: I just would add, Madam

11 Chairman, that --

12 CHAIRMAN KATZ: Move closer.

13 MR. ASHTON: -- that while I'm opposed to

14 the motion or to the -- I want to sustain the Towns'

15 objection -- I'll get it straight -- I'm very concerned

16 with the issues of costs and how they are handled, but I

17 think that can better come out later on when we know what

18 we're really addressing.

19 CHAIRMAN KATZ: Good point. Any other

20 discussion? Okay, all -- Mr. Lynch.

21 MR. LYNCH: Madam Chairman, I also will

22 agree with Mr. Ashton, I am concerned about the costs, but

23 I don't think this is -- I'm going to agree with Mr.

24 Wertheimer, I don't think this is the right forum for the



1 cost question. I think it belongs in the DPUC or ISO.  
2 CHAIRMAN KATZ: Thank you. Are we ready to  
3 vote? All those in favor of sustaining the Towns'  
4 objection to responses to OCC interrogatories say aye.  
5 VOICES: Aye.  
6 CHAIRMAN KATZ: Opposed. Any abstentions?  
7 Okay, the motion carries and the Towns will not be  
8 required to answer those interrogatories.  
9 (Whereupon, the Towns' objection to the  
10 Motion for Discovery by OCC was sustained.)  
11 CHAIRMAN KATZ: The next item on the agenda  
12 is the Town of Durham's Motion to Compel dated July 29,  
13 2004.  
14 Mr. Boucher, if you could come up to the  
15 microphone. Mr. Boucher, is this still an active issue?  
16 MR. BOUCHER: Yes. If I may report to the  
17 Chairperson and the Council on this matter, the original  
18 Motion to Compel -- or the Motion to Compel that was  
19 originally filed addressed a request by Durham that there  
20 be EMF measurements at several locations in Durham. Since  
21 that time with the development of the record and a better  
22 understanding of how that process should unfold, we  
23 supplemented that original interrogatory request with one  
24 that was in substitution of the earlier one. That one

1 requested that EMF measurements be taken and that the line

2 loadings at the time of the measurements also be

3 indicated, and further that there be some indication of

4 what the average line loading of each of the lines was on

5 an annual basis. And we have since in consultation with

6 CL&P worked through that process. We've got a response to

7 two of those requests, namely EMF measurements and the

8 line loadings at the time of the measurements. And the

9 Towns have agreed that a request by Council Member Ashton

10 for 50 percent of the rate of capacity of the lines to be

11 made a matter of record. And we believe with that third

12 piece of information, the Council will have for the first

13 time in this record, in this proceeding some indication of

14 what the existing EMF levels are on the existing rights-

15 of-ways where the facility is to be proposed. So at this

16 time the Motion to Compel is no longer being pursued by

17 the Towns.

18 CHAIRMAN KATZ: Okay. So would you like us

19 to -- let's see -- officially we stay taking action until

20 we --

21 MR. MARCONI: We could defer taking action

22 until the time arises that it's needed.

23 CHAIRMAN KATZ: Okay.

24 MR. BOUCHER: Thank you.

1 CHAIRMAN KATZ: Do the Applicants wish --

2 MR. MARCONI: Or --

3 CHAIRMAN KATZ: If it's needed.

4 MR. MARCONI: If it's needed.

5 MR. FITZGERALD: I think it was just

6 withdrawn.

7 MR. MARCONI: Okay --

8 CHAIRMAN KATZ: Mr. Boucher, can you come

9 back to the microphone.

10 MR. MARCONI: He said he --

11 CHAIRMAN KATZ: Mr. Boucher, could you come

12 back to the microphone. Are you officially withdrawing

13 the Motion to Compel?

14 MR. BOUCHER: I'll be happy to do that --

15 CHAIRMAN KATZ: Okay --

16 MR. BOUCHER: -- if that would help things

17 --

18 CHAIRMAN KATZ: -- it's withdrawn. Thank

19 you.

20 (whereupon, the Motion to Compel was

21 withdrawn.)

22 CHAIRMAN KATZ: Okay, the next item on the

23 agenda is the Applicants' Motion for Protective Order.

24 The Applicant did move to --

1 MR. ASHTON: Monte Frank -- (indiscernible)  
2 --  
3 CHAIRMAN KATZ: -- I'm ignoring you for a  
4 reason -- yes, Mr. Frank?  
5 MR. MONTE FRANK: I just need to clarify  
6 the record. Attorney Boucher stated that the Towns agree  
7 that 50 percent of normal line loading is the appropriate  
8 request. And just for the record, the Towns -- actually,  
9 the Towns of Woodbridge, Orange, and Milford submitted  
10 interrogatories on September 2<sup>nd</sup> which states what our  
11 position is on those interrogatories.  
12 CHAIRMAN KATZ: Okay --  
13 MR. FRANK: Okay --  
14 CHAIRMAN KATZ: -- got it.  
15 MR. FRANK: -- just so the record is clear.  
16 CHAIRMAN KATZ: Yes, thank you.  
17 MR. BOUCHER: Just -- just to clarify  
18 further, the Motion to Compel was filed only on behalf of  
19 Durham --  
20 CHAIRMAN KATZ: Yes --  
21 MR. BOUCHER: -- and Wallingford.  
22 CHAIRMAN KATZ: Yes. Okay, the Applicants  
23 had filed a Motion for Protective Order to place three  
24 responses to interrogatories under protective order. And

1 first before we get into this, I'm going to ask if the  
2 Applicants have an update on this?

3 MR. BRIAN HENEBRY: Yes --

4 CHAIRMAN KATZ: Mr. Henebry.

5 MR. HENEBRY: Yes, Chairman Katz. We would

6 like to withdraw the portion of the Motion for Protective

7 Order that relates to the response to CSC-58, which was a

8 geographic electrical system map, but we are maintaining

9 the motion as it pertains to the responses to CSC-59 and

10 CSC-60, which are electrical system one-line diagrams.

11 CHAIRMAN KATZ: Thank you. At this point

12 do we have any legal points before we open it to Counsel

13 questions?

14 MR. MARCONI: I do have one question to ask

15 Counsel. Is any of this information that you're seeking a

16 protective order for, is that -- is any of it already

17 actually in the public domain?

18 MR. HENEBRY: At this time I'd like to ask

19 that John Prete respond to this question since he has

20 better knowledge about the background information.

21 MR. MARCONI: And he's been previously

22 sworn of course.

23 CHAIRMAN KATZ: Well, this isn't sworn

24 testimony.

1 MR. MARCONI: Oh, okay.  
2 MR. JOHN PRETE: Good morning.  
3 CHAIRMAN KATZ: Yes.  
4 MR. PRETE: Pertaining to your question,  
5 Mr. Marconi, yes, in pieces a majority of this information  
6 has been in the public domain starting way back three  
7 years ago in Docket 217. And our other concern is that  
8 given the geographic map as we had explained before and  
9 then given the electrical one-lines that showed very  
10 specifically the equipment and the configuration at those  
11 geographic locations, you have given somebody a tidy  
12 package. And for security reasons, it's a very big  
13 concern of ours. So whereas somebody would have to paw  
14 through three years worth of data, they would eventually  
15 be able to get to this package, but our concern is that  
16 we're actually developing the package --  
17 MR. MARCONI: So -- so if I read you right,  
18 it's sort of like -- like pieces of the jigsaw puzzle are  
19 out there already, but basically you've got the whole  
20 puzzle here and that's not in the public domain?  
21 MR. PRETE: Yes.  
22 MR. MARCONI: Thank you.  
23 CHAIRMAN KATZ: Okay. Mr. Prete, I'm going  
24 to ask -- if you're going to be the point person on this,

1 I'm going to ask you to remain at the microphone. Okay,

2 let's open this to Council questions. Mr. Ashton.

3 MR. ASHTON: Mr. Prete, doesn't it -- in

4 fact, the record go -- on one lines go back for almost --

5 until almost Docket No. 1?

6 MR. PRETE: That's pretty fair, yes.

7 MR. ASHTON: Which is 30 odd years. And

8 also have there not been filed in various dockets detailed

9 plans of substations showing equipment both one-line and

10 three-line?

11 MR. PRETE: Yes, that's correct.

12 MR. ASHTON: And power plants, one-line and

13 three-line, with major equipment all identified?

14 MR. PRETE: That's correct.

15 MR. ASHTON: And beginning in docket -- I

16 guess the first one would be Millstone 2 if I remember

17 correctly. How do we purge the public record of all of

18 this stuff, which may not be precisely accurate today but

19 substantially accurate for so many years? How do we draw

20 the line?

21 MR. PRETE: I'm not sure purging would be a

22 word that I would use. Again, as I stated before --

23 MR. ASHTON: Well, let me just go on for a

24 second to answer that. Not only is this filed with the

1 Council, it's filled with every town clerk or every town in  
2 which a facility is located, it's filled with every  
3 intervenor and party in the case. And there is an  
4 enormous amount of stuff that has gone out into the world  
5 and how do we bring it back?  
6 MR. FITZGERALD: May I respond to that?  
7 MR. ASHTON: I'd love to hear it. This is  
8 a terrible dilemma for me. I'm full -- very sensitive to  
9 security of utility facilities, but this goes well beyond  
10 just one line and gets into natural gas. And I don't  
11 know whether the telephone companies have any similar  
12 feelings to --  
13 CHAIRMAN KATZ: Just before you answer, Mr.  
14 Fitzgerald, the actual motion is only to put two specific  
15 documents under protective order --  
16 MR. ASHTON: I under --  
17 CHAIRMAN KATZ: -- in this specific docket.  
18 MR. ASHTON: I understand that, but this  
19 clearly goes beyond those two documents.  
20 CHAIRMAN KATZ: Well --  
21 MR. FITZGERALD: Well -- actually Chairman  
22 Katz's comment anticipates a part of my response. And I  
23 think the answer to your concerns is that this motion does  
24 not try to do anything about it, about the information



1 that's out there. I don't -- it can't un-ring the bell.  
2 But times have changed, and the fact that this other  
3 information is out there -- and I know from my own  
4 experience I've kept -- I've tried to keep better records  
5 of these proceedings than most people and I can't find a  
6 lot of stuff -- so --  
7 MR. ASHTON: Does that say something, Mr.  
8 Fitzgerald --  
9 MR. FITZGERALD: It does. But it also says  
10 that from the -- you know, over time the fact that things  
11 have been issued doesn't necessarily mean that they are  
12 conveniently available. And that's really all we're  
13 trying to do here is to -- and all we can do is to cut  
14 down on the convenience factor.  
15 You mentioned natural gas for instance, and  
16 I know -- I know one thing that's happening at FEREC now is  
17 that the facility maps that used to be available  
18 electronically no longer are. There are still documents  
19 being filed in hard copy there, but -- and the facility  
20 maps that used to be available on the web are still in the  
21 public domain, but they've sought to make it less  
22 convenient to access them, and so nobody is giving out  
23 electronic information any more. And I might note that  
24 things that are filed in the clear in this case, and now

1 the Council is all up-to-date, it goes on the website.  
2 And -- and we would like to avoid that.  
3 And I agree with you that there's a -- you  
4 know, there's a potential problem out there with respect  
5 to past information, but I think I would sort of flip it  
6 around and say the fact that there is material in the  
7 public domain that could be put together is not a reason  
8 not to start now in trying to make the information less  
9 convenient to access.  
10 MR. ASHTON: Should we -- since the Council  
11 maintains hard copies of all of these and they are public  
12 files, what would you suggest doing with the Council  
13 files?  
14 MR. FITZGERALD: We are not making any  
15 suggestion right now with respect to --  
16 CHAIRMAN KATZ: Under protective order,  
17 they would be kept under lock and key.  
18 MR. FITZGERALD: Oh, under -- well these  
19 filings would be yes --  
20 CHAIRMAN KATZ: Yes --  
21 MR. FITZGERALD: -- I'm just saying that  
22 this motion does not propose doing anything with past  
23 Council files.  
24 CHAIRMAN KATZ: Yes. I should mention they

1 have been under lock and key in the Council's office since  
2 we got this motion until we made a determination.  
3 MR. ASHTON: How then does an intervenor  
4 who wants to see how a facility relates to other  
5 facilities schematically draw that -- avail themselves of  
6 that information?  
7 MR. FITZGERALD: Well, it's --  
8 MR. HENBRY: May I speak to --  
9 (indiscernible) --  
10 MR. FITZGERALD: Sure.  
11 MR. HENBRY: -- a provision in the motion  
12 that would allow parties and intervenors who seek a copy  
13 of this information to obtain a copy, just the only  
14 condition being the execution of a non-disclosure  
15 agreement.  
16 MR. ASHTON: That really -- that limits the  
17 circulation perhaps, but it doesn't limit a person who is  
18 desirous of obtaining that information for illicit  
19 purposes from getting it, does it?  
20 MR. HENBRY: The -- the motion as crafted  
21 would allow access to all members of the Council, its  
22 staff, its experts, parties and intervenors and their  
23 experts, but --  
24 MR. ASHTON: But if I become a party or

1 intervenor, I have full access to it?  
2 MR. HENEBRY: That would be correct, yes.  
3 CHAIRMAN KATZ: But you would have to prove  
4 that you had standing to be a party or intervenor.  
5 MR. ASHTON: Well in Docket 272 it seems  
6 that half of Connecticut has standing --  
7 CHAIRMAN KATZ: Well --  
8 MR. ASHTON: -- literally.  
9 MR. MARCONI: But they do sign the access  
10 agreement and they are bound by that agreement.  
11 MR. ASHTON: Yeah, but --  
12 A VOICE: (Indiscernible) --  
13 MR. ASHTON: I'm very -- I want to  
14 emphasize I'm very concerned about security. I have a  
15 certain background that has propensity in that area, but  
16 by the same token, I think the Council is obliged to  
17 provide information (A). And (B) I would argue that there  
18 is a lot of information out there that goes well beyond  
19 this docket, and I can see that even a hundred dockets  
20 from now we're going to be talking about the same thing.  
21 And (C) I would argue that a protective order means very  
22 little to a person who is -- who has a slightest bit of  
23 determination to get that information.  
24 CHAIRMAN KATZ: Any other Council member

1 questions on the Applicant on this issue?  
2 MR. ASHTON: It would seem to me that  
3 there's almost some legislation that has to be put in  
4 place to make this thing realistic --  
5 MR. FITZGERALD: Well, I --  
6 MR. ASHTON: -- from a security standpoint.  
7 MR. FITZGERALD: For any -- for any kind of  
8 a general resolution, I think you're right. But as is the  
9 case in the natural gas matters at FERC, in the absence of  
10 such legislation they're doing what they can on a going  
11 forward basis, and I think of the greatest concern is that  
12 nothing be posted on the web.  
13 MR. ASHTON: Mr. Fitzgerald, I'd ask you  
14 one more question and I'll put it in an analogy. Does the  
15 bleeding of the sheep arose the wolf?  
16 MR. FITZGERALD: (Laughter). Well, who  
17 knows --  
18 CHAIRMAN KATZ: And I thought my analogies  
19 were obscure.  
20 MR. FITZGERALD: Who knows. What I do know  
21 is that I want to know that we've done what we can do.  
22 CHAIRMAN KATZ: Any other --  
23 COURT REPORTER: Could I ask this gentleman  
24 to please state his full name for the record?

CHAIRMAN KATZ: Yes.

MR. PRETE: John Prete, P-r-e-t-e, Project

Director for UI.

COURT REPORTER: Thank you.

CHAIRMAN KATZ: Great. And please in the

future if I don't remember, please you remember when you

come up to the table. Brian, did you --

MR. EMERICK: I have a question but not for

the Applicant, I think it's really for the Council. I

mean we've had protective order issues come up in the past

and my recollection of that is we've always tended to try

and want avoid that. And kind of in the process of doing

that have kind of re-asked ourselves do we really need

this information, is the information really critical to

the decision that's before us. And I guess that's where I

am with respect to this, rather than burden, you know,

staff with an administrative procedure which is fairly

cumbersome and it takes on a certain degree of

responsibility, to kind of ask ourselves whether, in fact,

we need this information in the form as asked in these two

interrogatories.

CHAIRMAN KATZ: The Council would then have

to withdraw the interrogatory --

MR. EMERICK: Right --

1 CHAIRMAN KATZ: -- that prompted the

2 response. Mr. Cunliffe, is this something that we need to  
3 make a decision?

4 MR. FRED O. CUNLIFFE: These questions were  
5 provided by KEMA to Council staff for their analysis of  
6 the project, they thought it was important that it be part  
7 of the record. They're not here to stand for their  
8 interrogatory.

9 CHAIRMAN KATZ: So --

10 MR. PRETTE: Mr. Cunliffe, could I ask  
11 whether or not KEMA receiving the model is indeed the  
12 information that is hard copied on these maps?

13 CHAIRMAN KATZ: What I'd like to suggest is  
14 that we not take action on this today. I think Mr.

15 Emerick has brought up a good point on -- I think we need  
16 to confer with KEMA to find out if they even really need  
17 this. And then if they tell us they don't, then we'll  
18 withdraw the interrogatory, which means we'll mail back  
19 the response and this issue will go away. If KEMA says  
20 they do absolutely need it, then we can take it up at a  
21 future meeting. Is that agreeable to the Council?

22 MR. MARCONI: And just -- just for the

23 record, Madam Chair, I understand that the Council has not  
24 seen this information, it's been maintained under lock and

1 key in Council offices, correct?  
2 CHAIRMAN KATZ: Mr. Cunliffe.  
3 MR. CUNLIFFE: That's correct.  
4 CHAIRMAN KATZ: Okay. At this point then  
5 we will not take action on the Motion for Protective Order  
6 and the Council staff will look into that.  
7 (Whereupon, no action was taken on the  
8 Motion for Protective Order.)  
9 CHAIRMAN KATZ: Okay, the next item on the  
10 agenda -- thank you, Mr. Prete -- the next item on the  
11 agenda is procedures for oral arguments of the Council's  
12 draft opinion. To give credit, Professor Tait is the one  
13 who came up with the idea on this complex docket of  
14 whether it would be possible to -- after the Council  
15 issues a draft opinion to actually -- normally we don't  
16 hear from the affected parties -- to actually have a  
17 mechanism where we could have oral argument on a draft  
18 opinion to give us food for thought prior to making a  
19 final decision. And we threw it out and the ball was  
20 caught by Miss Randell and Mr. Wertheimer and et al, and  
21 so we are going to have report on -- we're not going to  
22 take action on this today, but this is an opportunity for  
23 an interim report by the people working on this and for  
24 some Council questions on the procedure and how this might



1 work. So Miss Randell, are you taking the lead on this?  
2 MS. RANDELL: I am. And if I misspeak, Mr.  
3 Wertheimer or Mr. Johnson can flesh out the discussion.  
4 Mr. Wertheimer and I did volunteer to  
5 develop a procedure that would work for -- to enable oral  
6 argument, and Mr. Johnson along the way joined this group,  
7 each one of us having significant experience with the  
8 process of the Department of Public Utility Control where  
9 it is an established part of the procedure.  
10 In addition to oral argument, we thought  
11 you would want to consider developing -- or adopting other  
12 procedures designed to give you a better understanding of  
13 the parties' position. And to that effect, we also  
14 developed the concept of reply briefs and written  
15 exceptions in addition to oral argument.  
16 We, the three of us, worked on a document  
17 which I sent to everyone on the service list in this  
18 docket a week ago today on September 1<sup>st</sup>, with the  
19 exception of the Council, in order to give all the parties  
20 and intervenors a chance to provide us with comment prior  
21 to the Council seeing a document. I have not received any  
22 objections from anyone who received the document via e-  
23 mail. And therefore, what I'd like to do is walk you  
24 through it, if I can, and I'll tell you where the issues

1 the minor issues are. I handed them up to Mr. Phelps  
2 earlier --  
3 CHAIRMAN KATZ: Yes, we --  
4 MS. RANDELL: -- and you've got them?  
5 CHAIRMAN KATZ: Yes, go ahead --  
6 MR. ASHTON: Just to make sure we're on the  
7 same page --  
8 MS. RANDELL: Yes?  
9 MR. ASHTON: -- figuratively and literally,  
10 this is a September 1<sup>st</sup> draft procedure for Sitting Council  
11 to obtain comments on draft decision and findings?  
12 MS. RANDELL: That is correct. And this is  
13 exactly the document that I e-mailed to the entire service  
14 list last week, again with the exception of the Council.  
15 MR. ASHTON: Miss Randell, forgive me, can  
16 I make a suggestion that we put -- besides the date, put a  
17 responsible party on this --  
18 MS. RANDELL: Sure --  
19 MR. ASHTON: -- whatever we do, just so  
20 that we -- there's such a huge amount of paper --  
21 MS. RANDELL: Absolutely. I would  
22 anticipate, if it's agreeable with you, to refine it a  
23 little bit after our discussion today and then we can make  
24 it a formal submission --

1 MR. ASHTON: Fine --

2 MS. RANDELL: -- with all the appropriate  
3 identifiers --

4 CHAIRMAN KATZ: And one of the things --

5 MS. RANDELL: -- so that there will be  
6 something in the record.

7 CHAIRMAN KATZ: -- we'll be interested in  
8 in this procedure is how many weeks does this add after  
9 the day of the last public hearing.

10 MS. RANDELL: I anticipated that and I have  
11 in my own handwritten version -- I was going to walk you  
12 through --

13 CHAIRMAN KATZ: Okay --

14 MS. RANDELL: -- what that really means  
15 practically on the calendar --

16 CHAIRMAN KATZ: Okay --

17 MS. RANDELL: -- so thank you. You're a  
18 good straight-man today. (Laughter). The objective was  
19 obvious --

20 CHAIRMAN KATZ: I've been called a lot of  
21 things, but -- (Laughter) -- you know, my mother is a big  
22 person who watches CTN, which has a negative side trust  
23 me, but anyway, she says that I am too stern at these  
24 proceedings, so I'm -- (Laughter) --

1 MS. RANDELL: On that point, I commented to  
2 Mr. Prete during the break that I've had people call me up  
3 to say I saw you on CTN, your hair looked good, and I said  
4 was my argument okay -- (laughter) --  
5 MR. ASHTON: I wish somebody --  
6 MS. RANDELL: -- and they said, yeah, that  
7 too.  
8 MR. ASHTON: I wish somebody could say the  
9 same about my hair. (Laughter).  
10 MS. RANDELL: Okay. We wanted to get a  
11 procedure in place for this docket that works legally,  
12 consistent with the Uniform Administrative Procedure Act,  
13 and without really delaying things too much. I'm  
14 confident that it does meet the UAPA requirements,  
15 although I would ask that Mr. Marconi, who has not seen  
16 this before today, also be -- also review it. So far I  
17 should say nobody has raised any legal issues with this.  
18 We start with the day hearings end. And  
19 then 30 days after the close of hearing, consistent with  
20 your usual practice, there would be briefs filed. And to  
21 the extent people wanted to propose findings of fact, this  
22 is on all issues, we propose that there be no page limit  
23 on the briefs.  
24 The next thing we have is reply briefs

1 filed. I know that it's not the usual Council procedure;  
2 however, to state the obvious, this is not the usual  
3 Council docket. Reply briefs I think have -- are useful  
4 to the Department of Public Utility Control and typically  
5 to agencies. A one-week timeframe between briefs and  
6 reply briefs is doable. It's a painful week I can tell  
7 you, but it is doable and one that those of us who  
8 practice in the administrative area are used to. We  
9 suggest a 15-page limit for reply briefs. That was a  
10 negotiated number. We do think it important though that  
11 there be some limit. Typically, the DPUC does not have a  
12 page limit on reply briefs I should tell you that. I  
13 personally think it would be helpful because there's a lot  
14 of stuff here and a 50-page reply brief is not going to be  
15 helpful, just helping to refine the issues.  
16 At this point we're now 37 days after  
17 hearings and when you get the reply briefs. The draft  
18 decision --  
19 CHAIRMAN KATZ: Work days, calendar days?  
20 MS. RANDELL: Calendar days.  
21 A VOICE: (Indiscernible, laughter) --  
22 MS. RANDELL: And I can actually give you  
23 rough cut dates if you'd like me to along the way.  
24 Assuming hearings end at the end of October, you're

1 Looking at -- that would be October 29<sup>th</sup> -- briefs,  
2 November 29. Reply briefs, December 6<sup>th</sup>. Just to give you  
3 the timeframe on what that would be.  
4 The draft decision is obviously at your  
5 option. Again, looking at what the DPUC does, they do  
6 review the briefs and reply briefs before issuing the  
7 draft decision, to state the obvious. However, you all  
8 have been sitting through these proceedings as we all have  
9 and I believe it's Council standard practice to be working  
10 on proposed findings and the like, you know, as we speak -  
11 -  
12 CHAIRMAN KATZ: Yes. They're in the  
13 computer.  
14 MS. RANDELL: Ah-ha. The next step would  
15 be after you issue the draft decision and draft findings,  
16 there would be a new procedure for this Council, written  
17 exceptions filed two weeks following the issuance of the  
18 draft decision. Again, that is a negotiated number --  
19 CHAIRMAN KATZ: Well --  
20 MS. RANDELL: -- I said --  
21 CHAIRMAN KATZ: -- can you elaborate,  
22 written exceptions?  
23 MS. RANDELL: What are they? Written  
24 exceptions in the DPUC process and what I would anticipate

1 here are factually and legally areas in which the party or  
 2 intervenor submitting the exceptions believes the Council  
 3 hasn't gotten it quite right, you're excepting to -- okay,  
 4 you got the legal -- you know, you interpreted this  
 5 statute wrong, you applied this section incorrectly and  
 6 here's why, and then factually we think -- the argument  
 7 would be we think you didn't consider X in the transcript  
 8 or in the record somehow. That would be the purpose of  
 9 the written exceptions. I mean you can use written  
 10 exceptions to say, yes, you got this one right as well.  
 11 It's a means prior to oral argument for the  
 12 parties and intervenors to discuss with the Council in  
 13 written form so everybody sees it what their position is  
 14 and why they think that the Council maybe should  
 15 reconsider this factual issue, this legal discussion and  
 16 the like. In my experience if you wait until oral  
 17 argument, it's very difficult to absorb all at once.  
 18 While oral argument will not necessarily track the written  
 19 exceptions, and hopefully not completely or it will be a  
 20 very dull day, it is helpful to see where the parties  
 21 stand beforehand, and that's the purpose.  
 22 And as far as how long those are, that's a  
 23 reason to have a limiting calendar period between the  
 24 draft decision and findings and the written exceptions.

1 Again, written exceptions that run, you know, 75 pages  
2 that you've worked on for a month or two are really not  
3 very helpful.  
4 CHAIRMAN KATZ: And will just put us in a  
5 bad mood.  
6 MS. RANDELL: Indeed so.  
7 CHAIRMAN KATZ: In fact -- in fact if we  
8 can encourage bullets on something like that, it would be  
9 helpful.  
10 MR. EMERICK: (Indiscernible) -- but  
11 there's no limit --  
12 CHAIRMAN KATZ: There's no limit suggested,  
13 right.  
14 MS. RANDELL: No limit suggested.  
15 Obviously your option on whether you want to impose one.  
16 CHAIRMAN KATZ: Yes.  
17 MR. EMERICK: That's not because the  
18 parties or the people that work on drafting this can come  
19 to some resolution --  
20 MS. RANDELL: No --  
21 MR. EMERICK: -- or recommendation?  
22 MS. RANDELL: -- no. Actually, I never  
23 proposed, nor do I believe Mr. Wertheimer or Mr. Johnson  
24 or anybody --



1 CHAIRMAN KATZ: Can you give that a little  
2 further thought?  
3 MS. RANDELL: Sure. I am, in theory, not  
4 opposed to page limits. I think they're a really good  
5 idea to force everybody to focus the argument.  
6 CHAIRMAN KATZ: Yeah, I agree.  
7 MS. RANDELL: And bullet points are good.  
8 CHAIRMAN KATZ: Yes.  
9 MR. FITZGERALD: If you -- if you adopt a  
10 page limit, sometimes you need to also think about  
11 specifications for the type face and --  
12 MS. RANDELL: Oh, yeah, I --  
13 CHAIRMAN KATZ: Of course -- (laughter) --  
14 MS. RANDELL: It's --  
15 CHAIRMAN KATZ: Well, doesn't the court  
16 routinely give limits --  
17 MS. RANDELL: Yes --  
18 CHAIRMAN KATZ: -- on things like this?  
19 MS. RANDELL: I believe so. And I actually  
20 believe to that point somewhere buried in your procedures  
21 is a statement that we're suppose to use twelve-point type  
22 I believe.  
23 CHAIRMAN KATZ: Yeah.  
24 MS. RANDELL: I don't think you tell me

1 what font however.  
2 CHAIRMAN KATZ: Right.  
3 MR. ASHTON: Not photo reduced either.  
4 MS. RANDELL: No, not photo reduced. Then  
5 we suggest oral argument to be held a week after the  
6 filing of written exceptions. Again, in my experience  
7 that works extremely well. It gives the Council  
8 sufficient time to read the exceptions, especially if  
9 there's a page limit -- I now see what you're saying --  
10 and it's also fresh in everybody's head, and we can have a  
11 reasonable --  
12 CHAIRMAN KATZ: When you --  
13 MS. RANDELL: -- oral argument.  
14 CHAIRMAN KATZ: -- when -- I know this is  
15 not under your control, but when you were roughing this  
16 out, how many weeks did you put down for draft decision,  
17 findings of fact issued by the Council?  
18 MS. RANDELL: Well, what I had anticipated  
19 -- again if you end the hearings October 29<sup>th</sup> --  
20 CHAIRMAN KATZ: Well, we'll have that  
21 discussion later.  
22 MS. RANDELL: I understand. But you had to  
23 start somewhere --  
24 CHAIRMAN KATZ: Yes --

1 MS. RANDELL: -- and it's easier than to  
2 say Day 1 and Day 37 --  
3 CHAIRMAN KATZ: Right.  
4 MS. RANDELL: -- and so on --  
5 CHAIRMAN KATZ: Right.  
6 MS. RANDELL: -- because then you're  
7 calculating it anyway. The way I thought was hard but  
8 doable would be the draft decision issued December 15<sup>th</sup>.  
9 That has the benefit of the Council having a fine sort of  
10 holiday and we don't, because then what you have would be  
11 written exceptions filed December 29<sup>th</sup>. That's not the  
12 first time that has happened I can assure you. My  
13 suggestion then would be oral argument a week later, but I  
14 understand your need to be able to read the exceptions,  
15 that would be January 5<sup>th</sup>, and Happy New Year to all of us.  
16 The oral argument that I would suggest --  
17 and again this is patterning after what pretty well works  
18 at the Department of Public Utility Control -- the purpose  
19 is obviously to comment on the draft decision, but the  
20 purpose is not to repeat verbatim what's in the written  
21 exceptions. It's an opportunity to package the argument.  
22 You know, refine it I should say into its basic points.  
23 It might take 10 or 20 pages in written exceptions, but  
24 hopefully it will take maybe, you know, 5 or 10 minutes in

1 oral argument to say here's what we care about and here's  
2 where we think you got it right and so on. It's an  
3 opportunity I believe too for the Council members then to  
4 ask questions.  
5 Obviously in a docket such as this what you  
6 struggle with is how do you make oral argument work  
7 without being completely unyielded. I came up with the  
8 idea and I tried to sell it with some success of having an  
9 hour for the companies and the ISO collectively. The  
10 companies being the only ones with rebuttal, otherwise you  
11 go on forever. State agencies I thought were a separate  
12 group. And collectively there are three state agencies  
13 here who participated, the Department of Transportation,  
14 the Office of the Attorney General, and the Office of  
15 Consumer Counsel. They would collectively have an hour,  
16 each -- 20 minutes each. Twenty minutes being the basic  
17 increment. My suggestion was you had an option A and an  
18 option B to be considered by the parties and intervenors  
19 where collectively everybody else, and I think it's  
20 somewhere between 32 and 36 other entities, would have a  
21 collective two hours. So you'd have companies and ISO  
22 with an hour, state agencies with an hour, and everybody  
23 else with two hours, subject to their allocation.  
24 CHAIRMAN KATZ: So we could encourage the

1 Towns to self-group.

2 MS. RANDELL: Right. My feedback on this

3 however -- this is the one point of fairly significant

4 feedback on this document, and the feedback was, yeah,

5 it's a great idea in theory, but the Towns are not

6 necessarily in the same place as one another, they'd

7 really prefer 20 minutes each --

8 CHAIRMAN KATZ: Per town?

9 MS. RANDELL: Per town. Now doing the

10 math, 32 towns -- it might be 36 -- 3 to an hour, if

11 everybody used their time, it would be an extremely long

12 day.

13 CHAIRMAN KATZ: When Professor Tait brought

14 this up, he envisioned a one-day event.

15 MS. RANDELL: And I would strongly support

16 that. Having been in situations where you just get to

17 carry over to the next day, it's never as time efficient

18 as if you just gutted it through and finished it up that

19 day because everyone has the opportunity to think about it

20 over night. It could be a long day.

21 We'd suggest you start at 9:00 and

22 hopefully many of the parties and intervenors say not

23 everyone will use their 20 minutes. I should say that

24 that 15 minutes in brackets was my 15 minutes, everybody

1 else said no, they wanted their 20.  
2 MR. LYNCH: (Indiscernible) -- changing  
3 Andy Warhol's rule --  
4 MS. RANDELL: (Laughter). Yes, that's  
5 correct. This is my -- my 20 minutes on CTN, you're  
6 right.  
7 With only one round of argument, with the  
8 exception of any reserved rebuttal by the companies --  
9 CHAIRMAN KATZ: Which we could limit that -  
10 -  
11 MS. RANDELL: Yeah --  
12 CHAIRMAN KATZ: -- think about that one  
13 too.  
14 MS. RANDELL: Okay.  
15 MR. FITZGERALD: I think the idea was that  
16 the companies would get a certain amount of time --  
17 CHAIRMAN KATZ: And could break it up the  
18 way they wanted?  
19 MR. FITZGERALD: Right.  
20 MS. RANDELL: Right. We would be  
21 responsible for that.  
22 CHAIRMAN KATZ: Okay.  
23 MS. RANDELL: A couple of points. Time  
24 limits need to be enforced. Once you let them lag, they

1 won't be. This is something peculiar to this docket.  
2 I've not ever been in a docket at the Department of Public  
3 Utility Control where they did do time requirements, but I  
4 don't see how you avoid it here to make it the least bit  
5 useful --  
6 CHAIRMAN KATZ: Yeah, I agree --  
7 MS. RANDELL: -- for you all.  
8 CHAIRMAN KATZ: A traffic light perhaps.  
9 MS. RANDELL: Now, recognizing that the  
10 Council members will have questions, I suggested, and  
11 nobody -- nobody opposed the idea, that Council member  
12 questions and, within limits, answers to Council member  
13 questions would not be included within the 20 minutes --  
14 CHAIRMAN KATZ: Yes --  
15 MS. RANDELL: -- otherwise you have a  
16 situation where potentially I had this wonderful argument  
17 to make and never got a chance to make it. Practically  
18 speaking, I'm hoping that doesn't get involved, because  
19 having done our oral argument, the best discussions are  
20 when you are actually answering questions and addressing  
21 the real issue. So there needs to be some discretion  
22 there. If you -- for example, if you asked me if the sky  
23 was blue today and I said yes it is and then went on for  
24 another 10 minutes to discuss some other question, that

1 ought to count against my time and not be free time in  
2 response to Council questions.  
3 CHAIRMAN KATZ: One thing we could do as a  
4 practical application of this is have the Council withhold  
5 their questions until the speaker has taken their whole 20  
6 minutes. That way --  
7 MS. RANDELL: That's good --  
8 CHAIRMAN KATZ: -- they can make their  
9 points. We'll all take little notes and they can make  
10 their points and then -- I know that will be a definite  
11 change in our --  
12 MS. RANDELL: That actually could --  
13 CHAIRMAN KATZ: -- but we could do --  
14 MS. RANDELL: That actually could work --  
15 CHAIRMAN KATZ: Right --  
16 MS. RANDELL: -- particularly if you have -  
17 - well you will have a court reporter, you will have the  
18 recording in place --  
19 CHAIRMAN KATZ: Yes --  
20 MS. RANDELL: -- and that is the last point  
21 on this list --  
22 CHAIRMAN KATZ: Okay --  
23 MS. RANDELL: -- to avoid any sort of legal  
24 contentions, people should be at the argument or volunteer



1 to read the transcript. I can't tell you whether that is  
2 an absolute requirement, but it would certainly ease  
3 things significantly --  
4 CHAIRMAN KATZ: You snooze, you lose.  
5 Yeah, okay --  
6 MS. RANDELL: -- in order to do that. And  
7 where that takes you, assuming that the final decision is  
8 issued a week after argument on my days, if you start  
9 again, if you finish the hearings on October 29<sup>th</sup>, you're  
10 at final decision January 12<sup>th</sup>. Practically speaking,  
11 you're looking at about two and a half months to make that  
12 process work --  
13 CHAIRMAN KATZ: Okay --  
14 MS. RANDELL: -- from the end of hearing.  
15 CHAIRMAN KATZ: Okay. Mr. Wertheimer, do  
16 you want to speak first and then I'm going to open it up  
17 to Council questions?  
18 MR. WERTHEIMER: Yeah, if you don't mind.  
19 CHAIRMAN KATZ: No problem.  
20 MR. WERTHEIMER: I did work with Attorney  
21 Randell on this a bit, as did many others, and I think we  
22 have a package for the Council that at least will not come  
23 with dissension among the parties. You can do with it as  
24 you wish, but I don't think you're going to get much

1 dispute among us, which was our primary goal was to wrap  
2 this up for your consideration.  
3 I want to concur with some points and  
4 clarify some of the questions that you asked. First of  
5 all, I agree completely that the additional process does  
6 not raise any additional legal issues for your  
7 consideration or concern. And I submit that the benefit  
8 to the Council and to the parties will far outweigh any  
9 delay that this additional process will cause.  
10 On the point of delay, you need to bear in  
11 mind that it's -- I would submit -- it all depends on how  
12 you count it, but it's minimal -- the addition of reply  
13 briefs to briefs really doesn't delay anything because the  
14 process really starts with the issuance of your draft  
15 decision, and from there you'll get comments, oral  
16 argument, and then your final decision. And then it's up  
17 to you, frankly, how long it's going to take you after  
18 getting the briefs and reply briefs before you put out the  
19 draft decision, which really starts the clock.  
20 Starting the clock with the issuance of the  
21 draft decision will give you -- you know, you add two  
22 weeks for written exceptions, one week for oral argument,  
23 that's adding three weeks at most, the way I count it, to  
24 your process. And maybe even not that much because

1 there's still going to be some lag even if you went  
2 through the normal course of your process without these  
3 measures. It's not like you do one thing one day and then  
4 by the end of the week it's all wrapped up. There's --  
5 there's lag.  
6 Written exceptions I think are critical to  
7 this. And I'd like to address the issue of the no page  
8 limit. I think no page limit was -- first of all, there's  
9 never been a page limit at DPUC, so -- we have not used  
10 that. But I there are a couple of reasons for that.  
11 First of all, written exceptions are not just for the  
12 purpose of explaining where parties disagree with your  
13 policy decisions, it's also for technical, mechanical,  
14 editorial suggestions, which sometimes they're non-  
15 existent but sometimes parties want to correct the record,  
16 that, you know, certain calculations are wrong, certain  
17 numbers are wrong. And those things you can't tell how  
18 much -- how many pages that would take in this proceeding  
19 or in others.  
20 I think also the fact that oral argument  
21 will be held one week later is also an external limiting  
22 factor, because the expectation among the parties are that  
23 you will have read these exceptions, know where the  
24 parties stand on your draft, and it is in our interests as

1 parties to make sure that it is clear and concise as  
2 possible so that we're not using the oral argument to  
3 explain our exceptions but are using them to respond to  
4 your questions or make separate arguments.  
5 With the -- the sticky issue here was,  
6 frankly, how much time do people get for oral argument.  
7 And I think that what has been proposed, if everyone wants  
8 their 20 minutes, then everyone gets their 20 minutes.  
9 It's certainly unwieldy, but the fact of the matter is --  
10 and this is one -- this is where I, respectfully, have a  
11 bit of a different perspective than Attorney Randell --  
12 that the important thing here is that everyone gets  
13 treated fairly, and if they think they need -- if they  
14 cannot pool their time such that they can serve their own  
15 interests, then that's the way it goes. It is unwieldy,  
16 there are a lot of parties, but the parties cannot and  
17 should not be penalized by the fact that there are a lot  
18 of other parties in the case. Everyone signed up for  
19 this, everyone is interested and put in a lot of time and  
20 these hearings have taken weeks and weeks and their oral  
21 argument may take longer than we would want to sit here,  
22 but that's -- that's an unfortunate byproduct of the fact  
23 that there are a lot of -- it's a big case.  
24 I do not appreciate -- I do not support the

1 idea of doing a one-day marathon session. I think that  
2 would impose a lot of pressure on people, either -- you  
3 know, which order do you go in? Do you go first? Do you  
4 think you'll get hurt or better than if you go on at 9:00  
5 o'clock at night? I don't think that's necessarily fair.  
6 I think that you can get an indication of interests from  
7 people ahead of time. When you're doing a schedule, ask  
8 people how many minutes of the 20 do they think they're  
9 going to take. And then if you can do it in one day,  
10 that's great, but if you can't and you're having to go  
11 much past dinner time or something, I would suggest you  
12 break it off earlier the first day and give equal parts  
13 one day or another. It's not like you're going to making  
14 your decision at the end of oral argument, you're going to  
15 want time to take it all in anyway, so -- you know, look,  
16 these things have been delayed more than any of us would  
17 care to have. The hearings have gone on a lot longer than  
18 we anticipated at the beginning. If we take another day  
19 for oral argument, I think that we'd all be better served  
20 by doing so than by trying to rush through and having some  
21 marathon session.  
22 CHAIRMAN KATZ: What I'd like the committee  
23 to do is work out the math of what it would -- if we did  
24 give each town an allotment, if we could work out the

1 math, if we gave 10 minutes a town, 15 minutes a town, 20  
2 minutes a town, what does that work out and the amount of  
3 hours that we'd need to conduct this session.  
4 MR. WERTHEIMER: We can certainly do that,  
5 that's purely mechanical --  
6 CHAIRMAN KATZ: Sure --  
7 MR. WERTHEIMER: -- but I'd -- also I'd  
8 suggest, respectfully, that if you ask beforehand if  
9 everyone is given 20 minutes, is everyone going to use  
10 that 20 minutes and how much of that is going to be used.  
11 And then from there you'll be able to come up with a more  
12 realistic idea --  
13 CHAIRMAN KATZ: Yeah --  
14 MR. WERTHEIMER: -- of what the cost is  
15 going to be because maybe -- it could be that not everyone  
16 shows up or that people want to just stand up and say I  
17 concur with X, and in that case let's not try to truncate  
18 the time period on the front-end without knowing that.  
19 CHAIRMAN KATZ: Okay. Questions?  
20 MR. ASHTON: Mr. Wertheimer, I'm  
21 sympathetic to the points you're raising. I'm a little  
22 bit troubled if everybody has to have an at bat. The idea  
23 of grouping parties is not new to this discussion at all  
24 and it strikes me that -- Mr. Boucher, for example, has a

1 couple of clients that are two separate towns. Now does  
2 he need 20 minutes for each town or will the 20 minutes  
3 satisfy for his clients?  
4 MR. WERTHEIMER: Certainly I'm not opposed  
5 to grouping, but it has to be voluntary. If Mr. Boucher  
6 can do that, that's fine --  
7 MR. ASHTON: Well --  
8 MR. WERTHEIMER: -- but the fact of the  
9 matter is, is that both of those towns separately  
10 intervened and for their convenience or whatever reason  
11 they decided to hire one attorney, maybe it was cost  
12 driven, but they should not be penalized for that. I -- I  
13 would encourage if I were the Council, respectfully,  
14 parties to group and do as much of that you can, but I  
15 would strongly oppose mandating that against the wishes of  
16 each party. Each party or intervenor -- the parties were  
17 -- are in this case by right of statute. The intervenors  
18 were given their opportunity to intervenor, it was  
19 accepted by the Sitting Council, and they have full rights  
20 --  
21 MR. ASHTON: Yeah --  
22 MR. WERTHEIMER: -- as anyone else and they  
23 shouldn't be penalized --  
24 MR. ASHTON: I'm not --

24 their at bat as Mr. Ashton -- consider limiting the time  
23 committee if you do end up feeling that each town needs  
22 CHAIRMAN KATZ: Well, I just ask the  
21 think it would be in anyone's interests to require it.  
20 by giving -- encouraging parties to group, but I do not  
19 awhile. And I think in the long-run you'll be best served  
18 efficiency and fairness will but heads every once in  
17 them to do it, then they will do so, but oftentimes  
16 can group together and it will be more effective for  
15 that brevity and being concise and the fact that if they  
14 counsel in this case are very able and they understand  
13 MR. WERTHEIMER: I -- I think that all the  
12 anything --  
11 a little bit troubled by that. They don't just say  
10 has a very detailed objection get up and say me too, I get  
9 understand that if 43 intervenors following one lead who  
8 Towns understand -- I hope the intervenors and parties  
7 as efficient a process as we possibly can. I hope the  
6 MR. ASHTON: What I am trying to get at is  
5 MR. HEFFERNAN: Right.  
4 anybody's rights at all.  
3 MR. ASHTON: I'm not trying to take away  
2 think they have --  
1 MR. WERTHEIMER: -- because other people



1 of that at bat. Okay, other Council questions? Mr. Lynch  
2 and then followed by Mr. Emerick.  
3 MR. LYNCH: Yeah, with regards to time  
4 limits, again would it be on the basis of use it or lose  
5 it or can one town come up and say I support and yield my  
6 time back to --  
7 MR. WERTHEIMER: It would be -- we talked  
8 about this. It would be use it or lose it. You can't add  
9 --  
10 CHAIRMAN KATZ: Right --  
11 MR. WERTHEIMER: -- if you -- if two  
12 parties consolidate, they get 20 minutes. And I think  
13 that was done with the interest of expediting this and  
14 aware -- but doing so in a way that is fair. It's a  
15 conscious decision by those parties to do that.  
16 CHAIRMAN KATZ: Okay. Mr. Emerick.  
17 MR. EMERICK: Just a question with respect  
18 to I guess mechanics and volumes of information and  
19 grouping. Under the oral arguments the suggestion is that  
20 each party gets its own shot. But when I look back under  
21 exceptions, I don't know how the parties are going to deal  
22 with that in terms of whether they're going to group or  
23 whether they're going to file individual exceptions. And  
24 you're also suggesting no page limit. And after we

1 receive the exceptions, we're calling for oral arguments  
2 in one week. Just doing simple math, if we have 30  
3 parties with unlimited pages and in seven days we're  
4 holding oral arguments, I'm not sure we're going to give  
5 justice to the amount of potential paper that's generated  
6 in that one week before oral arguments. So, I -- I don't  
7 know if the Towns are going to comment, but I mean I think  
8 going into this to know some idea in terms of whether the  
9 Towns expect that they're going to group for purposes of  
10 the exceptions would be helpful and also in terms of the  
11 oral arguments.  
12 MR. WERTHEIMER: Understood. And I think  
13 that's -- Mr. Emerick, I think that speaks directly to the  
14 point that I made, that having oral arguments one week  
15 later and as a party trusting that you're going to read  
16 them and understand them before oral argument is a  
17 limiting factor on how long the exceptions are going to  
18 be.  
19 MR. EMERICK: But following this, I think  
20 process -- I think we need some indication of what our  
21 expectation is, the volume of material we're going to  
22 receive --  
23 MR. WERTHEIMER: That --  
24 MR. EMERICK: -- and I think that's partly

1 driven by whether they're going to group.

2 MR. WERTHEIMER: That's certainly fair.

3 And I think -- there's been no obligation on the Towns to

4 group thus far in this case, but they've chosen and done

5 so, and I think it's been to everyone's benefit. And

6 certainly the counsel and the Towns will make whatever

7 decision they think is best.

8 CHAIRMAN KATZ: Okay. Mr. Johnson, did you

9 want to speak to --

10 MR. JOHNSON: Just -- if I may. Thank you,

11 Chairman Katz.

12 As Attorney Randell said, our agency was in

13 part in discussions to work up this proposal and we -- we

14 support it. And I think that, you know, we're almost

15 there. Whether you want to delegate back to the parties

16 in the docket to work out something that would be

17 presented or offer guidance yourself, that's up to you,

18 but the -- I think it's very important that something like

19 this proposal be put in place even though it's new for the

20 Council. This is of course a highly complex and highly

21 significant docket for Connecticut and I think it will

22 assist the Council substantially to have this --

23 procedures like this in place.

24 I will mention that a -- one other feature

1 that I think will assist the Council tremendously,  
2 associated with the reply brief piece of this proposal and  
3 the oral argument piece would be an opportunity for  
4 parties in this docket to comment on each other's  
5 presentations back and forth, and that will assist the  
6 Council I think in focusing the issues. And --  
7 MR. ASHTON: (Indiscernible) -- may I  
8 suggest that the mathematics of that are something like 40  
9 factorial. And I'm not sure if you're familiar with the  
10 term factorial, but it means one times two times three and  
11 so forth --  
12 CHAIRMAN KATZ: Yeah, think about that one,  
13 Mr. Johnson --  
14 MR. ASHTON: -- up to 40 --  
15 MR. JOHNSON: Yeah, it's -- it's a very --  
16 MR. ASHTON: I think you're asking  
17 something that is way, way out of line.  
18 MR. JOHNSON: No, no, it's a very large  
19 number. It would be up to the -- to the -- of course it's  
20 a large number --  
21 MR. ASHTON: I know it is, but we have a  
22 finite amount of time to decide this case.  
23 MR. JOHNSON: And -- the question of  
24 commenting on the positions of the other parties, 40 or

1 however many it is, it doesn't put any burden on the  
2 Council. It puts a burden on those other parties.  
3 CHAIRMAN KATZ: But they'd have to cover it  
4 within their time.  
5 MR. ASHTON: It puts a burden on the  
6 Council to read this.  
7 CHAIRMAN KATZ: You can use your time up at  
8 the microphone to comment on anything from the weather to  
9 other parties' things, but I don't think -- I don't  
10 envision us including a separate time for commentary, but  
11 that's --  
12 MR. JOHNSON: No, I wouldn't -- I wasn't  
13 indicating that you --  
14 CHAIRMAN KATZ: Okay --  
15 MR. JOHNSON: -- there would be --  
16 CHAIRMAN KATZ: Okay --  
17 MR. JOHNSON: -- I was -- I was indicating  
18 what I felt was a benefit of this procedure --  
19 CHAIRMAN KATZ: Right --  
20 MR. JOHNSON: -- just -- in summary I'll  
21 just say please do go ahead and adopt something like this,  
22 however you work out the oral argument times, it will be  
23 helpful to the parties and I think very helpful to the  
24 Council.

1 CHAIRMAN KATZ: Okay. What I'd like to do  
2 is -- if there are no further questions, what I'd like to  
3 do is first I'm going to -- Mr. Cunliffe has now had a  
4 chance to see this, so I'm going to ask him to review this  
5 from his point of view and submit comment. I anticipate  
6 at some point we'll be, hopefully, announcing October  
7 hearings, and then I'm going to ask during that October  
8 hearing process that we get an updated report from the  
9 oral argument committee.  
10 MS. RANDELL: (Indiscernible) -- deadlines  
11 are good. I don't think we need until October. Can I  
12 suggest we provide the update at the September hearings?  
13 CHAIRMAN KATZ: Fair enough. Fair enough.  
14 And Mr. Cunliffe, I'm going to ask you to give your  
15 comments on how you think this is going to work also.  
16 Okay. What I'm going to suggest we do is --  
17 - I'm going to suggest that we put off until 1:00 o'clock  
18 -- start promptly at 1:00. And at 1:00 o'clock, we'll  
19 have the report on the update from the ROC group, and then  
20 Mr. Phelps is going to give a brief update on the KEMA  
21 studies.  
22 MR. PHELPS: Madam Chair, I just want to  
23 mention that there will be sign-up sheets for this  
24 afternoon's session that will be on this table over here

1 on this side. There will be two sign-up sheets, one for  
2 elected officials and the other for other participants and  
3 members of the public and so on. I'm going to implore you  
4 to please try to write elgibly, or anybody else that  
5 comes in this afternoon I'll make that announcement again  
6 at 1:00 o'clock, please make every effort to write  
7 elgibly. For one thing, CTN wants to put graphics up on  
8 the screen when they edit the material for the speakers.  
9 Thank you.

10 CHAIRMAN KATZ: Okay, we are adjourned  
11 until 1:00 o'clock.

12 (Whereupon, a luncheon recess was taken.)  
13 CHAIRMAN KATZ: Thank you. I'd like to  
14 call this continuation of the meeting of the sitting  
15 Council to order. Before we get into our buffer zone  
16 thing, there were two items from the morning agenda we did  
17 not get to, an update of the ROC group report and a report  
18 from KEMA, our consultants, on their efforts. So we'll go  
19 to the Applicants for a ROC group report. And if you  
20 could identify and spell your names and -- the routine.  
21 MS. ANNE BARTOSEWICZ: Anne Bartosewicz,  
22 Project Director for Northeast Utilities. It's B-a-r-t-o-  
23 s-e-w-i-c-z.  
24 MR. PRETE: John Prete, Project Director,

1 UI.

2 MS. BARTOSEWICZ: Thank you, Chairman.

3 Yesterday we had our first reinstated conference call and  
4 we also asked that the next call be in two weeks. What

5 we'll do is give you a report in two parts. The first is  
6 the technical reports that are being worked on and John

7 will describe those. And second will be a report on ABB,  
8 the HVDC Light (phonetic) study.

9 MR. PRETE: Very well. As it was explained  
10 in the conference calls yesterday and I will endeavor to

11 follow Ms. Barbara Bell, who did a better job summing my  
12 summary up than I did, and again subsequent to the report

13 and the process meeting of August 19<sup>th</sup>, there were two  
14 technical meetings held at ISO. In attendance among the

15 Applicants and ISO were representatives from BP Power, GE,  
16 and Shawnee. The goal was to create a plan, a game plan

17 from that point over to deal with the results of the  
18 report and most definitely to deal with the marginally

19 acceptable and overly complex or operationally complex  
20 words that were put into the report.

21 The game plan needed to balance as we all  
22 know competing goals. Maximizing underground does indeed

23 have inferences in reliability and operability. And what  
24 was put forward and in summary, it will be a parallel path



1 that was initiated with urgency. There will be continued  
2 work on what is defined as Case 7. Case 7 being, from an  
3 electrical point of view, substituting the high pressure  
4 fluid filled as part of the project with XLPE and removing  
5 one of the HPFF cables from the Bethel to Norwalk line and  
6 installing six STATCOMS throughout generally the border of  
7 Southwest Connecticut. More studies are being done to  
8 understand the operational concerns that were elicited in  
9 the report and further reinforced by the experts that were  
10 meeting.  
11 The other path is to continue work on Case  
12 5. Case 5 from an electrical point of view is exactly  
13 like Case 7, although it did not substitute the capacitor  
14 banks with STATCOMS, it keeps the capacitor banks in line.  
15 And in a -- in a strategy for studies what is being done  
16 as we know already is a frequency scan was done on that  
17 case as well as thermal and voltage studies. The next  
18 logical step was to do what is called a TNA, a transient  
19 network analysis. And indeed, GE was kicked off  
20 immediately to perform that study for us. And it was  
21 stated that the results of that study is hopeful for next  
22 week.  
23 So that's the summary of the technical and  
24 work prior.

1 MS. BARTOSEWICZ: We met with ISO New  
2 England and the Applicants met -- -- or had conference  
3 calls with ABB the last week in August. We had two  
4 conference calls. And on August 31<sup>st</sup> we convened a  
5 technical session in which participants from ISO, from the  
6 Applicants and many ABB folks came in and spent all day  
7 discussing HVDC Light, to talk about technical issues.  
8 They inform us that they are committed to their day of  
9 September 17<sup>th</sup> in which to issue a report. And we will  
10 provide that to the Council as soon as we have it.  
11 CHAIRMAN KATZ: Thank you. Is there any  
12 Council members who have questions on the Applicants on  
13 the ROC group report? Seeing none, at this point, Mr.  
14 Phelps, you're going to give us an update on the KEMA  
15 studies. KEMA is the consultants hired by the sitting  
16 Council to look at maximizing undergrounding.  
17 MR. PHELPS: Madam Chair. Very briefly  
18 I'll start out by conveying on behalf of KEMA its  
19 gratitude to the Applicants for its cooperation in  
20 providing the necessary data. By all accounts the  
21 Applicants and staff, the project managers and such have  
22 been very cooperative in providing the necessary materials  
23 and data in a prompt and very usable fashion.  
24 The dates that we're being provided by KEMA

1 at this point are September 30<sup>th</sup> and October 8<sup>th</sup>.  
2 Preliminary results of their work are expected on  
3 September 30<sup>th</sup>. And we're currently targeting October 8<sup>th</sup>  
4 as the date by which the final results will be provided.  
5 That date will be refined on or about September 30<sup>th</sup> when  
6 the preliminary results are provided, but that's currently  
7 the date by which the Council is expecting to receive its  
8 final results.  
9 Just a little additional information. KEMA  
10 is using a computer program called Power Factory to model  
11 the system under its calculated realistic operating  
12 conditions for harmonic studies. Load flow studies for  
13 the selected dispatch scenarios of the Phase 2 project  
14 using XLPE cables have been completed to date. And KEMA  
15 is checking, as we've asked them to do, consistent with  
16 the personal services agreement and contract under which  
17 they're working, to explore and calculate its own  
18 independent findings relative to how much underground  
19 length of the Phase 2 project can be performed by  
20 conducting its own voltage and thermal, that is to say  
21 load flow studies as well as harmonic and transient  
22 studies. That concludes my report.  
23 CHAIRMAN KATZ: Once we have a firm date --  
24 once we either have the KEMA report or have a firm date on

1 the KEMA report or we have a firm -- and we have a firm  
2 date on the ROC group report, then I anticipate we'll be  
3 scheduling the October hearings.  
4 Okay. I want to talk about -- a little  
5 about the format we're going to use this afternoon. First  
6 the Council would like to thank everybody who came to our  
7 workshop on the buffer zone. The recent legislation,  
8 Public Act 04-246 gave broad discretion to the sitting  
9 Council on what the buffer zone should look like, but we'd  
10 like the input from the public, especially abutters on  
11 what the practical aspects of what you think this buffer  
12 zone should look like.  
13 By -- I want to save everybody a couple of  
14 sentences -- by appearing today and discussing the buffer  
15 zone, you are not conceding that the line will be  
16 overhead. The Council understands the legislative mandate  
17 to maximize undergrounding. And as Mr. Phelps just  
18 reported, our consultants are doing -- are studying just  
19 that. So you do not need to tell us that the line should  
20 be underground. We understand -- we understand that  
21 point.  
22 This is not sworn testimony. You will not  
23 be sworn in, you will not be cross-examined. But you --  
24 we ask that you do linger at the microphone for questions

1 from Council members to help clarify your remarks.  
2 The aspects of this is to understand the  
3 practical aspects of the buffer zone, how should it be  
4 defined; the -- how should we define residential areas,  
5 which is not defined in the legislation; should we  
6 restrict the buffer zone; should we -- are we talking a  
7 scorched earth where we'd have nothing allowed in the  
8 buffer zone; should we have some activities; should we  
9 have no limit on activities in the buffer zone. These are  
10 the types of things that we're hoping to get input on.  
11 A number of people have signed up to speak,  
12 so we're using our traffic light system. What we're going  
13 to do is we're going to ask each speaker to keep their  
14 remarks to three minutes. After we go through the entire  
15 list, if we still have additional time, then we can come  
16 back. Now the Council members may ask you questions after  
17 your three minutes and that of course does not count,  
18 we'll allow you to do your whole three minutes. The  
19 Applicants are going to go last.  
20 One of the things we're hoping to do at the  
21 end of the afternoon is to give the Applicants direction  
22 on how we want the EMF mapping to be conducted based on  
23 what we hear from you. I'm hoping that the Applicants  
24 will listen carefully to what they hear from all of you

1 and perhaps they'll hear things they can tell us they  
2 agree with or things they disagree with, or maybe things  
3 they agree with with some tweaking, and that's why we're  
4 holding them to the end of the afternoon.  
5 We are going to do public officials first  
6 and we're going to do -- we're going to try to do north to  
7 south --  
8 A VOICE: You will and you'll have a list,  
9 but just -- (pause) --  
10 CHAIRMAN KATZ: Okay. We're going to do  
11 Legislators first and then we're going to do Mayors and  
12 First Selectmen north to south, and then we're going to do  
13 members of the public and then other parties and  
14 intervenors. We're going to have the speakers over here,  
15 Mr. Phelps?  
16 MR. PHELPS: Yes.  
17 CHAIRMAN KATZ: Okay, to the table here --  
18 there. When you come up, we're going to ask you to give  
19 your name -- when I call your name, give your name, spell  
20 your name because we are having a transcript made of your  
21 remarks, and if you have an affiliation you'd like to give  
22 us, we can do that.  
23 The way the traffic light system works is -  
24 - at 30 seconds it goes yellow, Mr. Cunniff? It goes --

1 30 seconds it goes yellow and then goes to red, and Mr.  
2 Cunliffe will give you sort of the high sign to wrap up  
3 your remarks at the end of three minutes. And as I  
4 indicated, if you did not cover all your points, if we  
5 have time at the end of the afternoon, we'll allow certain  
6 people to come back and speak a little longer.  
7 MR. EMERICK: Pam --  
8 (Pause)  
9 CHAIRMAN KATZ: Yes. It would be -- as Mr.  
10 Emerick just reminded me, it would be very helpful if  
11 you'd sort of identified where you are in relation to the  
12 proposed line.  
13 MR. ASHTON: Pam, get the on-deck person to  
14 come up.  
15 CHAIRMAN KATZ: Yes. And what I'm going to  
16 do is I'm going to call the person and I'm going to call  
17 the on-deck person so that the on-deck person -- to save a  
18 little time in transition between speakers if the on-deck  
19 person could gravitate to the front of the room, we'd  
20 appreciate it. Okay, have I covered all the --  
21 A VOICE: (Indiscernible) -- the podium --  
22 CHAIRMAN KATZ: To the podium? Thank you,  
23 yes. I've been corrected, you'll be coming to the podium.  
24 I think I've covered all of what we need to, so I'm going

1 to call Legislators first, then we'll go to the Mayors and  
2 First Selectmen north to south, and then we'll go to the  
3 residents. Okay. Any procedural questions? Good.  
4 (Laughter).  
5 The first Legislator, I'd like to call  
6 Representative Mary Fritiz. And -- I'm sorry -- and on  
7 deck is Representative Ray Kalinowski. And feel free to  
8 adjust that microphone there.  
9 REPRESENTATIVE MARY FRITZ: Could I ask a  
10 question? These lights -- is that the traffic light or is  
11 he --  
12 CHAIRMAN KATZ: Right down here. Can -- is  
13 it visible -- is the traffic light visible from the  
14 microphone?  
15 A VOICE: Yes.  
16 REP. FRITZ: Yes.  
17 CHAIRMAN KATZ: Okay -- okay. Because we  
18 can move it.  
19 REP. FRITZ: Good afternoon, Ladies and  
20 gentlemen. And for the record I am State Representative  
21 Mary Fritiz of the 90<sup>th</sup> District. I represent parts of  
22 Wallingford and parts of Cheshire. Also, I serve as  
23 Deputy Speaker of the House of Representatives in  
24 Hartford.



1 It's a great privilege to be here this  
2 afternoon, but I want to talk to you, as you said in your  
3 letter, Chairman Katz, about the rationale with regard to  
4 the buffer zone. And as you may or may not know, it was  
5 over a year ago or almost a year ago now that I put  
6 together the legislators to try to address Phase 2 and  
7 what was going to happen with regard to all of our  
8 communities because it was such a large project. At the  
9 end of the day come April, we ended up with a very very  
10 small group of people who were assigned to do the final  
11 legislation.  
12 I guess I should tell you the rationale for  
13 the language of giving you the responsibility, the sitting  
14 Council that is, for determining about the buffer zone.  
15 As you may or may not know, the original bill had a buffer  
16 zone of 300 feet on each side of the right of way. That's  
17 two football fields. We really believed that was a bit  
18 absurd and a bit too big. So we knew that in your looking  
19 at the routes and in your determination in looking at the  
20 geography and the topography and the rest of it, that you  
21 could determine what would be the appropriate buffer zones  
22 in this -- in the area for the expansion of the  
23 transmission lines because we know at the end of the day  
24 you want to protect the people just as we did.

1 For us, I'd like to speak a little bit  
2 further with regard to the bill itself. And I want to go  
3 back to what Attorney Boucher said this morning, if I have  
4 your permission to do that, with regard to best management  
5 practices. If you look at the bill and you go to Section  
6 3, it is very clear that this bill is talking to the  
7 Sitting Council about the pending application, which is  
8 Docket 272. And in Section 3 it's very clear where it  
9 says that effective from passage and applicable to the  
10 applications for a certificate of environmental  
11 compatibility and public need that was originally filed on  
12 or after October 1, 2003, for which the Connecticut Sitting  
13 Council has not rendered a decision upon the record prior  
14 to the effective date of this section, all of the  
15 components of Section 3, all that talks about the  
16 standards -- and Attorney Boucher was correct because I  
17 was the one who said let's do standards, not regulations  
18 because regs review is too cumbersome and we would not get  
19 it done in time for this application -- this -- all of the  
20 best management practices applies, this update applies to  
21 -- clearly to this docket and they need to be updated.  
22 And I was glad to hear that this is what you are doing and  
23 that you have a group that is working on it.  
24 I am here to tell you too the bottom line

1 for this whole group was we want as much of the lines  
2 undergroud as possible.  
3 CHAIRMAN KATZ: Thank you --  
4 REP. FRITZ: We want the same treatment as  
5 Fairfield County. We deserve it just as they got it.  
6 CHAIRMAN KATZ: Thank you, Representative.  
7 Next is Representative Ray Kalinowski. On deck is  
8 Representative Al Adinolfi.  
9 REPRESENTATIVE RAYMOND KALINOWSKI: Good  
10 afternoon. My name is Ray Kalinowski. I'm the  
11 Representative from the 100<sup>th</sup> District, which services the  
12 Towns of Middletfield, Durham, and a portion of Middletown.  
13 This morning there was a brief discussion  
14 regarding what best management practices should apply in  
15 this matter and the intent of recently passed legislation.  
16 And as a Legislator who voted for Public Act 04-246 and as  
17 a participant in crafting its language, allow me to  
18 briefly follow up on what Representative Fritz had to say  
19 about best management practices.  
20 We expect the Council to update its best  
21 management practices for EMF in this proceeding. They are  
22 at least 11 years out of date in terms of reflecting  
23 current science and health studies. The updated best  
24 management practices should be applied to this application

1 and the Council should decide now that it should take

2 these steps. This decision should not be deferred. Thank  
3 you very much.

4 CHAIRMAN KATZ: Thank you, Representative.  
5 And for those members of the public who were not here this  
6 morning, the Council did announce that we were in the  
7 midst of updating our EMF best management practices as  
8 Representative Fritz mentioned.

9 Okay, I have Rep -- I have on deck  
10 Representative Richard -- Ferrari? Please correct me when  
11 you get to the microphone. And Mr. Phelps, I don't have  
12 any other Legislators. Do you want to update this list?  
13 Representative Adinolfi.

14 REP. AL ADINOLFI: Good afternoon. For the  
15 record, I am State Representative Al Adinolfi, a member of  
16 the Connecticut General Assembly, representing the Towns  
17 of Cheshire, Hamden, and Wallingford. This application  
18 has a tremendous effect on the three communities I serve.  
19 Basically, my concern is has the Applicant

20 submitted a workable undergound plan that the Council  
21 might review and make a decision on feasibility. I think  
22 not. Why are we still putting the cart before the horse  
23 and discussing buffers? I believe that all this  
24 discussion of buffer zones before the feasibility

1 determination is not in the best interest of the public  
2 and can adversely influence this Council before making  
3 that decision. I think it's unfair.  
4 The potential health risks associated with  
5 this kind of transmission lines we are talking about have  
6 previously been identified. I won't repeat them.  
7 Childhood leukemia is a prime concern. Based on the  
8 number of meetings we've had to discuss the buffer zones,  
9 and I've been here for them, it appears that the sitting  
10 Council is having difficulty determining the safest buffer  
11 requirements. Then just deny the application.  
12 According to the USFDA, interference from  
13 EMF may affect various medical devices, defibrillators,  
14 pacemakers. I haven't heard too much discussion on that.  
15 It's true that the lines that are up there now could  
16 affect -- when these lines went up, we never even heard of  
17 a pacemaker, so shame on us if we're not taking that into  
18 consideration now.  
19 According to the Connecticut Department of  
20 Health, it's been established -- the link has been  
21 established between EMF and childhood leukemia. And all  
22 these studies are still ongoing in many places around the  
23 world. We would be remiss if we did not proceed  
24 cautiously and not put the health and welfare of our

1 children at risk.  
2 Testimony has been given stating that 3  
3 milligauss is sufficient and safe. And testimony has been  
4 given that .6 milligauss is a safe buffer zone -- buffer  
5 requirement. Error on the side of caution. I mean 50  
6 years ago when they started talking about cigarettes,  
7 everybody got out and said there was no problems, but look  
8 what's happening now. Error on the side of caution and  
9 play it safe, let's go with the .6 milligauss in our  
10 determinations.  
11 Even a remote possibility of a health  
12 hazard should be given prime consideration. The health of  
13 my constituency and every child -- excuse me -- and every  
14 child in the power line route is more important than the  
15 additional monetary costs associated with installing the  
16 345-kV line underground.  
17 It has been stated that perhaps the  
18 Applicants should post signs of potential health hazards  
19 in the areas where these new lines would go. This is  
20 ridiculous. Many of my constituents have to drive under  
21 these lines to get down their driveways and children play  
22 out there. Are the Applicants prepared to buy up adjacent  
23 property and fence it off to keep our children safe. Will  
24 they be willing to buy homes and property that will not

1 meet zoning setback requirements after the buffer zones  
 2 are implemented.  
 3 I urge this panel again to error on the  
 4 side of caution and to rule against this application  
 5 unless the Applicant takes the action to put this line  
 6 underground and avoid overline -- overhead lines in areas  
 7 specified in the state statutes. Thank you for your time.  
 8 CHAIRMAN KATZ: Thank you, Representative.  
 9 Next is Representative Ferrarì and on deck is State  
 10 Senator Win Smith.  
 11 REP. RICHARD FERRARI: Thank you everybody  
 12 and I'm delighted to be here today in front of you, I  
 13 appreciate your taking the time to hear us speak.  
 14 I was -- my name is Richard Ferrarì, F-e-r-  
 15 r-a-r-ì, as like the car -- I don't own one by the way --  
 16 but I represent the Towns of East Granby, Granby,  
 17 Barkhamsted and New Hartford. And for those of you that  
 18 don't, that's just kind of west of Bradley Field, so we  
 19 are not part of this -- our group is not part of this  
 20 particular issue directly. Representative DelGobbo had  
 21 submitted testimony and -- written testimony -- and he was  
 22 out of the country and was unable to be here today to  
 23 speak, although I know he wanted to be here. I also -- I  
 24 agreed with the points he had raised in his testimony.

1 I also wanted to express my concern about  
2 establishing significant public policy that could be based  
3 on scientific information that is at best inconclusive as  
4 to what the risk is -- what risks there is, what level of  
5 risks that might be, and what kind of corrective action  
6 would be appropriate. Good intentions do not provide  
7 enough justification for establishing buffer zones not  
8 based on solid scientific fact. Clearly the Legislature  
9 does not have the knowledge or expertise for establishing  
10 these guidelines. The Siting Council should be allowed to  
11 draw those conclusions based on its own investigations.  
12 I'm also here to speak on behalf of my  
13 constituents who are concerned at continued delays and  
14 obstacles that prevent addressing the problem of  
15 reliability and congestion in Southwestern Connecticut  
16 will ultimately be reflected in higher energy bills for  
17 them through no fault of their own. While I did not  
18 support Public Act 04-246, I know that many members of the  
19 General Assembly worked very hard to reach a compromise,  
20 and I have every confidence that you and the Siting  
21 Council will make every effort to implement it fairly  
22 based on sound scientific evidence. Thank you.  
23 CHAIRMAN KATZ: Thank you, sir. Next is  
24 State Senator Win Smith. I do not have any other



1 Legislators listed. Is there any other Legislators that -  
2 -  
3 A VOICE: (Indiscernible) --  
4 CHAIRMAN KATZ: Okay. After that, we will  
5 do Mayors and First Selectmen and then we'll do -- we'll  
6 go from there. Senator.  
7 SENATOR WIN SMITH: Thank you, Chairman  
8 Katz, and welcome again to the members of the Sitting  
9 Council. It's a pleasure to be here before you one more  
10 time.  
11 As I said in some of my earlier testimony  
12 to all of you, the recent legislation that we passed was a  
13 mandate from the Legislature to you to bury these lines as  
14 much as you can, and only in those rare limited  
15 circumstances in which some of it, and only some of it  
16 absolutely must be above ground, only then do you deal  
17 with buffer zones. I must tell you it's of concern to  
18 several of us that so much time and energy is being spent  
19 on what has to happen in those small limited circumstances  
20 of which at least part of this line must go above ground.  
21 Having said that, the nature and extent of  
22 the buffer zone which we envisioned when we were writing the  
23 legislation was that -- especially with regard to the  
24 facilities that we named in the statute, that all of you

1 would decide -- we as the Legislature were delegating to  
2 you the authority and power to decide what would be a safe  
3 distance from those given facilities. It might be more  
4 for some, less for others, but that you would come up with  
5 the appropriate safety standard, and that we would look to  
6 you as our experts to implement the state policy to make  
7 those especially listed facilities but not just limited  
8 there, a delegation to you to use your common sense of  
9 what other facilities might need special attention and  
10 health and safety regulations, to provide us with guidance  
11 as to what -- what is the appropriate distance from these  
12 facilities where these -- where these lines might be  
13 sited. We -- we expect and intend that you will comply  
14 with that statute and give deference to our wishes.  
15 We never intended the right-of-way to serve  
16 as a sufficient buffer zone. Were that so, there would  
17 have been no need for any legislation. And in fact, a  
18 construction of the statute in that manner would  
19 effectively repealed the statute without having done so.  
20 Those buffer zones are suppose to create safety for our  
21 citizens. If you find that there are places and  
22 facilities around which you cannot place these lines  
23 safely, do not. It was the intent on all of our parts  
24 that you not site those lines near those facilities.

1 I see my light there flashing. I  
2 appreciate your attention and the time you've given me  
3 again and I look forward to speaking with you all again on  
4 future dates. Thank you.  
5 CHAIRMAN KATZ: Thank you. That is all the  
6 members of the Legislature I have listed.  
7 Let me just comment, I do not think this  
8 Council spending time discussing this buffer zone is not a  
9 good use of our time. The legislation specifically  
10 addressed that the Council should give consideration to  
11 what this buffer zone should look like. And even though  
12 we are working to maximize undergrounding, we have an  
13 important duty to design a good buffer zone if a buffer  
14 zone is required. And I think it's an excellent use of  
15 this Council's time.  
16 Let's go to the first Selectmen and Mayors  
17 and we're going to go north to south. Middletown I  
18 believe is not here. We'll go to Durham and then  
19 Middletfield.  
20 A VOICE: (Indiscernible) --  
21 CHAIRMAN KATZ: Well, I was going to -- I  
22 was going to take you right after the Mayors and first  
23 Selectmen if you don't mind.  
24 A VOICE: Oh --

24 those residents who we'll hear from today, and also from  
23 of Health can provide us, listening to the passion of  
22 would like further input from the expertise the Department  
21 saying what I think the buffer zone should look like, I  
20 At this time, I -- before I go on record as  
19 guiding tool for the Siting Council.  
18 part of the process both for the communities and as a  
17 Public Act 04-246 and we believe it's a very important  
16 The Town was very active in supporting  
15 other mitigating scenarios.  
14 already a part of the record, although we are evaluating  
13 counsel, and the Town's preference for undergirding is  
12 very involved in this process with the assistance of  
11 As you know, the Town of Durham has been  
10 who have chosen to be present. Excuse me.  
9 Council's invitation to comment today before you and those  
8 MS. BOARD: I'm battling. I appreciate the  
7 CHAIRMAN KATZ: You're battling.  
6 MS. MARYANN BOARD: So, I'm battling?  
5 now going to announce all of those.  
4 used to say the batter on deck and in the hole, so I am  
3 Wallingford. When my son was playing Little League, they  
2 followed by Middlefield, followed by Meriden, followed by  
1 CHAIRMAN KATZ: We'll go to Durham,

1 the wisdom that I expect will come from the Sitting Council

2 members. So, I will have comments later on, but I don't

3 feel that I have enough information to make good comments,

4 firm comments at this point.

5 I would like to mention, however, that

6 Durham does object to further hearings. The time and

7 expense that they will require prior to receiving a firm

8 plan from ISO and the company, we think that it -- we

9 respectfully request that the Council consider delaying

10 the hearings scheduled for the end of September until we

11 have a concrete plan to review. Thank you.

12 CHAIRMAN KATZ: Thank you. I'm sorry, did

13 -- we -- we need you to give your name and spell your name

14 --

15 MS. BOARD: Sorry --

16 CHAIRMAN KATZ: -- I was negligent on that.

17 MS. BOARD: Maryann Board, M-a-r-y-a-n-n,

18 B-o-o-r-d, First Selectwoman, Durham.

19 CHAIRMAN KATZ: Great, thank you. Next is

20 Middlefield. And again, please when you -- give your name

21 and spell your name and give your title when you come up

22 to the microphone. Oh, I'm sorry, you've got to come to

23 the podium. My mistake.

24 MR. CHARLES AUGUR: Chairperson Katz, I'm

1 Charlie Augur, A-u-g-u-r. Good afternoon. I'm the first  
 2 Selectman of Middletfield and here at your invitation to  
 3 discuss Docket No. 272 and Public Act 04-246.  
 4 While I would like to thank the sitting  
 5 Council for the opportunity to come and speak with you  
 6 here today, I would like to stress that I am not a  
 7 technical expert on any of these issues. And with so much  
 8 still up in the air, I cannot really give definitive  
 9 answers about some of the specific issues, especially the  
 10 questions brought up on August 23<sup>rd</sup>.  
 11 Also, per your earlier request, we  
 12 submitted our thoughts on proposed aboveground,  
 13 underground, and mixed routes. And I'd ask you to please  
 14 rely on the contents of that submission to the greatest  
 15 degree possible. We worked that out at your request with  
 16 Durham and Middletown and I believe it deserves particular  
 17 weight. We were very proud of the fact that we reached a  
 18 consensus together, the three towns.  
 19 Middletfield presently has three sets of  
 20 towers carrying 345-kilovolt lines, plus other towers  
 21 carrying 115-kilovolt lines crossing through the heart of  
 22 our town. For a town of approximately forty-three hundred  
 23 people, we are already bearing a burden disproportionate  
 24 to our size. Middletfield would encourage the sitting

1 Council to consider carefully whether the addition of one  
 2 more 345-kV line between Middletown and Meriden is  
 3 required and whether it will provide benefit equal to its  
 4 cost on the communities in its path.  
 5 Certainly I would like to take this time to  
 6 reiterate as strongly as possible that whatever the costs  
 7 in terms of impacts on residential property associated  
 8 with placement of towers along the route proposed, these  
 9 costs could be magnified ten fold by consideration of the  
 10 so-called northerly route. I cannot stress enough that  
 11 the northerly route is completely unacceptable to the Town  
 12 of Middlefield.  
 13 With respect to the questions posed by the  
 14 Sitting Council in its August 23, 2004 hearing schedule  
 15 memorandum, I'm not sure there are right or even good  
 16 answers. Knowing how much the Sitting Council is  
 17 struggling with this, I want to do my best to give my  
 18 candid thoughts though.  
 19 On questions of the buffer zone and how to  
 20 measure it, I'm not sure that it's really possible to say  
 21 that one measurement is right for all areas along the  
 22 line. While there has been testimony that 300 feet is a  
 23 good distance to achieve background levels of EMF,  
 24 sometimes the buffer may not be realistic, while at other

1 times the milligauss levels at that distance may still be  
 2 unsafe. I think the distance is a good rule of thumb, but  
 3 the Applicant should make an effort to reduce the EMF  
 4 emissions even if they could get away with something  
 5 higher and still have background levels at 300 feet away.  
 6 On what qualifies as a safe level of exposure, I've heard  
 7 testimony ranging from 12 milligauss down to 1 or below.  
 8 I'd rather have you error on the side of the lower number,  
 9 particularly in light of the legislation.  
 10 The definition of residential area is  
 11 another tough matter. Everyone seems to agree that  
 12 numerous houses clustered together, such as the Royal Oaks  
 13 neighborhood in Durham and Middletown is a residential  
 14 area. The results of this application are that even a  
 15 single house in Middletown is flooded with high levels of  
 16 radiation, and I'm not sure that we would be happy about  
 17 that or write it off because it was outside the official  
 18 definition of residential area. We're a rural town and  
 19 most of our houses stand alone on rural streets.  
 20 Likewise, Lyman Orchards Golf Course, a  
 21 portion of which lies beneath the proposed route is zoned  
 22 residential. While this would not qualify as a school,  
 23 day care facility, youth camp, or playground, I believe it  
 24 does deserve protection under the statute. After all,



1 there's nothing to prevent the Lymans from turning that  
 2 golf course into houses at present. It may be that  
 3 creating larger areas of high EMF would essentially  
 4 foreclose that opportunity without Lyman Orchards ever  
 5 even knowing it happened.  
 6 On the question of what gigawatt level is  
 7 the right one to use, I'm not a scientist. And although  
 8 my dad worked for CL&P for 29 plus years, I didn't pick up  
 9 any of his expertise by virtue of being his son.  
 10 (Laughter). What I would say is that looking at a New  
 11 England wide transmission grid load is probably of limited  
 12 relevance to what's going on in Middlefield. If there's a  
 13 way to look at the line loading along the route, you  
 14 should try to look at that first. Only if we cannot -- a  
 15 more pertinent local number should we be trying to make  
 16 judgments based on the regional numbers. Whether 15 or  
 17 27.7 or 30 gigawatts is the right number, I can't say for  
 18 sure, but what I do know is what we are doing here will  
 19 have to last for 40 years. I don't know that any of us  
 20 want to go through this again in our lifetime.  
 21 CHAIRMAN KATZ: Here, here.  
 22 MR. AUGUR: Since the load on lines is  
 23 relentlessly creeping upward, I think measuring at 15  
 24 gigawatts is just asking for trouble. We're not going to

1 be at that figure much longer let alone 40 years from now,  
2 so it's not realistic to pick that figure. Maybe the  
3 right figure is 27.7, or maybe 30, or maybe higher still.  
4 I'm not sure any of us can predict what loads will look  
5 like in 2044, but I would encourage you to pick a high  
6 number so that the children of Middletfield will be as safe  
7 then as they are today, if not safer.

8 A VOICE: (Indiscernible) --

9 MR. AUGUR: Your last question is really  
10 three questions, and I'll just finish this paragraph.

11 Whether the buffer zone exceeds the right-of-way needs to  
12 be looked at on a case-by-case basis. I don't think that  
13 there can be blanket restrictions on usage of the buffer  
14 zones. As I understand it, the testimony has been that it  
15 requires prolonged exposure to EMF for there to be health  
16 effects, so that any blanket statement -- stops one from  
17 entering the buffer zone.

18 I'm not sure signage along the buffer zone  
19 is really a great idea either. In Middletfield Lyman Golf  
20 Course would not be pleased having a sign on their golf  
21 course saying danger EMF, beyond this point play golf at  
22 your own risk. No matter what the signs actually say,  
23 that is what people are going to read into it.

24 CHAIRMAN KATZ: Thank you. I'm going to

1 ask you to wrap up at this point --

2 MR. AUGUR: Okay --

3 CHAIRMAN KATZ: -- okay.

4 A VOICE: (Indiscernible) --

5 CHAIRMAN KATZ: Yes.

6 MR. AUGUR: I just encourage you to do your  
7 best to protect Middletfield and the other residents and  
8 even businesses along the course, along the route that are  
9 sensitive to aesthetic and other concerns --

10 CHAIRMAN KATZ: Thank you --

11 MR. AUGUR: -- such as signage.

12 CHAIRMAN KATZ: Thank you --

13 MR. AUGUR: Thank you for your time,  
14 Chairperson --

15 CHAIRMAN KATZ: Alright --

16 MR. AUGUR: -- and sitting Council.

17 CHAIRMAN KATZ: Thank you very much. Next  
18 is Meriden, followed by Wallingford, followed by Cheshire.  
19 Is Meriden here?

20 A VOICE: I don't think so.

21 CHAIRMAN KATZ: Is Wallingford here? Then  
22 Cheshire please. Following Cheshire is Hamden, Bethany,  
23 and Woodbridge. And if you could give your name and spell  
24 your name.

1 MAYOR DAVID ORSINI: Yes. My name is David  
2 Orsini, O-r-s-i-n-i. I'm the Town Council Chairman, also  
3 known as Mayor in the Town of Cheshire. Thank you for  
4 this opportunity to be here to speak on behalf of the  
5 residents of Cheshire.  
6 The originally proposed 345-kV transmission  
7 line upgrade would impact the residential neighborhood of  
8 our town consisting of approximately 50 homes most  
9 occupied with school age children.  
10 I would like to express my sincere  
11 appreciation for having the opportunity to address the  
12 Sitting Council on the significant topic of buffer zones.  
13 As you are aware, the Connecticut General Assembly spoke  
14 volumes in enacting Public Act 04-246 by making public  
15 health an overriding priority. In doing so, the public  
16 act mandates that a buffer zone be established that is  
17 protective of public health and safety. We believe that  
18 such a buffer zone must, at a minimum, protect individuals  
19 from exposure to elevated levels of EMF. In order to  
20 achieve such protection, Cheshire recommends following the  
21 guidance of the Connecticut Department of Public Health,  
22 which recommends that power lines be sited more than 300  
23 feet away from areas of special concern. In sum, in all  
24 instances where practicable a fixed buffer zone of not

1 less than 300 feet from the 345-kV line should be  
2 maintained. In instances where such a buffer zone is not  
3 feasible, the utilities must be compelled to utilize  
4 mitigation techniques to reduce EMF levels to background  
5 levels at the edge of any proposed buffer. Public Health  
6 is the No. 1 priority. We should not, we cannot accept  
7 any buffer area that does not achieve this reduction.  
8 We do not support a buffer zone that  
9 encroaches upon areas of special concern. In such event,  
10 if there are structures within the existing right-of-way  
11 or within a proposed buffer zone, the Applicant must find  
12 an underground solution or propose an alternative route.  
13 Cheshire fully understands the difficult  
14 tasking facing the Siting Council. However, the  
15 Connecticut Legislature has determined that any proposed  
16 power line route must not negatively impact the public  
17 health of our residents.  
18 Let me wrap up by saying this is important  
19 -- you know, I'm here joined by our -- some of our State  
20 Legislators, by our Town Manager, by town legal staff --  
21 this is so important to our town that I've taken -- I'm  
22 taking person time from my pay job, because this is my --  
23 elected office is a volunteer position -- I've asked for  
24 personal time this afternoon to come be here with you -- I

1 urge you to please make a decision that creates a buffer  
2 zone that fully protects the safety and well-being of our  
3 citizens. Thank you for your time.  
4 CHAIRMAN KATZ: Thank you, Mayor. Next is  
5 -- is Hamden here? Followed by Bethany, followed by  
6 Woodbridge. I saw -- yes -- following Woodbridge is  
7 Orange, Milford, and Stratford.  
8 MS. AMEY MARRELLA: Good afternoon. My  
9 name is Amey Marrella. I'm the first Selectman of the  
10 Town of Woodbridge, and I thank you for inviting comment.  
11 CHAIRMAN KATZ: Could you just spell --  
12 MS. MARRELLA: Both I need to spell. Amey  
13 is A-m-e-y, that's my parents. Marrella is M-a-r-r-e-l-l-  
14 a, from my husband. Alright. (Laughter).  
15 You know, this proposal to date -- and I  
16 say to date because we don't know what's coming out in a  
17 few weeks -- has overhead 345-kilovolt transmission lines  
18 that run through the heart of Woodbridge as well as many  
19 other towns. In Woodbridge alone we have two child center  
20 institutions directly along the proposed right-of-way, the  
21 JCC or Jewish Community Center, and the Ezra Academy,  
22 B'Nai Jacob Complex. In addition we have many homes whose  
23 properties extend underneath the proposed route. So, I am  
24 here realizing that you, the Sitting Council, have an

1 extremely difficult task and are doing your best to vet  
2 all the issues, but at the same time I am deeply troubled  
3 that we are even considering overhead lines.  
4 In the spirit of this request, I can give  
5 you my preliminary thoughts, but I do think it is vital  
6 that Woodbridge and all the towns have the opportunity to  
7 review the results of the ROC group and what is the latest  
8 version of this application and have an opportunity to  
9 confer with our experts and present our case about  
10 whatever comes out of the ROC group discussions.  
11 With respect to buffer zones at this time  
12 let me offer the following. If the Applicants show that  
13 underground lines are not feasible and if the siting  
14 Council nonetheless considers approving a new 345-kV  
15 transmission line, then Woodbridge supports the statement  
16 made in the Town's brief regarding EMF buffer zones, and  
17 that supports a 300-foot buffer zone on either side of the  
18 proposed line.  
19 But before we get to why we're talking  
20 about a 300-foot buffer zone, let's start with the  
21 framework. First, the Siting Council's exclusive charge  
22 under this new law is to set buffer zones that, quote,  
23 "protect public health and safety", end quote. There is  
24 no balancing in that language. Balancing is not made in

1 determining the scope of a buffer zone but in reviewing  
2 the overall application. If the aboveground lines are  
3 approved, then you've got to do what buffer zone is safe.  
4 Second, the existing EMF measurements are  
5 not the baseline. Experts have advised the Council on  
6 what is the appropriate level for protecting public  
7 health. And under the new law any buffer zone must be  
8 designed to reach the safe level. In many instances the  
9 current level of EMF is too high.  
10 Third, we're talking about our most  
11 vulnerable population, children, and the most serious  
12 potential health risk, i.e. death from incurable cancer.  
13 In that context, Woodbridge is supporting, for the  
14 purposes of this discussion, a 300-foot buffer on either  
15 side of the proposed line. The testimony to date supports  
16 that 300 feet on either side is necessary to diminish EMF  
17 to background. And I would note you'll also have to  
18 consider the impact of the 115-kV line if you go that  
19 route.  
20 Obviously, any expanded right-of-way raises  
21 serious problems. Homes and major institutions already  
22 exist within and adjacent to this 160-foot right-of-way.  
23 In effect, if you set a buffer zone, I believe you will  
24 have allowed an effective taking of that land. And I do



1 not understand why a lot of work would be going into  
2 undergrounding in Fairfield County to avoid eminent domain  
3 taking and then effectively allow it within New Haven  
4 County through requiring buffer zones. So what are we  
5 left with? We're left with wondering whether or not  
6 something less than 300 feet would be allowed.  
7 So far the Siting Council, the Towns, and  
8 residents have heard about EMF mitigation techniques that  
9 have never been constructed before, such as split-phasing.  
10 We've also received projections of what the EMF levels  
11 would be, but those calculations depend on the assumptions  
12 on which they are based. Given the record to date, the  
13 Town does not have confidence in the projections. We have  
14 no confidence that those will ultimately be the real world  
15 numbers that we have to look at. And with the lives of  
16 children at stake, we need to know what the maximum EMF  
17 exposures will be when the lines, if they are approved,  
18 are constructed. Further complicating matters, no one  
19 has guaranteed that those will be the numbers. And we  
20 don't know what would happen if the projections prove  
21 wrong and the actual EMF readings are higher.  
22 CHAIRMAN KATZ: Could you wrap up please.  
23 MS. MARRELLA: I will. I think in the end  
24 what you end up with is being told that this just doesn't

1 make sense. Overhead lines would be something that have  
 2 unacceptable health effects or unacceptable buffer zones,  
 3 and in the end I think the Applicants need to think again.  
 4 They figured out -- they need to figure out a new way to  
 5 maximize underground, to look at alternate routes both  
 6 overhead and underground.  
 7 And I have to tell you I think we are  
 8 really at the cusp of a new era, and I recognize this is  
 9 new for all of you, but power plants and the electric  
 10 generation companies have had to do many things to create  
 11 a more environmental friendly adjustment to the world we  
 12 live in today. And I think that we are here now thanks to  
 13 the Connecticut Legislators recognizing that the  
 14 transmission companies have to do more in order to allow  
 15 transmission but allow it in a safe manner. Thank you.  
 16 CHAIRMAN KATZ: Thank you. Can you remain  
 17 at the microphone.  
 18 MS. MARRELLA: Um-hmm.  
 19 CHAIRMAN KATZ: I just want to clarify, in  
 20 your statement did you envision on the 300 feet on each  
 21 side that the utility would be required to buy up the  
 22 property in the buffer zone? You mentioned a taking.  
 23 MS. MARRELLA: No, I said -- I apologize if  
 24 I was unclear. I think it's an effective taking. If what

1 you're saying is you need a buffer zone to protect public  
2 health, who then in reality is going to be -- to want to  
3 be operating within that land. I think if you're talking  
4 about the potential of signs, you're talking about doing  
5 something in the name of health, then what person is going  
6 to want to have a playground underneath, what person is  
7 going to want to have a family barbecue. It effectively  
8 destroys the interests that exists in that property  
9 underneath.

10 CHAIRMAN KATZ: So you --

11 MS. MARRIELLA: So, I believe it is the same  
12 as if you were acquiring taking --

13 CHAIRMAN KATZ: So --

14 MS. MARRIELLA: -- and that deeply troubles  
15 me.

16 CHAIRMAN KATZ: So you think the community  
17 would be supportive of signage at the edge of this 300  
18 feet?

19 MS. MARRIELLA: I think the issue of signage  
20 is something that needs to be considered more closely if  
21 you get to this point of really thinking that you're going  
22 to propose a buffer zone. I think with respect to a  
23 public facility where people can wander on and off, I  
24 think some kind of warning probably is necessary if

1 there's a health basis for creating a buffer zone. My  
 2 concern is with something like private property, then what  
 3 do you do. Do you have something that runs with the land?  
 4 I mean we face this in the inland/wetlands context where  
 5 we are now in Woodbridge trying to create with new  
 6 subdivisions a very clear delineation that will carry  
 7 through in the deeds of where the wetlands are where  
 8 development is not allowed. So if a developer puts a  
 9 certain amount of wetlands, some poor person buying the  
 10 property then doesn't think, oh, well that's where I'm  
 11 going to put my swimming pool. You're going to have the  
 12 same problem with buffer zones. If somebody buys a  
 13 property and isn't aware that the sitting Council 10 years  
 14 ago created a buffer zone, well what good has a buffer  
 15 zone done.  
 16 CHAIRMAN KATZ: Well, I'd like to give you  
 17 an analogy and I'd like just to ask your comment about it.  
 18 I -- my question is, is whether we're doing people --  
 19 private property owners who about this line --  
 20 MS. MARRELLA: Um-hmm --  
 21 CHAIRMAN KATZ: -- are we doing them a  
 22 service by extending the buffer zone into their backyard?  
 23 My concern is if I had an abutting property and I wanted  
 24 to sell it, I envision the real estate agent coming into

1 my house and saying well the first thing you're going to

2 do is paint the living room off-white before you sell and

3 the second thing you're going to do is take that buffer

4 zone sign off the swing set. And so I'm wondering if are

5 we doing people a favor by putting buffer zones in

6 people's backyards. I'd like your comments.

7 MS. MARRIELLA: Well, this is about

8 protecting people's health.

9 CHAIRMAN KATZ: Yes.

10 MS. MARRIELLA: I mean nowadays people when

11 they have homes that have lead paint potentially in them,

12 they have to issue a disclaimer. And all of us, including

13 myself, who used to own a home that was from the 50's have

14 to suddenly issue something that pointed out a risk to the

15 potential buyer that there could be lead paint.

16 So, I think what we're really talking about

17 is what is necessary to protect public health. And that's

18 why I'm saying I'm concerned that you need something that

19 carries through with the seriousness of what you're

20 engaged in that runs with the land and is a warning to

21 people coming on and off. That being said, I realize as

22 much as you do that that's a burden, that that's scary.

23 As Charlie Augur said effectively, nobody is going to golf

24 on a golf course with a warning that says warning, past

1 here your heart pacemaker may not work any more. So

2 that's why I say ultimately what you are at, whether you

3 like it or not, is something that is -- looks awfully like

4 a taking; the walk like a duck, sounds like a duck issue.

5 And that's why the position at this time of

6 the Town of Woodbridge is if that's what you're going to

7 do, if you're going to say to protect public health we

8 need to go out and we need to have a buffer zone that

9 impacts those existing institutions and existing homes, at

10 some point you just say to the Applicant you've got to

11 think again, because I firmly believe that they can do

12 better. And that's the whole history of environmentalism

13 in this country. I have taught environmental law, I have

14 practiced environmental law at the U.S. Environmental

15 Protection Agency, and the way you get better results is

16 if you require it by law. That's the way it works.

17 CHAIRMAN KATZ: Thank you. If you --

18 MR. LYNCH: Madam Chair --

19 CHAIRMAN KATZ: Questions? Mr. Lynch,

20 followed by Mr. O'Neill.

21 MR. LYNCH: If our main concern is to

22 protect public health, then we have a lot of ducks out

23 there already in transmission lines, 345 or 115-KV lines.

24 Are you saying now that we have to go back and re-examine

1 all the existing transmission lines for public health and

2 safety and create buffer zones there also?

3 MS. MARRIELLA: I don't know what your

4 particular jurisdiction is, whether you have the

5 opportunity to de novo decide you're going to go back to

6 things. I do think it is a serious public health matter,

7 whether it's brought up before by the Siting Council or

8 brought up by others. And I also think it's very

9 important not to say, gee, we made a mistake in the past

10 and we better continue it. This is an opportunity to do

11 better in light of the new information that was brought

12 forward, in light of the testimony of the Department of

13 Public Health expert. And I think to fail to act because

14 there wasn't anything done in the past would be flying in

15 the face of new evidence. I mean this happens all the

16 time; people know something knew and therefore they

17 operate in a more cautious manner. We can do something

18 going forward and I think we ought to.

19 CHAIRMAN KATZ: Mr. O'Neill, you were next.

20 MR. BRIAN O'NEILL: Yes. I'm compelled to

21 ask you a question regarding municipal master plans for

22 land use. How would you approach your Town's master plan

23 in regards to right-of-ways going into the future and

24 presently regarding distances for development, residential

1 Planning and industrial planning and so forth?

2 MS. MARRELLA: Well, let me, if I could,

3 just take the opportunity in answering to answer one other

4 question that's come up. In terms of what's a residential

5 area -- and I know that's a problem you have -- from the

6 Town of Woodbridge master plan, 98 percent of Woodbridge

7 is a residential area. So one way you might define

8 residential area is to look at how towns have defined it

9 for purposes of town plans, which are mandated under state

10 law.

11 With respect to looking at this issue on

12 whether we would require anything or not, I'd have to look

13 and see what authority we have. Right now our -- our

14 authority goes under the State and then goes on from

15 there. But certainly I will be looking with interest to

16 see what you all do. And I think it's a worthwhile

17 question of what the Town can do. The sad reality is

18 there is development along virtually all of the right-of-

19 way in the Town of Woodbridge already. The smaller

20 portion that is not yet developed consists of land already

21 owned by the utilities or land owned by the Regional Water

22 Authority as public water supply watershed where there is

23 not any likelihood of development.

24 MR. O'NEILL: Thank you.



1 CHAIRMAN KATZ: Mr. Ashton.  
2 MR. ASHTON: Miss Marrella, the testimony  
3 to date I think has evoked an understanding that EMF  
4 relates to overhead lines and underground lines and  
5 distribution and transmission lines. Would you recommend  
6 that this Sitting Council recommend to the Legislature that  
7 similar buffer areas be set up for the areas outside of  
8 our jurisdiction, which is distribution? We have --  
9 transmission is fair game for the Council but distribution  
10 is not. EMF is EMF whether it's transmission or  
11 distribution, overhead or underground.  
12 MS. MARRELLA: Well, I'm sure that the  
13 Legislature has given to you the responsibility of  
14 protecting public health in this instance that they would  
15 be interested about your thoughts with respect to  
16 distribution lines as well as transmission lines, so I  
17 would encourage you since you've now gone through this  
18 process, to share it back with the Legislature.  
19 MR. ASHTON: And the dichotomy between  
20 overhead and underground the same thing, that EMF exists  
21 in both cases?  
22 MS. MARRELLA: You know, my understanding --  
23 -- and I have not been able to attend all of your hearings  
24 because of the press of other town matters -- is that the

1 concerns about EMF are dramatically less with respect to  
2 undergrounning. And therefore, that is something that is  
3 the less -- the lesser concern in this instance.

4 MR. ASHTON: Thank you.

5 CHAIRMAN KATZ: Thank you. Any other

6 Council members? We thank you for your thoughtful

7 comments and allowing us to have this exchange of ideas

8 with you, it's helpful. Next is, going to my list --

9 A VOICE: Orange --

10 CHAIRMAN KATZ: -- Orange, followed by

11 Milford.

12 MR. MITCH GOLDBLATT: Good afternoon,

13 Chairman Katz and members of the Connecticut Siting

14 Council. My name is Mitch Goldblatt, G-o-o-l-d-b-l-a-t-t,

15 and I'm the First Selectman of the Town of Orange.

16 Thank you very much for allowing me to

17 comment today on the buffer zone situation. Certainly

18 this is a difficult question to address because it

19 involves such a technical matter. And I'm not going to

20 pretend to be an expert on the technical questions.

21 However, one thing is clear, the State Legislature by

22 enacting 04-246 has made exposure to electromagnetic

23 fields from transmission lines a priority health concern

24 of the State of Connecticut. Based on my understanding of

1 the testimony, the only sure way to minimize exposure is  
2 distance or buffer from the line. Whatever distance  
3 results in reduction of electromagnetic fields to  
4 background levels should be the primary objective --  
5 should be the primary objective of the decision. If that  
6 is 300 feet, then that should be the goal. Wherever there  
7 are any facilities that are enumerated in the statute,  
8 including day care facilities, houses of worship, and  
9 playgrounds, that needs to be enacted. With respect to  
10 residential areas, at a minimum that must also take place  
11 where there are homes or other residential structures in  
12 any residential areas, any areas zoned for residential  
13 use. You must consider where the location of the line  
14 though will result in any property condemnation to achieve  
15 the resulting buffer. Condemnation of people's homes is  
16 categorically unacceptable. And if required to achieve an  
17 appropriate buffer mandated, then an alternative route  
18 must be found.  
19 I just want to take a brief exchange from  
20 my notes and pull out the municipal consulting filing that  
21 was submitted on May 2003 in Volume 1 where it says, and I  
22 quote, "avoidance of developed area; given the density of  
23 development in Southwestern Connecticut, a primary routing  
24 concern was avoidance of conflicts, residential land such

1 as houses, businesses, etcetera, a principal routing

2 criteria was to avoid having to acquire homes or

3 businesses. Without the ability to locate a line within

4 the appropriate buffer, then -- then the mitigation of EMF

5 must be considered to achieve those background levels. If

6 this requires taller towers, then you must consider the

7 social, aesthetic, and economic impacts that higher towers

8 will have in determining whether that is acceptable. You

9 certainly have experience with cellular towers. And we're

10 not talking a single tower here as you do with a cell

11 tower, we're talking hundreds of towers throughout the

12 landscape.

13 Finally, if it becomes impossible to

14 achieve a buffer which results in those background levels

15 of EMF, without wholesale condemnation and acceptable --

16 and unacceptable takings and economic impacts, then you

17 must reject the application until the technology that's

18 necessary exists. Thank you very much for your time.

19 CHAIRMAN KATZ: Mr. Goldblatt --

20 MR. GOLDBLATT: Yes, Chairman Katz?

21 CHAIRMAN KATZ: -- just a clarifying

22 question.

23 MR. GOLDBLATT: Sure.

24 CHAIRMAN KATZ: If -- let's -- let's start

1 with the premise, which is always dangerous, that the line  
 2 has to be overhead, do you think the towns would prefer an  
 3 alternate route where we have to create a new 345-kV  
 4 right-of-way somewhere or would they prefer if we did EMF  
 5 mitigation within the existing right-of-way?  
 6 MR. GOLDBLATT: It's a difficult answer to  
 7 give you because of the density of our population in the  
 8 Town of Orange. Orange isn't considered to be a densely  
 9 populated area, but when it comes to these transmission  
 10 lines, it certainly is. We have -- many people who are  
 11 along those lines -- a couple of hundred homes in fact  
 12 just in the Town of Orange. I cannot -- and I've tried --  
 13 I cannot find an alternative route in the Town of Orange  
 14 even if it was a 115 line, just to find another line to go  
 15 through. The only -- the only acceptable alternative  
 16 we've been able to find is through existing streets for  
 17 undergrounding. And that's -- that's where our focus has  
 18 been, because -- and we've -- we have broached this  
 19 question, looking for an alternative area, I really don't  
 20 have one in my town.  
 21 CHAIRMAN KATZ: Thank you. Other questions  
 22 for Mr. Goldblatt? Thank you, sir.  
 23 MR. GOLDBLATT: Thank you.  
 24 CHAIRMAN KATZ: Next is Milford. And while

1 Millford is coming up, I want to ask if there's anybody

2 from Stratford, Bridgport, Fairfield, Westport, and

3 Norwalk here, First Selectmens and Mayors? Okay, if not,

4 after we do the Mayor, then we will do Sheila Sloane,

5 chairman of a town conservation commission. Yes.

6 MAYOR JAMES RICHIETELLI: Good morning,

7 Chairman Katz and members of the Connecticut Sitting

8 Council. My name is James Richetelli, R-i-c-h-e-t-e-l-l-

9 i. I'm the Mayor of the City of Millford and I want to

10 thank the Council for allowing me to take part in this

11 afternoon's session on this very complex and difficult

12 issue.

13 First of all, I don't want to -- I don't

14 want my comments to be misconstrued, nor do I want the

15 Council to be under the misimpression that Millford is in

16 any way conceding that undergrounning these 345-KV

17 transmission lines through Millford is not possible.

18 You've heard over and over again that Public Act 04-246

19 mandates that lines be located underground when they are

20 to be approximate to sensitive areas. I would urge the

21 Council to renew their commitment to complying with this

22 legislation mandate and ask that you require whatever

23 potential solutions or technology are possible, including

24 the creative use of technical applications or DC

1 technology. Public Act 04-246 is a legislative  
2 determination that EMF from high voltage transmission  
3 lines are a matter of public health concern which must be  
4 address by locating transmission lines underground  
5 wherever they about areas of special concern or if  
6 undergrounding is not absolutely feasible by instituting  
7 adequate buffers to protect against EMF exposure. If at  
8 some point in this proceeding it is determined to a  
9 certainty that additional undergrounding is not feasible,  
10 a buffer zone must be established where achievable --  
11 where achievable in order to protect the health and lives  
12 of our children.  
13 Milford's position regarding buffer zones  
14 is outlined in the Town's brief dated July 21, 2004.  
15 Specifically, it suggests that a buffer zone of 300 feet  
16 from the transmission line where achievable, which  
17 recommendation is supported by the Department of Public  
18 Health. The legal issue that would be implicated by such  
19 a buffer, such as the need for additional easement area,  
20 must be addressed at some point.  
21 To the extent that a 300-foot buffer is not  
22 practical, EMF mitigation techniques must be implemented  
23 to reduce EMF levels to ambient background levels at the  
24 edge of whatever buffer is implemented. EMF mitigation

1 techniques instituted for this purpose must be  
2 demonstrated to be reliable and the Council should mandate  
3 post-construction tests as well as periodic testing in the  
4 future to ensure that these levels remain within the  
5 acceptable limit.  
6 If EMF mitigation cannot reliably and  
7 consistently bring EMF levels to within this acceptable  
8 range, the proposed transmission line should not be built.  
9 It is likely that this transmission infrastructure will be  
10 in existence for several generations of our children who  
11 live and play near it. If the line cannot be built in a  
12 way that ensures the safety of health of these -- the  
13 safety and health of these children, it should not be  
14 built until that can be demonstrated.  
15 One of the areas of special concern by the  
16 public act is residential areas. The definition of  
17 residential area is very simple, it's an area where  
18 residence is located. The safety of our residents in  
19 Millford is our paramount concern. And we don't value the  
20 safety of our children who live in small neighborhoods  
21 along the right-of-way any less than those children who  
22 live in the more densely populated areas along the right-  
23 of-way.  
24 Further, any measurement conducted to



1 determine whether a residential property is within the  
2 buffer should be triggered not from the residential  
3 structure but from the closest property boundary so as to  
4 include the front, back and side yards. As you can see  
5 from the aerial photos which have been filled with the  
6 applications there are residential properties along much  
7 of the right-of-way in Milford.  
8 CHAIRMAN KATZ: Could you wrap up --  
9 MAYOR RICCHELTI: I can. Finally, it's --  
10 it's impossible at this point in the proceedings to  
11 provide you with meaningful input as to what specific  
12 buffer zones, tower heights, and system configurations  
13 Milford would advocate if it were clear that 345-KV  
14 transmission lines had to be located overhead. Until such  
15 time there is a route to consider, the studies have been  
16 completed and -- studies have been completed and  
17 sufficient evidence provided, it is premature for the city  
18 to draw any conclusions about the specific potential  
19 application of EMF buffer mitigation techniques.  
20 And I'll provide the Council with the rest  
21 of my statement.  
22 CHAIRMAN KATZ: Great.  
23 MAYOR RICCHELTI: I'd be happy to answer  
24 any questions also.

24 everybody in the State of Connecticut that those  
23 have to be demonstrated to us and to the Council and to  
22 be willing to look at that and to discuss it, but it would  
21 MAYOR RICCHELTI: We -- we certainly would  
20 people currently have with the 115 --  
19 years if there was no net increase over the EMFs that  
18 CHAIRMAN KATZ: -- through the whole 40  
17 MAYOR RICCHELTI: Right --  
16 around 40 years of transmission life -- line of --  
15 the whole 40 years of -- let's see, I think we heard  
14 CHAIRMAN KATZ: So you're saying through  
13 further, to look at it. You know, I think that the --  
12 willing to -- we would be willing to investigate it  
11 that can be demonstrated, then we certainly would be  
10 are reliable and are going to be longstanding. And if  
9 has to be demonstrated that the EMF mitigation techniques  
8 MAYOR RICCHELTI: Again, it has to -- it  
7 feet anyway?  
6 be supportive of that effort or would they want the 300  
5 existing pre-45 levels of EMF, do you think people would  
4 edge of right-of-way where they are no higher than the  
3 could through EMF mitigation get EMF levels down to the  
2 - hypothetically, following up on your comments, if we  
1 CHAIRMAN KATZ: Thank you. Mr. Mayor, if -

1 techniques -- that the -- that the techniques are reliable  
2 and that the technology does exist to mitigate the EMF  
3 levels.  
4 CHAIRMAN KATZ: Thank you. Any other  
5 questions for the Mayor? Mr. Wilensky.  
6 MR. EDWARD S. WILENSKY: Mr. Mayor, just a  
7 point of clarification. What was your definition or your  
8 explanation of what a buffer zone should be? How many  
9 feet from where?  
10 MAYOR RICHIETELLI: We -- and I'm not an  
11 expert --  
12 MR. WILENSKY: Yes.  
13 MAYOR RICHIETELLI: -- but we -- in the City  
14 of Milford, we trust in the judgment of the Department of  
15 Public Health, which has said 300 feet on either side of  
16 the land. Also, you've heard testimony from the -- from  
17 the good folks from Woodbridge who have said that 300-foot  
18 buffer. So that's -- at this point --  
19 MR. WILENSKY: I think you said --  
20 MAYOR RICHIETELLI: -- that's what we placed  
21 our trust in.  
22 MR. WILENSKY: Mr. Mayor, did you say 300  
23 feet from the power lines, is that -- I thought that's  
24 what you said before. Is that what you meant?

1 MAYOR RICHIETELLI: Three hundred feet on  
 2 either side of the power lines.  
 3 MR. WILENSKY: Okay, that's what you said.  
 4 Okay, thank you very much.  
 5 MAYOR RICHIETELLI: You're welcome.  
 6 MR. WILENSKY: Thank you, Madam Chairman.  
 7 CHAIRMAN KATZ: Thank you. Anything else?  
 8 Thank you, Mr. Mayor.  
 9 MAYOR RICHIETELLI: You're welcome. Thank  
 10 you.  
 11 CHAIRMAN KATZ: Okay, I believe that  
 12 concludes the Mayors and First Selectmen. At this time,  
 13 the Chairman of the Conservation Commission of the Town of  
 14 Middletown. Yes, can you come up please. Is there any  
 15 other local officials before we get to the citizenry? Are  
 16 there any other local officials that we need to do? Okay,  
 17 we will go to the citizens lists right after that. And  
 18 about 2:30 we're going to have a break. If you could  
 19 introduce yourself, give your name and spell your name.  
 20 MS. SHEILA STANE: Sheila, S-h-e-l-l-a.  
 21 Stane, S-t-o-a-n-e. Chair of Middletown's Conservation  
 22 Commission.  
 23 I've come here prepared with a number of  
 24 studies which I researched on the internet. And I'm not

1 going to give you all of them, I'm going to summarize  
2 them, but I'm going to start with the first statement.  
3 And I would also like to say that I'm a grandmother of two  
4 children who now live quite close to the power lines and I  
5 don't want to see any more EMFs affecting my grandchild  
6 because of children ages 14 and under in the United  
7 States, about 14 in a hundred-thousand develop some form  
8 of cancer each year. Almost one-third of these cases are  
9 acute lymphocytic leukemia, the most common form of  
10 leukemia in children. For childhood leukemia victims,  
11 chances of survival are about 60 percent. Now that's  
12 pretty good, 60 percent, right, but 40 percent die.  
13 To date 14 studies have analyzed the  
14 possible association between approxmacy (phonetic) to  
15 power lines and various types of childhood cancer. Of  
16 these, eight have reported positive associations between  
17 proximity to power lines and some forms of cancer. There  
18 was a study done in 1979 that found that children who had  
19 died from cancer were two or three times more likely to  
20 have lived within 131 feet of a high current power line.  
21 There was a study done in Denver in 1988 and a 1991 study  
22 in Los Angeles also found significant associations between  
23 living near high current power lines and childhood cancer  
24 incidences. The LA study found an association with

1 leukemia but did not look at all cancers. The '88 Denver  
2 study found an association with all cancer incidences.

3 CHAIRMAN KATZ: I'm going to interrupt you

4 and ask you based on -- because of the short time you have  
5 left, based on this medical information, how do you think  
6 the buffer zone should look in Middletown?

7 MS. STONE: I think the buffer zone should

8 look in Middletown as far as possible from the borders of  
9 residential property. And I think that's so important

10 because I think that if you say that it's 300 feet from a  
11 house, then it's probably 150 feet or less from where the  
12 children play. So, I think it should be at the borders of  
13 the nearest properties.

14 CHAIRMAN KATZ: And you think there should

15 be signage marking this edge?

16 MS. STONE: I definitely think there

17 should be signage. I realize that there is a problem with  
18 signage. My daughter is a real estate agent and when she  
19 has a property that she has disclosures on, people get  
20 upset about it. I was a wetlands commissioner. We have

21 signs -- signs to people to say okay this part of your  
22 property is part of the wetlands. It just has to be.

23 It's something that if we have to live with, we have to

24 live with it. But undergrouniding would be so much better.

1 Thank you very much.

2 CHAIRMAN KATZ: Thank you for your remarks.

3 Okay, at this time we are going to go to the citizen list.  
4 What I'm going to do when I call your name, I'll call  
5 who's up first and then who's on deck. I'm going to ask  
6 when you come up to the podium, to please give your name  
7 and spell your name. First is Susan Fiedler, on deck is  
8 Irish Bradley, in the hole is Prakash -- you know how to  
9 pronounce it.

10 MS. SUSAN BIRKE FIEDLER: Good afternoon.

11 My name is Susan Birke Fiedler. Thank you for providing  
12 the public with the opportunity to speak about this issue.  
13 At the core of this dilemma is the  
14 balancing of many varied interests. I'm here today as the  
15 mother of three children who attend school in Woodbridge  
16 and go to the JCC day camp. I'm here to ask that whatever  
17 buffer zone you create, it is safe under all  
18 circumstances. I know that there are many different  
19 electrical loads that will go through these power lines.  
20 The buffer zone must be safe not just for typical loads  
21 but for all loads now and in the future. I don't envision  
22 that the public will have a constant update on how much  
23 electricity is flowing through a particular line. It is  
24 incumbent upon you to assure the public that no matter how

1 much electricity flows through the line, that at the edge  
 2 at your determined buffer zone our children are safe.  
 3 I also respectfully request that the  
 4 formula used to create buffer zones is based on proven  
 5 methods for dissipating EMF. I don't want to be told some  
 6 time in the future that split-phasing was a creative idea  
 7 for mitigating EMF, but ultimately unsuccessful. This is  
 8 too important of a decision that has ramifications for  
 9 many generations of children that it cannot be dependent  
 10 on backyard experiments and untried methods.  
 11 I would like to see a buffer zone that is  
 12 always background level at its edge regardless of the wind  
 13 or the cancellation probabilities. I believe that  
 14 distance is currently the only proven mechanism for  
 15 dissipating EMF. I recommend that where children  
 16 congregation, such as schools, day cares, day camps and  
 17 playgrounds, that a buffer zone of 300 feet on each side  
 18 of the line must be applied. If this is not possible,  
 19 then at the very least an adequate buffer is one that is  
 20 at its edge the EMF level is brought down to background  
 21 level.  
 22 I implore you to provide the children of  
 23 the State of Connecticut with a safety buffer zone that is  
 24 just as reliable as the electricity flowing through the



1 lines. Thank you.

2 MR. LYNCH: Madam Chairman.

3 CHAIRMAN KATZ: Yes. If you could stay at

4 the microphone, we'd appreciate it. Mr. Lynch.

5 MR. LYNCH: The existing power lines that

6 run through your area right now are not at background

7 levels, they are above background levels --

8 MS. FIEDLER: That's correct --

9 MR. LYNCH: Alright --

10 MS. FIEDLER: -- but we now have additional

11 information and I would hope that --

12 MR. LYNCH: Now you see where I'm going.

13 Would --

14 MS. FIEDLER: Absolute --

15 MR. LYNCH: Would -- even if this

16 application is denied, would you come back to the State

17 Legislature or Public Health and ask that these be -- that

18 these standards be changed?

19 MS. FIEDLER: I would.

20 MR. LYNCH: Thank you.

21 CHAIRMAN KATZ: Any other questions for

22 this speaker? Thank you.

23 MS. FIEDLER: Thank you.

24 CHAIRMAN KATZ: Next Trish Bradley,

1 followed by Prakash, followed by Doug Skalka.

2 MS. TRISH BRADLEY: Trish Bradley, B-r-a-d-  
3 l-e-y.

4 CHAIRMAN KATZ: Miss Bradley, before you  
5 start, I've been informed you're going to go slightly over  
6 three minutes.

7 MS. BRADLEY: Yes. I was going to ask you  
8 that.

9 CHAIRMAN KATZ: And I'm going to let you go  
10 slightly over three minutes.

11 MS. BRADLEY: Thank you very much, I  
12 appreciate it.

13 CHAIRMAN KATZ: Yes.  
14 MS. BRADLEY: I -- my name is Trish

15 Bradley. I live at 47 Iron Wood, Durham -- Iron Wood Lane  
16 in Durham and my home is 12 feet from the right-of-way.

17 Members of the Connecticut Siting Council,  
18 I would like to thank you for this opportunity to provide  
19 input on the subject of Public Act 04-246 and the buffer

20 zone criteria.  
21 As a mother of five, I am here today to

22 advocate for the safety and well-being of not only my own  
23 children, but all the children of Connecticut. As you

24 deliberate and finalize your decision on the definition

1 For this buffer zone, the safety of our children today and  
2 in the future should always be at the forefront of your  
3 minds. Why? Because that was the intent of the Bill 5418  
4 and Public Act 04-246.  
5 Along with other members of my  
6 organization, I've spent many days and hours at the  
7 Capitol and was instrumental in the passage of this new  
8 law in Connecticut. The intent of this important piece of  
9 legislation must not be forgotten or misconstrued. The  
10 intent of this law was to protect public health and safety  
11 with the presumption that all high voltage transmission  
12 lines be buried when they are adjacent to residences,  
13 schools, day care centers, playgrounds, and public areas  
14 where children congregate.  
15 When it is proven technically infeasible  
16 that lines cannot be buried near statutory facilities,  
17 only then should a buffer zone be considered. With that  
18 in mind, I would like now to comment on the Council's  
19 following questions regarding buffer zone criteria: should  
20 the buffer zone be defined by distance or level of  
21 milligauss and should the buffer zone be wider than the  
22 right-of-way?  
23 The general understanding of a buffer zone  
24 is a neutral area between hostile or belligerent forces

1 that serves to prevent conflict. High voltage lines are  
2 the hostile forces. A buffer zone should be an area  
3 created to produce the same effect and provide all the  
4 same protection as if the lines were buried. Clearly one  
5 should conclude by definition and therefore by law an  
6 additional portion of land is required between the edge of  
7 the right-of-way and the statutory facilities to create a  
8 buffer zone and the -- sorry, I lost my place here -- and  
9 the statutory facilities to create a buffer zone to  
10 provide safety by means of distance. With distance beyond  
11 the edge of the right-of-way, the goal of consistently  
12 having EMF measurements at background levels or less will  
13 be met.  
14 Distance is the key to upholding all  
15 requirements of the act. The statutory responsibility of  
16 the Siting Council is to define a buffer zone to protect  
17 the public health and safety from all the dangers of power  
18 lines. The act states that the location of the line will  
19 not pose an undue hazard to persons or property along the  
20 area traversed by the line. The option to mitigate EMF  
21 levels through NU's proposal of the proposed installation  
22 of 130 to 150-foot towers near statutory facilities  
23 violates the act based upon the physical proximity of the  
24 towers. For example, in Durham and Middletown the right-

1 of-way is not as wide as in some other areas and homes are  
2 as close as three feet to the right-of-way. With the  
3 towers at such extreme heights, there is an increased  
4 probability that natural weather related hazards such as  
5 ice or winds will cause downed lines to fall across  
6 rooftops, yards, or pools where children are at play.  
7 If a buffer zone is to be defined only by  
8 the milligauss level at the edge of the right-of-way, how  
9 will this be monitored? Will there be a -- will there be  
10 financial penalties assessed upon the companies if a  
11 random test by a third-party shows any discrepancies?  
12 At a previous hearing I questioned NU  
13 representatives on actual field measurements taken by  
14 CL&P. It was basically implied that the field  
15 measurements were meaningless and not at all indicative of  
16 typical milligauss levels for a particular cross-section.  
17 No one, not even the companies themselves know what the  
18 milligauss levels are from day to day. If this is so, how  
19 can they or anyone else be certain that the optimized low  
20 EMF calculations will accurately reflect actual milligauss  
21 levels for some point in the future. The law was passed  
22 to protect the public, not give the pretense of protecting  
23 the public.  
24 I would also like to comment on the

1 discussion suggesting that the buffer zone be defined as  
 2 no net change in EMF levels. If no baseline readings  
 3 exist, this is impossible. To use what NU has termed  
 4 existing calculations as a baseline would create  
 5 inaccurate results. Those calculations are based upon  
 6 other criteria not yet in place. The calculations are  
 7 deceptive. They have been revised and manipulated and  
 8 revised some more. In no way do they reflect anything  
 9 that is presently in place. No net change from the  
 10 calculated existing milligauss levels is not the same as  
 11 no net change from actual field measurements taken today.  
 12 CHAIRMAN KATZ: Could you wrap up please.  
 13 MS. FIEDLER: Should the Siting Council  
 14 consider 15-gigawatt, 27 gigawatt, or 30-gigawatt for the  
 15 New England transmission grid load? The projected system  
 16 load for 2007 is 15 gigawatts. That's the starting point.  
 17 Line load and usage will only increase from the starting  
 18 point. Development in buffer zone consideration should be  
 19 based upon the highest system load for the future for our  
 20 children's children. The existing lines have been in  
 21 place for 30 to 60 years now. If 30 gigawatts is the  
 22 maximum system load anticipated while our children are  
 23 having children, then that's what the Siting Council  
 24 should consider when defining a buffer zone. If 30

1 gigawatts is not indicative of the expected maximum future  
2 load, then we need to reassess the system load, thus  
3 reassess the buffer zone. That's what planning for the  
4 future is about. Therefore, the maximum system load  
5 should be determined for the life of these transmission  
6 lines and a buffer zone defined accordingly.  
7 CHAIRMAN KATZ: Thank you. We're going to  
8 ask you to wrap up, okay.  
9 MS. FIEDLER: Okay. Thank you.  
10 CHAIRMAN KATZ: Thank you very much.  
11 MR. PRAKASH VAIDYA: Hi. My name is  
12 Prakash Vaidya. That's P-r-a-k-a-s-h. And the last name  
13 is V as in victor, a-l-d-y-a.  
14 Thank you, Chairman Katz and members of the  
15 Council for this opportunity to provide some input.  
16 The buffer zone is a critical failsafe,  
17 designed to protect the health and safety of my family,  
18 friends, and neighbors. In this day and age of Enron and  
19 World Comm (phonetic), it is hard to believe that  
20 corporations exist to serve and look after the well-being  
21 of the community. This inclusion of a buffer zone is the  
22 Connecticut Legislature's attempt to secure the well-being  
23 and safety of its citizens. This buffer zone by  
24 legislative intent, it is my understanding is of the size

1 of the existing right-of-way and from the edge of the  
2 existing right-of-way, and this is a bare minimum  
3 requirement.  
4 A variety of studies have linked EMF to  
5 childhood leukemia. I've heard testimony that 3  
6 milligauss levels are considered acceptable. The Yale  
7 doctors opposing the Applicants had specified lower  
8 levels. I seem to recall 0.6 milligauss. Keeping in mind  
9 that this is a constant exposure, 24 by 7 exposure that we  
10 are faced with that we cannot escape, people will tell you  
11 that you get the same amount from a -- standing in front  
12 of a microwave, but we don't have the option of turning it  
13 off. We are constantly bombarded with this EMF. So we  
14 should consider -- we should error on the side of caution.  
15 We don't know what the long term effects of EMF are. And  
16 I'm sure you'll recall -- I'll use the same example  
17 Representative Adinolfi gave of the cigarette companies  
18 where all the executives got up and testified in front of  
19 Congress that -- they swore that there was absolutely no  
20 linkage between cancer and cigarette smoking.  
21 So any EMF numbers that we need to consider  
22 for the transmission lines need to be correlated with  
23 power flows. The EMF values should correspond to the  
24 power flows at given probability levels. My understanding



1 is that generally the EMF directly under an overhead  
2 transmission lines tends to be a couple of hundred  
3 milligauss for the lowest practical power flows in any  
4 overhead transmission line. I mention this also because  
5 in my neighborhood the children have to stand for their  
6 bus -- wait for their buses -- they -- under these power  
7 lines. They play under these power lines. And this is --  
8 if you put in a new line there, you're definitely going to  
9 expose them to much more.  
10 In summary, I'd request you to keep an open  
11 mind on the buffer zone and error on the side of caution.  
12 And I'd -- I'd like to just leave you with one question --  
13 one question on the issue of undergrounding cables. If  
14 the tiny country of Iceland can put 125 miles of XLPE  
15 cable underground, why can't we with our vast knowledge  
16 and resources put in a 69-mile route? Thank you.  
17 CHAIRMAN KATZ: Thank you.  
18 MR. ASHTON: One question.  
19 CHAIRMAN KATZ: Could you stay at the  
20 microphone.  
21 MR. VAIDYA: Yes.  
22 CHAIRMAN KATZ: Mr. Ashton.  
23 MR. ASHTON: Do you know what the voltage  
24 is for that Icelandic cable?

1 MR. VAIDYA: Yes, I do.  
2 MR. ASHTON: What --  
3 MR. VAIDYA: I -- I mentioned previously it  
4 was 138 kilovolts. It's not 345.  
5 MR. ASHTON: Thank you.  
6 A VOICE: DC --  
7 MR. VAIDYA: But they do use --  
8 MR. COLIN C. TAIT: -- (indiscernible) --  
9 345 -- --  
10 MR. ASHTON: No, it's not 345 --  
11 MR. TAIT: Could -- could you clarify that?  
12 It's 138 and not 345?  
13 MR. VAIDYA: 138-kV using --  
14 A VOICE: Is that DC --  
15 MR. VAIDYA: -- shunt reactors every five  
16 kilometers. It's AC.  
17 CHAIRMAN KATZ: Thank you.  
18 MR. VAIDYA: Thank you.  
19 CHAIRMAN KATZ: Next is Doug Skalka,  
20 followed by Karen Leibowitz, followed by a 10-minute  
21 break.  
22 MR. DOUGLAS SKALKA: Good afternoon. My  
23 name is Douglas Skalka, S-k-a-l-k-a. I'm an attorney, but  
24 unlike many of my colleagues, my comments will be brief --

1 (laughter) -- and I am not here today though as an

2 attorney. I'm here today as the parent of three children

3 and as a resident of the Town of Woodbridge. My three

4 children attend Ezra Academy, they are members of the

5 Jewish Community Center, they have attended the JCC Day

6 Camp, they play on the playgrounds in Woodbridge, Orange

7 and Millford that many of these power lines currently run

8 through. And I'm here as a parent.

9 One thing I want to point out is what I

10 think is the -- the clear intent of the statute, as

11 Chairman Katz said in the beginning was to send a message

12 to the sitting Council as experts to protect the health and

13 safety of all residents of Connecticut, but particularly

14 children. Unfortunately, I think the practical effect of

15 a buffer zone as it applies to Woodbridge is that it's not

16 very practical. I love my children dearly, but if you

17 institute a buffer zone at their school or their

18 playground or at the JCC where they intend and I tell

19 them, look, the sitting Council of this State has already

20 determined that it's not safe for you to go beyond that

21 particular wall or that yard, you know, they're not going

22 to listen to me. And many other kids aren't. There are

23 hundreds of children playing right now under these power

24 lines. And maybe that's wrong, maybe those background

1 levels are too high in response to a question from a  
2 Sitting Council member raised earlier. My point is if we  
3 now know they're too high, the statute doesn't say let's  
4 go back or keep the EMF levels where they are, the statute  
5 says protect the public health and safety of the citizens  
6 of Connecticut. In particular it says pay attention to  
7 those institutions where children are that will be  
8 adjoining these particular overhead power lines. So on  
9 behalf of my children, I ask you to consider that. I ask  
10 you to remember that kids are playing under there right  
11 now and that a buffer zone at Ezra Academy or the JCC or  
12 the playgrounds in Woodbridge and Orange and Milford isn't  
13 going to change that, those kids want to continue to play  
14 there. So the practical effect is to go back and try to  
15 come up with another solution. Thank you.

16 CHAIRMAN KATZ: If you could remain at the  
17 microphone. Based on your personal association, would it  
18 be -- if -- again hypothetically, if we have overhead and  
19 we have a buffer zone, should this Council restrict the  
20 use of the buffer zone so that we don't have children  
21 going into areas where they might be subjected -- should  
22 we fence off buffer zones? Should we --

23 MR. SKATKA: Again --

24 CHAIRMAN KATZ: -- to protect the children,

1 what should we be doing?  
2 MR. SKALKA: In those areas where there are  
3 no children already in undeveloped areas, that -- that's a  
4 reasonable solution. It's not reasonable in areas where  
5 there's already development. You can't put a line down  
6 through the JCC Day Camp where they're playing every  
7 summer and say alright you can't go in that part of the  
8 field. You can't go in the Ezra Academy gym area where  
9 they play every day and say alright, you know -- or to the  
10 nursery schools in the area -- kids -- I mean what are you  
11 going to do, put a fence up right around there? That will  
12 -- frankly, it will destroy the school and these  
13 facilities --  
14 CHAIRMAN KATZ: Should --  
15 MR. SKALKA: -- and they're already there.  
16 CHAIRMAN KATZ: Should this Council require  
17 the utilities to purchase that land so that land can be  
18 left vacant?  
19 MR. SKALKA: I guess that's an alternative,  
20 but then you're dislodging all these institutions,  
21 requiring them to move someplace else. I would think that  
22 there's got to be a better way. And I think that's what  
23 the Legislature was trying to say; if you can't do a  
24 buffer zone for practical reasons, come up with a better

1 route.  
2 CHAIRMAN KATZ: Yes, that's --  
3 MR. SKALKA: Thank you --  
4 CHAIRMAN KATZ: -- that's the problem --  
5 MR. EMERICK: Madam Chair --  
6 CHAIRMAN KATZ: -- finding a better way.  
7 Okay, before --  
8 MR. EMERICK: Excuse me, Madam Chairman --  
9 CHAIRMAN KATZ: Yes, I'm sorry.  
10 MR. EMERICK: No, never mind.  
11 CHAIRMAN KATZ: You're going to pass? I'm  
12 sorry, I was a little too quick.  
13 MS. KAREN LEIBOWITZ: Hi. My name is Karen  
14 Leibowitz. It's spelled -- the last name is L-e-i-b-o-w-  
15 i-t-z. I live in New Haven and I have children that  
16 attend a school in Woodbridge that's approximately 60 feet  
17 from the power lines. And as a member of the public whose  
18 family will be directly affected by the placement of these  
19 proposed power lines, I want to thank you for the  
20 opportunity to comment.  
21 The question before you is critical not  
22 just for my children but for my grandchildren and their  
23 children and all the children of Connecticut that come  
24 into contact with these power lines.

1 You've asked for comments on what is a  
2 safety buffer. For me it is an area that ensures that at  
3 its edge the level of electric magnetic field is safe. I  
4 believe that the utilities must not impose a higher level  
5 of EMF that is in the general atmosphere.  
6 I understand that one consideration for  
7 determining the buffer zone is the right-of-way. I don't  
8 understand how the right-of-way could be used as an  
9 adequate safety zone. Rights-of-way were determined based  
10 on how much space was needed to build power lines many  
11 years ago. They were never intended to be used for the  
12 purposes of protecting the public from radiation emitted  
13 from them. The elevated levels of EMF far extend past the  
14 right-of-way. Safety zones must be determined by an  
15 analysis of whether there is increased risk at the edge of  
16 the buffer zone. And after sitting through the February  
17 9<sup>th</sup> sitting Council meeting in Woodbridge, I can't believe  
18 that there is anything but an increased risk at the edge  
19 of the right-of-way.  
20 During that meeting where the people --  
21 there were so many people there, they had to shut the  
22 doors, so many concerned people -- I heard doctor after  
23 doctor explain the dangers of long-term exposure to  
24 elevated levels of EMF, especially to children because of

1 their rapidly growing bodies. I was brought to tears when  
2 I heard a woman talk about her daughter that died from a  
3 brain tumor and lived very close to power lines. I spoke  
4 to a man that lived on a road under the power lines and  
5 had cancer cases in each one of his neighbor's homes. I  
6 know there is no clear scientific evidence that high  
7 levels of long-term exposure to EMF cause cancer, but  
8 statistically it seems clear at this time. And I believe  
9 that in the future there will be clear evidence. I feel  
10 that this is your opportunity to do the right thing and  
11 make sure the buffer zone protects the children. I feel  
12 that it is your responsibility to do the right thing.  
13 I would like to see a buffer zone that is  
14 determined by distance. I want to see my kids as far as  
15 possible away from these lines. Whether the distance is  
16 300 feet or 400 feet, critical for me is that EMF is  
17 brought down to background levels similar to the low  
18 levels they are normally exposed to away from these lines.  
19 I want what is safest for my kids. I want what is safe  
20 everyone's kids whether it is the children that attend  
21 Ezra Academy, Gan Hayeled Nursery School, Beecher Road  
22 Elementary School, The Jewish Community Center and the  
23 Trinity Evangelical Church Nursery School, all of which  
24 fall within the danger zone that so many of us are



1 concerned about. Please make the safety zone as far away

2 from these lines as possible.

3 Distance seems to be the best solution. I

4 am concerned that other ways of reducing the risks, such

5 as putting up these signs to stay away from the lines

6 won't work. I want my kids and the kids of the state of

7 Connecticut to have a safety zone that is absolutely safe,

8 probably safe is not good enough.

9 And I would like to make one further

10 comment. I compare our battle here against the utilities

11 companies to our country's war against terrorism. Our

12 country is fighting against an unknown future terrorist

13 attack that may fall upon the United States. We don't

14 know what this attack or other attacks will every happen,

15 but we are pretty sure, therefore our country is spending

16 billions of dollars to protect us. Now we are not

17 entirely sure that the long-term effects of high levels of

18 EMF cause cancer, but we are pretty sure of it due to

19 statistical research. So, I hope that you will do

20 whatever it takes to protect our children. To --

21 CHAIRMAN KATZ: Can you wrap up please.

22 MS. LEIBOWITZ: Yes. To me my children are

23 the most important part of my life, they are my life. And

24 if your children were attending a school close to these

1 lines, how would you feel about it. Can you make a  
2 decision with a clear conscience and know that you are  
3 doing the best for the children of Connecticut. I have  
4 the confidence that you will do what is best, how could  
5 you not.

6 CHAIRMAN KATZ: Thank you.

7 MS. LEIBOWITZ: Thank you.

8 CHAIRMAN KATZ: Any questions of the

9 speaker? Thank you very much.

10 MS. LEIBOWITZ: Thanks.

11 CHAIRMAN KATZ: We will recess and we will

12 resume promptly at 2:45.

13 (Whereupon, a short recess was taken.)

14 CHAIRMAN KATZ: Okay, we're going to

15 resume. The list is long and the time is short. And

16 we're going to try to adhere to the 3-minute rule a little

17 more carefully. Okay, next is Lisa Berardi, followed by -

18 - on deck is John Lichtman and in the hole is Darcy

19 McGraw.

20 MS. LISA BERARDI: Hi. My name is Lisa

21 Berardi, B-e-r-a-r-d-i. I'm a Cheshire resident along the

22 proposed overhead transmission line right-of-way.

23 I first just wanted to say that we all

24 truly appreciate the efforts of the Council to find a

1 solution that works best for all of us and thank you for  
2 allowing us to provide input today.  
3 As I sat down to write something to present  
4 to you today and I sifted through my mountains of  
5 information that I have on EMFs and cancer and power  
6 lines, AC/DC, I realized that there really is no cut and  
7 dry answer to defining a buffer zone. Each home, day care  
8 or park in each town presents a different set of  
9 circumstances.  
10 If you -- for our -- in our town for  
11 instance the existing right-of-way is completely  
12 intertwined through our neighborhood. It's only nine-  
13 tenths of a mile and there are about 32 homes right on  
14 this one street of Old Farms Road. Twelve of the homes --  
15 our driveways run underneath the lines, so we're under the  
16 lines constantly to come and go from work, to go to  
17 school, to wait for the bus stop -- to wait for the bus,  
18 to play with our friends. So technically there is no  
19 buffer zone for us. I mean you can't put a sign on my  
20 front lawn and say no trespass because that's where the  
21 power lines are going right now. So how can we attempt to  
22 define a buffer zone that is safe for our families. And  
23 in our neighborhood I'm not even sure that 300 feet exists  
24 on either side of the line. And then -- so in that case

1 would you put the poles up, you know, 250 feet in the air  
 2 to provide the lowest possible level of EMF exposure to  
 3 ourselves and our families. And in doing so, then you  
 4 would completely deface and devalue our entire  
 5 neighborhood. I just feel that we should not be  
 6 abandoning our efforts to look at alternative options,  
 7 undergrounding or DC technologies. And until these  
 8 options are completely exhausted, we shouldn't even be  
 9 here defining buffer zones.  
 10 And one last thing I wanted to say while  
 11 everyone, the town officials and the utility companies are  
 12 here, sometime in the future people can look at the fact  
 13 that -- there are new homes going up as we speak in my  
 14 neighborhood adjacent to power lines, if there's anyway of  
 15 preventing this from happening in the future so no one  
 16 else has to live through this complete nightmare that  
 17 we're living through, I hope that that can be  
 18 accomplished. Thanks.  
 19 CHAIRMAN KATZ: Thank you for your remarks.  
 20 MS. BERRARDI: I -- excuse me. I also have  
 21 some photos of our neighborhood with explanations. Can I  
 22 --  
 23 CHAIRMAN KATZ: Yes. Could you give those  
 24 to Mr. Cunniff down at the end and we'll get copies for

1 the Council members.  
2 Okay, next on the list is John Lichtman, on  
3 deck Darcy McGraw, in the hole Rose Kuhn.  
4 MR. JOHN LICHTMAN: Good afternoon. My  
5 name is John Lichtman. I reside in the Town of Woodbridge  
6 and I am the Chairman of the Board of the Jewish Community  
7 Center of Greater New Haven.  
8 CHAIRMAN KATZ: And could you spell your  
9 name please, sir.  
10 MR. LICHTMAN: L-i-c-h-t-m-a-n. The JCC  
11 has served the role as a primary community resource for  
12 more than 90 years and we are proud of the program and  
13 services that we provide to the entire community. Our  
14 membership is comprised of more than 6,000 community  
15 individuals who frequent the center regularly. Our  
16 services and programs include senior adult nutrition, day  
17 care, preschool and afterschool programs, camps and summer  
18 day camps, and our scholarship and financial assistance  
19 programs fulfill a communal need among our Jewish and non-  
20 Jewish families. These vulnerable populations rely on the  
21 JCC and this Sitting Council to be there for them.  
22 I'm not here to address the studies of the  
23 effects of electromagnetic fields on the human body and I  
24 cannot tell you whether these studies are conclusive or

1 inconclusive. What I'm -- what I am certain about is that  
2 our members are demanding that we convey the message to  
3 the Sitting Council that they are unwilling to place their  
4 own health and the health of their children at risk.  
5 In the event that the power lines cannot be  
6 buried or rerouted, which is our preference, we ask that  
7 you consider the following, No. 1, the establishment of a  
8 buffer zone of 300 feet from the outermost transmission  
9 line. This is the safe distance cited by the Connecticut  
10 State Department of Health in their EMF fact sheet. This  
11 buffer zone should be mandated in all areas where schools,  
12 day care, camps, playground, and any continued EMF  
13 exposure by children exists. Current rights-of-way and  
14 land grants that do not conform to this buffer zone should  
15 be disregarded and replaced with a 300-foot minimum  
16 required distance. (2) We believe that signage should  
17 not be required as we believe that the Sitting Council will  
18 ensure that power lines will be in accordance with a safe  
19 buffer zone. We believe that warning signs will act as a  
20 deterrent to our children and their parents and elevate  
21 public anxiety levels.  
22 I ask you this afternoon on behalf of more  
23 than 6,000 members, more than 300 employees, and more than  
24 1300 children and countless future generations that you

1 seriously consider rerouting and burying the power lines.  
2 In the absence of these alternatives, you must ensure the  
3 continued health of our children by being overly cautious  
4 with buffer zones. Thank you.  
5 CHAIRMAN KATZ: Thank you. Can you just  
6 tell us what you envision happening within that 300 feet?  
7 Will there be activities?  
8 MR. LICHTMAN: There will be occasional --  
9 in other words, there will be occasional exposure. I -- I  
10 would anticipate there would be no continuous exposure.  
11 CHAIRMAN KATZ: Okay. So you see the  
12 Council restricting activities within the buffer --  
13 MR. LICHTMAN: Yes --  
14 CHAIRMAN KATZ: -- zone?  
15 MR. LICHTMAN: -- yes.  
16 CHAIRMAN KATZ: Mr. --  
17 MR. ASHTON: What do you mean by occasional  
18 exposure --  
19 CHAIRMAN KATZ: Hold it --  
20 MR. ASHTON: What do you mean by occasional  
21 exposure? Occasional is not very well defined.  
22 MR. LICHTMAN: I -- want I mean by that is  
23 -- for instance, right now under our power lines -- under  
24 the power lines we do have some parking. Those -- those -

1 - that type of -- I don't mean constant playground type --  
2 CHAIRMAN KATZ: No, I mean in the 300 feet,  
3 not just the existing right-of-way, but -- 300 feet takes  
4 you a little further out than the right-of-way. What do  
5 you see --  
6 MR. LICHTMAN: Minimal activity --  
7 certainly there would be no organized children activities.  
8 CHAIRMAN KATZ: Okay. So -- so no  
9 recreational activities --  
10 MR. LICHTMAN: That's correct.  
11 CHAIRMAN KATZ: Okay.  
12 MR. LYNCH: Madam Chairman --  
13 MR. LICHTMAN: I'm sorry.  
14 CHAIRMAN KATZ: Yes. Mr. Lynch, followed  
15 by Mr. Emerick.  
16 MR. LYNCH: Are there currently  
17 recreational activities under the power lines now at the  
18 academy?  
19 MR. LICHTMAN: No.  
20 MR. LYNCH: And if I understand your  
21 testimony correctly, even if this application was not  
22 here, from what you've learned now about EMF, you would  
23 recommend buffer zones for existing 345 and 115-kV lines?  
24 MR. LICHTMAN: For existing lines --



1 MR. LYNCH: Yes --  
2 MR. LICHTMAN: -- you're saying? I -- I  
3 can't answer that. And the reason I can't is 'cause --  
4 yes, I do think that we're -- we're a lot more informed  
5 today than we were 30 years ago or 10 or 20 years ago. My  
6 answer to you is that if -- if it's proven that these  
7 buffer zones are not healthy, then, yes, I would -- I  
8 would agree with that question.  
9 CHAIRMAN KATZ: And how -- how close does  
10 the 300 feet get to the JCC building?  
11 MR. LICHTMAN: Oh, it -- it probably goes  
12 to the other side.  
13 CHAIRMAN KATZ: So --  
14 MR. LICHTMAN: The --  
15 CHAIRMAN KATZ: -- how do you envision that  
16 would work then?  
17 MR. LICHTMAN: Well -- (pause) --  
18 CHAIRMAN KATZ: If you can't -- I mean --  
19 MR. LICHTMAN: No, no, I --  
20 CHAIRMAN KATZ: -- draw us a picture --  
21 MR. LICHTMAN: I can -- I can --  
22 CHAIRMAN KATZ: -- draw us a picture --  
23 MR. LICHTMAN: -- we made a proposal and  
24 it's -- it's been a request for -- we -- we can relocate

1 the power lines to the perimeter of the property, which  
2 would be 300 feet away along the northern perimeter.  
3 CHAIRMAN KATZ: Would that be moving it  
4 closer to somebody else's home?  
5 MR. LICHTMAN: That would be -- that would  
6 be over our current day camp --  
7 CHAIRMAN KATZ: Okay --  
8 MR. LICHTMAN: -- okay --  
9 CHAIRMAN KATZ: -- so I guess that goes.  
10 MR. LICHTMAN: There is a piece of property  
11 that the power company does own contiguous to our piece  
12 and we've asked for a feasibility study to relocate the  
13 camp to that piece. And we believe that that's a rational  
14 approach. I -- I --  
15 CHAIRMAN KATZ: Okay --  
16 MR. LICHTMAN: -- to date that's been  
17 declined.  
18 CHAIRMAN KATZ: So basically, you're saying  
19 that a 300-foot buffer zone would not affect the  
20 activities of the JCC --  
21 MR. LICHTMAN: Correct. If we were to do  
22 exactly what I just outlined --  
23 CHAIRMAN KATZ: Okay --  
24 MR. LICHTMAN: -- the answer is -- at the

1 very least, we'd like to look at a feasibility study on  
2 that.  
3 CHAIRMAN KATZ: Mr. Emerick.  
4 MR. EMERICK: I think you just answered my  
5 question, but my question was going to be --  
6 MR. LICHTMAN: How are you going to --  
7 MR. EMERICK: -- how to achieve this 300  
8 feet, do you acquire it? And I think you're saying we  
9 achieve it by relocating. But what if we didn't have the  
10 opportunity to relocate, and I'm sure there are other  
11 instances where we may not be in as good a position to  
12 relocate, do you think that the 300-foot is really an  
13 acquisition zone?  
14 MR. LICHTMAN: I don't want to -- I don't  
15 want to stray from my position that says I believe this  
16 line should be buried. Let's -- let's -- let's -- I mean  
17 --  
18 CHAIRMAN KATZ: wait --  
19 MR. EMERICK: well, I think --  
20 (Gavel)  
21 CHAIRMAN KATZ: Let me just -- right there  
22 --  
23 MR. EMERICK: I think the chair --  
24 CHAIRMAN KATZ: -- that is a given. Please

1 people --

2 MR. LICHTMAN: Alright --

3 CHAIRMAN KATZ: -- that is a given --

4 MR. LICHTMAN: This --

5 CHAIRMAN KATZ: -- a charge of the Council

6 is to maximize undergrounding --

7 MR. LICHTMAN: I -- I --

8 CHAIRMAN KATZ: -- and -- my opening

9 remarks for those of you who might have been late was that

10 by speaking today about buffer zones, you are not

11 conceding that you don't think the line --

12 MR. LICHTMAN: Right --

13 CHAIRMAN KATZ: -- should be under ground -

14 -

15 MR. LICHTMAN: Okay --

16 CHAIRMAN KATZ: -- so let's just -- thank

17 you.

18 MR. LICHTMAN: The bottom line for that is

19 I think that every -- every case has to be looked at

20 individually. I think that where it may be feasible to

21 move certain facilities or institutions, I think that that

22 feasibility has to be evaluated.

23 MR. EMERICK: Okay. Thank you.

24 CHAIRMAN KATZ: Any other questions for

1 this speaker? Mr. O'Neill.  
2 MR. O'NEIL: Yes. I'm curious to know  
3 whether or not there were any deed restrictions on your  
4 property prior to you building your facility?  
5 MR. LICHTMAN: I can't answer that.  
6 There's a right-of-way, but I can't answer that.  
7 MR. O'NEIL: Thank you.  
8 CHAIRMAN KATZ: Thank you. Anybody else --  
9 MR. LICHTMAN: I don't know the answer to  
10 that.  
11 CHAIRMAN KATZ: Mr. Wilensky.  
12 MR. WILENSKY: You -- you talked about the  
13 JCC and relocating the lines, which would make the lines  
14 or the JCC outside of the buffer zone. How would that  
15 affect Ezra Academy? Would that apply the same to that --  
16 MR. LICHTMAN: Well --  
17 MR. WILENSKY: -- or --  
18 MR. LICHTMAN: -- Ezra Academy is not --  
19 MR. WILENSKY: -- are you just speaking for  
20 yourself --  
21 MR. LICHTMAN: Ezra Academy is not  
22 contiguous to the JCC, it's farther down.  
23 MR. WILENSKY: No, I realize -- no, I  
24 absolutely know where it is --

1 MR. LICHTMAN: Right --  
2 MR. WILENSKY: -- because we've been there  
3 several times --  
4 MR. LICHTMAN: Okay, fine.  
5 CHAIRMAN KATZ: So we'll have a different  
6 speaker on that issue?  
7 MR. WILENSKY: But what you're saying  
8 though --  
9 CHAIRMAN KATZ: Yes --  
10 MR. WILENSKY: -- to relocate a line  
11 because there is space available near your facility, near  
12 the JCC, would that also apply where that line could be  
13 relocated near Ezra Academy?  
14 CHAIRMAN KATZ: Mr. Wilensky, I've been  
15 told that we're going to have a different speaker on that  
16 --  
17 MR. LICHTMAN: Yeah, I'm not familiar with  
18 the feasibility for Ezra Academy --  
19 MR. WILENSKY: Okay --  
20 CHAIRMAN KATZ: So we'll hold -- we're  
21 going to hold that question. Thank you, sir.  
22 MR. LICHTMAN: Thank you very much.  
23 CHAIRMAN KATZ: Next is Darcy McGraw,  
24 followed by Rose Kuhn, followed by Peter Tacy.

1 MS. SHELLY KREIGER: Good afternoon. My name is Shelley Kreiger. I'm the head of school at Ezra Academy and Darcy McGraw entrusts her child to me every day, and has entrusted me with her statement because she was here and had to leave to pick her daughter up.

2 CHAIRMAN KATZ: Okay, so you're reading her statement.

3 MS. KREIGER: Yes, I am.

4 CHAIRMAN KATZ: Thank you.

5 MS. KREIGER: But I could address some of the questions that you raised. But I'm going to first read the testimony of Darcy McGraw. "Good afternoon, Members of the Sitting Council. I am here to support the positions of keep the children safe with respect to the recently enacted requirement for a buffer zone between high voltage transmission lines and certain high risk population, including most particularly school children. I have a daughter who attends Ezra Academy in Woodbridge. As you know, the existing right-of-way for the proposed 345-kV power line passes right through the Ezra Academy property. First, my daughter is severely hearing impaired and relies completely on the proper functioning of digital hearing aids to get through the day. As it is, her academic life is substantially more

1 difficult than that of other children. However, as I have  
2 learned in the course of these proceedings, the EMF  
3 emitted by the proposed lines brings with it the highest  
4 increased likelihood that electronic devices such as  
5 hearing aids will malfunction. Apparently, as well, some  
6 of those proposals for bringing down the levels will  
7 increase background noise. Either of these situations  
8 would clearly be a disaster for my child or any child like  
9 her. Even now she is not the only child in Woodbridge who  
10 is hearing impaired. There is also a youngster at Beecher  
11 Road School as well. And of course it must be assumed  
12 that there will continue to be children with hearing loss  
13 in our schools. In fact, given the aggressive infant  
14 hearing screening adopted by Connecticut, more babies are  
15 being diagnosed with hearing loss and fitted with hearing  
16 aids than ever before.  
17 Clearly in considering how to define the  
18 buffer zone, it is imperative to take into account that  
19 the effects of EMF on our most vulnerable citizens,  
20 whether it is a young child at play or a hearing impaired  
21 child at her mainstream school, the position to keep the  
22 children safe that the buffer zone should ensure that no  
23 child should be exposed to levels of EMF greater than  
24 background levels to which children are normally exposed



1 is consistent not only with the expressed intent of the  
2 Legislature but also with prudent judgment and public  
3 policy. Why would we take the risk of doing otherwise.  
4 No reasonable person can argue other than that our first  
5 priority must be the safety and health of our children.  
6 In no other area of life would we make the intentional  
7 choice to expose them to life threatening choices and  
8 "forces" --  
9 CHAIRMAN KATZ: Could you wrap up please.  
10 MS. KREIGER: -- "therefore, the width of  
11 the existing right-of-way determined as it was at a time  
12 when our scientific knowledge was not as developed as it  
13 is today cannot be the correct way to determine the width  
14 of the buffer zone going forward. Similarly, the EMF  
15 calculations must be made at the highest possible  
16 electricity loads since the system will clearly be called  
17 upon at some point to bear these loads".  
18 CHAIRMAN KATZ: Thank you.  
19 MS. KREIGER: Darcy thanks you for  
20 listening to the needs of hearing impaired children across  
21 the state.  
22 CHAIRMAN KATZ: Great. Any questions for  
23 this speaker?  
24 COURT REPORTER: Can I have --

1 CHAIRMAN KATZ: Yes, I'm sorry. Can you  
2 give --  
3 MS. KREIGER: My name?  
4 CHAIRMAN KATZ: Yes.  
5 MS. KREIGER: Shelley Kreiger, k-r-e-i-g-e-r-  
6 r. I'm the head of school at Ezra Academy.  
7 CHAIRMAN KATZ: Okay. Back to Mr.  
8 Wilensky's question --  
9 MS. KREIGER: Yes --  
10 CHAIRMAN KATZ: -- Mr. Wilensky, do you  
11 want to ask the question, we have the right person at the  
12 microphone.  
13 MR. LYNCH: Yes. The question I was asking  
14 the other gentleman as it applied to JCC, I think there is  
15 a -- he talked about the relocation of the line, therefore  
16 it would not infringe on the JCC. If -- how does that  
17 affect your situation at Ezra Academy, would you be  
18 talking about relocating the line or is there property  
19 available for -- you know, to have an adequate buffer  
20 zone?  
21 MS. KREIGER: I don't believe that there --  
22 I mean, I don't know the answer to that specifically in  
23 terms of exact feet, but I do know that the school  
24 currently is within 30 to 60 feet of the line. I mean

1 you've been there --  
2 MR. LYNCH: Yes --  
3 MS. KREIGER: -- I don't think it's -- I  
4 don't think we could relocate the line. I think Ezra  
5 Academy and Congregation B'Nai Jacob in which we're housed  
6 would probably suffer dramatically if the line stayed  
7 where it is.  
8 CHAIRMAN KATZ: So would you be supportive  
9 of signage at the edge of the buffer zone or restrictions  
10 on use of the buffer zone?  
11 MS. KREIGER: Well, I'm really sure that we  
12 could achieve the buffer zone that would give us the  
13 required safety zone that the Legislature proposed.  
14 CHAIRMAN KATZ: Well, the Legislature  
15 didn't come up with a distance, they came up with a  
16 concept.  
17 MS. KREIGER: It's -- you know, as one of  
18 the other speakers mentioned, it's very hard with children  
19 to ensure that they don't, you know, wander across the  
20 line. Some of our kids and the nursery school, Gan  
21 Haeled at the synagogue, those kids can't even read --  
22 CHAIRMAN KATZ: Yeah --  
23 MS. KREIGER: -- the likelihood of them  
24 being outside at play or, you know, being in that area and

1 reading a sign -- I'd like to think everybody reads the  
2 things I put up, but I know better.  
3 CHAIRMAN KATZ: Yeah. So we might be  
4 talking about a possible taking I guess is what you're  
5 saying. Any other questions for this --  
6 MR. LYNCH: Thank you, Madam Chairman.  
7 CHAIRMAN KATZ: Okay, thank you very much.  
8 MS. KREIGER: Thank you.  
9 CHAIRMAN KATZ: Okay, next is Rose Kuhn,  
10 followed by Peter Tacy, followed by Debbie -- Husetter --  
11 she'll correct me when she comes to the mic. Can you give  
12 your name and spell your name please.  
13 MS. ROSMIRIE KUHN: I'm Rosmirie Kuhn. My  
14 --  
15 AUDIO TECHNICIAN: Could you pull that  
16 microphone down to you.  
17 MS. KUHN: Okay. I'm Rosmirie Kuhn. My  
18 name is R-o-s-m-i-r-i-e, K-u-h-n. I live on 27 Olds Farm  
19 Road where the lines go through. And I just thank you for  
20 listening to us and that we can come before you guys  
21 again.  
22 And the buffer zone on Old Farms Road is  
23 not very complicated because transmission lines are in the  
24 front yard not the backyard. We have no choice but to go

1 under them. And I don't know how you define a buffer zone  
2 if you have to go under them. I don't -- unless you put  
3 them under ground or make a tunnel for us to go under  
4 ground. I don't know.  
5 The other thing is also if these towers are  
6 going to be in our neighborhood again, we also have a  
7 safety issue because these lines are coming down -- the  
8 existing lines came down, so I don't -- I just want you to  
9 be aware of that too. And I'm just wondering if it has to  
10 hit a kid or a person -- I mean it hit a horse at one  
11 point and --  
12 CHAIRMAN KATZ: This has become a very  
13 famous horse.  
14 MS. KUHN: I know. I'm sorry, but I have  
15 to bring it up. And the other thing is if -- if the 345  
16 goes through our neighborhood, they would have to be at  
17 least like 300 to 350 feet high. And I'm kind of  
18 wondering who is going to service them by 2010 because  
19 they won't have enough linemen by then. They came before  
20 DPUC when they wanted the rate increase saying that they  
21 not have enough linemen by 2010 to fix the lines.  
22 CHAIRMAN KATZ: Thank --  
23 MS. KUHN: Okay --  
24 CHAIRMAN KATZ: Thank you.

1 MS. KUHN: Thank you.

2 CHAIRMAN KATZ: Next is Peter Stacy,  
3 followed by Debbie Hurtsetter, followed by Peter Valberg.  
4 If you could be on deck, I'd appreciate it so that we can  
5 --

6 MR. PETER TACY: Thank you. I'm Peter  
7 Tacy, T-a-c-y. I'm the Executive Director of Meritus of  
8 the Connecticut Association of Independent Schools, CAIS.  
9 During the most recent session of the  
10 Connecticut State Legislature, CAIS, which represents 90  
11 non-profit, non-public, accredited independent schools in  
12 the state, educating 30,000 children, worked closely with  
13 many of the parties who will be speaking to you today or  
14 have spoken to you, and with elected officials to develop  
15 the changes you are discussing. I was literally in the  
16 room as the wording of this legislation was developed.  
17 And thus, I think I can speak to you with some confidence  
18 regarding its intent.

19 The issue the Legislators faced can be  
20 stated as follows, how can we ensure that necessary  
21 additions to the capacity of the region's electric power  
22 grid will not come at the price of even a possible  
23 increased risk to the health of children.

24 As the legislation was developed there was

1 no question that medical research concerning the risk to  
 2 children due to sustained EMF exposures is incomplete.  
 3 However, there was also no way to dismiss recent  
 4 scientific studies which suggests that a risk exists.  
 5 What the Legislature did in this case was  
 6 to adopt an immediate prudent but at the same time  
 7 cautious and moderate strategy. To make this happen, they  
 8 presented you with a revised set of priorities for  
 9 decision-making. They hoped this approach allows you to  
 10 consider new science and technological methods flexibly at  
 11 the same time that it reorders and re-prioritizes how your  
 12 decisions have to be made. The essence of the change is  
 13 that as you ponder routing proposals, you now absolutely  
 14 must ensure that the consequence of a decision will not  
 15 pose an increase possible health risk for children. The  
 16 Legislature's clear intent was to leave only technological  
 17 infeasibility on the table as a factor which may be  
 18 considered as mitigating these priorities.  
 19 The decision of the Legislature to take  
 20 action but not to do so in a micro-managing way was a leap  
 21 of faith. As one of those involved said to me, we wrote  
 22 the law in pencil. What he meant was that the  
 23 Legislators' decisions to ensure the safety of children  
 24 was made clear but the methodology was entrusted to you.

1 We who are so concerned with this issue may  
2 -- how this issue may affect the lives of children hope  
3 you will understand that we intend to watch your  
4 management of this matter respectfully but also in close  
5 detail. And that while we hope to be able to publicly  
6 commend your stewardship, we will also reserve the option  
7 to return to the Legislature if it appears that their  
8 delegative approach is failing to protect the health and  
9 the lives of Connecticut's children. Thank you. Yes,  
10 sir?  
11 MR. LYNCH: If there is a health risk that  
12 exists, when you were developing the new -- working with  
13 the Legislature to develop the new legislation, why did  
14 you not include existing schools that are near power  
15 lines? Why are you putting the burden totally on us?  
16 MR. TACY: Because it didn't come up --  
17 well in the first place, it didn't come up in that  
18 context. It came up in the context of the proposed new  
19 line. However, you hold the public trust. If the  
20 evidence --  
21 MR. LYNCH: Well, so do you --  
22 MR. TACY: Just a second, sir --  
23 MR. LYNCH: -- but so do you.  
24 MR. TACY: I know -- or I did until last



1 month. If -- if -- if the evidence that surfaces -- and  
2 part of the reason for the Legislators' approach is the  
3 understanding that new science is coming forward. I  
4 believe that if -- if the evidence scientifically surfaces  
5 to say that existing lines endanger children -- you're in  
6 the same position that public health officials and  
7 legislators and others were with things like asbestos,  
8 where you may have to go back and say --  
9 MR. LYNCH: Understood --  
10 MR. TACY: -- well what we said was legal  
11 and we allowed back then was okay but we now know better  
12 and we're going to have to make a change. I certainly  
13 hope that doesn't -- isn't the case. But I think -- I  
14 can't see any way to say that that won't be on your table  
15 if that's where science goes.  
16 MR. LYNCH: That I understand. And -- but  
17 what I -- what does concern me here and throughout this  
18 whole application process is that -- and as it applies to  
19 the new legislation, that existing lines were not looked  
20 at. And if there is a health risk proven, that opens up a  
21 whole new avenue of what's going to happen in the future  
22 regarding power lines, utility costs, ratepayers' costs  
23 and so on.  
24 MR. TACY: I -- I agree with you, I think

1 it does. And I believe that's in part why the legislators  
2 decided to write this law in a way that created  
3 presumptive undergrouding.  
4 CHAIRMAN KATZ: Any other questions of this  
5 speaker?  
6 MR. O'NEILL: Just one, Madam Chairman.  
7 CHAIRMAN KATZ: Mr. O'Neill.  
8 MR. O'NEILL: As an educator I'm sure  
9 you've often asked your students the question between  
10 facts and speculation, assumptions versus fact and so  
11 forth. We've heard a lot of studies before us including  
12 possible increased risks. Where would you make that  
13 measure of possible increased risks versus known risks?  
14 MR. TACY: Well, I'll tell you where I'd  
15 make it. It's one that as an educator as a head of school  
16 I had to make a number of times, which is that if we're  
17 talking about adults who to some extent in this country we  
18 believe have along with the freedom that exists in America  
19 the opportunity to make and have to live with the  
20 consequences of their own decisions, that's one thing, but  
21 if we're talking about children that's another, and I  
22 don't believe that we can be in a situation where science  
23 is unclear, and we know it is, where we can say well we'll  
24 wait until it's clear to provide a safety margin for those

1 kids. You and I can read what's in the media or in the  
2 scientific journals and we can make our own decisions, but  
3 five-year-olds and eight-year-olds can't do that. We --  
4 we know that as citizens -- the legislators in this  
5 country have always said in effect the rules are different  
6 when we're talking about kids. And I think that -- again  
7 if you look at the statute, this is talking not about  
8 everybody, this is talking particularly about areas which  
9 congregate children for whom we have a responsibility  
10 every single one of us to take care.  
11 MR. O'NEILL: We are well aware of our  
12 charge --  
13 MR. TACY: Thank you, sir --  
14 MR. O'NEILL: -- and that's why I'm asking  
15 you where would the standard be from your point of view  
16 regarding the buffer zone, regarding EMF exposure,  
17 regarding milligauss? Do you have any standard which you  
18 would --  
19 MR. TACY: Yes, I would --  
20 MR. O'NEILL: -- clearly articulate?  
21 MR. TACY: Yes, I would.  
22 MR. O'NEILL: Thank you --  
23 MR. TACY: I would say that the minimum --  
24 if the -- if the presumption of undergrounning is

1 technologically infeasible, which is the way the law

2 reads, I would take as a minimum the 300-foot setback that  
3 the Department of Public Health has said as far as they

4 understand the science now that that's safe. However, you  
5 -- understand that while people say well five years from  
6 now the science may say it's not as dangerous as we  
7 thought, five years from now it may say it's more  
8 dangerous too. So --

9 CHAIRMAN KATZ: So would you have the

10 utility acquire the land in that 300 feet?

11 MR. TACY: This -- you're starting to get

12 beyond the expertise of a veteran teacher of English here.  
13 CHAIRMAN KATZ: Well, I guess my question

14 is --

15 MR. TACY: But I think -- yes --

16 CHAIRMAN KATZ: -- what do we do with this

17 300 --

18 MR. TACY: I think --

19 CHAIRMAN KATZ: -- feet --

20 MR. TACY: I think what it -- several

21 people have raised this question for you -- it in effect

22 you are making the land within the buffer zone untenable

23 by children in particular, I think the sense of the law is

24 you have to make it unusable by children.

1 CHAIRMAN KATZ: Understood. Thank you,

2 sir. We're going to move on.

3 MR. O'NEILL: Thank you.

4 CHAIRMAN KATZ: Next is Debbie -- and

5 Debbie, you're going to correct the pronunciation of my

6 name when you come to the microphone -- on deck is Peter

7 Valberg and followed by Diana McCain.

8 MS. DEBBIE HUSCHER: Hi. Yes, I'm Debbie

9 Huscher, H-u-s-c-h-e-r, and I live on Elihu Drive in

10 Durham.

11 And the reason why I'm here is because NU

12 has deemed that my house is not residential. And I would

13 like to introduce you to Jack, 10 months --

14 CHAIRMAN KATZ: Your two residents --

15 MS. HUSCHER: Yes. Bobby, 3 months. Not

16 only my two children, but from my house I can see 15 other

17 children who are out riding their bikes on a daily basis,

18 camping out during the summertime, having the school bus

19 go up my cul-de-sac to pick the children up. So we're

20 here to say that residential is anything -- any home where

21 children or people live. That should be the definition of

22 residential. And --

23 CHAIRMAN KATZ: Within what distance?

24 MS. HUSCHER: The power lines. We are

1 directly abutters of the power lines.  
2 CHAIRMAN KATZ: Okay. So abutting --  
3 MS. HUSCHER: Three --  
4 CHAIRMAN KATZ: Residents that about the  
5 power lines --  
6 MS. HUSCHER: Yes --  
7 CHAIRMAN KATZ: -- you think should be in a  
8 residential area?  
9 MS. HUSCHER: Yes, exactly. And in the  
10 spirit of the state education bill, I encourage the sitting  
11 Council to leave no child behind. Thank you.  
12 CHAIRMAN KATZ: Okay, I'd like Peter  
13 Valberg at the microphone, followed by Diana McCain,  
14 followed by Mary Gorham.  
15 MR. PETER VALBERG: Yes, good afternoon.  
16 My name is Peter Valberg. That's V-a-l-b-e-r-g. And I  
17 come before you as a public health professional who has  
18 followed this electric and magnetic field area for quite  
19 some time. My graduate degrees are in physics and public  
20 health from the Harvard School of -- from Harvard  
21 University. And I have been a faculty member at the  
22 Harvard School of Public Health for 23 years. I'm  
23 currently an environmental health consultant working in  
24 the area of electric and magnetic fields.

1 CHAIRMAN KATZ: And are you a resident of  
2 one of these towns?  
3 DR. VALBERG: I am not a resident of one of  
4 these towns --  
5 CHAIRMAN KATZ: Okay --  
6 DR. VALBERG: -- but I've had extensive  
7 experience in addressing these issues. And I'm sure as a  
8 sitting Council you have a great deal of experience also.  
9 I guess the only thing I would bring to  
10 this is the concept of public health and risk assessment.  
11 By public health I'm often asked to differentiate that  
12 from medicine. And as you probably know, the goal of  
13 medicine is to identify disease, diagnose disease and  
14 treat disease. At the Harvard School of Public Health the  
15 public health mission is to take whatever actions might be  
16 necessary to prevent disease. However, the other caveat  
17 that you have to consider as the Council is that you need  
18 to have a cost-effective way of preventing that disease  
19 and that you need to allocate your resources in such a way  
20 that the time, effort, and money is in fact going to do  
21 some good and that people's health will be improved.  
22 In the case of risk assessment, which I now  
23 do with Gradient Corporation, which is a risk assessment  
24 firm, you can also -- human health risk assessment that in

1 fact evaluates the magnitude of the risks and compares it

2 to other risks, and again in terms of developing these

3 kinds of standards either for a buffer zone or for a

4 magnetic field level, those could conceivably be applied.

5 I also come to you because in the State of

6 Vermont there is in fact an ongoing proceeding right at

7 this moment where a 345-kilovolt overhead line is being

8 debated and its parameters are being analyzed and I

9 offered expert testimony at that particular hearing, and

10 in fact the Vermont Department of Health also analyzed

11 that case, and so it may be worthwhile to look at that

12 precedent.

13 I think as a sitting Board the kinds of

14 resources you have available are in fact the scientific

15 committees all around the world. There are public health

16 agencies that have looked at this issue and have provided

17 guidance on what they think the risk levels are. And

18 those agencies include the World Health Organization, the

19 Environmental Protection Agency, the National Academy of

20 Sciences. And in fact, you have some guidelines that have

21 been developed. And I'm sure you know about the

22 International Non-Ionizing Radiation Committee. And these

23 standards have been reviewed, they've looked at the

24 relevant science and they've looked at the weight of



1 evidence. I think we've heard a number of statements  
2 about the kind of suggestive evidence you have from  
3 epidemiology, but I think that that needs to be balanced  
4 with the whole National Institute of Environmental Health  
5 Sciences Program, which took this question to the  
6 laboratory and took it to basic scientists and said what  
7 is actually going on here and can we in fact come up with  
8 a risk assessment factor or a dose response factor. And  
9 after considerable years of research, they were not able  
10 to identify that there was in fact a biological mechanism  
11 that supported it.  
12 CHAIRMAN KATZ: Could you wrap up please.  
13 DR. VALBERG: And so I guess I would just  
14 urge you to rely on some of these outside committees that  
15 have reviewed this time and time again and incorporate  
16 that into your thinking.  
17 CHAIRMAN KATZ: Thank you.  
18 MR. ASHTON: Dr. Valberg, where you do live  
19 -- what brings you here?  
20 DR. VALBERG: I live in Massachusetts -- in  
21 Boston, Massachusetts. And I was asked by Northeast  
22 Utilites to come and provide some testimony at this  
23 meeting.  
24 MR. ASHTON: I have a problem, Madam

1 Chairman. I think this is a backdoor way of bringing in a  
2 witness, I'd like him to be sworn. I'd like --  
3 CHAIRMAN KATZ: No. Let's -- let's move  
4 on.  
5 MR. ASHTON: Then I'd like to get past it -  
6 -  
7 CHAIRMAN KATZ: Let's move on --  
8 MR. ASHTON: This is not --  
9 CHAIRMAN KATZ: Thank you, Dr. Valberg.  
10 Let's move on to Diana McCain, followed by Mary Gorham,  
11 followed by Jody Elliott.  
12 MS. DIANA MCCAIN: My name is Diana McCain,  
13 M-C-C-a-i-n. I live at 262 Skeet Club Road in Durham and  
14 I'm an abutter to the Northeast Utilities line.  
15 The Sitting Council asked for comments,  
16 suggestions, or suggested solutions as to how this new law  
17 could be interpreted and applied. I would like to draw  
18 the Council's attention to one partial solution that will  
19 satisfies the law's requirements along the 6.2 mile  
20 stretch between Oxbow Junction and Besock Switching  
21 Station. Three 345-kV lines already run from Chestnut  
22 Junction through Middletown and Middlefield to Black Pond  
23 Junction. These lines run roughly parallel to and about  
24 1.5 miles north of the route between Oxbow Junction and

1 Beseck Switching Station along which CL&P and UI propose  
2 to construct the new 345-kV line. According to the Vice  
3 President of Transmission Projects of Northeast Utilities  
4 Service Company quoted in the Town Times Newspaper July  
5 16, 2004, those existing three 345-kV lines between  
6 Chestnut Junction and Black Pond Junction, quote, "meet  
7 the four reliability criteria in the application submitted  
8 by CL&P and UI". He stated that the proposed 345-kV line  
9 from Oxbow Junction to Beseck Switching Station was  
10 intended to meet, quote, "an extreme contingency", and  
11 that the three existing lines, quote, "meet reliability  
12 criteria now".  
13 Construction of the proposed 345-kV line  
14 between Oxbow Junction and the Beseck Switching Station is  
15 clearly not required to ensure a reliable flow of power to  
16 Southwestern Connection. Not building the superfluous  
17 345-kV line between Oxbow Junction and the Beseck  
18 Switching Station will have multiple advantages for all  
19 parties. By eliminating that part of the line, it will  
20 automatically comply with the law and resolve all concerns  
21 of residents along that stretch. It will save CL&P and UI  
22 tens of millions of dollars in construction costs. How  
23 ever much of the line that it is ultimately determined can  
24 be put under ground reliably will then be able to be

1 proportioned along a 62-mile stretch rather than 69 miles.  
2 And it eliminates the severe negative impact of  
3 construction of the proposed 345-kV line between Oxbow  
4 Junction and the Besock Switching Station and would have -  
5 - and the negative effect it would have on one of Central  
6 Connecticut's few remaining scenic and historic rural  
7 landscapes.  
8 On the other issue of residential, I  
9 appreciate the Council's request for public input on the  
10 definition of residential, especially given NU spokesman's  
11 Frank Burrow's (phonetic) alarming premature and  
12 presumptuous attempt to publicly define it in vague terms  
13 that meet the Applicant's needs in public print. Reporter  
14 Amy Zizka (phonetic) wrote in the Middletown Press, August  
15 16, 2004, that the Foothills Road area on the east side of  
16 Durham and the Elihu Drive area on the west side of town  
17 Fortrow (phonetic) said do not qualify under the newly  
18 passed legislation, and then she quotes him as saying that  
19 under the company's interpretation of the statute, quote,  
20 "the Royal Oak neighborhood of Durham, Middlefield and  
21 Middletown was a better fit for the statute".  
22 CHAIRMAN KATZ: In your -- in your  
23 remaining few seconds --  
24 MS. MCCAIN: Yes --

1 CHAIRMAN KATZ: -- if you could give us --  
2 instead of telling us what they said, tell us what you  
3 think it should look like --  
4 MS. MCCAIN: Okay -- well -- yeah. As I  
5 said, it was -- I was alarmed by the fact that they seemed  
6 to be sort of seizing the moment to try and define this  
7 before the sitting Council or anyone else did --  
8 CHAIRMAN KATZ: That's what reporters do,  
9 they get people to seize the moment.  
10 MS. MCCAIN: I was a reporter --  
11 CHAIRMAN KATZ: Go ahead please --  
12 MS. MCCAIN: -- these are quotes. Anyway,  
13 with that said, defining residential areas seems to be a  
14 simple, straightforward, common sense matter. An area  
15 that is zoned residential and upon which are located  
16 buildings intended for permanent human residents is a  
17 residential area.  
18 CHAIRMAN KATZ: We're going to take it  
19 there.  
20 MS. MCCAIN: Thank you.  
21 CHAIRMAN KATZ: Thank you very much. Mary  
22 Gorham, followed by Jody Elliott, followed by Rob Farley.  
23 MS. MARSHA REITER: Hello. My name is  
24 Marsha Reiter, R-e-l-t-e-r. I'm speaking for Mary Gorham

24 not feasible to create a 300-foot buffer through the  
23 Connecticut State Department of Health. However, if it is  
22 transmission line, which is the safe distance cited by the  
21 buffer is a distance of 300 feet from the outermost  
20 are normally exposed. Ideally, the edge of the safety  
19 greater than background levels of EMF to which children  
18 EMF at the edges of the safety buffer zone should be no  
17 defined by distance or level of milligauss. The levels of  
16 offer the following. (1) Should the buffer zone be  
15 issues the sitting Council is now considering, we also  
14 In addition, in response to the specific  
13 centers, youth camps, playgrounds and residences.  
12 where children congregate, including schools, day care  
11 k lines buried underground so they are not near any places  
10 lines. We, therefore, would like to see the proposed 345-  
9 electromagnetic fields emitted from high voltage power  
8 Connecticut be kept safe from the dangers of exposure to  
7 School think it is imperative that all children throughout  
6 She writes, "We the parents of Beecher Road  
5 Connecticut Public Elementary School.  
4 represents the PTO of Beecher Road School, Woodbridge,  
3 MS. REITER: -- G-o-r-h-a-m. She  
2 CHAIRMAN KATZ: Thank you --  
1 --

1 densely populated area where the lines are proposed to be  
 2 run, then the EMF levels at the edge of the safety buffer  
 3 where children might congregate, study, play or live  
 4 should be at background level or less, that is at a level  
 5 of EMF that has not been associated with an increased risk  
 6 of cancer in any published scientific analysis.  
 7 2: Should the Council consider 15, 27.7,  
 8 or 30-gigawatt New England wide transmission load? The  
 9 measurement of EMF must be made at the highest possible  
 10 electricity loads that the lines are designed to carry.  
 11 As the goal of the legislation is to create safety buffer  
 12 zones that provide safety under all conditions throughout  
 13 the useful life of the transmission lines, then creation  
 14 of the safety buffer zones must take into account the  
 15 highest and most dangerous levels of EMF that may  
 16 potentially be emitted. Thus, a 30-gigawatt New England  
 17 wide transmission load should be considered.  
 18 3: Should the Council make the buffer zone  
 19 wider than the right-of-way? Yes. The edges of the  
 20 current rights-of-way frequently have EMF levels that are  
 21 significantly elevated above background levels. Children  
 22 exposed to this EMF are at an increased risk of leukemia.  
 23 Should the Council restrict usage of the  
 24 buffer zone? The sitting Council should ensure that the

1 safety buffer zones do not contain schools, youth -- day  
2 care centers, youth camps, residential areas and  
3 playgrounds. The mandated safety buffer zone should be  
4 designed to protect children where they study, play and  
5 live. Under no circumstances should a school facility,  
6 day care, playground, residential subdivision, or day camp  
7 be constructed within a safety zone.  
8 5: Should the Council require the  
9 placement of signage along the buffer zone? Assuming a  
10 safety buffer zone is put in place according to the above  
11 guidelines in order to protect children against exposure  
12 to radiation from transmission lines at the highest load  
13 levels, ISO New England forecasts being carried by the  
14 transmission lines, then signage should not be necessary.  
15 CHAIRMAN KATZ: Can you wrap up please.  
16 MS. REITER: Thank you for your  
17 consideration.  
18 CHAIRMAN KATZ: Great. Thank you very  
19 much. Jody Ellant, followed by Rob Early, followed by Al  
20 Leone.  
21 MS. JODY ELLANT: Hi. I had spoken with  
22 Executive Director Phelps a little bit earlier, that my --  
23 I had written this before knowing of the three-minute  
24 minimum, so I may go a little bit over, but I promise to



1 try to speak really fast.

2 My name is Jody Ellant. As Co-Chair Person  
3 of Keep the Children Safe, a Connecticut non-stop

4 corporation formed to advocate protection of children from  
5 radiation emitted from high voltage power lines, I want to  
6 thank you, the Sitting Council, and particularly Chairman  
7 Katz for inviting the public to speak regarding the  
8 enormously important issue before you today of how to  
9 establish a meaningful safety buffer zone between high  
10 voltage power lines and children.

11 As the mother of four young children, I am  
12 extremely concerned by the position taken by the

13 Applicants regarding the power levels on which to use as a  
14 basis to calculate the exposure of EMF of children to --  
15 our children to EMF. On page 7 of the December 2002  
16 Southwestern Connecticut Electric Reliability Study

17 presented by the ISO New England Southwestern Connecticut  
18 Working Group, which is a seminal document calling for the  
19 creation of the transmission lines, which are the subject  
20 of the application before you today, ISO New England

21 predicts that a peak load level of 30 gigawatts will be  
22 experienced in less than 10 years. In fact, the ISO New  
23 England working group predicts that in less than seven  
24 years the peak load level will be 27.7 gigawatts, yet the

1 Applicants have given testimony in this very room trying  
2 to minimize the necessity to take into account the peak  
3 load conditions of 27.7 gigawatts and 30 gigawatts. The  
4 Applicant has been extremely reluctant to generate data  
5 forecasting EMF levels to be emitted by the lines which  
6 are contiguous to schools, playgrounds, day care centers  
7 and day camps at the 27.7 and 30-gigawatt load cases. In  
8 fact, the glossy power point presentation made by the  
9 Applicant on July 27, 2004 only forecasts EMF levels based  
10 upon the 15-gigawatt case, a load level which was lower  
11 than even the 19 gigawatt level considered to be  
12 intermediate by ISO New England in the 2002 report.  
13 The issue of forecasting underestimated  
14 load levels is of grave concern to me here today because  
15 we have all learned in the past few months there is a  
16 direct correlation between power load levels and the  
17 amount of EMF to which our children will be exposed. At  
18 the same time the Applicant has admitted at the May 13<sup>th</sup>  
19 hearing that they do not have the capacity to adequately  
20 forecast load on the line by stating, quote, "what happens  
21 in the future when the loads go up in 10 or 15 or 20 years  
22 from now", end quote. This is the question that I am  
23 looking to you, the Sitting Council, to answer. I look to  
24 you, the Sitting Council, to make sure that my children and

1 grandchildren are protected from dangerous exposure to EMF  
2 to be emitted from these lines for the next 15, 20, even  
3 30 years as the load levels on the line reach the 30-  
4 gigawatt levels on a more regular basis.  
5 sitting in this room, the parents in the  
6 State of Connecticut have learned from the Department of  
7 Health that there has been a doubling in the incidents of  
8 childhood leukemia in Connecticut in the most recent year  
9 reported, the year 2000. We know from the ISO New England  
10 report that as of today there exists 398 miles of 345-  
11 kilovolt lines within the State of Connecticut. As a  
12 mother I have to ask the question, is it possible that the  
13 radiation emitted by these overhead super high voltage  
14 transmission lines be the reason for the sudden up-tick in  
15 the childhood leukemia rate in the State of Connecticut.  
16 For months I have sat in this room  
17 listening in awe of the amount and technical nature of the  
18 information in which you must process in considering the  
19 application before you. The legislator -- the Legislature  
20 of the State of Connecticut has spoken, they are indeed  
21 concerned about the dangers to children caused by super  
22 high voltage overhead power transmission lines. The  
23 Legislature has delegated to you through PA 04-246 a very  
24 specific task, to create a safety buffer zone to protect

1 the health of generations of children of the state of  
2 Connecticut from the dangers of exposure to electric  
3 magnetic radiation emitted from all future power  
4 transmission lines. As we are all too aware the  
5 Applicants are publicly traded corporations whose duty is  
6 to maximize profit for their shareholders without regard  
7 to the potential health risks to our children --  
8 CHAIRMAN KATZ: Could you wrap up please.  
9 MS. ELLIANT: Sure. As we have seen in this  
10 application they are reluctant to give us information that  
11 we as parents need to make informed decisions about the  
12 safety of this line. The Applicant would have you set  
13 safety -- I mean I'm not going to be -- the state of  
14 Connecticut has delegated to your Council the fiduciary  
15 duty to create a safety buffer zone to protect our  
16 children from dangerous over exposure to radiation emitted  
17 by overhead high voltage power lines. The safety buffer  
18 must be set using modern scientific parameters of exposure  
19 levels to a potentially lethal substance to young children  
20 calculated at the maximum level of power that the ISO New  
21 England has stated that the transmission lines are  
22 designed to carry.  
23 CHAIRMAN KATZ: Thank you. Next is Rob  
24 Early, followed by Al Leone, followed by someone reading a

1 statement for Lynn Stanwood.  
2 MR. ROBERT EARLEY: Good afternoon, members  
3 of the Council. My name is Robert Earley, spelled E-a-r-  
4 l-e-y. I'm an Assistant Counsel with the Connecticut  
5 Business and Industry Association, otherwise known as  
6 CBI. CBI represents approximately 10,000 businesses in  
7 the State of Connecticut.  
8 I'm here today because as the Council  
9 considers the meaning of the words buffer zone, we ask  
10 that it not lose sight of the meaning of this project to  
11 the entire State of Connecticut. As you are well aware,  
12 we have a major transmission problem in the southwest  
13 portion of our State. We feel that based on ISO New  
14 England's signaling us out as the worst state in New  
15 England with regard to transmission, and FERC signaling us  
16 out as one of the top 10 worst problems in the entire  
17 country, we need to accelerate investment to fix a  
18 transmission problem.  
19 In looking at the act before you, it is our  
20 opinion that the Legislature has given us specific  
21 guidance on what the meaning of buffer zone is. Within  
22 the four corners of the statute the Legislature has  
23 suggested that at a minimum it is the existing right-of-  
24 ways. It is our opinion that that should be the starting

1 point and that should be the ending point for this sitting

2 Council unless you can find with clear scientific evidence  
3 a need to exceed that.

4 Energy is fundamental to our economic

5 growth and consumers have consistently paid in our State a  
6 higher than average price. We are not located near any

7 indigenous resources for the generation of electricity and  
8 as a result we pay a premium for having to transport those  
9 resources to make our electricity. This past summer has

10 shown how GO political events and other state and federal  
11 regulatory events have driven up the price for consumers  
12 over the last few years. We ask that you consider the

13 economic consequences to consumers and the need to make  
14 sure that we resolve this issue and move forward with the  
15 project as soon as possible.

16 I will now concede the balance of my time  
17 to any questions the Council may have.

18 CHAIRMAN KATZ: Any questions for Mr.  
19 Farley? Seeing none, thank you, sir.

20 MR. FARLEY: Thank you.

21 CHAIRMAN KATZ: Next is Al Leone, followed  
22 by a statement of Lynn Stanwood, followed by Anthony and

23 Jane Maljowski -- Maljowski.

24 MR. AL LEONE: My name is Al Leone, L-e-o-

1 n-e, and I'm here to challenge the theory that high  
2 voltage lines cause cancer.  
3 I'm a retired chief lineman for CL&P  
4 working for 40 years. I worked on 24,000 -- 2400, I'm  
5 sorry, 4800, thirteen-eight, 23,000 live with my hands.  
6 And on occasion we were asked to work on 115,000 and come  
7 within eight feet of the energized primary. In theory I  
8 should be six feet underground in a cemetery somewhere.  
9 So all the line -- you ought to really think about the  
10 linemen that work around high voltage wires. None of them  
11 that I -- none of my colleagues have ever come down with  
12 cancer. If that were the case, there wouldn't be any  
13 linemen working for the utility companies. There's  
14 millions of linemen that work for the utility companies  
15 and they all live to retire. So, I don't get this. So  
16 the mothers should not worry about the kids. I mean this  
17 bologna about causing cancer and getting everybody up in  
18 arms is a lot of -- it just doesn't make sense. Think  
19 about it, the linemen would be the ones that would come  
20 down with cancer.  
21 And as far as putting lines underground,  
22 you're going to create more of a problem believe me. I  
23 think I read somewhere in the paper the other day that all  
24 the new facilities were going to be put underground. I

1 don't know whether that was the stated by you people or  
2 not. But there are more problems underground than there  
3 are overhead. When you have a problem underground, it  
4 takes three to four times longer to repair the damage.  
5 When you have a problem overhead, you can see the wires  
6 are down, you have to cut out the fuse or whatever it is  
7 that blows, and you repair the -- you make the repairs.  
8 So putting -- high voltage wires were meant to be up in  
9 the air, they breathe. When they're in the ground,  
10 they're compact -- you have to figure there's three  
11 phases, three wires. And more often than -- and if you're  
12 going to build the line -- I forget how many miles the  
13 proposed line is, but you're going to have thousands of  
14 splices, and somehow sooner or later a lot of those  
15 splices break down. So you're talking about 345,000  
16 voltage and that's an awful lot of voltage. And again,  
17 more often than not you're going to have more problems  
18 with underground cable than you are overhead. And again I  
19 want to emphasize the theory that I don't know where these  
20 people get the knowledge that high voltage or GMS, or  
21 whatever it is here --  
22 CHAIRMAN KATZ: Sir, I'm going to ask you  
23 to --  
24 MR. LEONE: Yeah --



1 CHAIRMAN KATZ: -- wrap up.

2 MR. LEONE: -- causes cancer -- any

3 questions?

4 CHAIRMAN KATZ: Any questions for the

5 speaker? Seeing none, thank you.

6 MR. LEONE: You're welcome.

7 CHAIRMAN KATZ: Next is Lynn -- a statement

8 -- someone is going to read a statement from Lynn Stanwood

9 and then we have Anthony and Jane Majewski, followed by

10 Bob Birdsey.

11 MR. EDWARD SCHWARTZ: My name is Edward

12 Schwartz and I'm reading a statement from Lynn Stanwood of

13 Durham.

14 CHAIRMAN KATZ: Can you spell both yours

15 and hers.

16 MR. SCHWARTZ: Schwartz is S-c-h-w-a-r-t-z.

17 Lynn, L-y-n-n. Stanwood, S-t-a-n-w-o-o-d.

18 MR. PHELPS: You may just want to clarify

19 that she --

20 MR. SCHWARTZ: She had to go pick up her

21 children from school.

22 CHAIRMAN KATZ: Thank you.

23 MR. SCHWARTZ: "A buffer zone of a distance

24 beyond the edge of the right-of-way is the only means to

1 be certain that EMF levels will remain at background  
 2 levels or less while at the same time protecting the  
 3 health of the more than 250 children in the Durham,  
 4 Middlefield and Middletown area". Thank you.  
 5 CHAIRMAN KATZ: Thank you. Next Anthony  
 6 and Jane Majewski, followed by Bob Birdsey. And again I'd  
 7 like to just apologize if -- I feel like I'm rushing  
 8 people along, but we do have a long list and we do have  
 9 business with the Applicant that we have to do before the  
 10 end of the afternoon.  
 11 MS. JANE MAJEWSKI: Hi. My name is Jane  
 12 Majewski. We live at 1580 Bartholomew Road in Middletown  
 13 on the Chestnut Junction and Scovill Rock piece of the  
 14 project.  
 15 You asked about the buffer zone. We would  
 16 like you to make it 300 feet because that's what the state  
 17 says is safe.  
 18 You asked about signage. We have a 16-  
 19 year-old son. Him and his friends in our backyard are  
 20 constantly out there playing paintball. I am constantly  
 21 trying to get him off of the NU property and back on our  
 22 property. Sixteen-year-olds just don't think that they're  
 23 not safe and they have a harder time listening. He's not  
 24 the only one in the neighborhood. They've got motorbikes

1 going up and down the NU property constantly. So, I would  
2 say signage is not even enough.  
3 CHAIRMAN KATZ: Do you see the utility  
4 buying this 300 feet from the property owner so that there  
5 will be no activities?  
6 MS. MAJEWSKI: I don't know --  
7 CHAIRMAN KATZ: What purpose do you see I  
8 guess is what I'm trying to ask?  
9 MS. MAJEWSKI: I just don't know that signs  
10 are enough to keep children and people who don't read out.  
11 CHAIRMAN KATZ: So do you see fencing --  
12 MS. MAJEWSKI: I -- I actually do. I was  
13 thinking about like if you had a nuclear power plant, you  
14 do have fencing and security around it --  
15 CHAIRMAN KATZ: Right --  
16 MS. MAJEWSKI: -- and if -- if -- I mean  
17 I'm not a scientist -- if these things are run safe and  
18 hazardous, then, yeah, I see fencing.  
19 CHAIRMAN KATZ: Okay.  
20 MS. MAJEWSKI: The other piece is you asked  
21 what is residential. I know that my area is very wooded,  
22 but houses are going up every day. My husband and I have  
23 three children. We consider ourselves residents and we --  
24 we would like for you to consider any family area

1 residential.  
2 The other thing that I wanted to bring to  
3 the table today -- you know, my husband and I we're not  
4 lawyers, we're not Harvard professors, we're not  
5 scientists, we don't know the answer to all the questions  
6 about EMFs, but we have a dream, and our dream was we saw  
7 this property, it was a property on two and a half acres  
8 with six bedrooms in it, a major fixer-upper, nobody in  
9 their right mind would have bought it. We bought it  
10 because we have a dream that we call Hannah's Heaven.  
11 We've had this for 10 years, to take in orphans and foster  
12 children. When the property lines started coming up and  
13 telling us not to trespass it's on our property, I have  
14 documents because we have contacted Blumenthal's office,  
15 we have contacted Northeast Utilities and spoken with  
16 Christopher Fox, we have contacted our Mayor, and there's  
17 nobody helping us, we are missing an acre of our land  
18 based on NU's survey in 1965. And I have deeds. We're  
19 being taxed on two and half acres of land. We paid for  
20 this two and a half acres of land. And I have a deed here  
21 -- we went to city hall. Since 1940 something this has  
22 been two and a half acres of land. It's NU's survey in  
23 1965 that now says we only own one acre of land. We were  
24 able to purchase half of what we thought. And these

1 things are going up on top of us and they're cutting down  
 2 our trees and our woods that we're taxed on. Nobody is  
 3 listening to us. And I don't understand how it is in 2000  
 4 that a company can come here, send people from  
 5 Massachusetts and sneak their way into a citizen's place  
 6 to speak, all their education and all their money and do  
 7 this to people. We just wanted to open up a foster home  
 8 orphanage, just -- just ourselves to make a difference in  
 9 one or two lives of children and nobody will listen. And  
 10 our hope today, and forgive me, is that somebody will help  
 11 us with our land. And I have documents to show if you  
 12 want them. Thank you.  
 13 CHAIRMAN KATZ: Thank you.  
 14 MS. MAJEWSKI: Do you want them?  
 15 CHAIRMAN KATZ: Yes. Please give them to  
 16 Mr. Cunliffe, but -- but I urge you to contact your State  
 17 Representative because they're probably the forum to get  
 18 this solved for you.  
 19 A VOICE: Or a lawyer, Pam --  
 20 CHAIRMAN KATZ: Yeah --  
 21 A VOICE: Get one in the room to volunteer  
 22 --  
 23 MS. MAJEWSKI: (Indiscernible) -- we had  
 24 one but -- (Indiscernible) -- property is not worth enough

1 money to fight for --  
2 CHAIRMAN KATZ: Right --  
3 MS. MAJEWSKI: -- we've been in touch with --  
4 --  
5 CHAIRMAN KATZ: We'll send these to  
6 Middletown -- we'll send these to Mayor Thornton for you.  
7 Okay. Next Bob Birdsey, John Landers, followed by Bill  
8 Shragis.  
9 MR. BOB BIRDSEY: My name is Bob Birdsey, I  
10 live in Wallingford. The name is B-i-r-d-s-e-y. And I  
11 saw your editorial in the Meriden paper yesterday morning,  
12 so I put a statement together here for you today.  
13 The Connecticut Siting Council should be  
14 aware that this massive transmission line project could  
15 affect the value of residential properties along the way.  
16 Residents' property values should be an important factor  
17 in determining the buffer zone. While there may be room  
18 for question and discussion relative to health risks,  
19 there is data to prove a loss in value to residential  
20 properties where transmission lines and towers are in view  
21 regardless of the health issue. For example, there's a  
22 Connecticut State law requiring someone selling their home  
23 to disclose a nearby planned transmission line project to  
24 a prospective buyer.

1 I suggest the buffer zone be large enough  
2 that there is no effect on residential property value.  
3 Burying the lines as required by law would probably meet  
4 this requirement. Burying the lines as required by law --  
5 if there are technical problems as defined by the law and  
6 the result is a loss in property value, the changes in  
7 values then should be included in the cost of the project.  
8 The property owners and towns should then be reimbursed  
9 for their losses. I request the sitting Council withhold  
10 decision on this project until these additional true costs  
11 can be added and that a law can be passed to require such  
12 compensation. This would be help better identify the true  
13 cost of this project, which I know you're also struggling  
14 with. We don't know what the project is going to cost as  
15 it is so we might as well wait until we get these costs as  
16 well.  
17 Also, Connecticut is a small picturesque  
18 state. The utilities are trying to include an extra 345-  
19 kilovolt transmission line through Wallingford and  
20 Meriden. And now I learn that -- I hadn't paid a lot of  
21 attention -- that it's also an additional 345 in Durham as  
22 well. This seems unnecessary unless the real reason is to  
23 allow for future expansion of the circuit, maybe to Long  
24 Island through North Haven and New Haven where 345-

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1 kilovolt lines already exist. These are the tallest and

2 largest towers you might see in Connecticut already

3 intrusive to the beauty of the land and affecting

4 residential property values along the way. A second set

5 of similar towers with additional clearing even without

6 expanding the right-of-way would cut a deep scar in the

7 beauty of our small state. Because of this obvious

8 effect, I suggest that where 345-kV lines already exist

9 that the proper buffer zone already exist. Therefore, no

10 additional clearing be allowed where 345-kV lines already

11 exist. Utilities may comply by eliminating the extra line

12 or by burying the line in the existing path.

13 CHAIRMAN KATZ: If you could wrap it up

14 please.

15 MR. BIRDSEY: That's it, it's wrapped.

16 CHAIRMAN KATZ: Thank you.

17 MR. BIRDSEY: Do you want copies of this

18 any --

19 CHAIRMAN KATZ: You -- if you'd like, you

20 can give Mr. Cunliffe a copy of your statement. Next is

21 John Landers, followed by Bill Shragis -- and you're going

22 to -- anybody who I'm -- any name I massacre, you're going

23 to correct when you get up to the podium -- followed by

24 Sebastian Giuliano.



1 MR. JOHN LANDERS: My name is John Landers.  
2 I live at 264 Skeet Club Road in Durham, which is on the  
3 west side of Durham on the Middlefield town line,  
4 literally on the Middlefield/Durham town line.  
5 CHAIRMAN KATZ: Could you spell your name  
6 please.  
7 MR. LANDERS: Sure. L-a-n-d-e-r-s.  
8 CHAIRMAN KATZ: Are you in Royal Oaks?  
9 MR. LANDERS: No, I am not --  
10 CHAIRMAN KATZ: Okay --  
11 MR. LANDERS: -- I'm on the western side of  
12 town, completely on the other side --  
13 CHAIRMAN KATZ: Thank you --  
14 MR. LANDERS: -- but it's the same 115 line  
15 running through both communities.  
16 CHAIRMAN KATZ: Okay.  
17 MR. LANDERS: I -- I -- I live -- I lost my  
18 place is what I did -- (laughter) -- I live in this  
19 residence with my two children ages 12 and 10. My home --  
20 my dwelling is 70 feet from the closest line of the  
21 existing 115-kV line. The proposed 345-kV line will  
22 actually move the line within closer proximity to my home.  
23 Now this is just fine with Northeast and UI, but these are  
24 the same people who have gone on record as saying that the

1 12 homes that about the power lines on the west side of  
2 Durham do not meet their criteria of a residential area.  
3 I am listening with great interest about  
4 signage posting, health warning outside the buffer zone.  
5 I would have to post mine in my family room, any signs.  
6 CHAIRMAN KATZ: That would be the third  
7 thing on the real estate agent's list.  
8 MS. LANDERS: Yeah. I would ask to like  
9 the -- I would like to ask the Siting Council to mandate  
10 the Applicants to purchase the homes of structures within  
11 the buffer zone however defined at a fair market value if  
12 the Applicants are unable to underground the lines. I  
13 think you might find some amazing technological  
14 breakthroughs might come if this were the case. If the  
15 Siting Council were to charge this, it would compensate  
16 the people who live there and their property that  
17 Northeast and UI has effectively condemned under the  
18 current proposal. And I thank you for your time.  
19 CHAIRMAN KATZ: Next is Bill Shragis,  
20 followed by Sebastian Julio. And the last name I have on  
21 the list is Robert Adair. Is there any -- Mr. Phelps, is  
22 there any other names on the list? No --  
23 A VOICE: Don't -- (Indiscernible) --  
24 CHAIRMAN KATZ: Okay. Yes, sir.

1 MR. BILL SHRAGIS: Hello. My name is BILL  
2 Shragis, S-h-r-a-g-i-s. I'm at 10 Vernon Court in  
3 Woodbridge, Connecticut.  
4 I have attended one public hearing with you  
5 in Woodbridge that was overflowing with concerned citizens  
6 opposed to the power lines being located near children. I  
7 also attended the final legislative session last year  
8 where I thought this issue was resolved, but now I see  
9 there are many questions.  
10 My wife and two children live in  
11 Woodbridge. My two children attend Ezra Academy and the  
12 JCC, both of which are on the proposed path. I am  
13 concerned about the health effects of EMF on our children.  
14 I understand you are trying to design a solution where our  
15 children are not exposed to EMF. I thank you for that.  
16 I would like to discuss -- to address  
17 another aspect of the buffer zone. I observed -- I have  
18 observed a real fear of high power lines by parents of  
19 young children, whether real or not the fear and stress in  
20 the parents is quite real. The health and welfare  
21 concerns of their children are a parent's constant  
22 companion. External threats not under parental concerns  
23 are the cause of nightmares. I ask the Council to take  
24 into consideration the mental health of parents as well as

1 the physiological health of our children when designing a

2 buffer zone or requiring burial of the power lines. I

3 have found the scientific testimony given today very

4 interesting, but I also consider it just logical that you

5 wouldn't place power lines or other dangerous objects near

6 children. Thank you.

7 CHAIRMAN KATZ: Thank you. Next Sebastian

8 Giuliano and followed -- the last one is Robert Adair.

9 Sir, you're going to give me the correct pronunciation.

10 MR. SEBASTIAN GIULIANO: Good afternoon.

11 My name is Sebastian Giuliano, spelled G-I-U-L-I-A-N-O.

12 I'm an attorney and I have a client by the name of Linda

13 Wilson, who has recently been granted intervenor status

14 mainly because she owns a piece of land that we have come

15 to learn is being considered as an alternative route for

16 the upgraded power lines.

17 CHAIRMAN KATZ: Is this the Royal Oaks

18 bypass?

19 MR. GIULIANO: It is, it's the Royal Oaks

20 bypass. And the land is actually between the Royal Oak

21 subdivision and the Talcott Ridge subdivision, which are

22 both built up subdivisions right now.

23 It is being suggested that Mrs. Wilson's

24 land is not residential because right now nobody is living

1 there. I would point out that everybody in this room is  
 2 living in a residence that at one time was empty land. I  
 3 suggest that the definition of residential areas should be  
 4 the definition that every one of the 169 cities and towns  
 5 in the state of Connecticut relies on, and that's what's  
 6 in their own zoning codes. It's a bright line. To  
 7 consider otherwise would result in taking valuable rights  
 8 away from people. Mrs. Wilson is entitled to rely on the  
 9 zone of the property that her land lies in as residential  
 10 property.  
 11 I might point out that there is about to be  
 12 an application submitted to the Middletown Planning and  
 13 Zoning Commission on Mrs. Wilson's behalf. And she's  
 14 doing this earlier than she ever planned on doing it  
 15 mainly because she's been pushed into this corner by the  
 16 proposal. That's essentially what I wanted to put forth  
 17 to you.  
 18 I would like before I close to make one  
 19 observation. It seems like we are discussing -- trying to  
 20 shoehorn a 21<sup>st</sup> century problem into 19<sup>th</sup> century  
 21 technology. I can't conceive that our appetite for energy  
 22 is going to grow less as the year goes by -- or the years  
 23 go by. We're going to demand more energy. And right now  
 24 we're looking at 345-kilovolt lines and before long we're

1 going to be looking at 700-kV lines and then 1,000 kV

2 lines, and what kind of buffer zones are we going to need  
3 for them and what kind of towers are we going to need to  
4 put them on. I think now is the juncture at which we have  
5 to look at the next step in technology. Thank you.

6 CHAIRMAN KATZ: Thank you. The final  
7 speaker is Robert Adair and then we're going to go to the  
8 Applicants after that. Is there anyone who signed up who  
9 I did not call?

10 MR. PHELPS: There's no other names on the  
11 list.  
12 CHAIRMAN KATZ: Okay, great. We will then  
13 go and do some other -- yes.

14 MR. ROBERT ADAIR: My name is Robert Adair,  
15 A-d-a-i-r. I am a Sterling Professor of Meritus at Yale  
16 and a resident of Hamden, Connecticut.  
17 What I'm going to talk about is science and

18 I'm going to talk about it then from a position of the  
19 consensus of science and, therefore, I have to do a little  
20 self-advertising to tell you where I come from. I have  
21 been a member of the National Academy of Sciences for more  
22 than 25 years. I've served as Chairman of the Physics  
23 Section and Chairman of the Class of Physical Sciences.  
24 About 20 percent of our group there have -- are Nobel

1 laureates and have won the Nobel prize, including several

2 in our biophysics section, who are then Nobel laureates.

3 My -- what I will just say is my conclusion

4 -- or not my conclusion but my statement about the

5 consensus of eminent scientists, there are no biological

6 effects of weak electromagnetic fields. There are no

7 effects on children, none whatsoever. It's impossible.

8 These fields are just much to weak to do anything. We

9 know about the character of the interaction of

10 electromagnetic fields with matter, we know what is the

11 limits on effects. There simply can be no effects.

12 CHAIRMAN KATZ: Thank you. Do you have a

13 question for this speaker?

14 MR. O'NEILL: Yes, I do.

15 CHAIRMAN KATZ: If you could come back to

16 the microphone -- if you could come back to the

17 microphone, sir, Mr. O'Neill has a question.

18 MR. O'NEILL: Sir, during the course of our

19 deliberations, we've been presented with a host of

20 scientific papers often presented as an analysis of -- a

21 meta analysis of EMF effects on biology --

22 MR. ADAIR: Well, first of all, I'd like to

23 say a little about science and scientists. Scientists --

24 science is done by human beings with all the frailties and

1 so forth of human beings. So scientists are looking for

2 self-help, they're sometimes dishonest, they're often --

3 too often because science is difficult, they're really not

4 competent to do what they're trying to do.

5 The -- however science, which is the

6 winnowing -- the result of the winnowing and sifting of

7 individual scientific efforts is quite reliable. But that

8 winnowing and sifting is not a completely trivial

9 business. Roughly speaking, 50 percent of all scientific

10 papers are plain simply wrong and shown to be wrong. In

11 some areas a hundred percent are wrong. I was the

12 chairman of a cold fusion group that went to look into

13 cold fusion at the University of Utah. At that time there

14 were a hundred papers showing cold fusion from 10

15 different countries. They were all wrong. There is no

16 cold fusion. So you have to be very careful about the raw

17 material of science. There's an awful lot of nonsense

18 there. Scientists are no more competent in their own

19 field and no more honest than you know in your own areas

20 of interests.

21 MR. O'NEILL: Thank you.

22 CHAIRMAN KATZ: We'll leave it there --

23 (laughter) -- thank you, sir. Okay -- thank you, sir.

24 Okay, at this point, I'm going to give -- we're going to



1 do a couple of things in the remaining 55 minutes. The  
2 first thing is I'm going to give the Applicant a chance to  
3 speak. And I don't want the canned speech. I want based  
4 on what you heard today how you -- Mr. Fitzgerald?  
5 MR. FITZGERALD: Since the Applicant is  
6 more than one person --  
7 CHAIRMAN KATZ: Yes --  
8 MR. FITZGERALD: -- I would suggest that  
9 you give us 10 minutes to huddle, to decide --  
10 CHAIRMAN KATZ: How about five minutes.  
11 MR. FITZGERALD: Five -- okay.  
12 CHAIRMAN KATZ: A five-minute break.  
13 (Whereupon, a short recess was taken.)  
14 CHAIRMAN KATZ: (Indiscernible) -- things  
15 to do in little time. What I'm going to ask -- we're  
16 going to do a couple of things as soon as I get a quorum --  
17 -  
18 MR. TAIT: You have a standing quorum.  
19 CHAIRMAN KATZ: A standing quorum, okay.  
20 I'm going to ask the Applicant to make a brief statement  
21 concerning the buffer zone. And then this Council would  
22 like to talk to the Applicant about the mapping. And what  
23 I'm going to do is -- I have not run this past my fellow  
24 Council members, but I have an idea of a -- sort of a

1 starting point and I'm going to get -- we're going to get  
2 input from the Council and input from you on what we  
3 possibly can get on these maps that I've deliberately held  
4 off you spending resources to do them until we've had a  
5 chance to hear from some public today and -- so that,  
6 hopefully, we do this once and we get the things on the  
7 map that we want on the map. So we'll turn this over to  
8 the Applicants. And who will be speaking?  
9 MS. BARTOSEWICZ: Well, actually --  
10 MS. RANDELL: Miss Bartosewicz and Mr. Prete.  
11  
12 CHAIRMAN KATZ: Thank you.  
13 MS. BARTOSEWICZ: We'll do a little tag  
14 team --  
15 CHAIRMAN KATZ: Okay --  
16 MS. BARTOSEWICZ: -- so I guess I'm first  
17 up very briefly. And thank you for the opportunity to  
18 speak today and for this long day listening to everybody's  
19 concerns, which we listened to as seriously as you did.  
20 And I think we'll just make some brief remarks.  
21 The first one will be considering buffer  
22 zones. And the companies believe that determination of  
23 buffer zones really need to be site specific. I mean we -  
24 -

24 MR. PRETE: I think at the very least it  
23 know, characteristic by area characteristic?  
22 the buffer zone? Is it town by town? Is it area -- you  
21 buffer zone and -- so how site specific do you visualize  
20 down the street adjacent to it might have a different  
19 certain buffer zone and then the residential community  
18 vary, so that might mean that an institution might have a  
17 and other Council -- now when you say the buffer zone will  
16 CHAIRMAN KATZ: -- and I'll ask a question  
15 MS. BARTOSEWICZ: Sure --  
14 -  
13 CHAIRMAN KATZ: Well before we leave that -  
12 other issues.  
11 comments on buffer zones. And John will talk about two  
10 going forward. So those are -- those are really our  
9 those. Mitigation is going to prove a very useful tool  
8 methods to mitigate and we should take a close look at  
7 We think that the record does have some  
6 as to what's there and what's going to be there.  
5 so you need to look at each site and make a determination  
4 configuration is really affects what the result is. And  
3 because what's on the right-of-way and what the  
2 MS. BARTOSEWICZ: Definitely. Because --  
1 CHAIRMAN KATZ: So you see it varying --

1 has to be by the configuration that's along the right-of-  
2 way. As we know, if you go and chop up that 45 miles,  
3 there's at least 13 different segments that look  
4 differently electrically --  
5 CHAIRMAN KATZ: Yeah.  
6 MR. PRETTE: -- and with the number of lines  
7 on that. With that said, you need to look at each one of  
8 those 13's with regard to what statutory facilities are  
9 within that. So unfortunately, it's a permutation that  
10 isn't exact, but I think you need to follow that tree of  
11 logic, Madam Chair.  
12 MS. BAROSEWICZ: And what we tried to do  
13 is when we tried to write information, we did it by those  
14 cross-sections. And those cross-sections really  
15 determined the configuration today and the configuration  
16 tomorrow.  
17 CHAIRMAN KATZ: Okay.  
18 MR. TAIT: By site -- by site you mean  
19 sometimes it's by feet and sometimes it's by milligauss,  
20 or is it always by milligauss? When you go site by site,  
21 do you go and site some of them by 300 feet or do you site  
22 some of them by milligauss? What do you mean by site by  
23 site?  
24 MR. PRETTE: Site by site would be dependent

1 on the levels of loadings that are on the line and the

2 mitigation techniques that could occur, including things

3 like relocating the right-of-way, which was the discussion

4 of the JCC --

5 MR. TAIT: Getting it down to a milligauss

6 level or what?

7 MR. PRETE: Getting it down to a level that

8 you believe would represent a public safety level. And I

9 think we disagree on what that level might be.

10 MR. TAIT: Well, it seems to me when you go

11 site by site, you may -- I don't see how footage is going

12 to work.

13 MR. PRETE: Oh, I agree wholeheartedly, I

14 don't think footage would work at all.

15 MR. TAIT: That's what I wanted to say, is

16 when you go site by site, you're talking about not --

17 CHAIRMAN KATZ: So you're not talking about

18 300 feet in some places and 100 --

19 MR. TAIT: Or schools 200 feet, churches --

20 MR. PRETE: Absolutely not.

21 CHAIRMAN KATZ: Yeah, okay.

22 MR. TAIT: You're talking about milligauss?

23 CHAIRMAN KATZ: So you're talking

24 milligausses?

1 MR. PRETE: Yes.

2 CHAIRMAN KATZ: Okay.

3 MR. TAIT: Thank you.

4 CHAIRMAN KATZ: Yes. Mr. Prete -- oh,  
5 before that, Mr. O'Neill.

6 MR. O'NEILL: We're talking about site by  
7 site. The Towns, I think, would suggest that rather site  
8 by site, we should also consider residential zone by  
9 residential zone when we talk about future land use  
10 planning or building. And we heard discussions about  
11 subdivisions or houses that are under construction today.  
12 How do we address the concerns of those towns and those  
13 parties who have party -- who have properties abutting the  
14 line now who plan to build?

15 MR. PRETE: Well, that's something that we  
16 actually listened to hard today as well as in the past.  
17 And with no disrespect mentioned, we came up with a  
18 definition of what we thought the public act meant. It  
19 had very specific words. It said residential area. It  
20 didn't say residential dwelling, it didn't say residential  
21 structure. So we took that to mean a cluster, so we came  
22 up with a cluster definition that apparently had darts  
23 thrown on it, and that's fine. What we heard today, and  
24 perhaps rightfully so, is that a residential area today is

1 a structure but doesn't preclude residential zoning from  
2 further building. So, I would suggest to you that an area  
3 could be an area that is more adopted to zoning than it is  
4 to the structures that are on that today.  
5 MR. O'NEILL: Okay.  
6 CHAIRMAN KATZ: Well, one -- one of the  
7 speakers suggested that perhaps residential area should be  
8 any resident -- residence which abuts the right-of-way.  
9 Can you comment on that?  
10 MR. PRETE: Well in our definition that's  
11 what we tried to come up with. We tried to do a  
12 longitudinal abutment of properties that not only have  
13 residential land but have structures on that land.  
14 CHAIRMAN KATZ: But I thought in your  
15 definition you had a minimum distance along the right-of-  
16 way to qualify? This speaker indicated that any residence  
17 which abuts the right-of-way would be a residential area  
18 where there would be no minimum distance to define a  
19 cluster.  
20 MR. PRETE: Yeah and I believe that's piece  
21 and parcel of our definition, it was an abutting property  
22 but the property had to have a house on it --  
23 CHAIRMAN KATZ: Okay --  
24 MR. PRETE: -- and it wasn't just one

1 property, for instance it was -- it was maybe five, six,

2 seven, eight within a certain footage. What we heard

3 today is that one house on one property that abuts is a

4 residential area.

5 CHAIRMAN KATZ: Right.

6 MR. PRETE: And indeed if there was

7 residential zoning on either side of that, in the future

8 there could be houses on it, sure.

9 CHAIRMAN KATZ: Right.

10 MS. BARTOSEWICZ: And you'll probably find

11 that a lot of Connecticut and certainly a lot of these

12 towns are indeed zoned residential areas.

13 CHAIRMAN KATZ: Yes.

14 MR. PRETE: And I think Ms. Marrella said

15 it pretty well, is that in Woodbridge but for the water

16 Company property and the CL&P property, the rest is zoned

17 residential. And I don't believe that that would be any

18 different along any other town.

19 CHAIRMAN KATZ: Questions -- I'm sorry, did

20 you -- I'm not being a good Navajo -- did you have

21 something else to say before we turned to questions?

22 MR. PRETE: Sure. On the buffer zone one

23 of the questions that was asked on Ezra Academy, B'Nai

24 Jacob Congregation, Exhibit 78 I believe has that right-



1 of-way relocation. And if my memory serves me, that

2 building is approximately 15 feet away from the existing

3 right-of-way today. And a relocation of the right-of-way

4 along a property line furthest from the building would

5 push it approximately 160 feet away. Mr. Wilensky, I

6 think that was your question -- or Mr. Lynch.

7 CHAIRMAN KATZ: Yeah.

8 MR. PRETE: So, I thought if you want to

9 look at that exhibit, you'd get your answer a little bit

10 more correct.

11 And then finally, the last bit of

12 information that was asked for is loading, you know what

13 loading is appropriate. And the 15-gigawatt certainly is

14 one that we believe wholeheartedly in. And maybe I could

15 redefine what it really is and isn't. It is defined as

16 the New England average. And as you well know, since

17 we're all interconnected, you must take a very global look

18 at that. It was properly entitled improperly because what

19 it also represents and very importantly is a very

20 realistic loading on the line. The loading on the lines

21 that are being proposed are directly proportional to the

22 generation that is assumed on or off in the Southwest

23 Connecticut area, mainly Millford and Bridgeport. And if

24 you look at the average 15-gigawatt and you look at the

1 Loading on that line, assuming very little generation, you  
2 are then pushing a lot of power through that particular  
3 line. And we believe that as an average, as a time  
4 weighted average, the 15 gigawatts represents the loading  
5 today and very realistically in the future as well because  
6 future load growth will also come with it generation in  
7 Southwest Connecticut because you can't physically serve  
8 the load without that generation.  
9 CHAIRMAN KATZ: But Mr. Prete, it sounds  
10 like, therefore, we shouldn't be using area wide loading  
11 because area wide loading indicates that there's a lot of  
12 generators on, therefore Southwest Connecticut doesn't  
13 have to import as much, therefore -- but isn't the worst  
14 case when Southwest Connecticut has to import a lot?  
15 MR. PRETE: Exactly. And --  
16 CHAIRMAN KATZ: So we would not want to use  
17 a New England area wide load --  
18 MR. PRETE: Well, we --  
19 CHAIRMAN KATZ: -- because of that?  
20 MR. PRETE: We do try to represent it  
21 because as you know we're all interconnected --  
22 CHAIRMAN KATZ: Yeah --  
23 MR. PRETE: -- so the models actually do  
24 have all of New England connected together. So you then

1 assume the generation and the loading based on that and

2 then you -- under a microscope, so to speak, you look at

3 Southwest Connecticut very uniquely. And what the

4 planners did is they only assumed two generators on in

5 Southwest Connecticut to serve that load at 15-gig or an

6 average. And if you look at that consistent with the

7 graphs that we put together, at 15 gigawatts half the

8 hours of the year are under and half the hours of the year

9 are over that loading.

10 MS. BARTOSEWICZ: And that case that we

11 provide information on has those limited -- the limited

12 generation running in Southwest Connecticut, so we --

13 CHAIRMAN KATZ: This is -- I'm sorry,

14 finish.

15 MS. BARTOSEWICZ: So what we were trying to

16 show you is -- I guess it's a pessimistic approach.

17 CHAIRMAN KATZ: Okay. Let's assume -- you

18 said -- I think we had testimony this transmission line

19 has a 40-year life -- or what was the life span that you

20 planned for?

21 MR. PRETE: A physical life span?

22 CHAIRMAN KATZ: Yes.

23 MR. PRETE: Thirty or forty years is fair.

24 CHAIRMAN KATZ: Okay, let's say 40. Let's

1 say it has a 40-year life span. Using this worst case  
2 scenario of not much generation on, so a lot of  
3 electricity has to run on that line to get to Southwest  
4 Connecticut, what type of loading are we talking about at  
5 the end of this 40 years that would be running through  
6 that line under this worst case scenario?  
7 MR. PRETTE: When you say running on that  
8 line, please define for me a little bit more --  
9 CHAIRMAN KATZ: Well --  
10 MR. PRETTE: -- as to what you're asking for  
11 because --  
12 CHAIRMAN KATZ: Middletown to Norwalk,  
13 let's say what would be running on that line under this  
14 worst case, we have to import a lot of electricity to  
15 Southwest Connecticut scenario at the end of this 40-year  
16 time period?  
17 MR. PRETTE: I'll answer that question by  
18 clarifying it in my answer first, is --  
19 CHAIRMAN KATZ: Okay.  
20 MR. PRETTE: -- we heard today that many  
21 folks are talking about the peak, whether the peak is 25.4  
22 today or 27.7 in the future, that's New England peak. It  
23 does represent itself in Southwest Connecticut as a ratio  
24 as well. Those levels are seen hours a year. So to give

1 loading on that line and to then extract data from that  
2 line for hours out of the year to us is really  
3 inappropriate. So to answer your question today, on an  
4 average basis, on an average basis the loading on the line  
5 that is represented in our 15-gigawatt case is the loading  
6 very realistically today as well as 10 to 15 years from  
7 now.  
8 CHAIRMAN KATZ: But my question goes to 40.  
9 MR. PRETE: I'm sorry?  
10 CHAIRMAN KATZ: This is -- this is the --  
11 this is the point that was brought up, if we do EMF  
12 mitigation now for split-phasing, etcetera, we are going  
13 to get a certain milligauss level at the edge of the  
14 right-of-way.  
15 MR. PRETE: Yes.  
16 CHAIRMAN KATZ: The question has come up  
17 from the public, and I think it's a fair question, is 40  
18 years from now what is that milligauss level at the edge  
19 of that right-of-way because you're running now more -- it  
20 you're running more power over that line where you've done  
21 split-phasing?  
22 MR. PRETE: Again -- perhaps I was terrible  
23 in my explanation, which occurred on Tuesday as well --  
24 CHAIRMAN KATZ: That's very polite of

1 saying I didn't get it and I appreciate that.  
2 MR. PRETTE: Okay, good. It's later. I  
3 would have been better in the morning. We believe that  
4 the loading that you see in the 15-gigawatt case is very  
5 similar to the loading even in the future as load growth  
6 because we turned off a lot of generation in those load  
7 cases to try to increase that loading to be realistic to  
8 pessimistic. As load grows, what will occur is more  
9 generation because one of the goals of the project will be  
10 located in Southwest Connecticut --  
11 CHAIRMAN KATZ: Well how about if it isn't  
12 built? We're talking -- we're still talking building  
13 power plants in Southwest Connecticut, that's not an easy  
14 --  
15 MR. PRETTE: Understood --  
16 CHAIRMAN KATZ: Yeah.  
17 MR. PRETTE: -- understood. As you get into  
18 load levels of 30 gigawatts, and this is subject to check  
19 with Roger, you cannot physically serve the load in  
20 Southwest Connecticut without further generation either  
21 repowering or otherwise.  
22 MR. ASHTON: Let me stop you right -- let  
23 me stop you right there for a second. I think what I'm  
24 hearing --

1 MR. PRETTE: Or transmission lines, right.  
2 MR. ASHTON: I think what I'm hearing, and  
3 correct me if I'm not, is that when the load goes to 30  
4 gigawatts on a New England system basis, the load in  
5 southwest Connecticut also peaks, but so does the amount  
6 of generation that's in southwest Connecticut, the net  
7 effect being a reduction in the flow of energy from  
8 Middletown to Norwalk on that line. The flow on the  
9 Middletown/Norwalk line peaks at about 15 gigawatts when  
10 the load has dropped, but the generation has dropped even  
11 more, so you're importing the maximum amount at that time.  
12 And as I heard your testimony, you're saying that the 15  
13 megawatt case, which yields the maximum import into  
14 southwest Connecticut, is probably representative of the  
15 far future because as the load continues to grow,  
16 generating stations in southwest Connecticut will be  
17 repowered, i.e. units will be replaced, and so there will  
18 be more of a match of load in generation. Is that fair to  
19 say?  
20 MR. PRETTE: I think the conclusion is, Mr.  
21 Ashton, I wouldn't agree totally with what led up to that.  
22 I believe that the loading that we show you in the 15-  
23 gigawatt case is very realistic both today and tomorrow as  
24 a time weighted average of what we've seen on that line.

1 CHAIRMAN KATZ: I guess my worst case

2 scenario is the need in Southwest Connecticut increases

3 but the amount of generating plants does not; therefore,

4 this line from Middletown to Norwalk has to pump a lot of

5 electricity to Southwest Connecticut because they haven't

6 built generation plants like they should. So what I --

7 what I'm trying to find and -- what is this worst case

8 scenario of need -- you must have an idea of how need is

9 going to increase --

10 MR. PRETE: Um-hmm --

11 CHAIRMAN KATZ: -- if need increases and

12 the power plants or other transmission does not happen,

13 what's that worst case loading?

14 MR. PRETE: Again Chairman, I'm not trying

15 to be vague with you, but in the dispatch for instance

16 that we are trying to explain through the 15 gigawatts --

17 if I could run some rough numbers by you -- under the 15

18 gigawatts, that means Southwest Connecticut is roughly

19 1800 megawatts. In that 1800-megawatt case, in the

20 generation dispatch -- there's only two generators in the

21 Southwest Connecticut on, that being BF and Bridgeport

22 Harbor 3 at a very low level, so when the loading increase

23 -- when the loading increased, generation such as the New

24 Millford units, some of the Devon units, another Bridgeport



1 unit, or Norwalk Harbor will come on-line.  
2 CHAIRMAN KATZ: Oh, so you're not saying  
3 just what needs to be built, you're saying what has to be  
4 dispatched --  
5 MR. PRETE: Yes, ma'am --  
6 CHAIRMAN KATZ: -- and therefore, ISO will  
7 -- you see you didn't say that -- ISO will --  
8 MR. PRETE: I knew you would get down to  
9 the truth though.  
10 CHAIRMAN KATZ: So you're saying under this  
11 case as the need grows, ISO will dispatch more of the  
12 current power plants that can serve Southwest Connecticut?  
13 MR. PRETE: Or more importantly, the  
14 generation plants themselves will become more economically  
15 viable.  
16 CHAIRMAN KATZ: Right, okay.  
17 MR. PRETE: And that's associated with all  
18 of the movements ISO is making and FERC is making with the  
19 ICAPS and the LICAPS.  
20 CHAIRMAN KATZ: Okay. Mr. Emerick, you had  
21 a question? You want to wait?  
22 MR. EMERICK: Well, I guess the assumption  
23 is that ISO will dispatch them, but they aren't going to  
24 dispatch them if it's economic. And if economic dictates

1 that importation is the cheapest way of going, that's the

2 way they're going to go. So, I mean -- so --

3 MR. PRETE: But the world today, Mr.

4 Emerick, is that they could charge darn well what they

5 please because there is an inability to transport or

6 transmit through the transmission line. So the market

7 will determine that in order for them to stay in business,

8 they have to go on-line.

9 CHAIRMAN KATZ: Yeah. Okay, what I want to

10 do is just see if there are any other questions of the

11 Applicants and then I want to talk -- I have a concept for

12 the mapping that I want to float. Mr. Zak, did you want

13 to --

14 MR. ROGER ZAKLUKIEWICZ: Mr. Emerick, to

15 answer your question --

16 CHAIRMAN KATZ: I'm going to ask you to

17 identify yourself for the record since --

18 MR. ZAKLUKIEWICZ: Roger Zaklukiewicz. Z

19 as in zebra, a-k-l-u-k-l-e-w-i-c-z. The first name Roger,

20 R-o-g-e-r.

21 You -- you can economic dispatch up to a

22 point. And the point is, is how much energy can you

23 import into the entire State of Connecticut. Recognizing

24 that that's limited, somewhere between 2200 and 2500. So

1 I can -- as ISO I can determine economically how much  
2 generation will be run from hour to hour, but at some  
3 point I'm also limited by what I can bring into the state.  
4 Now I need to run the out of merit generation in the state  
5 so I do not exceed what I'm transporting into the state of  
6 Connecticut, but I also have a transfer limit into the  
7 state, and that will then drive how much generation has to  
8 be installed or dispatched from hour to hour in southwest  
9 Connecticut to meet both requirements, what is my transfer  
10 into Southwest Connecticut and what is my transfer into  
11 the State of Connecticut. And the non-economic generation  
12 that gets dispatched from hour to hour, we as Connecticut  
13 residents will pick up that tab. We will pick up the  
14 difference between what is the dispatch price for that  
15 hour across all of New England and what is the fee being  
16 charged by those generators in the transmission deficient  
17 areas and what is their fee, and the delta then gets  
18 attributed to Connecticut residents. ISO will not leave  
19 us out there hanging in those cases.  
20 Now when you get closer to the 27.7 and the  
21 30,000 load in New England, it's quite clear that  
22 additional generation needs to be installed throughout New  
23 England and including Connecticut in that overall scenario  
24 because you cannot serve that load reliably. So exactly

1 where that load is going to go, I -- I do not have the  
2 slightest idea.  
3 Going out 40 years from now, Chairman Katz,  
4 clearly there's got to be additional transmission lines  
5 serving Southwest Connecticut as you approach 20, 30 years  
6 from today to serve that load. And so what would be the  
7 loading on the Middletown to Norwalk line, probably not  
8 much different than what it is now. It will probably peak  
9 at 15 or 20 years from now. It will decrease when you  
10 build another transmission path into Southwest Connecticut  
11 or wherever that comes from. I have no idea where it  
12 would be, but that would probably drop back off again  
13 because you could not serve that load and have one element  
14 or two elements out of service and keep the lights on.  
15 So clearly we need to work on with ISO a  
16 clear transmission solution for year -- 20 years from now.  
17 And as a result of these hearings, it's quite clear that  
18 we probably should have started that process back a year  
19 ago to put forth what needs to be done to meet the needs  
20 in the future, recognizing a long drawn out sitting and  
21 building process --

22 CHAIRMAN KATZ: Okay --

23 MR. ZAKLUKIEWICZ: -- to really reliably  
24 serve load.

1 CHAIRMAN KATZ: Mr. O'Neill and then I'm  
 2 going to propose some mapping idea.  
 3 MR. HEFFERNAN: I have a question too, Pam.  
 4 CHAIRMAN KATZ: Right after him. Yep.  
 5 MR. O'NEILL: I'm certain this question  
 6 doesn't have a simple answer, but I feel compelled to ask  
 7 it, and that would be is there anything in the inherent  
 8 technology over -- underground technology over overhead  
 9 technology that would inhibit the limit transfers into the  
 10 State?  
 11 MR. ZAKLUKIEWICZ: I'm not certain I  
 12 understood that question or not, I'm sorry, Mr. O'Neill.  
 13 MR. O'NEILL: Bringing power into the State  
 14 --  
 15 MR. ZAKLUKIEWICZ: Yes --  
 16 MR. O'NEILL: -- is there anything  
 17 inherently about the underground technology that exists  
 18 that's being proposed and discussed that would create  
 19 limitations that overhead would not create --  
 20 MR. ZAKLUKIEWICZ: Clearly underground --  
 21 MR. O'NEILL: -- would transfer limits  
 22 remain the same?  
 23 MR. ZAKLUKIEWICZ: -- underground has lower  
 24 capabilities than overhead. I mean we've already said

1 that the underground alternative has a transfer of

2 approximately 1200 megawatts. The overhead equivalent has  
3 over 2,000 megawatts. So when you put -- when you put

4 forth the underground solutions, clearly they're going to  
5 have limited capability. And we already spoke about the

6 fact of having a problem with the underground system, Mr.  
7 O'Neill. It's going to take weeks if not into the months

8 to make the repairs as opposed to making those repairs

9 typically in less than a 24-hour period. So there will be  
10 constraints of which ISO is going to at some point have to  
11 take that into account. Just like they do when they do

12 their generation dispatch --

13 MR. O'NEILL: Um-hmm.

14 MR. ZAKLUKIEWICZ: -- when they look at the

15 probabilities and they say do we have enough capacity on-  
16 line and they're looking, they take into account the

17 availability of each generator over the past 10 years,

18 okay, and that's a factor. So if you've got a generator

19 that typically is out 10 or 12 percent of the time, it's

20 got -- and when they do their capacity analysis, it's got

21 less value to it than another generator that is only

22 unavailable two percent of the time, because you have to

23 take that into account and say on any given day in the

24 next year or the following year what is my availability of

1 all this generation. I just don't add it all up and say I  
2 have 37,000 megawatts in all of New England it a good  
3 number of those have much more severe outage rates than  
4 others, and -- then that need to be taken into account  
5 when they do the evaluation. So if you have a number of  
6 underground transmission lines and the experience of those  
7 is greater -- I mean greater failure rates than what they  
8 are for overhead, that would have to be taken into account  
9 when the ISO then determines what is the transfer into an  
10 area.

11 CHAIRMAN KATZ: Thank you.

12 MR. O'NEILL: Thank you.

13 CHAIRMAN KATZ: Miss Randell --

14 MR. HEFFERNAN: Pam --

15 CHAIRMAN KATZ: Just one second.

16 MS. RANDELL: This is not -- are you with  
17 me -- this is not technically sworn testimony --

18 CHAIRMAN KATZ: Yes --

19 MS. RANDELL: -- because this is not a  
20 hearing --

21 CHAIRMAN KATZ: Yes --

22 MS. RANDELL: -- and I'll leave it to you,  
23 given the hearing notice, whether you would like to ask  
24 the witnesses whether they adopt it now or whether when we

1 have our next formally noticed hearing on September 28<sup>th</sup> --  
2 CHAIRMAN KATZ: I'd rather do it at the  
3 next formally noticed hearing --  
4 MS. RANDELL: -- that we just adopt it --  
5 CHAIRMAN KATZ: Yes --  
6 MS. RANDELL: -- and it will be subject to  
7 cross-examination?  
8 CHAIRMAN KATZ: I think that's a good way  
9 of handling it.  
10 MS. RANDELL: Thank you.  
11 CHAIRMAN KATZ: Mr. Hefferman.  
12 MR. HEFFERNAN: Yeah. Mr. Prete, we talk  
13 about the average gigawatts being 15, which means  
14 sometimes it's below 15 and sometimes it's above 15, I  
15 would assume, so we get to the average. And my question  
16 is how often in 365 days a year is it above 15?  
17 MR. PRETE: Half the hours are above and  
18 half the hours are below.  
19 CHAIRMAN KATZ: In what year?  
20 A VOICE: It doesn't make any difference --  
21 MR. PRETE: That particular 15,000 I  
22 believe is in the year of twenty-seven-seven --  
23 MR. HEFFERNAN: Yeah, but --  
24 MR. PRETE: -- but I'll have to check.



1 MR. HEFFERNAN: Alright. So when we talk -  
2 - you say half the hours is above and half the hours are  
3 below. So if we're talking we'll say -- I don't know, 150  
4 days that it's above --  
5 CHAIRMAN KATZ: Twenty-seven-seven?  
6 MR. TAIT: Twenty -- 2007.  
7 CHAIRMAN KATZ: 2007, okay. Yeah, okay.  
8 yeah. Okay.  
9 MR. TAIT: It's late in the day.  
10 CHAIRMAN KATZ: Yeah, okay.  
11 MR. PRETE: Thank you. --  
12 CHAIRMAN KATZ: What -- let's -- let me do  
13 this, I've come up with an idea that I'll float out for  
14 Council consideration and the Applicants can also comment.  
15 For the purposes of the mapping --  
16 A VOICE: EMF --  
17 CHAIRMAN KATZ: -- EMF mapping, I see --  
18 and this is for mapping only, okay -- I see -- again the  
19 scenario is maximizing EMF mitigation through split-  
20 phasing, etcetera, five lines on each side of the right-  
21 of-way. One line is simple, 300 feet from the 345  
22 conductors on each side. The next two lines are three  
23 milligausses at 15 gigawatts and three milligausses at 30  
24 gigawatts. We'll have a discussion at some future time

1 which one is a better case. And then one milligauss at 15  
2 gigawatts and one milligauss at 30 gigawatts. So you end  
3 up with five lines added to the map on each side of the  
4 right-of-way.  
5 First, I'd like the Applicant to comment  
6 and then I'm going to have the Council members comment.  
7 A VOICE: Demarcation --  
8 CHAIRMAN KATZ: Yes --  
9 MR. ASHTON: Today?  
10 CHAIRMAN KATZ: Today.  
11 MR. ZAKLUKIEWICZ: Could I -- could I just  
12 clarify?  
13 CHAIRMAN KATZ: Yes.  
14 MR. ZAKLUKIEWICZ: You said the right-of-  
15 way and then I thought the first time you said line --  
16 CHAIRMAN KATZ: Well --  
17 MR. ZAKLUKIEWICZ: Do you mean the outer --  
18 CHAIRMAN KATZ: The testimony we had today  
19 from various people was not 300 feet from the right-of-way  
20 but 300 feet from the electric lines --  
21 MR. ZAKLUKIEWICZ: Right --  
22 CHAIRMAN KATZ: -- because that's what the  
23 Health Department had said basically.  
24 MR. PRETE: From the line itself?

1 CHAIRMAN KATZ: From the line itself.  
2 MR. ZAKLUKIEWICZ: But from the -- the  
3 outermost conductors --  
4 MR. TAIT: Yes --  
5 CHAIRMAN KATZ: Right --  
6 MR. ZAKLUKIEWICZ: -- on both the north  
7 side and the south side.  
8 CHAIRMAN KATZ: Because basically the  
9 Health Department had said 300 feet from the line, so to  
10 be consistent with them.  
11 MR. PRETE: Okay.  
12 CHAIRMAN KATZ: So not 300 feet from the  
13 right-of-way but 300 feet from the conductors. Yes?  
14 MR. FITZGERALD: I just couldn't let that  
15 comment go by. What the Health Department said --  
16 CHAIRMAN KATZ: Yes, I know. Yes, they did  
17 not --  
18 MR. FITZGERALD: -- has been widely  
19 mischaracterized today --  
20 CHAIRMAN KATZ: Yes. And you -- and I  
21 thought of that also. And at some point we need to get  
22 that -- because you're right, that's -- (pause) -- but the  
23 Health Department mentioned lines.  
24 MR. PRETE: We were going to ask a

1 gentleman that does our GIS to find out if we can map it  
2 from the actual conductor --  
3 CHAIRMAN KATZ: Okay, and --  
4 MR. PRETE: -- and that might be  
5 problematic, but we'll get --  
6 CHAIRMAN KATZ: Yeah, if that's --  
7 MR. PRETE: -- if you'll give us a second --  
8 -  
9 CHAIRMAN KATZ: -- I think we're flexible  
10 on that. Okay, any other comments on the doability of  
11 that mapping?  
12 (Multiple voices in background,  
13 indiscernible)  
14 A VOICE: Could we go off the record for a  
15 moment, Madam Chairman?  
16 CHAIRMAN KATZ: Hmm?  
17 A VOICE: Could we go off the record for a  
18 minute?  
19 CHAIRMAN KATZ: Sure.  
20 (Off the record)  
21 CHAIRMAN KATZ: To get back to your other  
22 point, I'm thinking on September 28<sup>th</sup> and 29<sup>th</sup> I'm going to  
23 bring Dr. Ginsberg back since he's been so wildly quoted  
24 and have him elaborate on his testimony.

1 MR. FITZGERALD: You did a pretty good --  
 2 (laughter) --  
 3 A VOICE: (Indiscernible) -- you don't want  
 4 to -- (Indiscernible) --  
 5 MR. FITZGERALD: Well the last time he did  
 6 it -- well, no, I didn't, but -- (laughter) --  
 7 MS. RANDELL: We're on the record --  
 8 CHAIRMAN KATZ: But in fairness, Dr.  
 9 Ginsberg did use the term 300 feet and he did use the term  
 10 three milligauss. I think we need him to come back and  
 11 talk a little more.  
 12 MR. PRETTE: Madam Chair --  
 13 CHAIRMAN KATZ: Okay -- yes?  
 14 MR. PRETTE: -- I can report on the easy one  
 15 and I'll let Roger do the harder one.  
 16 CHAIRMAN KATZ: Okay.  
 17 MR. PRETTE: As far as the line --  
 18 CHAIRMAN KATZ: Shhhh -- hold it. Yes, go  
 19 ahead.  
 20 MR. PRETTE: As far as a line that you  
 21 wanted, which is essentially 300 feet from the conductor,  
 22 we can give you a very close approximation by the  
 23 following. To put a 345 line within the right-of-way, you  
 24 need to be essentially 50 feet from the right-of-way

1 south. So what we'll do is map a line 250 feet from the  
2 right-of-way --  
3 CHAIRMAN KATZ: Fair enough --  
4 MR. PRETE: -- which is essentially that  
5 line.  
6 CHAIRMAN KATZ: Fair enough. Okay, so you  
7 get the hard one.  
8 MR. ZAKLUKIEWICZ: The second issue is the  
9 30-gigawatt case, recognize today there's about 32  
10 gigawatts or 32,000 megawatts of generation in New  
11 England, so the 30-megawatt case or the 30-gigawatt case  
12 is a question mark in my mind of what do we assume for  
13 generation on, so to come up with the ampere flow on these  
14 lines is a real query for myself, because right today you  
15 couldn't serve it recognizing that on any given hour or a  
16 minimum of 2,500 megawatts of generation is unavailable in  
17 New England. So when you subtract that out, you can't  
18 serve a 30,000 gigawatt load --  
19 CHAIRMAN KATZ: Okay, you have to make  
20 certain assumptions --  
21 MR. ZAKLUKIEWICZ: -- so we'd have to, I  
22 guess, make some assumptions as to there'd be a thousand  
23 more megawatts of generation in Southwest Connecticut or  
24 something, or -- I don't know -- I'm really pressed to try

1 to come up with something that clearly is going to be

2 definable and acceptable for trying to evaluate line flows

3 at 30 gigawatts.

4 CHAIRMAN KATZ: Okay.

5 MR. ASHTON: Madam Chair --

6 MR. ZAKLUKIEWICZ: Unless you have some

7 other ideas --

8 CHAIRMAN KATZ: First -- Mr. Ashton, I'm

9 going to let them finish and then we're going to take

10 Council member comments.

11 MR. ZAKLUKIEWICZ: We're welcome --

12 CHAIRMAN KATZ: Yeah --

13 MR. ZAKLUKIEWICZ: -- to listen to your

14 thoughts --

15 CHAIRMAN KATZ: Okay --

16 MR. ZAKLUKIEWICZ: -- on how we would do

17 that.

18 CHAIRMAN KATZ: Okay. But you could do --

19 without -- on the 15-gigawatt case you could do both one

20 milligausss and three milligausss?

21 MR. ZAKLUKIEWICZ: Correct. And we think

22 we can do the 27.7 --

23 CHAIRMAN KATZ: And you think you can do

24 the --

1 MR. ZAKLUKIEWICZ: -- it's a question mark  
2 of the 30,000 --

3 CHAIRMAN KATZ: Okay, you could do the

4 27.7-gigawatt case, oh, okay. Okay, let's take Council

5 member comments on that scenario. Mr. Ashton, do you want

6 to go first?

7 MR. ASHTON: Yeah. First of all, given the

8 scale of maps under which we're operating, I'm worried

9 that we're creating such a clutter on the map that it's

10 going to be hard to make any intelligent differentiation.

11 CHAIRMAN KATZ: We could ask for one sample

12 just to see how it looks.

13 MR. ASHTON: Well, let me finish. The 300-

14 foot is the -- I believe Dr. Ginsberg's feeling of this

15 approximates background level. And so 50 plus 250 I think

16 is a reasonable way of attacking that. So, I have no

17 problem with that.

18 The one milligauss I have a problem with.

19 It's so close to background, I'm not sure what you're

20 going to learn at all. The three milligauss was a figure,

21 if I recall Dr. Ginsberg's testimony, he said that he

22 could live with. Now, it seems to me that would be a

23 useful thing to show. As to whether it's 27 gigawatts, 30

24 gigawatts, or 15 gigawatts, I think the answer to that is



1 very simple. What -- which load level gives the maximum  
2 flow on the lines, hence the maximum amount of EMFs --  
3 CHAIRMAN KATZ: EMFs --  
4 MR. ASHTON: And that can be done very  
5 quickly without mapping all of these three. Let's make a  
6 determination which is in fact the higher flow on the line  
7 for the assumptions and plot -- and use that as the  
8 figure. And so I would not go to these three different  
9 load levels. You want the one that Mr. Prete correctly  
10 says in going to yield the maximum flow. And I think --  
11 CHAIRMAN KATZ: And Mr. Prete --  
12 MR. ASHTON: -- it probably is the 15  
13 megawatt -- 15-gigawatt load level.  
14 CHAIRMAN KATZ: So --  
15 MR. ASHTON: My -- my sense of the  
16 situation says 15 is likely to be a good number to work  
17 with because that will yield a high -- a comparatively  
18 high flow on the line. And that's what we're trying to  
19 wrestle with, what's the EMF levels from that --  
20 CHAIRMAN KATZ: Other --  
21 MR. ASHTON: -- so, I would recommend 300  
22 foot, three milligauss, and whatever of the three --  
23 presuming in my own -- that it's a 15-gigawatt figure, but  
24 let's prove it --

1 CHAIRMAN KATZ: Okay. Other Council  
2 members weighing in? Mr. Wilensky.  
3 MR. WILENSKY: Just a question for  
4 clarification for myself. Where did this 300-foot come  
5 from? I mean it's been thrown out here all afternoon and  
6 where was -- has that been established or where are we  
7 coming from on that?  
8 MR. ZAKLUKIEWICZ: My recollection, Mr.  
9 Wilensky, was this was -- Dr. Ginsberg basically turned  
10 around and said -- when he looked at typical EMF levels  
11 underneath a transmission line, he went out in almost most  
12 cases and looked out and said -- if you remember the  
13 curves on an EMF scale underneath and overhead  
14 transmission line, when you go out approximately 300 feet,  
15 you are basically at somewhere around one milligauss or  
16 less, which is what he believes is background. So going  
17 out 300 foot is where that comes to looking at most of the  
18 curves that he had looked at, which was -- which were  
19 filed by the Applicants, ourselves, for the transmission  
20 lines. And I believe that's where the number came from,  
21 although someone else may want to correct me.  
22 MR. ASHTON: (Indiscernible) -- surrogate  
23 for background.  
24 MR. ZAKLUKIEWICZ: It was basically -- I

1 think, as Mr. Ashton just said, it was a surrogate for  
2 background. Three hundred foot away from a transmission  
3 line, you're typically at less than a milligauss, and that  
4 would put you way, way on the safe side if you had a 300-  
5 foot buffer.  
6 MR. WILENSKY: Doesn't the --  
7 CHAIRMAN KATZ: Okay --  
8 MR. WILENSKY: -- doesn't the height of the  
9 tower enter into this equation? I mean the higher the  
10 tower --  
11 MR. ZAKLUKIEWICZ: I think he was just  
12 saying let's not worry about whether the structure is 65  
13 foot or 80 foot or 90 foot, if you have 300 foot there,  
14 you're going to be A.O.K.  
15 CHAIRMAN KATZ: Okay. Let's -- let's do --  
16 we are going to bring Dr. Ginsberg back September 28<sup>th</sup>.  
17 The Towns have asked to brief -- to speak briefly and --  
18 so we're going to allow that. And you have a comment on  
19 the mapping scenario?  
20 MR. FRANK: I do, thank you, Madam  
21 Chairman. First, the Towns supports the five mapping  
22 requirements that the Chairman laid out.  
23 CHAIRMAN KATZ: Can we -- are we -- would  
24 you -- alter 30 to 27?

1 MR. FRANK: Well, we'll look at it.  
2 CHAIRMAN KATZ: Okay.  
3 MR. FRANK: I mean there's a real question  
4 of whether even 27 is relevant or not when it's been  
5 showed that the loads are going to grow over time.  
6 Based on discussions at the last set of  
7 hearings on EMF, the Towns promulgated some prehearing  
8 questions, which are based on line loadings of normal  
9 maximum loading of this particular line, and we expect to  
10 get those responses -- or hope to get those responses back  
11 soon. So we'd like to leave open the possibility of  
12 requesting additional mapping based on those responses to  
13 the prehearing questions, which again come about based on  
14 the discussion that Mr. Ashton and others had with the  
15 Applicants and others at the last set of hearings.  
16 The second point I want to raise is it's  
17 unclear to the Towns what structures are going to be shown  
18 on the map.  
19 CHAIRMAN KATZ: We envision aerial photos  
20 so that there will be no presumption of definition of  
21 structures.  
22 MR. FRANK: Fair enough.  
23 MR. ASHTON: Madam --  
24 CHAIRMAN KATZ: Yes?

1 MR. ASHTON: -- Madam Chair, one of the  
2 problems is that the definition of structures does drive  
3 the production of EMF. If for example you go to split-  
4 phasing, you're going to have a much lower level of EMF at  
5 a given distance from the right-of-way. Or if you go with  
6 a vertical single structure -- single circuit structure,  
7 you'll have an entirely different one. So, I think the  
8 Applicant in fairness needs some guidance as to what kind  
9 of structures to use --  
10 CHAIRMAN KATZ: We indicated maximize EMF  
11 reduction --  
12 MR. ASHTON: Okay, so --  
13 CHAIRMAN KATZ: -- and leaving it to their  
14 judgment on what it takes to get there.  
15 MR. ASHTON: But again, Mr. Frank, I'd  
16 remind you that the difference between background and one  
17 milligauss is inconsequential, you can't see it. And so I  
18 don't see any advantage whatsoever in showing 300 feet  
19 plus one milligauss, it's going to be the same line.  
20 MR. FRANK: The -- the testimony from the  
21 experts that testified on behalf of Ezra and the JCC  
22 disagree with that.  
23 MR. ASHTON: Well, I --  
24 MR. TAIT: No, but they used .6 --

24 MR. FRANK: Okay --

23 MR. TAIT: The worst --

22 MR. FRANK: I understand.

21 CHAIRMAN KATZ: So --

20 the worst case scenario for them.

19 one. Do a three milligauss and get the loading that makes

18 Let's simplify it. Why doesn't 300 feet do it? Forget

17 it with structures underneath it and property lines.

16 MR. TAIT: -- we've got to be able to use

15 CHAIRMAN KATZ: Yeah --

14 can't look like a topographic map of 10-foot contours --

13 concerned about what Phil is concerned about, that map

12 say 300 feet is a surrogate for background -- I'm

11 talked of background and then said that was .6. So if we

10 MR. TAIT: -- background. They continually

9 MR. FRANK: I thought --

8 talking about --

7 MR. TAIT: Yeah. And I thought we were

6 .6 milligauss.

5 CHAIRMAN KATZ: They said 300 is equal to

4 MR. TAIT: So .1 to me is worthless.

3 CHAIRMAN KATZ: They said --

2 MR. FRANK: Point 6 --

1 CHAIRMAN KATZ: They said --

1 CHAIRMAN KATZ: Thank you --  
2 MR. FRANK: We'll -- we'll take a look at  
3 that.  
4 CHAIRMAN KATZ: Okay.  
5 MR. TAIT: If it's 15, fine. If it's 27,  
6 fine.  
7 CHAIRMAN KATZ: Okay.  
8 MR. FRANK: And the third issue then that  
9 was raised -- as I understand the instructions, the  
10 Applicants are being directed to assume maximum mitigation  
11 measures?  
12 CHAIRMAN KATZ: Exactly.  
13 MR. FRANK: Okay. That -- that assumes  
14 that split-phasing as they proposed works.  
15 CHAIRMAN KATZ: Right.  
16 MR. FRANK: Okay. The Towns --  
17 CHAIRMAN KATZ: And they're going to -- and  
18 we're going to make them prove that.  
19 MR. FRANK: Well, I think for purposes of  
20 making the maps usable and so that we don't waste time  
21 down the road, I think it might be beneficial to have some  
22 maps prepared that do not assume that split-phasing works,  
23 because in my mind and from what I've heard, split-phasing  
24 has not been proved --

1 CHAIRMAN KATZ: Okay --  
2 MR. FRANK: -- that that's a workable  
3 technology.  
4 CHAIRMAN KATZ: Well, what I'd rather --  
5 the approach I'd rather take is make the Applicants come  
6 in with proof where -- of other locations where split-  
7 phasing has worked and then let you cross on that, okay --  
8 MR. FRANK: I think we've already had that  
9 testimony, but --  
10 MR. ASHTON: (Indiscernible) --  
11 CHAIRMAN KATZ: Yes, but -- apparently, it  
12 wasn't satisfactory to you.  
13 MR. FRANK: Well, there has been no split-  
14 phasing at 345 anywhere.  
15 A VOICE: (Indiscernible) -- proves to us.  
16 CHAIRMAN KATZ: Yeah.  
17 MR. TAIT: This is to prove -- to help us  
18 decide --  
19 CHAIRMAN KATZ: Right --  
20 MR. TAIT: -- that if we agree that this  
21 works, this is what happens. It's not to prove anything -  
22 -  
23 CHAIRMAN KATZ: Right, that's true --  
24 MR. TAIT: -- it's to show us that if we



1 believe that testimony --  
2 CHAIRMAN KATZ: Good point. It doesn't say  
3 that we assume that split-phasing does work --  
4 MR. TAIT: We need to know that if --  
5 MR. FRANK: I understand, but if it -- if  
6 the Council believes that split-phasing does not work --  
7 MR. TAIT: Then we may need another map.  
8 CHAIRMAN KATZ: Right.  
9 MR. FRANK: Okay. I'm just anticipating  
10 that issue. That's all I'm asking for.  
11 CHAIRMAN KATZ: Okay.  
12 MR. FRANK: I mean I'm just saying it may  
13 be beneficial to have that information now.  
14 MR. TAIT: But putting it all on one map, I  
15 think is going to be a problem.  
16 CHAIRMAN KATZ: Fair enough. Okay. Mr.  
17 Wertheimer, briefly.  
18 MR. WERTHEIMER: Yes. Please Applicants or  
19 the Council correct me if I'm wrong, but to follow up on  
20 Council Member Tait's point, which I think is an excellent  
21 point, if you want to see the worst case scenario on this,  
22 picking 15 or 27 region wide load does not necessarily  
23 dictate what the maximum line loading is on that line or  
24 what it's going to be. I don't believe that the record

1 has any information on that. So, I think to fill in the  
2 gaps in this record, we're going to -- you should require  
3 the Applicants to present evidence on what that is just to  
4 -- that will give the map that comes out in this a lot  
5 more --

6 MR. TAIT: And cross-examination on the  
7 figure they pick --

8 MR. WERTHEIMER: Absolutely.

9 CHAIRMAN KATZ: Okay --

10 MR. TAIT: I agree with you.

11 CHAIRMAN KATZ: So the consensus -- yes?

12 MR. FITZGERALD: Before we have a consensus  
13 -- (laughter) -- may I respond to that? The -- there is a  
14 difference between the 27.7 case and the 15-gigawatt case  
15 with respect to the dispatch. And it I think relates to  
16 this issue of whether one or the other or both --

17 CHAIRMAN KATZ: Right --

18 MR. FITZGERALD: -- should be shown.

19 CHAIRMAN KATZ: So you're going to have  
20 certain assumptions on dispatch for each case?

21 MR. FITZGERALD: Well, they're already --

22 yes. And they're already there. Those are -- there is  
23 such a thing as a 27.7 case and a 15 case, they exist.

24 CHAIRMAN KATZ: Yeah.

1 MR. FITZGERALD: The 27.7 case you may  
2 remember uses the peak hour that's anticipated in the  
3 future and stresses the system by assuming that, not  
4 withstanding that it's the peak hour, there is unavailable  
5 generation in Southwest Connecticut such that there is  
6 minimal generation on. That is the case that was  
7 criticized by Miss -- your KEMA expert in Docket 217 as  
8 being unrealistic, because if you had a peak, you wouldn't  
9 have all this generation off. Our response to that was  
10 and is for the purpose of planning the system, you have to  
11 assume such unlikely scenarios will happen. And then  
12 having -- having chosen that highly stressed, highly  
13 unusual set of conditions to justify the need for the line  
14 to provide transfer capacity under this peak condition, we  
15 said well the fairest thing for showing the worst case  
16 would be to assume not only 27.7, but to assume that  
17 unlike the normal situation where Mr. Ashton posits where  
18 more generation would come on in Southwest Connecticut,  
19 that that generation wouldn't be available --  
20 CHAIRMAN KATZ: Okay --  
21 MR. FITZGERALD: -- so that in fact whereas  
22 in the 15-gig case whereas there's relatively light  
23 generation on in Southwest Connecticut, that's because of  
24 economics --

24 MR. LYNCH: We've got it.

23 CHAIRMAN KATZ: Thank you --

22 actually think that it would be useful to show both --

21 MR. FITZGERALD: Right. So therefore, we

20 stipulated.

19 CHAIRMAN KATZ: We can have that

18 MR. FITZGERALD: So -- so --

17 CHAIRMAN KATZ: -- and we can --

16 MR. FITZGERALD: -- alright --

15 CHAIRMAN KATZ: And we -- and we --

14 MR. FITZGERALD: Hour, okay --

13 hour.

12 CHAIRMAN KATZ: Right. Highly unusual

11 A VOICE: Hour.

10 CHAIRMAN KATZ: Highly --

9 --

8 MR. FITZGERALD: Would be a highly unusual

7 be a really bad day on the line.

6 that one case could be a normal day and another case could

5 CHAIRMAN KATZ: Right. So you've indicated

4 relatively normal.

3 reality and reflects a dispatch which the light is

2 MR. FITZGERALD: -- that's an economic

1 CHAIRMAN KATZ: Right --

1 CHAIRMAN KATZ: We got it. Okay. This is  
 2 what -- this is what I see as the consensus, we will do  
 3 300 feet from the conductors or -- which is roughly 250  
 4 feet from the edge of the right-of-way, okay. We will do  
 5 three milligausses at the 15-gigawatt case --  
 6 MR. ASHTON: And 27 --  
 7 CHAIRMAN KATZ: -- and the 27.7-gigawatt  
 8 case with maximum EMF mitigation. Do the Council members  
 9 agree?  
 10 MR. ASHTON: Yep.  
 11 MR. TAIT: Yes.  
 12 CHAIRMAN KATZ: Counsel says -- Applicant  
 13 says double?  
 14 MS. BARTOSEWICZ: Yes.  
 15 MR. PRETE: Yes.  
 16 CHAIRMAN KATZ: When do you want to have  
 17 this done by? (Laughter). You knew that question was  
 18 coming. Yes, Mr. Emerick.  
 19 MR. EMERICK: (Indiscernible) -- I agree on  
 20 the line. I think the scale of the map --  
 21 AUDIO TECHNICIAN: Hang on a second --  
 22 MR. EMERICK: -- based on -- (pause) --  
 23 based on a brief review of what was prepared, we probably  
 24 ought to change at least in one of them so that it better

1 represents the area difference that we're looking at. I  
 2 mean it was very hard in those maps to distinguish the  
 3 blue line, the yellow line, the red line --  
 4 CHAIRMAN KATZ: Yes. We need a scale where  
 5 we can see the difference.  
 6 MR. EMERICK: So --  
 7 MR. FITZGERALD: Nobody is hearing you --  
 8 MS. RANDELL: Could -- could -- have you  
 9 got me --  
 10 MR. EMERICK: Well, I can't help it if  
 11 they're not paying attention -- (laughter) --  
 12 MS. RANDELL: Could we have some leeway for  
 13 the people of the companies to understand you need to be  
 14 able to use these maps --  
 15 CHAIRMAN KATZ: Yes --  
 16 MS. RANDELL: -- you need them large enough  
 17 so that you understand -- I don't think anyone sitting  
 18 here today would be able to tell you precisely what that's  
 19 going to look like, but I can tell you having sat around  
 20 conference tables that those are the discussions that we  
 21 have where we say I can't tell this or yes that makes  
 22 sense to me.  
 23 CHAIRMAN KATZ: Yes. We want a usable  
 24 scale.

1 MS. RANDELL: But we do understand the concern.  
2  
3 MR. FITZGERALD: And what -- Mr. Emerick,  
4 could you just tell us what your concern -- the last point  
5 was? You said something about the colors and the lines?  
6 MR. EMERICK: Well, no, it wasn't the  
7 colors of the lines, it was --  
8 CHAIRMAN KATZ: You need to have a  
9 difference, a measurable difference between --  
10 MR. EMERICK: Something that you can  
11 visually detect a difference between the lines --  
12 CHAIRMAN KATZ: Right --  
13 MR. EMERICK: -- I mean in those cases it  
14 was hard to -- where's the blue line, where's the yellow  
15 line, where's the red line --  
16 CHAIRMAN KATZ: Not the satellite shot --  
17 MR. EMERICK: -- and really what's the  
18 difference. So, I think the scale of the map has got to  
19 change so that in fact if there is a difference between  
20 those lines, it's really visible --  
21 A VOICE: One moment --  
22 MR. EMERICK: -- so, I think you need a  
23 difference scale of the map --  
24 MR. ASHTON: Hold it --

1 CHAIRMAN KATZ: Yes.  
2 (Pause)  
3 CHAIRMAN KATZ: While you're thinking, I'm  
4 -- yes?  
5 MR. BRIAN STONE: Brian Stone, Orange.  
6 CHAIRMAN KATZ: Yes, Orange.  
7 MR. STONE: I have just a quick comment on  
8 why I think the one milligauss measurement might be  
9 useful. If we're optimizing mitigation, it may well  
10 be -- it should not be, I would think, at 300 feet if  
11 that's equivalent to background. And it might be very  
12 worthwhile knowing how much less you would be at one  
13 milligauss in other words.  
14 MR. TAIT: NO --  
15 MR. ASHTON: You won't see the difference.  
16 CHAIRMAN KATZ: Thank you for your input.  
17 It seems that the consensus is otherwise.  
18 MR. EMERICK: Madam Chair.  
19 CHAIRMAN KATZ: Yes.  
20 MR. EMERICK: I think on the mapping and  
21 the scale, I think the way to approach it is to do a test  
22 run, something different --  
23 CHAIRMAN KATZ: Right --  
24 MR. EMERICK: -- than the scale that was



1 already done. And kind of present it to the Council as a

2 test case --

3 CHAIRMAN KATZ: Or Mr. Cunliffe in the

4 meantime --

5 MR. EMERICK: -- rather than produce X

6 number of maps --

7 CHAIRMAN KATZ: Right --

8 MR. EMERICK: -- and perhaps a scale that

9 is not usable.

10 CHAIRMAN KATZ: Yeah. Why don't you do the

11 first one and run it by Mr. Cunliffe and we'll take his

12 judgment.

13 A VOICE: That's fine.

14 CHAIRMAN KATZ: Okay. And when -- assuming

15 that he likes what he sees, when do you expect to have the

16 mapping complete?

17 MR. PRETE: It would seem to be important

18 for the end of the month and we'll --

19 CHAIRMAN KATZ: Can we have it for the

20 September 28<sup>th</sup>, 29<sup>th</sup> --

21 MR. PRETE: That -- that's what we --

22 CHAIRMAN KATZ: -- event?

23 MR. PRETE: -- will try to do.

24 MS. BARTOSEWICZ: We'll shoot for.

1 MR. PREFE: Let us come up with a map and  
2 then come back not only with the map but our expectations  
3 of when to get it done, and we'll endeavor to get it by  
4 the end of the month.  
5 CHAIRMAN KATZ: Okay. And I want the  
6 parties and intervenors to have it ahead of time.  
7 MS. BARTOSEWICZ: And can I ask a question?  
8 This is for Middletown to -- to --  
9 A VOICE: Segments 1 and 2.  
10 MS. BARTOSEWICZ: -- Segments 1 and 2 only?  
11 CHAIRMAN KATZ: Yes, yes.  
12 MR. O'NEILL: Madam Chairman.  
13 CHAIRMAN KATZ: Yes --  
14 A VOICE: But in the future, we've got to  
15 look at --  
16 MR. O'NEILL: It would be helpful if the  
17 final map is in a CD format as well as hard copy --  
18 CHAIRMAN KATZ: Double?  
19 MR. O'NEILL: -- that way we could zero in  
20 on different areas --  
21 MS. BARTOSEWICZ: It's a GIS.  
22 CHAIRMAN KATZ: Yes, okay.  
23 MR. O'NEILL: Thank you.  
24 MR. FITZGERALD: Maybe that's the answer --

1 MR. PRETE: Maybe putting it on the GIS,  
2 you can actually view in and out.  
3 CHAIRMAN KATZ: Work on that. Okay. We  
4 want to discuss, Mr. Phelps, September 28<sup>th</sup> and 29<sup>th</sup>.  
5 MR. PHELPS: Yes, ma'am.  
6 CHAIRMAN KATZ: Do you want to get to a  
7 microphone. We have not -- we have put together some --  
8 basically what we had indicated we were going to do is we  
9 were going to -- we had suspended hearings concerning the  
10 ROC group report until at which time we come back with a  
11 report that indicates something we can build, but we were  
12 going to go ahead on some other topics. One was -- remind  
13 me --  
14 MR. PHELPS: Well --  
15 CHAIRMAN KATZ: -- I'm at a disadvantage  
16 this morning because of the rain, I did not run, so I did  
17 not get a chance to think this out. So I'm going to throw  
18 it back to Mr. Phelps.  
19 MR. PHELPS: Well, there's the results of  
20 the maps that we just discussed, there's DOT route  
21 options, we have some outstanding homework assignments, we  
22 have a number of KEMA interrogatories that have not come  
23 back yet --  
24 MR. ASHTON: East Shore.

1 MR. PHELPS: And we have the East Shore  
2 matter, which is still in the record --  
3 CHAIRMAN KATZ: Yes. I -- on East Shore, I  
4 want to get a -- have the Council get a sense if East  
5 Shore lives, it dies, it's going somewhere, it's being  
6 studied. I want to have a sense on that before we -- and  
7 we're going to put it on the list for the 28<sup>th</sup>. Mr. Ball.  
8 MR. DAVID BALL: David Ball for the Town of  
9 Woodbridge. I actually think it's probably not a good  
10 idea to get into East Shore at this stage because I think  
11 it's completely linked to what the result of the ROC group  
12 report is. It could be at the end of the day the Towns do  
13 not support the East Shore route --  
14 CHAIRMAN KATZ: Okay --  
15 MR. BALL: -- and maybe they will. We  
16 really don't know until we get the ROC report.  
17 CHAIRMAN KATZ: Okay, fair enough. It's  
18 out there.  
19 MS. RANDELL: Could -- could we be heard on  
20 this?  
21 CHAIRMAN KATZ: Right now?  
22 MS. RANDELL: Well just with respect to  
23 keeping East Shore on the agenda for the September  
24 hearings. The companies very strongly believe that under

1 any sort of reasonable scenario or circumstances East

2 Shore cannot and should not be done.

3 MR. PRETTE: To be more specific, I think

4 the issue that you might want to consider having is does

5 the East Shore alternative need a second line essentially

6 from the Besock area to New Haven. And the companies have

7 put many many studies in the record that are unequivocal

8 in that matter, that it needs a second line, which is

9 obviously different than what Attorney Ball is saying.

10 But that issue in itself, in my opinion, will either live

11 or die so to speak in your words. And that -- we should

12 very appropriately be able to handle that.

13 MR. BALL: And if I may, I think the

14 decision as to whether a second line is needed is

15 completely dependent on what the case base is, on what the

16 primary route is, the entire primary route, which will

17 determine whether or not a second line is feasible,

18 whether or not you need simply to reconductor or whether

19 or not we can't do it at all. I really think that it's --

20 you can't even get into the discussion. We certainly

21 haven't had the ability to run any of the studies --

22 MR. PRETTE: We ran them for you. All the

23 thermal and voltage studies that you have asked are in the

24 record that show regardless of how it's built that a

1 second line is needed.  
2 MR. BALL: Based on a case base that is now  
3 changing through the ROC group --  
4 A VOICE: No --  
5 A VOICE: No --  
6 MR. BALL: -- which is why I think it's  
7 premature --  
8 (Multiple mumbles, indiscernible)  
9 MR. PRETE: It does not matter underground  
10 or overhead.  
11 CHAIRMAN KATZ: Interesting. Okay, let's -  
12 - let that --  
13 MS. RANDELL: And just continuing on --  
14 CHAIRMAN KATZ: -- let's let that perk out  
15 there for a little while.  
16 MS. RANDELL: With -- one of my notes is to  
17 note the question of the Towns use of GE.  
18 CHAIRMAN KATZ: Yes.  
19 MS. RANDELL: GE is available --  
20 CHAIRMAN KATZ: Okay.  
21 MS. RANDELL: -- right now.  
22 CHAIRMAN KATZ: And you will expedite that?  
23 MS. RANDELL: Indeed.  
24 CHAIRMAN KATZ: Okay.

24 CHAIRMAN KATZ: If there's a case that the  
23 MS. RANDELL: The last item that we have --  
22 CHAIRMAN KATZ: Okay.  
21 MS. RANDELL: We will endeavor to do that.  
20 need to have those discussions among yourselves.  
19 CHAIRMAN KATZ: Okay. So you're going to  
18 we're advocating and what we want GE to study.  
17 So we need the result of the ROC group before we know what  
16 off of which we can then determine what we want to study.  
15 application is. We have no idea what we're dealing with,  
14 unfortunately we still don't know what the primary  
13 MR. BALL: It's great that GE is available,  
12 one too.  
11 MS. RANDELL: I'm sorry. I've got another  
10 the next.  
9 CHAIRMAN KATZ: Oh, gee, now you've stirred  
8 MS. RANDELL: The --  
7 A VOICE: (Indiscernible) --  
6 scenarios.  
5 CHAIRMAN KATZ: -- GE is available to run  
4 A VOICE: Yes.  
3 attorneys for the Towns --  
2 CHAIRMAN KATZ: Did you hear that,  
1 MS. RANDELL: So that --

1 ROC group is feeling good about that perhaps that could be

2 the basis of the Town GE studies --

3 MS. RANDELL: Yes --

4 CHAIRMAN KATZ: -- does that sound like a

5 possible --

6 MS. RANDELL: From our standpoint yes. I

7 can't speak for the town lawyers --

8 CHAIRMAN KATZ: Yeah. And you can't speak

9 for ISO --

10 MS. RANDELL: -- or consultants.

11 CHAIRMAN KATZ: Yeah.

12 MS. RANDELL: Yes, that's right. The last

13 item that we thought would be ready would be ABB.

14 CHAIRMAN KATZ: Oh, okay. This is what I'd

15 like to do -- Mr. Phelps, I'd like you to put together a

16 preliminary list of topics for September 28<sup>th</sup> and 29<sup>th</sup>. We

17 will run it up the flagpole and then we will -- you can

18 all take aim. And then we will finalize the agenda for

19 the 28<sup>th</sup> and the 29<sup>th</sup>. Sound like a plan?

20 MR. PHELPS: Yes, ma'am.

21 CHAIRMAN KATZ: Any other business that we

22 need to do today?

23 MR. TAIT: Briefs and oral arguments --

24 (indiscernible) --



1 CHAIRMAN KATZ: We did that this morning,  
2 it was very good. And we --  
3 MR. TAIT: Oral argument without a brief --  
4 CHAIRMAN KATZ: Yes -- Mr. -- Professor  
5 Tait, who was not here this morning, brought up an  
6 interesting point that I want you to confure on, he  
7 suggested that we would allow no oral argument from anyone  
8 who did not submit a brief.  
9 MR. TAIT: I don't see how we can respond  
10 to anything -- I don't want to hear it for the first time  
11 and respond to it in 30 seconds --  
12 CHAIRMAN KATZ: Right --  
13 MR. TAIT: -- if you have a point that we  
14 should hear, you file a brief. If you don't file a brief,  
15 you don't talk.  
16 CHAIRMAN KATZ: Yes.  
17 MR. TAIT: This is not extemporaneous --  
18 CHAIRMAN KATZ: Right --  
19 MR. TAIT: -- regurgitation of what we've  
20 heard.  
21 CHAIRMAN KATZ: Yes. So please -- the oral  
22 argument group please take that under consideration.  
23 MR. FITZGERALD: And it will be at the  
24 Council discretion to determine whether something that has

1 been submitted qualifies as a brief --

2 MR. TAIT: Yes. A one paragraph thing will

3 --

4 CHAIRMAN KATZ: Okay. First, I'd like to -

5 - before we conclude today, I would like to thank all the

6 First Selectmen, Mayors, members of the public, and

7 Legislators who came to tell us about what they envision

8 the buffer zone being. Despite what some people think, I

9 think it was a very good use of the Towns' time to explore

10 what the buffer zone is going to look on a ground level

11 basis. The Legislature has given us broad discretion on

12 what this should look like and we need to hear from as

13 many people as possible to help us think about this. And

14 we appreciate those who participated in a back and forth

15 dialogue. I think some interesting ideas went back and

16 forth and I know I have a lot to run on.

17 And one of the gentlemen referred to the

18 editorial in the Record Journal. Actually, it was an op

19 ed (phonetic) piece basically from the Council asking

20 people to come and speak on this issue of the buffer zone.

21 It was not an editorial, we're not even there yet. Perish

22 that thought.

23 Okay. I think -- Miss Gilsen, welcome to

24 New Haven.

1 MS. ELIZABETH GILSON: Thank you, Chairman

2 Katz. I guess I remain confused of whether there is going

3 to be any discussion of an East Shore theory --

4 CHAIRMAN KATZ: Yes --

5 MS. GILSON: -- at the next meeting.

6 CHAIRMAN KATZ: -- yes. I know the gun is

7 loaded to shoot down East Shore. I thought -- this is

8 where I left it, I thought both sides made interesting

9 thoughts. I'm hoping they talk among themselves. I want

10 to talk to the staff. Right now we're not sure whether

11 East Shore is going to be on the agenda for the 28<sup>th</sup> and

12 29<sup>th</sup> and we will let you know. How does that sound?

13 MS. GILSON: That's as good as it gets I

14 guess.

15 CHAIRMAN KATZ: Yeah. Give Mr. Phelps --

16 MR. PHELPS: I'll get it for you. Madam

17 Chair, perhaps the participants do need to have a

18 timeframe by which we from the Council will issue that

19 schedule --

20 CHAIRMAN KATZ: Yes --

21 MR. PHELPS: -- that agenda. Perhaps it's

22 reasonable to suggest that that would be done by the end

23 of next week.

24 CHAIRMAN KATZ: Okay. So you will issue --

MR. PHELPS: With a -- with a schedule for

prefilling.

CHAIRMAN KATZ: Yes, okay. So you will get

it out there and expect responses back, okay.

Any other business that we need to do

today? (No audible response). We are adjourned. Thank

you for your participation.

(Whereupon, the meeting adjourned at 5:15

10 p.m.)

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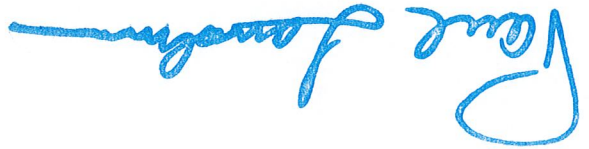
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Paul Landman  
President



the above, this 17th day of September, 2004.

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