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SITING COUNCIL

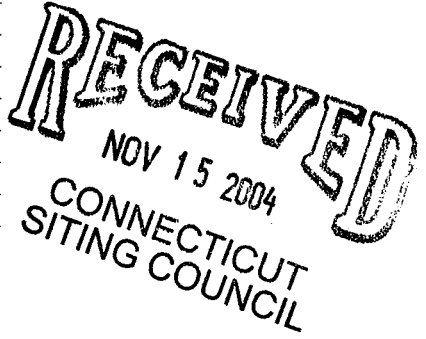
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CONNECTICUT LIGHT & POWER COMPANY
AND UNITED ILLUMINATING COMPANY

OCTOBER 14, 2004
(10:55 A.M.)

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

DOCKET NO. 272



* * * * *

BEFORE: PAMELA B. KATZ, CHAIRMAN

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AN INTERVENOR, NORWALK ASSOCIATION OF SILVERMINE
HOMEOWNERS

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1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of an application by Connecticut Light & Power
4 Company and United Illuminating Company, held at Central
5 Connecticut State University Institute of Technology &
6 Business, 185 Main Street, New Britain, Connecticut, on
7 October 14, 2004 at 10:55 a.m., at which time the parties
8 were represented as hereinbefore set forth . . .

9
10
11 CHAIRMAN PAMELA B. KATZ: I'd like to call
12 the continuation of this hearing on Docket 272 to order.

13 I'd like to note for the record that we do
14 not have a court reporter and that we are taping this
15 proceeding. And Mr. Marconi has asked me to ask -- or why
16 don't you ask.

17 MR. ROBERT L. MARCONI: Well, what I'd like
18 to know is whether any party or intervenor or any
19 participants have any objection to having this proceeding
20 being taped in lieu of having the court reporter here for
21 this portion because there has been a bit of a snafu in
22 which the court reporter has not been able to be here, so
23 -- a transcript will be made from the tape -- so with that
24 in mind, I'd like to ask are there any objections to this

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1 being -- to this being taped by our audio specialist?

2 CHAIRMAN KATZ: And hearing none, we will
3 then proceed.

4 MR. DANIEL P. LYNCH, JR.: Madam Chairman.

5 CHAIRMAN KATZ: Yes, Mr. Lynch.

6 MR. D. LYNCH: Because we do not have a
7 recorder, I think it would be to our advantage if as each
8 person speaks if they identify themselves for the tape.

9 CHAIRMAN KATZ: Excellent idea.

10 MR. D. LYNCH: Dan Lynch by the way.

11 (Laughter).

12 CHAIRMAN KATZ: Just a couple of
13 housekeeping things. I have a brief opening statement
14 where I'm going to talk sort about the master schedule,
15 but I asked Mr. Marconi to just make some comments about
16 the KEMA report that you all were given an executive
17 summary of that we will be distributing. Mr. Marconi.

18 MR. MARCONI: Yes. I believe most of you
19 or all of you have received by now the -- a copy of the
20 executive summary of the KEMA report that was sent out
21 yesterday by the Council. I believe it was sent out by
22 both regular mail and by e-mail. And it was also
23 presented to the Federal Energy Regulatory Commission at
24 its conference yesterday in Hartford, Connecticut. In the

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1 interest of full disclosure, the Council believes in being
2 responsible to release whatever portions were done as soon
3 as possible to everybody. The full report is expected to
4 arrive I believe on Friday. That will also be sent out to
5 all members of the service list.

6 The report itself and the KEMA staff
7 individuals who prepared the report will be made available
8 for cross-examination at a future hearing to be scheduled
9 by this Council. And first I want to advise all Council
10 members, they know this already, that they're not to make
11 any conclusions from the KEMA report until after cross-
12 examination is done by all parties and intervenors. And
13 we are not to discuss the KEMA report -- well, we'll not
14 be discussing the KEMA report prior to the testimony.

15 CHAIRMAN KATZ: Thank you.

16 MR. S. DEREK PHELPS: Madam Chairman.

17 CHAIRMAN KATZ: Yes, Mr. Phelps.

18 MR. PHELPS: Let's pause for one second and
19 do a check to make sure this thing is working.

20 CHAIRMAN KATZ: Okay.

21 MR. PHELPS: It'll take 30 seconds.

22 (Whereupon, a short break was taken to
23 check tape recorder. However, the tape recorder was not
24 correctly restarted and some statements were not recorded.

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1 No substantive testimony was lost and the admission of
2 exhibits that took place during this period was confirmed
3 later in the hearing on pages 79-81.)

4 CHAIRMAN KATZ: Okay. Before we resume on
5 the homework assignment, Miss Randell, you asked for the
6 floor.

7 MS. LINDA RANDELL: Yes, thank you. We
8 would like to request a minor modification to what's
9 included in the December schedule --

10 CHAIRMAN KATZ: Okay --

11 MS. RANDELL: -- which would be DC Light
12 and KEMA. The KEMA executive report notes that the new
13 base case system is Case 5 that they studied. The Case 5
14 results will be final, and there will be a final report
15 available within the next few weeks we hope, but certainly
16 well in advance. So we would suggest that Case 5 be
17 included within the DC Light KEMA jaunra (phonetic) for
18 purposes of interrogatories -- a legal term -- for some
19 interrogatories and the hearing so that we --

20 MR. COLIN C. TAIT: (Indiscernible) -- the
21 part you want to say --

22 MS. RANDELL: Yes, thank you.

23 CHAIRMAN KATZ: But isn't Case 5 going to
24 be part of the ROC group report? It isn't?

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1 MS. RANDELL: Maybe. But to the extent
2 that it is freestanding for the KEMA report and to a
3 lesser degree perhaps -- or for what the DC Light looked
4 against as it were, we think it's appropriate to consider
5 those all together. Our goal of course being to keep
6 January from being a total nightmare and to try to group
7 the issues. And we think that -- it's hard to separate
8 the KEMA report from the Case 5 study.

9 CHAIRMAN KATZ: Does anyone else wish to be
10 heard on this at this time? Yes.

11 MS. ANNE BARTOSEWICZ: I just note that at
12 the end of the executive summary of the KEMA report, KEMA
13 recommends the transient analysis. What we would be
14 filing here is that transient analysis. So KEMA would
15 then have all the information or most of the information
16 that they were looking for for additional studies.

17 CHAIRMAN KATZ: Okay, we will take that
18 under advisement. And we will be getting a schedule out
19 next week.

20 MS. RANDELL: Thank you.

21 CHAIRMAN KATZ: Okay. Mr. Prete, back to
22 you. I believe you passed out a homework assignment. And
23 this is exhibit number?

24 MR. ANTHONY FITZGERALD: This is Exhibit

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1 No. 167.

2 CHAIRMAN KATZ: Okay. And we're going to
3 verify this.

4 MS. BARTOSEWICZ: This is Exhibit 166 --

5 MR. FITZGERALD: He was going to give you a
6 correction first.

7 CHAIRMAN KATZ: Oh, okay.

8 MR. JOHN PRETE: 166 --

9 MR. PHILIP T. ASHTON: 166 --

10 MR. FITZGERALD: I'm sorry, 166. That's
11 another -- yes, 166. I beg your pardon.

12 MR. PRETE: If I could draw your attention
13 to page 2 of 2, which would be the second spread sheet in
14 that particular attachment, the heading of that particular
15 spread sheet should be Cross-Section 5 right under
16 homework assignment if we're all there. I would go down
17 approximately -- and we do have it on the screen here --
18 approximately six rows to the bold area, and I'll read, it
19 says height required to reach 3 milligauss at the edge of
20 the right-of-way. If we can go to the one below that
21 where the height required to reach .6 milligauss at the
22 edge of the right-of-way -- existing right-of-way -- in
23 parens (345-kV 242 in feet), that particular 242 is the
24 incremental height difference of the structure. And our

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1 endeavor was to put the overall height there. And the
2 overall height --

3 CHAIRMAN KATZ: So that's a delta, that
4 242?

5 MR. PRETE: That's correct, that's a delta.
6 The overall height is 372 feet. And you can actually see
7 that if you go to the left-hand side of the page in the
8 description box.

9 CHAIRMAN KATZ: Okay. Just for clarity
10 we'll get a corrected sheet for the --

11 MR. PRETE: Yes. We'll change that 242 to
12 372.

13 CHAIRMAN KATZ: Great, thank you. Okay, is
14 there any objection -- I'm sorry -- you adopted that --
15 166 as your testimony?

16 MR. FITZGERALD: Yes, with that -- with
17 that correction, Mr. Prete, is Exhibit 166 true and
18 correct to the best of your knowledge and belief?

19 MR. PRETE: Yes -- John Prete -- yes, it
20 is.

21 MR. FITZGERALD: I offer it as a full
22 exhibit.

23 CHAIRMAN KATZ: Mr. Prete, now that we're
24 back with a court reporter, we don't have to say our name

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1 each time --

2 MR. ASHTON: Madam Chairman --

3 CHAIRMAN KATZ: -- but we appreciate the
4 thought. Yes?

5 MR. PRETE: I'm a robot.

6 MR. ASHTON: It would be helpful if we get
7 a notation that this is revised. Remember we're drowning
8 in paper. And if we put the typing date and a revision --

9 CHAIRMAN KATZ: Right. Good point.

10 MR. ASHTON: -- it will be much help --
11 much appreciated.

12 CHAIRMAN KATZ: Yes.

13 MR. PRETE: Consider that done.

14 CHAIRMAN KATZ: Yes.

15 MR. ASHTON: Can I make another suggestion
16 at the same time --

17 CHAIRMAN KATZ: Yes --

18 MR. ASHTON: -- this applies to all
19 documents coming in -- there's -- the service list for
20 this docket is humongous I think is fair to say. And in
21 the interest of saving trees and space, it would be
22 helpful if we didn't have to list the whole bloody service
23 list but rather a simple notation at the end of a document
24 saying sent to all parties on the service list period.

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1 CHAIRMAN KATZ: Mr. Marconi, can we do
2 that?

3 MR. ASHTON: It's been done on some
4 already.

5 A VOICE: He's not --

6 MR. PHELPS: The Council --

7 COURT REPORTER: A microphone please --

8 CHAIRMAN KATZ: He's probably been called
9 to war --

10 (Audio feedback)

11 A VOICE: (Indiscernible) --

12 MR. ASHTON: Yeah, I think -- the Council
13 has already done that and it would be helpful if we could
14 just save a little paper --

15 CHAIRMAN KATZ: Right. We will allow all
16 parties and intervenors to just note the service list.

17 MR. ASHTON: It's a minor thing, but it's
18 helpful.

19 CHAIRMAN KATZ: Yes. And the service list
20 is posted on the website if anyone needs to access it.

21 Okay, so we are -- anyone objecting to
22 making 166 a full exhibit, is that where we are?

23 MR. FITZGERALD: I believe so.

24 CHAIRMAN KATZ: Yes. And hearing none, 166

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1 is a full exhibit.

2 (Whereupon, Applicants' Exhibit No. 166 was
3 received into evidence as a full exhibit.)

4 CHAIRMAN KATZ: Okay, on to 167.

5 MR. FITZGERALD: 167. Mr. Prete, you
6 again. This is the corrected East Shore homework
7 assignment. Would you please remind the Council what the
8 correction is that is embodied in here that you testified
9 about previously.

10 MR. PRETE: That particular chart that has
11 been corrected is a chart that showed a comparison on
12 Segment 2. And the comparison was a proposed route to
13 various proposals of the East Shore route. And in
14 particular the correction was to be consistent with prior
15 testimony that was put in place, and specifically the
16 number of structures that fell within 150 foot of the
17 right-of-way.

18 MR. FITZGERALD: And is that corrected
19 document true and correct to the best of your knowledge
20 and belief?

21 MR. PRETE: Yes, it is.

22 MR. FITZGERALD: I offer it as a full
23 exhibit.

24 CHAIRMAN KATZ: I'm sorry. Yes. Any

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1 objection to making 167 a full exhibit? Hearing none,
2 it's a full exhibit.

3 (Whereupon, Applicants' Exhibit No. 167 was
4 received into evidence as a full exhibit.)

5 MR. FITZGERALD: Exhibit 168 is prefiled
6 testimony of Alan Scarfone and Gary Johnson concerning
7 comparison of projected load flows and certain historical
8 information. Gentlemen, is this testimony true and
9 correct to the best of your knowledge and belief?

10 MR. ALAN SCARFONE: Yes, it is.

11 DR. GARY JOHNSON: Yes, it is.

12 MR. FITZGERALD: I offer it as a full
13 exhibit.

14 CHAIRMAN KATZ: Any objection to making 168
15 a full exhibit? Hearing none, it's a full exhibit.

16 (Whereupon, Applicants' Exhibit No. 168 was
17 received into evidence as a full exhibit.)

18 MR. FITZGERALD: Exhibit -- what has been
19 designated No. 169 is really in the nature of commentary
20 or a legal brief. This was Mr. Phelp's cost --

21 CHAIRMAN KATZ: Right --

22 MR. FITZGERALD: -- our comments on his
23 cost memo.

24 CHAIRMAN KATZ: So we won't treat it as an

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1 exhibit. We'll do it as a brief and it will reappear in
2 the post-hearing --

3 MR. FITZGERALD: Right --

4 CHAIRMAN KATZ: -- briefing period?

5 MR. FITZGERALD: -- and there is one -- the
6 brief does have attached to it a copy of NEPOOL Planning
7 Procedure No. 4, which I think you can administratively
8 notice.

9 CHAIRMAN KATZ: Okay. Okay, so you want to
10 take administrative notice of --

11 MR. FITZGERALD: NEPOOL Planning Procedure
12 No. 4 --

13 CHAIRMAN KATZ: Okay, is there any --

14 MR. FITZGERALD: -- which is attached to
15 the brief.

16 CHAIRMAN KATZ: Is there any objection
17 taking administrative notice of that document -- who's the
18 author of that document? ISO?

19 MR. FITZGERALD: It's an ISO/NEPOOL joint
20 document.

21 CHAIRMAN KATZ: Okay. So if there's no
22 objection, we'll take administrative notice of that. And
23 we will strike 169 as an exhibit. And that takes us to
24 the new 169, which is the supplemental testimony of Dr.

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1 Bailey?

2 MR. FITZGERALD: Yes. Dr. Bailey, is your
3 Supplemental Testimony III, dated October 12, 2004, true
4 and correct to the best of your knowledge and belief?

5 DR. WILLIAM BAILEY: Yes.

6 MR. FITZGERALD: I offer it as a full
7 exhibit.

8 CHAIRMAN KATZ: Any objection to making it
9 a full exhibit? Mr. Frank.

10 MR. MONTE P. FRANK: I don't have an
11 objection. I have a comment that --

12 AUDIO TECHNICIAN: Hang on --

13 COURT REPORTER: Okay, go ahead.

14 MR. FRANK: This is a subject matter that I
15 did not understand to be on the agenda for today because
16 the testimony deals primarily with policy issues on EMF,
17 which is the subject that we've had and we dealt with back
18 in May. I don't have an objection to the exhibit coming
19 into evidence or coming into the record. I know that Dr.
20 Bell and his group would like to file a response to it.
21 And so I would just ask that they be permitted to do that
22 so that we can address those issues.

23 CHAIRMAN KATZ: Okay. And -- but I had
24 anticipated Dr. Bailey would be back at cleanup day at the

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1 end anyway, so --

2 MR. FRANK: Or we could -- we could do it
3 in December if -- we don't have an objection --

4 CHAIRMAN KATZ: No, no --

5 MR. FRANK: -- to two days of hearings --

6 CHAIRMAN KATZ: -- December -- December
7 will not expand. Let me just make this clear. December
8 is going to be Glenbrook Cables and hopefully one day on
9 this docket, maybe two, okay, but it's not going to expand
10 beyond a limited subject matter. I really want to wait
11 until we get the ROC group report because I think a lot of
12 the things that are floating out there are going to
13 crystallize once we know what's going on.

14 MR. FRANK: I agree with that.

15 CHAIRMAN KATZ: Okay. So with that note
16 from Mr. Frank, if -- we will make 169, Dr. Bailey's
17 testimony, a full exhibit.

18 (Whereupon, Applicants' Exhibit No. 169 was
19 received into evidence as a full exhibit.)

20 CHAIRMAN KATZ: Okay, is that all the
21 exhibits, Mr. Fitzgerald?

22 MR. FITZGERALD: It is, Madam Chairman.

23 CHAIRMAN KATZ: Okay. So at this point --

24 MS. RANDELL: Madam Chairman --

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1 CHAIRMAN KATZ: Yes?

2 MS. RANDELL: -- we do have the issue on
3 administrative notice where the Council said that you
4 planned to take administrative notice of the transcript of
5 the Federal Energy Regulatory Commission conference. Now
6 that that's occurred --

7 CHAIRMAN KATZ: Well --

8 MS. RANDELL: -- do you --

9 A VOICE: We don't -- we don't have it.

10 CHAIRMAN KATZ: We don't -- a couple of
11 things -- a couple --

12 MS. RANDELL: Do you want to wait until we
13 have --

14 CHAIRMAN KATZ: Yeah, we're going to wait -
15 -

16 MS. RANDELL: -- the tangible transcript in
17 hand --

18 CHAIRMAN KATZ: Several of the towns
19 indicated that they would like to review the transcript to
20 see if they had an objection of us taking administrative
21 notice of it.

22 MS. RANDELL: Okay, that's fine.

23 CHAIRMAN KATZ: So, I'm in no hurry. In
24 fact, the transcript doesn't exist, so we'll do that.

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1 MR. ASHTON: We won't know what we're
2 taking notice of.

3 CHAIRMAN KATZ: Yeah, good point. Okay, I
4 think we're ready for the EMF maps, correct, to put up on
5 the --

6 MR. FITZGERALD: It's your --

7 CHAIRMAN KATZ: Okay --

8 MR. FITZGERALD: -- it's your agenda.

9 CHAIRMAN KATZ: What we had done before,
10 which I thought worked well, is we went north to south,
11 map by map, and if anybody had any questions on that map,
12 they had the opportunity to ask that. Is that agreeable
13 with everybody that we will do that procedure again?
14 Okay, hearing no objection, we'll start with the
15 northernmost map.

16 And then what I'm going to do is I'm not
17 going to call the whole service list for each map, I'm
18 just going to ask if you have question on that map, to
19 have a show of hands and we will take your question. And
20 then we'll do any Council questions at the end. And if we
21 could identify a map and what towns, that would be
22 helpful.

23 MS. BARTOSEWICZ: This is Map 1, the town
24 of -- the Towns of Middlefield, Haddam, and a little piece

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1 of Durham.

2 CHAIRMAN KATZ: And the dots are on here?

3 MS. BARTOSEWICZ: I'm sorry, did I say
4 Middlefield? Middletown, Haddam, and Durham.

5 CHAIRMAN KATZ: Okay.

6 MS. BARTOSEWICZ: And the dots are the
7 circles.

8 MR. PRETE: Madam Chair, we changed the
9 dots since we would hide the structures to circles --

10 CHAIRMAN KATZ: Okay --

11 MR. PRETE: The dots didn't do very well
12 the last time --

13 CHAIRMAN KATZ: Okay --

14 MR. PRETE: -- so we'll try circles.

15 CHAIRMAN KATZ: Does anyone wish to cross-
16 examine on this map? Let the record show no one. Mr.
17 Cunliffe, do you have any questions on the map?

18 MR. FRED O. CUNLIFFE: No, Chairman.

19 CHAIRMAN KATZ: Okay. Any Council member,
20 if you have a question on a map, just give me the sign and
21 -- otherwise we'll keep going. Mr. Emerick.

22 MR. BRIAN EMERICK: Mr. Prete, perhaps you
23 could just refocus us in terms of the colors that we're
24 looking at and what they represent?

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1 CHAIRMAN KATZ: Yeah, good point.

2 MR. PRETE: Sure. Could we zoom in on the
3 right-of-way please, Mr. Pinto. This is Middlefield --
4 Middletown here. The yellow area here is depicting the
5 existing right-of-way. And as we move to either side of
6 the right-of-way, the lighter blue line is depicting the
7 3-milligauss at the 15-gigawatt loading level. The now
8 darker blue line is indeed the 3-milligauss level at the
9 27.7-gigawatt loading level. And the overall light shaded
10 area here is the 300-foot buffer from the right-of-way,
11 specifically it starts at the closest conductor to the
12 edge of the right-of-way. So if the closest conductor
13 within the right-of-way is 20 to 30 feet inside the right-
14 of-way, 300 feet out would show at this location here,
15 which would be the end of that shaded area.

16 CHAIRMAN KATZ: Are there any circles in
17 this?

18 MR. PRETE: Not on this particular one, so
19 if we can pan around --

20 CHAIRMAN KATZ: Can you show us one with
21 circles?

22 MR. PRETE: Sure. (Pause). That's good,
23 Rich. As you can see, the same type of color coding is
24 existing here. And the circles as you can see in many

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1 areas here are circles that depict a structure that falls
2 within the 300-foot buffer as defined.

3 MR. EMERICK: Okay. Just to follow up, if
4 we scan through this at this scale, I'll be able to pick
5 out some examples of -- when I was visually inspecting
6 these over in the area, it appears as though to my eye
7 there were a number of structures which I would place in
8 the shaded blue area but not circled. And it seemed to be
9 structures that were otherwise set in a residential area.
10 Is there some general explanation for that or am I going
11 to have to try and find that example when we're going
12 through this?

13 MR. PRETE: I guess I'm not following you
14 totally. If you could just kind of retrace what you had
15 gone through.

16 MR. EMERICK: In looking at the maps as
17 they're displayed over on the wall, I look at the shaded
18 blue area and I see illustrations -- particularly in the
19 shaded blue, the light shaded blue --

20 MR. PRETE: Yeah --

21 MR. EMERICK: -- illustrations of what
22 appear to be structures that are circled with some other
23 structures that do not appear to be circled and -- but it
24 appears as though it's a residential area. And I guess I

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1 have some question as to why that is? Was there some
2 decision made that in fact that is not a structure even
3 though the aerial photograph suggests it is?

4 MR. PRETE: Yeah, our endeavor, Mr.
5 Emerick, is very specific, we tried to circle each and
6 every structure that appeared to be a residential house so
7 that we can give you the proper count. So indeed if
8 there's something that's not circled, that was not what we
9 were after. So we would have to look at those and explain
10 to you if it wasn't, why.

11 MR. EMERICK: Okay. Because if we pan
12 through it at that other scale that we started out with,
13 I'm not going to be able to tell when we get there.

14 MR. PRETE: Okay. If you would like, we
15 can walk through each map at this scale or a scale and go
16 forward that way --

17 MR. EMERICK: Well --

18 MR. PRETE: -- we can do it whatever way
19 you want. We did not -- it would have been an error if we
20 did not circle a structure that was a residential house.

21 MR. EMERICK: Okay. Well again to my naked
22 eye looking at those, it seemed like too many were
23 uncircled that it would have been an error --

24 MR. PRETE: Okay --

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1 MR. EMERICK: -- so I was kind of thinking
2 there was some conscious decision but couldn't explain it
3 myself.

4 MR. EDWARD S. WILENSKY: Madam Chairman.

5 CHAIRMAN KATZ: Yes, Mr. Wilensky.

6 MR. WILENSKY: Looking at this -- looking
7 at the map, does the right-of-way run the same width
8 consistent from start to end shall we say or is there a
9 variation as we go along, the actual right-of-way?

10 MS. BARTOSEWICZ: The --

11 MR. PRETE: The actual right-of-way -- the
12 actual right-of-way changes quite a lot between the
13 Middletown area to Milford. And the width of the right-
14 of-way as depicted is very consistent with whatever
15 easements and right-of-way that NU had acquired over time.

16 MS. BARTOSEWICZ: For example, from
17 Cheshire to Milford the right-of-way is indeed uniform and
18 same. Particularly the right-of-way in Middletown near
19 Scovill Road, the right-of-way is very wide, in
20 Wallingford again the right-of-way is very wide, and in
21 Meriden the same way. So it is different. And we can --
22 we can --

23 MR. WILENSKY: Approximately, what is the
24 standard right-of-way?

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1 MR. PRETE: It changes of 250 feet to 165
2 in areas --

3 MR. WILENSKY: Okay --

4 MR. PRETE: -- approximately.

5 MR. WILENSKY: So in other words, when you
6 say very wide, it's 200 and, what, 50 feet, is that what
7 you said?

8 MS. BARTOSEWICZ: Well, no, let's take --
9 let's go back to our first map where we were starting and
10 let's look at the right-of-way in Middletown coming out of
11 Scovill Rock, that first right-of-way is 310 feet wide.

12 MR. TAIT: And that's what you're depicting
13 there? Even though it looks like it's uniform, it's not
14 uniform?

15 MR. PRETE: That's correct.

16 MR. TAIT: But you're actually trying to
17 depict the actual right-of-way --

18 MR. PRETE: Absolutely --

19 MR. TAIT: -- even though to my eye it's
20 all the same?

21 MR. PRETE: Right.

22 CHAIRMAN KATZ: What's the red line?

23 MR. WILENSKY: That's what I was getting
24 at, it looks all the same. But there is a variation as

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1 Professor Tait said?

2 MR. PRETE: We can actually show you some
3 cross-sections if that would be helpful if you want to get
4 to that point?

5 MR. TAIT: No, no, we -- it -- we
6 understand that that's reality up there.

7 CHAIRMAN KATZ: Right. What's the red
8 line?

9 MR. PRETE: The red line is the property
10 line that is owned by CL&P --

11 MR. ASHTON: That's fee owned property as
12 contrast --

13 CHAIRMAN KATZ: Fee owned --

14 COURT REPORTER: One at a time --

15 MR. ASHTON: Fee owned property as contrast
16 to the right-of-way?

17 MR. PRETE: Correct.

18 MS. RANDELL: Correct.

19 CHAIRMAN KATZ: Okay.

20 MR. PRETE: And the green lines are private
21 -- are public property lines.

22 CHAIRMAN KATZ: Non CL&P property?

23 MR. PRETE: Correct.

24 CHAIRMAN KATZ: Good. Okay. Any other

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1 questions on Map No. 1? Okay, we will go to Map No. 2, if
2 you could introduce that.

3 MS. BARTOSEWICZ: Certainly. Map No. 2 is
4 Durham and Middlefield -- Middlefield.

5 CHAIRMAN KATZ: Okay. And can we zoom in
6 on Royal Oaks.

7 MS. BARTOSEWICZ: I'm sorry. And
8 Middletown because the Royal Oaks bypass is in Middletown.
9 So this map shows you the existing right-of-way --

10 CHAIRMAN KATZ: Okay, if I -- am I -- if
11 I'm reading this correctly, the supported change around
12 Royal Oaks, there are no structures -- I see no circles in
13 the 300 feet?

14 MS. BARTOSEWICZ: Can you blow that up some
15 more. There's three. Can you blow that up some more.
16 There's one right here --

17 CHAIRMAN KATZ: Oh, okay.

18 MS. BARTOSEWICZ: -- which this structure
19 is actually not a home. It's a building and it is
20 currently -- it was for sale, I don't know if it currently
21 is.

22 CHAIRMAN KATZ: What kind of building?

23 MS. BARTOSEWICZ: It looked like it was a
24 garage.

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1 CHAIRMAN KATZ: Okay.

2 A VOICE: There's one in the lower right.

3 MS. BARTOSEWICZ: There's one there. And
4 this -- this house --

5 CHAIRMAN KATZ: Okay. The one --

6 MS. BARTOSEWICZ: -- which is part of the
7 Royal Oak neighborhood --

8 CHAIRMAN KATZ: -- on the -- on this
9 bypass, the one -- right there, that one that's in the 3-
10 milligauss range is that a home?

11 MS. BARTOSEWICZ: No, I do not believe it
12 is.

13 CHAIRMAN KATZ: Okay.

14 MS. BARTOSEWICZ: There's a -- there are
15 greenhouses down here and a garage.

16 CHAIRMAN KATZ: Any questions on Map No. 2?
17 Please come up and identify yourselves.

18 MR. TIMOTHY LYNCH: Good morning. Timothy
19 Lynch, Deputy City Attorney, Middletown.

20 I have a question on the blue lines on the
21 map.

22 CHAIRMAN KATZ: Well, first welcome to
23 Middletown. We have not seen much of you.

24 MR. TIMOTHY LYNCH: Thank you. It's my

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1 pleasure to be here.

2 CHAIRMAN KATZ: Yes.

3 MR. TIMOTHY LYNCH: Was the measurement for
4 the 3-milligauss and the other power rating, was that
5 taken at the edge of the right-of-way or is that within
6 the right-of-way?

7 MS. BARTOSEWICZ: The lines, the blue and
8 the -- the dark blue and the light blue lines?

9 MR. TIMOTHY LYNCH: Yes.

10 MS. BARTOSEWICZ: Those are -- on this map
11 here those are outside the existing right-of-way.

12 MR. TIMOTHY LYNCH: Outside the existing
13 right-of-way?

14 MS. BARTOSEWICZ: Yeah. The existing
15 right-of-way would be the yellow shaded, this portion
16 here, and you can see that the light blue line is -- there
17 you go.

18 MR. TIMOTHY LYNCH: Okay. Now, that's the
19 bypass, correct?

20 A VOICE: Yes --

21 CHAIRMAN KATZ: Yes.

22 MS. BARTOSEWICZ: This one --

23 MR. TIMOTHY LYNCH: Okay --

24 MS. BARTOSEWICZ: -- this picture happens

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1 to be the bypass, correct.

2 MR. TIMOTHY LYNCH: Can we move the slides
3 so that we show the Royal Oak subdivision?

4 MS. BARTOSEWICZ: Yes -- the existing
5 right-of-way?

6 MR. TIMOTHY LYNCH: The existing right-of-
7 way. The blue lines on the existing right-of-way, was
8 that measurement taken within the right-of-way or outside
9 of the right-of-way?

10 MR. PRETE: First of all, with regards to
11 your questions, those are not measurements, those are
12 calculated field values based on loading that has been
13 defined as 15 gigawatts and 27 gigawatts.

14 MR. TIMOTHY LYNCH: Okay. Is that a
15 calculation based upon the edge of the right-of-way or
16 within the right-of-way?

17 MS. BARTOSEWICZ: No, the calculation is
18 not based on the right-of-way. The calculation is just
19 based on a milligauss level, so it's distance --

20 MR. TIMOTHY LYNCH: Distance --

21 MS. BARTOSEWICZ: -- and you'll see that
22 these lines appear within and outside of existing rights-
23 of-way in different areas differently because they are
24 calculations.

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1 MR. ASHTON: If I may. I think, Miss
2 Bartosewicz, it might be helpful if you explained how that
3 calculation is, that it goes from the current loading on
4 the conductor and it's measured away from the conductor,
5 and that measurement may or may not fall within the right-
6 of-way.

7 MS. BARTOSEWICZ: That's correct. Mr.
8 Ashton is exactly correct.

9 CHAIRMAN KATZ: So in this particular case
10 are the light blue and dark blue lines within the right-
11 of-way or outside the right-of-way? They look fairly
12 close.

13 MS. BARTOSEWICZ: In this particular case,
14 the light blue lines are -- on the south portion you see
15 it is within the existing right-of-way. On the north side
16 it is also existing within the existing right-of-way, the
17 dark blue lines are at the edge of the existing right-of-
18 way.

19 CHAIRMAN KATZ: Okay. So it would be a
20 fair statement that the 3-milligauss -- the maximum 3-
21 milligauss case that we asked you to look at is inside or
22 near the edge of the existing right-of-way?

23 MS. BARTOSEWICZ: That's correct.

24 CHAIRMAN KATZ: Okay. Back to you, sir.

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1 MR. TIMOTHY LYNCH: Thank you very much,
2 that answers my question.

3 CHAIRMAN KATZ: Great. Okay, anything else
4 on Map 2, which is Middletown/Durham? Seeing none, we
5 will go to Map 3.

6 MS. BARTOSEWICZ: Map 3 is Meriden.

7 CHAIRMAN KATZ: Any questions on --

8 MR. ASHTON: I want to just mention --
9 (indiscernible) --

10 CHAIRMAN KATZ: -- Map 3? Mr. Ashton.

11 MR. ASHTON: I would mention that we have
12 received a letter dated October 12th from Miss Moore, who
13 is the -- from the law department of the City of Meriden -
14 - identifying some ballfields that are now under
15 construction, they're not yet finished. And also
16 identifying a nursing home that is I believe proximate to
17 the right-of-way.

18 CHAIRMAN KATZ: Okay, can we zoom in on
19 those things that are mentioned in the letter? Why don't
20 we do the ballfields first.

21 MR. FITZGERALD: I think -- I think the
22 point of the letter was that they're not shown on the maps
23 --

24 MR. ASHTON: They're not shown, right --

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1 CHAIRMAN KATZ: No, I'm --

2 MR. ASHTON: -- but just --

3 CHAIRMAN KATZ: But the ground is there --

4 MR. ASHTON: And I believe that they're
5 right at -- I was going to say just north of that junction
6 point --

7 MR. PRETE: Right --

8 MR. ASHTON: -- right there on the
9 hillside.

10 CHAIRMAN KATZ: Yeah. No, my point was I
11 know they're not built. I just -- the ground is there.
12 Show us where they are going to be built --

13 MR. ASHTON: Yeah --

14 CHAIRMAN KATZ: -- as you understand from
15 the city's letter?

16 MR. ASHTON: And the convalescent home you
17 can see at the top of the photo right there.

18 CHAIRMAN KATZ: Right.

19 MR. PRETE: Correct.

20 CHAIRMAN KATZ: And -- I'm sorry, can you
21 point out again where the city says they're going to do
22 the ballfields?

23 MR. ASHTON: Right --

24 CHAIRMAN KATZ: Right there?

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1 MR. PRETE: Approximately where that M is
2 in Meriden --

3 MR. ASHTON: Yeah --

4 CHAIRMAN KATZ: Okay, okay.

5 MS. BARTOSEWICZ: And the reason the
6 convalescent home wasn't identified as a statutory
7 facility is because it's not identified as such in the
8 legislation.

9 MR. ASHTON: Right. I'm just reporting
10 what the letter shows --

11 CHAIRMAN KATZ: Yes, okay --

12 MR. ASHTON: -- so you can pick it up.

13 MS. BARTOSEWICZ: We believe that would be
14 right here.

15 MR. ASHTON: Yes.

16 CHAIRMAN KATZ: Okay. Any further
17 questions on Map 3? Mr. Emerick.

18 MR. EMERICK: If we look at this section of
19 Map 3, what appears to be perhaps condominiums,
20 apartments, or whatever, but the shaded blue area in
21 there, those --

22 MS. BARTOSEWICZ: Why don't you zoom in on
23 that square --

24 MR. EMERICK: Are they circled?

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1 MS. BARTOSEWICZ: Yes.

2 MR. PRETE: Yeah, see it says --

3 CHAIRMAN KATZ: Yeah. It's helpful when
4 you don't put the name of town over the circle.

5 MR. EMERICK: I guess I just looked at the
6 map on the wall and I looked at it over there and it
7 didn't appear to be circled.

8 MR. PRETE: It is indeed circled.

9 MR. EMERICK: But on here -- okay, fine.

10 MR. PRETE: I may regret this, but would it
11 be helpful if we changed the yellow circle to a different
12 circle -- (laughter) -- so it's more evident --

13 A VOICE: Red would be --

14 MR. PRETE: -- will I get into trouble --

15 A VOICE: Red would be nice.

16 MR. EMERICK: Well, how would you --

17 MR. PRETE: We could do that right now, but
18 it doesn't change the circle, just the color. I mean --

19 CHAIRMAN KATZ: You can -- you can do that?

20 MR. PRETE: Right, in about two sections.

21 CHAIRMAN KATZ: Okay, we'll go off the
22 record for a moment --

23 MR. EMERICK: How would you have counted
24 that --

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1 CHAIRMAN KATZ: Wait a minute, we're going
2 to go off the record and let him do that and then we'll
3 come back to your question.

4 MR. GERALD J. HEFFERNAN: What color circle
5 would you like --

6 (Off the record)

7 CHAIRMAN KATZ: Mr. McDermott, did you have
8 something? Miss Randell?

9 MS. RANDELL: Mr. McDermott is telling me
10 what to say here.

11 CHAIRMAN KATZ: Men are good at that.

12 MS. RANDELL: Yes.

13 MR. ASHTON: That's another --
14 (indiscernible) --

15 MS. RANDELL: We're happy to change the
16 color of the circles for the demonstration to just about
17 any color you want, but we do want to confirm that we're
18 not going to refile the exhibits.

19 MR. EMERICK: Thank you.

20 CHAIRMAN KATZ: Understood.

21 MS. RANDELL: If that's okay?

22 CHAIRMAN KATZ: Understood.

23 MS. RANDELL: Thank you.

24 CHAIRMAN KATZ: There's a few trees that

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1 are probably very grateful. Okay -- no, I think the red
2 is helpful. Mr. -- Mr. Emerick, we're going to go back to
3 your question.

4 MR. EMERICK: Given that those are circled,
5 would those have been two structures?

6 MR. PRETE: Actually in that specific
7 location, those would be five on the tabular listing that
8 we had submitted with the original maps a couple of weeks
9 ago.

10 MR. EMERICK: So the warning should be
11 someone shouldn't count just circles and think they're
12 going to match up --

13 MR. PRETE: Well in the case there if we
14 put -- if you put the dots or circles, you would not be
15 able to --

16 MR. EMERICK: Yeah -- no, I -- I agree --

17 MR. PRETE: Okay --

18 MR. EMERICK: -- I just --

19 MR. PRETE: -- okay --

20 MR. EMERICK: -- just a clarification.

21 CHAIRMAN KATZ: Okay. But it is clear in
22 your bulk distribution that they can't just count circles,
23 correct?

24 MR. PRETE: Correct.

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1 CHAIRMAN KATZ: Okay. Okay, we -- this is
2 Map 3, correct? Any other questions on Map 3, Meriden --
3 Meriden? Okay, let's go to Map 4.

4 MS. BARTOSEWICZ: Map 4 is Wallingford and
5 I would tell you a small portion of Durham --

6 CHAIRMAN KATZ: Okay --

7 MS. BARTOSEWICZ: -- so that --

8 CHAIRMAN KATZ: Is Beseck Substation on
9 this map --

10 MS. BARTOSEWICZ: Yeah --

11 CHAIRMAN KATZ: -- or is that another map?

12 MS. BARTOSEWICZ: No, I'll actually walk
13 you down here.

14 CHAIRMAN KATZ: Okay.

15 MS. BARTOSEWICZ: This portion is Durham.
16 You come over Beseck Mountain and you come into
17 Wallingford. The Beseck Substation is right here.

18 CHAIRMAN KATZ: Okay. Can we have a blowup
19 of that section?

20 MS. BARTOSEWICZ: Sure.

21 MR. EMERICK: Switching station. It's not
22 a substation.

23 CHAIRMAN KATZ: Hmm?

24 MS. BARTOSEWICZ: This would be the area of

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1 the Beseck Substation.

2 MS. RANDELL: Switching station.

3 MS. BARTOSEWICZ: Switching station, excuse
4 me.

5 COURT REPORTER: Could you be a little bit
6 more --

7 CHAIRMAN KATZ: A little more audio?

8 COURT REPORTER: No, just for purposes of
9 anybody reading this --

10 CHAIRMAN KATZ: Yeah, we're going to need a
11 little more audio friendly commentary.

12 MR. ASHTON: High Hill Road and --

13 MS. BARTOSEWICZ: Okay. High Hill Road and
14 Carpenter Lane. To the north of Carpenter Lane and to the
15 west of High Hill Road would be Beseck Substation --
16 Switching Station.

17 CHAIRMAN KATZ: Okay. See where it says
18 the word Wallingford, if you look along the right-hand
19 side of that, are any of those residences within the light
20 blue or dark blue line?

21 MS. BARTOSEWICZ: Why don't you zoom in.

22 CHAIRMAN KATZ: Can you blow that up?

23 MS. BARTOSEWICZ: So your answer would be
24 no.

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1 CHAIRMAN KATZ: Okay. Any questions for
2 this map, Durham/Wallingford? Okay, let's keep going.

3 MS. BARTOSEWICZ: Map 5 is also
4 Wallingford.

5 CHAIRMAN KATZ: Okay.

6 MS. BARTOSEWICZ: And this is essentially
7 coming south. This is Traditions Golf Course here and
8 this is the East Wallingford Junction. South of East
9 Wallingford Junction is where the 387 line continues.
10 This portion goes west and again into Wallingford.

11 CHAIRMAN KATZ: Okay --

12 MR. ASHTON: The East Wallingford Junction
13 lies just to the east of I-91 at the golf course, is that
14 fair to say?

15 MS. BARTOSEWICZ: That's correct.

16 CHAIRMAN KATZ: Okay. Can you blow up the
17 left-hand portion of the thing that looks like there's a
18 number of circles?

19 MS. BARTOSEWICZ: Blow up that section
20 that's bigger so we can see it.

21 CHAIRMAN KATZ: Are those the condos when
22 we did the field trip that --

23 MR. ASHTON: Single family --

24 MS. BARTOSEWICZ: No.

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1 CHAIRMAN KATZ: Okay. Okay, so there's a
2 number of what looks like residences that are outside the
3 light blue but within the dark blue, am I --

4 MS. BARTOSEWICZ: That's correct. There
5 appears to be -- 1, 2, 3, 4 -- 10 residents that are
6 within the dark blue line or the 6-milligauss line but
7 outside the 3-milligauss line.

8 CHAIRMAN KATZ: I'm sorry, I thought it was
9 3 milligausses --

10 MS. BARTOSEWICZ: I'm sorry --

11 CHAIRMAN KATZ: -- at two different cases?

12 MR. PRETE: It's --

13 MS. BARTOSEWICZ: I'm sorry. Yes.

14 CHAIRMAN KATZ: Oh, okay.

15 MS. BARTOSEWICZ: So the light blue is the
16 3-milligauss at 15 --

17 CHAIRMAN KATZ: Okay --

18 MS. BARTOSEWICZ: -- and the dark blue is
19 the 3-milligauss at 27.7.

20 CHAIRMAN KATZ: Okay. Any questions on
21 this map? Mr. O'Neill.

22 MR. BRIAN O'NEILL: I have to ask a
23 question regarding this. The line which is drawn marking
24 the edge of the exposure -- average exposure rating --

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1 when we talk about the structures and the line being under
2 full load as it sags, wouldn't that cause a more
3 underlading line rather than a standard -- a straight line
4 of --

5 MR. PRETE: I believe I understand your
6 question. Indeed the levels of milligauss are directly
7 proportional to the current, which is also directly
8 proportional to the distance.

9 MR. O'NEILL: Right.

10 MR. PRETE: And as I understand your
11 question, certainly as we understand between structures
12 the line sags.

13 MR. O'NEILL: Exactly.

14 MR. PRETE: And why is it that we have a
15 straight line --

16 MR. O'NEILL: Wouldn't it be --

17 MR. PRETE: -- if indeed --

18 MR. O'NEILL: -- an underlading line in
19 reality?

20 MR. PRETE: These lines -- these lines are
21 worse case. In other words --

22 MR. O'NEILL: I see --

23 MR. PRETE: -- if you were to take the
24 lowest point where it sags, these lines are representative

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1 of that. So you're correct, that would happen between a
2 span at a very small -- if your span is 800 feet, the
3 lowest point of that sag would be in the middle, a lot
4 less than 800 feet. So as you go to structure, you'd be
5 further away, so that the 3-milligauss line would actually
6 be further.

7 MR. O'NEILL: Thank you for clarifying
8 that.

9 CHAIRMAN KATZ: Any other questions on this
10 map? Mr. Smith.

11 MR. RAYMOND SMITH: Yes. Raymond Smith
12 from Wallingford.

13 I'd just like to ask a question about the
14 deviation by the Traditions Golf Course.

15 CHAIRMAN KATZ: Can we go back to that --

16 MR. R. SMITH: Yep --

17 CHAIRMAN KATZ: -- on the map.

18 COURT REPORTER: Mr. Smith, you're -- Mr.
19 Smith --

20 MR. R. SMITH: Yes?

21 COURT REPORTER: -- you're an attorney
22 representing --

23 MR. R. SMITH: No. I'm Director of
24 Utilities for Wallingford. I'm sorry.

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1 On that deviation, from -- I think it
2 starts at Woodhouse Avenue going south, is there any plan
3 to change anything on the 387 line?

4 MS. BARTOSEWICZ: No, there would not.

5 MR. R. SMITH: Okay. That's what I needed
6 clarification -- thank you.

7 CHAIRMAN KATZ: Thank you. Any other
8 questions on this map? Okay, let's move south.

9 MS. BARTOSEWICZ: Actually, you're moving
10 west.

11 CHAIRMAN KATZ: West, good point.

12 MS. BARTOSEWICZ: And Map 6 is Wallingford
13 and Cheshire.

14 MR. PRETE: And Hamden.

15 CHAIRMAN KATZ: Okay, can we look -- does
16 this have the Old Farms Road in that?

17 MS. BARTOSEWICZ: Yes.

18 CHAIRMAN KATZ: Can we look at that?

19 MS. BARTOSEWICZ: Get closer. Would you
20 like to blow up a smaller section?

21 CHAIRMAN KATZ: Okay, just -- if you could
22 point out where we're going to do the 115-kV --

23 MR. PRETE: Underground?

24 CHAIRMAN KATZ: Yes.

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1 MS. BARTOSEWICZ: This -- this portion of
2 the right-of-way is where the 115 underground would go.
3 You would start back further east of Cook Hill Junction
4 with a 115 transition structure --

5 A VOICE: Tuttle Road --

6 MS. BARTOSEWICZ: -- east of Tuttle Road.
7 And the 115 underground would follow Tuttle Road. This is
8 Cook Hill Junction to the west of the corner of Old Farms
9 and Tuttle.

10 CHAIRMAN KATZ: Okay. Can you blow up
11 where the red circles are.

12 MR. ASHTON: Use the term enlarge, I don't
13 like blowup.

14 CHAIRMAN KATZ: Okay. So it looks like --
15 is that still Old Farms Road once you go around that
16 corner?

17 MS. BARTOSEWICZ: Yes, that's still Old
18 Farms Road.

19 CHAIRMAN KATZ: Okay. So we have -- 1, 2,
20 3, 4, 5 -- 6 --

21 MR. ASHTON: Seven --

22 CHAIRMAN KATZ: -- 7 -- well, I'm looking
23 at the -- we have a number of houses that are in the 15-
24 gigawatt case, but -- outside the 15-gigawatt case, but

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1 inside the 27-gigawatt case?

2 MR. PRETE: Yes. If we were to go to
3 Exhibit 158, the -- inside the -- on this map, 15
4 structures are within the 27, 0 within the 15.

5 CHAIRMAN KATZ: Okay. Questions on this
6 map, Cheshire? Representative Adinolfi.

7 REPRESENTATIVE AL ADINOLFI: Thank you.
8 The last time we looked at these maps, a question -- I
9 came up and I asked a question that there were -- there's
10 a 60-home subdivision going up right now on the other side
11 of Tuttle. I don't know if it's affecting it. But I also
12 remember, and correct me if I'm wrong, Madam Chairman, you
13 mentioned that you wanted to see in many cases the zones
14 that they're showing there, the different variations of
15 buffer zones. If they touched the property and didn't
16 come to a house, I seem to remember that you wanted those
17 lots included with dots.

18 CHAIRMAN KATZ: If the backyard --

19 REPRESENTATIVE ADINOLFI: If they come
20 within 10 feet of a house and a backyard and it's not --
21 and the house, the structure itself is not in the buffer
22 zone -- I seem to remember you giving some instructions.
23 And then I also mentioned that there were a number of
24 approves subdivisions along this line that don't show up

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1 here because they're filed in the town halls. And
2 basically what we're doing is affecting properties that
3 have been approved for subdivisions. And none of this is
4 here. What I'm trying to say, basically, is that I think
5 the number was 740 plus -- I don't remember -- 741 -- 749
6 -- but if we did and included the actual lots that it
7 touched, this number would go up significantly and would
8 certainly affect the overall cost of the project and
9 perhaps a decision. But I seem to remember you -- we can
10 go back and check the transcript because -- where you
11 instructed them to -- if they touched the property line
12 and came into the property line even though they didn't
13 hit the structure, they are affecting those people's
14 properties and what they could do and that it should be
15 shown.

16 CHAIRMAN KATZ: Thank you. We'll get a
17 clarification.

18 REPRESENTATIVE ADINOLFI: Thank you.

19 CHAIRMAN KATZ: If the -- if the backyard
20 was in, did it get a circle?

21 MS. BARTOSEWICZ: It did not. We circled
22 the homes. And I believe that the discussion we had on
23 new development was you asked the municipalities to
24 provide us letters, which the Town of Meriden did with the

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1 ballfields. I believe that is the only letter we received
2 from the municipalities about new developments.

3 CHAIRMAN KATZ: Okay. I think -- you know,
4 we've stated in the record that these are 2002 aerial
5 photos and we recognize that there are new subdivisions
6 that are not shown. Mr. Buturla.

7 MR. RICHARD BUTURLA: Yes. Thank you,
8 Madam Chair.

9 COURT REPORTER: Could you just give me
10 your name again please.

11 MR. BUTURLA: Yes. Richard Buturla
12 representing the Town of Cheshire.

13 If I can -- if I understand this map
14 correctly, there are roughly 17 structures located within
15 the Town of Cheshire that have been circled, is that
16 correct?

17 MR. PRETE: I believe if we were to take
18 that question in the 300-foot buffer zone dimension in
19 Cheshire on this map, there's approximately 20.

20 MR. BUTURLA: Twenty homes, alright.
21 Twenty homes circled within the 300-foot buffer. And that
22 does not include, I take it, those properties for which
23 substantial portions of yards are located within the 300-
24 foot buffer, is that right? There's been no demarcation

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1 of properties for example that are almost entirely located
2 within the 300-foot buffer for which perhaps the structure
3 is not?

4 MR. PRETE: No, I disagree. The property
5 line for each property other than CL&P is noted in green.

6 MR. BUTURLA: Alright, I will concede that
7 the property lines are shown. But all I'm getting at is
8 you have 17 -- you have 20 structures circled as having
9 been located within the 300-foot buffer, is that right?

10 MS. BARTOSEWICZ: That's correct.

11 MR. BUTURLA: And there are properties
12 above and beyond the 20 structures that are located
13 clearly within the 300-foot buffer, is that right?

14 MS. BARTOSEWICZ: There is property located
15 within -- and it might be a backyard -- and we did have
16 this discussion the last time about if you were to include
17 property and not structures, that there would be more.
18 And we -- we had this discussion and --

19 MR. BUTURLA: But -- but you would concede
20 that, right?

21 MR. TAIT: Yes. She just --

22 CHAIRMAN KATZ: I think they just did.

23 MR. BUTURLA: Yes --

24 MS. BARTOSEWICZ: We did.

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1 MR. BUTURLA: Alright. And --

2 MR. FITZGERALD: Madam Chairman, we did go
3 through this exact colloquy the last time, it's in the
4 September 28th transcript at page 190, and it was brought
5 out -- we have provided our counts of houses and statutory
6 facilities. That's what's been circled. If a property is
7 within any of those lines but it's not a structure, you
8 can tell that that's so by looking at the map, but we have
9 not tabulated the number of properties within the 3-
10 milligauss lines at 15, 3-milligauss lines at 27.7 or the
11 300-foot buffer, those are not included in the
12 tabulations. You can see if they're there by looking at
13 the maps.

14 CHAIRMAN KATZ: Do you have a follow-up
15 question?

16 MR. BUTURLA: Yes, I do. And you would
17 concede that the entire Old Farms, Old Lane neighborhood
18 is in fact a residential area, isn't that correct?

19 A VOICE: Both --

20 MR. FITZGERALD: Well, we don't know --

21 CHAIRMAN KATZ: Well, you're not a witness,
22 so --

23 MR. FITZGERALD: We counted -- we counted
24 it as such --

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1 CHAIRMAN KATZ: Wait -- (gavel) --

2 MR. PRETE: I think we would concede that
3 on this map here we show circled structures and we show
4 property lines of what shows up in the 2002 photograph.

5 MR. BUTURLA: Yes. And I guess my question
6 is you would concede that that area is in fact a
7 residential area, would you not?

8 MR. PRETE: I'm not sure what the
9 definition of a residential area is. I'm just explaining
10 that we've tried to show --

11 CHAIRMAN KATZ: Mr. Prete, are there
12 residences?

13 MR. PRETE: That I would concede.

14 CHAIRMAN KATZ: The next question.

15 MR. BUTURLA: And isn't it in fact -- I
16 mean you have been through that neighborhood, have you
17 not, Mr. Prete?

18 MS. BARTOSEWICZ: I have, yes.

19 MR. PRETE: Actually, I have too.

20 MR. BUTURLA: And so both of you have. And
21 that is a single-family residential area, that entire
22 street?

23 MR. PRETE: There's residential structures
24 and homes along that area, yes.

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1 MR. BUTURLA: That's exactly right. And if
2 you use the 300-foot buffer, that literally takes in -- in
3 terms of properties not just structures, that literally
4 takes in that entire Old Farms neighborhood, does it not?

5 MR. PRETE: A far majority. I'm not sure
6 if the entire area. I don't know exactly where --

7 MR. BUTURLA: Just about -- just about, you
8 would concede that, would you not --

9 MR. TAIT: The map speaks for itself --

10 MR. PRETE: A majority of the area, yes, I
11 would.

12 MR. BUTURLA: Thank you.

13 CHAIRMAN KATZ: Any other questions on this
14 map? Okay, moving on.

15 MS. BARTOSEWICZ: This is Map 8, it would
16 be the towns of -- municipalities of Haddam -- I mean
17 Hamden, and I believe the beginning of Bethany.

18 A VOICE: (Indiscernible) --

19 MS. BARTOSEWICZ: And Woodbridge? And
20 Woodbridge.

21 CHAIRMAN KATZ: Would it be fair to say the
22 majority of this is watershed land?

23 MR. PRETE: Yes -- yes, it is. And in
24 fact, there's no structures circled on this map.

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1 CHAIRMAN KATZ: Any questions on this map?
2 Seeing none -- oh, by the way, on these maps do you have
3 the potential -- if you were to start at East Devon and
4 take a line up the proposed route, would you be able to
5 identify where 10 miles north of East Devon is and where
6 20 miles north of East Devon -- can you do that with this
7 mapping system?

8 MR. PRETE: We would be able to go up the
9 right-of-way --

10 CHAIRMAN KATZ: Yes --

11 MR. PRETE: -- as you asked as opposed to --
12 - I'm sure you're suggesting an underground route --

13 CHAIRMAN KATZ: No, I'm just saying up the
14 right-of-way, you would be able to --

15 MR. PRETE: Yeah, we could do that.

16 CHAIRMAN KATZ: Okay. No, I understand the
17 streets make things longer. I was just curious. Okay,
18 the next map.

19 MR. PRETE: Yes. Map 9, which is
20 Woodbridge.

21 CHAIRMAN KATZ: Okay. Why don't we -- why
22 don't we go first to the JCC and enlarge that and then
23 let's go down to Ezra Academy and enlarge that.

24 A VOICE: This is Map 9 or 10?

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1 MS. BARTOSEWICZ: Map 9.

2 (Pause)

3 CHAIRMAN KATZ: And you're showing the
4 deviation?

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

6 CHAIRMAN KATZ: Okay. And where -- I don't
7 see any -- I see one red circle?

8 MR. PRETE: Yes. This -- this -- again we
9 were asked to split the relocated right-of-way from the
10 existing right-of-way. So what this picture shows
11 specifically is the JCC area here --

12 CHAIRMAN KATZ: Yeah --

13 MR. PRETE: -- noted as DC-47 --

14 CHAIRMAN KATZ: Yeah --

15 MR. PRETE: -- which is just to the east of
16 -- I'm sorry, just to the west of Amity Road.

17 COURT REPORTER: One moment please.

18 (Pause). Thank you.

19 MR. PRETE: So as we see here, in yellow is
20 the existing right-of-way, we removed all buffer and 3-
21 milligauss lines from this, and this is the area that's
22 showing the relocated right-of-way going through P-19,
23 which is the pool and youth camp facility. And you can
24 see down here a red circle -- there's actually three -- 1,

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1 2, 3 on the west side of the relocated right-of-way.

2 CHAIRMAN KATZ: And they are homes?

3 MR. PRETE: Yes, they are.

4 CHAIRMAN KATZ: Okay.

5 MR. PRETE: They fall within the 300-foot
6 buffer, but not the light blue or blue line.

7 CHAIRMAN KATZ: Mr. Emerick.

8 MR. EMERICK: Yes. Mr. Prete, if you
9 follow State route -- I think it's 114 and the
10 intersection of Amity Road --

11 MR. PRETE: Yes --

12 MR. EMERICK: -- there's what appears at
13 least from this angle to it be a structure in that
14 quadrant, southwest quadrant of that intersection?

15 MR. PRETE: Yes, could we pan up there
16 please.

17 MR. EMERICK: Is that -- maybe it isn't a
18 structure, I can't really -- so, I guess -- I guess the
19 colors fade in again from this angle. That's interpreted
20 to be out I guess, or --

21 MR. PRETE: This area here?

22 MR. EMERICK: Right.

23 MR. PRETE: Indeed it is. It is out of the
24 300-foot buffer. Therefore, out of the 27 and 15-gigawatt

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1 --

2 MR. EMERICK: But -- but obviously on the
3 edge I guess --

4 A VOICE: It's close --

5 MR. EMERICK: Pretty close.

6 MR. PRETE: It's close, yes.

7 MR. EMERICK: Okay.

8 CHAIRMAN KATZ: While you have this map,
9 can you show us the CL&P property at the intersection of
10 Clark Road and Route -- (audio malfunction) --

11 COURT REPORTER: One moment please.

12 (Pause). Thank you.

13 MR. PRETE: What is on the screen here is -
14 - the question asked was CL&P property -- actually
15 bordering Amity and Clark Road.

16 MS. BARTOSEWICZ: Bordered by the red
17 dotted lines.

18 CHAIRMAN KATZ: Okay. The -- okay. So the
19 four-sided red in the upper part of that is the CL&P
20 property at that location?

21 MR. PRETE: Actually, both --

22 MS. BARTOSEWICZ: Both --

23 MR. PRETE: -- both the locations --

24 CHAIRMAN KATZ: Oh, both --

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1 MR. PRETE: -- that you have identified and
2 then south. And it looks like it's bisected by a road.

3 CHAIRMAN KATZ: And how many acres are we
4 talking there? Do you know?

5 MS. BARTOSEWICZ: I don't know off the top
6 of -- I don't know off the top of my head.

7 CHAIRMAN KATZ: Okay. It's just that this
8 is one of the areas that the Town of Woodbridge had
9 mentioned as a possible transition station and I was
10 curious whether it was big enough for a transition
11 station.

12 MR. PRETE: I believe our testimony when we
13 were asked to look at that from a constructability point
14 of view, from a physical side it was.

15 CHAIRMAN KATZ: Thank you.

16 MS. BARTOSEWICZ: However, we should note
17 that it is -- there's an awful lot of rock there.

18 CHAIRMAN KATZ: Okay. So can we go down --
19 Brian, did you have a question?

20 MR. EMERICK: I think on the JCC, I just
21 want to confirm one of the structures --

22 CHAIRMAN KATZ: Let's go back to the JCC.

23 MR. EMERICK: We have a circle, a circle,
24 with a structure in between not circled. And I guess it's

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1 right on the edge again. And I guess a different scale
2 would help clarify that?

3 MR. PRETE: As the pointer is pointing out,
4 that particular fine line is the 300-foot buffer.

5 MR. EMERICK: Okay.

6 MR. PRETE: But again, the relocated right-
7 of-way was a stab by the utilities to try to equal --
8 distant the relocation to the facility and also balancing
9 the encroachment on those three locations. To the extent
10 we have to shift it 10, 15 feet in either direction, 20
11 feet, 30 feet, that's very doable.

12 MR. EMERICK: I just wanted to clarify.
13 Thank you.

14 MR. PRETE: Okay.

15 CHAIRMAN KATZ: Okay. Let's -- any other
16 questions on this? We'll go down to the Ezra Academy, I'd
17 like to take a look at that one --

18 MR. FRANK: Madam Chairman, I do have a
19 couple of questions on the JCC facility.

20 CHAIRMAN KATZ: Oh, sure. Let's stay on
21 the JCC. Mr. Frank.

22 MR. FRANK: Thank you. Just so I
23 understand the map, the red dots are put on the map to
24 designate statutory facilities, is that correct?

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1 MR. PRETE: That is correct.

2 MR. FRANK: Okay. So DC-47 is the day care
3 facility, is that correct?

4 MR. PRETE: That is correct.

5 MR. FRANK: And P-19 is the ballfields?

6 CHAIRMAN KATZ: I think they said the pool,
7 didn't they?

8 MR. PRETE: I believe it was identified as
9 the youth camp and -- which would encompass both the pool
10 and the ballfields. It's kind of just the general
11 location of that.

12 MR. FRANK: Okay. And then if you go south
13 from there, there's a structure that is circled?

14 MR. PRETE: Yes.

15 MR. FRANK: And what is that?

16 A VOICE: Is that the pool itself?

17 MR. PRETE: That's the actual pool itself.

18 MR. FRANK: And that's part of the day camp
19 as well?

20 MR. PRETE: Yes -- yes, it is.

21 MR. FRANK: Okay.

22 MR. PRETE: In fact --

23 MR. FRANK: Is there any reason --

24 MR. PRETE: -- the reason we circled the

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1 pool is because it has like a building associated with it
2 so we called it a structure.

3 MR. FRANK: Okay. And that's --

4 CHAIRMAN KATZ: Now is that what I'm
5 looking at just north of the red circle, is that the pool
6 building --

7 A VOICE: Yes --

8 CHAIRMAN KATZ: -- just north of that?

9 MR. PRETE: Yes. The pool building is
10 right where the bottom circle is --

11 CHAIRMAN KATZ: Okay --

12 MR. PRETE: -- and the pool extends from
13 that.

14 CHAIRMAN KATZ: Okay, thank you.

15 MR. FRANK: Okay. And that's -- that's
16 part of the licensed youth camp, correct?

17 MR. PRETE: I believe -- that's my
18 understanding, yes.

19 MR. FRANK: Okay. Is there any reason that
20 that property was not also designated with a red dot as a
21 statutory facility?

22 A VOICE: What difference --

23 MR. PRETE: I guess I don't -- the P-19 or
24 the one that is circled?

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1 MR. FRANK: Well, you have dots that are
2 for statutory facilities and you have circles for
3 structures. I'm just curious why the licensed youth camp,
4 which is -- which you said is where the circle is, is not
5 also a designated statutory facility?

6 MR. PRETE: Well, I guess we took the
7 approach that the youth camp proper contains a number of
8 things. And our definition was where kids congregate. So
9 do they congregate at the pool area, do they congregate at
10 the ballfield or in between, that the dot actually
11 simplifies all of that.

12 MR. FRANK: Okay. So, I think we're in
13 agreement then. I just want to make sure it's clear for
14 the record, that the -- the camp encompasses a much
15 broader area than the specific area that you've designated
16 with a red dot?

17 MR. PRETE: To the extent that there's a
18 definable ballfield and a definable pool, I would agree
19 with you --

20 MR. FRANK: Okay --

21 MR. PRETE: -- that's true.

22 MR. FRANK: So for example, if you go to
23 the right of the area that is designated as P-19 and you
24 go past the existing right-of-way, you come to the parking

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1 lot, right?

2 MR. PRETE: Yes.

3 MR. FRANK: Okay. And that is where the
4 children are -- get off the bus, right?

5 MR. PRETE: Actually, I have two answers to
6 that question. I wasn't sure if it was indeed in this
7 area or over here. I understood that it got changed, so
8 I'm sure where they get off from the bus at this point in
9 time.

10 MR. FRANK: Okay. Assume for purposes of
11 my question that that is where they are left off in the
12 morning and do you want -- have any understanding as to
13 where they walk in order to get to the licensed youth
14 camp?

15 MR. PRETE: Do I want an understanding?

16 MR. FRANK: No, do you have an
17 understanding?

18 MR. PRETE: Yeah. My understanding was
19 that just recently they changed the bus stop from within
20 the right-of-way, which is where it has been for eight
21 years, to a location outside the right-of-way where the
22 parking lot is today. And the parking lot, as I
23 understood, where they're being let off is not in the
24 right-of-way.

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1 MR. FRANK: And then they've got to get to
2 the camp, right?

3 MR. PRETE: Yes, I'm sure they do.

4 MR. FRANK: Well, I guess the question, Mr.
5 Prete, is this -- let's just cut to the chase --

6 A VOICE: Good.

7 MR. FRANK: -- the area that the children
8 use with respect to the youth camp is much larger than the
9 area that you've designated with the dot or the circle for
10 the structure, right?

11 MR. PRETE: Yeah. And I'm not sure we're
12 trying to hide that -- yeah, I agree, I think it's
13 generally that area that we had just noted on the map
14 here, yeah.

15 MR. FRANK: Okay. Nothing further.

16 CHAIRMAN KATZ: Thank you, Mr. Frank.
17 Anything else on the JCC part of the map before we head
18 south? Okay. Can we go down to Ezra Academy, B'Nai
19 Jacob.

20 MR. PRETE: Again as we pan what's being
21 shown on the map, specifically on the screen is the Ezra
22 Academy location, which is just outside Rimmon Road. And
23 this particular map shows the deviated right-of-way that
24 falls roughly to the north side of the property of Ezra

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1 and B'Nai Jacob.

2 CHAIRMAN KATZ: Now, did we -- and if I
3 asked this previously, just be patient -- are we calling
4 this a supported change, this deviation?

5 MR. PRETE: Not -- not in the application,
6 no.

7 CHAIRMAN KATZ: Okay. It has not reached
8 that status?

9 MR. PRETE: Correct.

10 CHAIRMAN KATZ: Okay. So in -- but let's
11 assume the deviation for a moment -- assuming the
12 deviation, I do not see any red circles within the
13 deviation?

14 MR. PRETE: That would be a correct
15 assumption.

16 CHAIRMAN KATZ: Okay.

17 MR. TAIT: Do they own all the land in the
18 deviation?

19 CHAIRMAN KATZ: Do you own all the land in
20 the deviation?

21 MR. PRETE: I believe -- we do not own any
22 of the land. It is owned by Ezra, et al.

23 CHAIRMAN KATZ: Okay.

24 MR. TAIT: Et al means others?

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1 MR. PRETE: B'Nai Jacobs --
2 CHAIRMAN KATZ: Okay --
3 MR. PRETE: -- that whole -- that whole --
4 MR. TAIT: Some private -- some private --
5 CHAIRMAN KATZ: One owner?
6 MR. FITZGERALD: It's the same -- it's the
7 same parcel as the existing --
8 MR. PRETE: Yes --
9 CHAIRMAN KATZ: Okay. One owner?
10 MR. PRETE: Right --
11 MR. TAIT: One owner?
12 MR. PRETE: Right.
13 CHAIRMAN KATZ: Okay. Other questions on
14 this section of the map? Mr. Frank -- oh, we've got Mr.
15 O'Neill first and then Mr. Frank.
16 MR. O'NEILL: Do you know approximately --
17 do you know approximately how many acres are involved in
18 this deviation right here at this point?
19 MR. PRETE: I do not.
20 MR. O'NEILL: Thank you.
21 CHAIRMAN KATZ: Mr. Frank, to you.
22 MR. FRANK: I'm trying to understand again
23 here the difference between the red circle and the dot.
24 So the red dot represents what?

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1 MR. PRETE: The red dot on this particular
2 map identified as S-09 represents the school at the --
3 Ezra Academy as the statutory language instructs us.

4 MR. FRANK: Okay. And what does the circle
5 represent?

6 MR. PRETE: It represents a structure.

7 MR. FRANK: Okay. And the structure being
8 what, which structure?

9 MR. PRETE: There is a huge building there,
10 that's the entire structure.

11 MR. FRANK: Are you talking about the
12 synagogue building? Is that what you're talking about?

13 MR. PRETE: My understanding is that this
14 is all together. It's very hard to distinguish Ezra
15 Academy from the synagogue to those -- and again in our
16 effort to be complete, it was to make sure that people
17 knew that there was a structure there.

18 MR. FRANK: Okay. Now, B'Nai Jacob, which
19 is a synagogue, has a licensed school -- I'm sorry -- has
20 a playground as well, is that correct?

21 MR. PRETE: I believe -- yes -- yes, they
22 do. Yep.

23 CHAIRMAN KATZ: Is that visible on this
24 map, Mr. Prete, the playground?

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1 MR. PRETE: I think we can zoom in. It's,
2 I believe, in this area here, almost in the existing
3 right-of-way. Rich, can you try to do that.

4 A VOICE: Should I turn off the other --

5 MR. PRETE: Yeah, please.

6 (Pause)

7 MR. PRETE: The location is right here.
8 That is, I believe, somewhat northeast of the parking lot,
9 which is just outside the existing right-of-way. If you
10 want, we can add the layers that are on the map?

11 CHAIRMAN KATZ: Please.

12 MR. PRETE: Okay. So what was added here
13 is the blue area that is -- referenced the 300-foot buffer
14 from the deviated right-of-way. So indeed that playground
15 there would fall within the 300-foot buffer. Can you add
16 the 15-milligauss -- or the 15 loading and the 27, Rich,
17 please. And you can see then the light blue assembled --
18 the calculation for 3-milligauss at the 15 loading and
19 then -- and the 27 do not. Okay. So, yes, it does, it
20 falls in.

21 MR. FRANK: And Ezra Academy also has its
22 own playground, correct?

23 MR. PRETE: I'm not sure it's the same. I
24 really don't know.

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1 MR. FRANK: I'm sorry, that was Ezra's
2 playground that we were just looking at?

3 MR. PRETE: I don't know whose playground
4 it is. It's just a playground that I'm aware of when I've
5 been there a number of times.

6 MR. FRANK: Okay. Are you aware of another
7 playground within that property?

8 MR. PRETE: I'm aware of a basketball
9 court. I'm not sure you would call that a playground, but
10 I am also aware of a basketball court that has been used
11 for many, many years.

12 MR. FRANK: Okay. And where is that?

13 MR. PRETE: I believe that's in the
14 existing right-of-way. And I believe there was testimony
15 that they actually don't use that any more a couple of
16 months ago, but we'll try to zoom in on that.

17 MR. FRANK: Okay --

18 MR. PRETE: I don't think the hoops are
19 there any more, so it might be hard to find.

20 MR. FRANK: If possible, if you could zoom
21 in on the -- further south and to the west --

22 MR. PRETE: Okay --

23 MR. FRANK: -- and see if -- it's my
24 understanding there's another playground and let's see if

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1 we can locate it on the map.

2 MR. ASHTON: Mr. Prete --

3 COURT REPORTER: A microphone please, Phil.

4 MR. ASHTON: Yeah. Going back -- just go
5 up a little bit more -- just a scooch more -- in the top
6 right -- there -- in the top right-hand corner, those are
7 two H-frame wood pole structures. And I'm seeing two
8 faint white lines that go generally from -- that's it
9 right there -- those are the conductors which are, what,
10 roughly an inch in diameter. So that's pretty detailed,
11 is that fair to say?

12 MR. PRETE: Well -- yeah.

13 CHAIRMAN KATZ: Those are the existing
14 115's?

15 MR. PRETE: Yes, it is. It's one of the --
16 one of the three lines --

17 CHAIRMAN KATZ: Okay. So we're going to
18 give them a little help to find this playground?

19 MR. PRETE: Mr. Frank, can you help us
20 navigate?

21 CHAIRMAN KATZ: Can you --

22 MR. PRETE: Right here? Mr. Frank?

23 CHAIRMAN KATZ: Can you tell them up, down,
24 left, right?

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1 MR. FRANK: I think where the laser pointer
2 was --

3 CHAIRMAN KATZ: Okay --

4 MR. FRANK: -- that's the location.

5 CHAIRMAN KATZ: And could you just ask the
6 question again and get the answer again now that we're in
7 the spot.

8 MR. FRANK: Well if possible if we could
9 zoom in on that and then overlay the 300-foot buffer and
10 the 15-gigawatt and 27-gigawatt lines.

11 MR. ASHTON: That's supposedly a basketball
12 court?

13 CHAIRMAN KATZ: And what are we looking at?

14 MR. TAIT: Trees --

15 CHAIRMAN KATZ: It looks like trees.

16 MR. FRANK: It's underneath the trees.
17 It's hard to tell from this map.

18 MR. ASHTON: It sure is.

19 MR. FRANK: But what I think would be
20 helpful is if we could have that designated or perhaps
21 when the Town submits its maps, we'll designate it.

22 CHAIRMAN KATZ: Mr. Frank, when is the Town
23 submitting these maps?

24 MR. FRANK: I'm sorry?

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1 CHAIRMAN KATZ: You said the Town is
2 submitting maps, their own maps?

3 MR. FRANK: We -- we are working on a set
4 of maps that were provided to us last Wednesday by the
5 Applicant and we are going to be designating our -- what
6 we believe is the appropriate designation of the statutory
7 facilities as well as the residential areas.

8 CHAIRMAN KATZ: And when will the Council
9 be getting these?

10 MR. FRANK: Hopefully soon. We've only had
11 a week with them and it's a fairly extensive project.

12 MR. TAIT: Will you be indicating the
13 current state of affairs, so if things have been moved
14 since we first learned, you'll show where they currently
15 are, the current parking lot that is being used? Your
16 maps will be current to current use?

17 MR. FRANK: Yes.

18 MR. TAIT: The danger is because things
19 move in and out --

20 MR. FRANK: Yeah, I mean there's --

21 MR. TAIT: -- and we have a certain
22 timeline which we look at these facilities.

23 MR. FRANK: We will attempt to provide the
24 most up to date data that we can. For example, the

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1 Applicants' used 2002 aerial maps and there's obviously
2 been some construction since then and we're going to
3 attempt to designate properties along the line where there
4 have been additional homes and other things that have been
5 built. So yes, we are attempting to provide as
6 comprehensive and up to date --

7 MR. TAIT: You will also --

8 MR. FRANK: -- set of maps as possible.

9 MR. TAIT: You will also subtract things --

10 MR. FRANK: If it's appropriate to subtract
11 things, we will do that, absolutely.

12 CHAIRMAN KATZ: And if you could just make
13 sure your exhibit has all your assumptions, we'd be
14 appreciative. Okay. Do you have other questions on this?

15 MR. FRANK: I do not.

16 CHAIRMAN KATZ: Okay. Mr. Wertheimer.

17 Just a -- before Mr. Wertheimer speaks, what map number
18 are we on?

19 MS. BARTOSEWICZ: Nine.

20 CHAIRMAN KATZ: Okay. And there are 11?

21 A VOICE: Twelve --

22 MS. BARTOSEWICZ: Thirteen.

23 CHAIRMAN KATZ: Thirteen, okay. Mr.

24 Wertheimer.

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1 MR. MICHAEL WERTHEIMER: Very briefly. You
2 indicated that the deviation around Ezra Academy is not a
3 supported change. Do you recall that?

4 MR. PRETE: Yes, I do.

5 MR. WERTHEIMER: Is that -- how about the
6 deviation around the JCC, is that a supported change?

7 MR. PRETE: It is not. As I defined in the
8 application, it is not a supported change.

9 MR. WERTHEIMER: Okay.

10 MR. TAIT: It doesn't mean you're opposed
11 to it though?

12 MR. PRETE: No, not at all.

13 MR. WERTHEIMER: No, I understand. I just
14 didn't know which of those two facilities was he talking
15 about when he said it was supported or not supported.

16 CHAIRMAN KATZ: Okay.

17 MR. TAIT: It's not an unsupported change
18 either.

19 CHAIRMAN KATZ: No. I mean if there's some
20 reason these deviations could not work from your point of
21 view, you would tell us?

22 MR. PRETE: Absolutely.

23 CHAIRMAN KATZ: Thank you. Okay. I've got
24 noon. What I'm thinking is that we will take our lunch

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1 break. We will come back at 1:00 o'clock with Dr.
2 Ginsberg so that we don't keep him waiting. If anyone has
3 questions, final questions for Dr. Ginsberg, this is sort
4 of your last shot at Dr. Ginsberg. And then we'll go back
5 and finish the maps.

6 So we are in adjournment until 1:00
7 o'clock.

8 (Whereupon, a luncheon recess was taken.)

9 CHAIRMAN KATZ: Okay, we will come back
10 into session here and we have a little --

11 A VOICE: A technical glitch.

12 CHAIRMAN KATZ: -- a technical glitch that
13 we will now take care of.

14 MR. PHELPS: Madam Chairman, your patience
15 is appreciated. We have to ask that you indulge the
16 recreation of some procedural steps that occurred on the
17 record this morning but they weren't really on the record.
18 You'll recall that when I asked that we stop to verify
19 that the hardware was working, we confirmed that up until
20 that moment it was. We proceeded over about five minutes
21 worth of hearing activity where it was not properly
22 recorded. So the events that occurred during that time
23 whereupon there were some items that were admitted into
24 the record, just to make sure that we have full integrity

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1 of the recorded transcript, I'm going to ask that you
2 retrace those steps with the Applicants.

3 CHAIRMAN KATZ: Thank you. Mr. Haines, can
4 you help us here.

5 MR. JOHN HAINES: I think the most
6 appropriate thing to do would be just to ask the parties
7 if they will stipulate that the exhibits that were
8 admitted at that time that the tape was off are in fact
9 part of the record and there's no objection. I believe
10 those are 165 and 166, is that correct?

11 MR. FITZGERALD: No, it would be 163, 165,
12 and 166. And there was also a correction that was read
13 into the record on 166.

14 MR. HAINES: There was a correction read
15 into the record?

16 MR. FITZGERALD: Yeah.

17 MR. HAINES: How long was that, Mr.
18 Fitzgerald?

19 MR. FITZGERALD: Very short. It was just a
20 number -- it was just a number that was corrected. And
21 it's agreed, we're going -- we're going to file a
22 substitute revised exhibit anyway for that --

23 MR. HAINES: Alright --

24 MR. FITZGERALD: -- that will reflect the

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1 correction. But we'd like not to have to -- we'd like it
2 just to be a filing of that though and not have to adopt
3 it again. So maybe John could -- if John could just
4 identify that correction on 166, then we can stipulate
5 that all three were admitted without objection.

6 MR. PRETE: Yes. On page 2 of 2 of the
7 spreadsheets, heading Homework Assignment, Cross-Section
8 5, approximately five to seven rows down from the top, in
9 bold it reads height required to reach .6 milligauss at
10 the edge of the existing right-of-way (345-kV - 242), that
11 242 should be changed to 372. The 372 represents the
12 total height of the pole. The 242 represents the delta.

13 MR. HAINES: Is there any objection to
14 these exhibits, once as amended, be recognized as full
15 exhibits and part of the record? If anybody objects,
16 please state your objection? Hearing none, they are
17 recognized as part of the record.

18 (Whereupon, Applicants' Exhibit No. 163 and
19 No. 165 were received into evidence as full exhibits.)

20 CHAIRMAN KATZ: Thank you, Mr. Haines, I
21 think that will do it.

22 Okay, at this time, Dr. Gary Ginsberg of
23 the Department of Public Health is here. Dr. Ginsberg,
24 you have been sworn, correct?

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1 DR. GARY GINSBERG: In the past, yes.

2 CHAIRMAN KATZ: Yes, thank you. Well it
3 still stands. We are going to make Dr. Ginsberg available
4 first for any towns or other parties and intervenors who
5 have questions of Dr. Ginsberg for clarification of any
6 matters brought up by him. And then secondly, we'll open
7 it to Council questions.

8 After we have completed with Dr. Ginsberg -
9 - and we do appreciate you -- and I definitely owe a
10 letter to Dr. Galvin to thank him again for providing you
11 -- we will go back to the maps.

12 At the end of the session, we will go --
13 (mic feedback) --

14 A VOICE: Dr. Ginsberg, move that mic --

15 DR. GINSBERG: Did I do that? Hello?

16 CHAIRMAN KATZ: Yes.

17 DR. GINSBERG: It still works.

18 CHAIRMAN KATZ: Yes?

19 MR. FITZGERALD: Was it -- was it simply a
20 Freudian slip --

21 CHAIRMAN KATZ: It was a given --

22 MR. FITZGERALD: -- that you didn't mention
23 us?

24 CHAIRMAN KATZ: No, it was a given. You

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1 are always on my mind, Mr. Fitzgerald. (Laughter). Yes,
2 that's another song. In fact, I was going to let you
3 people go first, but now I might change my mind on that.
4 Yes, then after Dr. Ginsberg, we will go back to the maps
5 and we will finish the maps. And we will conclude today's
6 session with any procedural or calendar issues that anyone
7 wishes to raise. Okay, why don't you just -- why don't we
8 just one more time for the record just give your name and
9 --

10 A VOICE: We've got to get the mic --

11 CHAIRMAN KATZ: Oh, okay. And then --
12 (pause) -- your name, your title --

13 DR. GINSBERG: I'll try not to -- (mic
14 feedback) -- I'll try not to break this microphone. I'm
15 Gary Ginsberg, toxicologist for the Connecticut Department
16 of Public Health.

17 CHAIRMAN KATZ: Thank you, Dr. Ginsberg.
18 Mr. Fitzgerald, would you like to go first.

19 MR. FITZGERALD: It's your pleasure.

20 CHAIRMAN KATZ: Go ahead please.

21 MR. FITZGERALD: Thank you. Good
22 afternoon, Dr. Ginsberg.

23 DR. GINSBERG: Good afternoon.

24 MR. FITZGERALD: Dr. Ginsberg, I just

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1 handed you a document that's already been filed in this
2 case. And by way of preface let me tell you that I just
3 want to briefly go through some of the statements and
4 testimony that are in the record already and get some
5 clarification about what their status is really or whose
6 opinions we are dealing with.

7 CHAIRMAN KATZ: You're going to share
8 exhibit numbers with us or --

9 MR. FITZGERALD: Yes, I will, I will --

10 CHAIRMAN KATZ: Okay.

11 MR. FITZGERALD: The first item is actually
12 State Agency Comments 1 on the hearing program. It is a
13 letter of Ellen Blyshinski (phonetic) to Chairman Katz,
14 dated March 15, 2004, and attached is a two-page comment
15 and a DPH fact sheet. And you've got a copy in front of
16 you, doctor?

17 DR. GINSBERG: Yes.

18 MR. FITZGERALD: Okay. Now, please just
19 tell us who is Ellen Blyshinski and where does she stand
20 in the agency?

21 DR. GINSBERG: She is the Division Director
22 for the division that I am within, the Division of
23 Environmental Health.

24 MR. FITZGERALD: Okay. And so she was the

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1 -- she's the person who signed that letter. It was cc'd
2 to Commissioner Galvin and it was cc'd to you, right?

3 DR. GINSBERG: Yes.

4 MR. FITZGERALD: And attached to the letter
5 -- the first attachment is a two-page comment. And can
6 you tell us who within the agency contributed to that
7 comment?

8 DR. GINSBERG: That would be myself and Meg
9 Harvey and Brian Toal. The three of us work together on
10 many issues of this nature.

11 MR. FITZGERALD: Okay. And there's no --
12 no question that this document, State Agency Comment 1,
13 that is a Statement of Position of the Connecticut
14 Department of Public Health itself, right?

15 DR. GINSBERG: That's correct.

16 MR. FITZGERALD: Okay. Although that's as
17 far as it goes. This comment was not something that was
18 reviewed by or came out of the inner-agency task force on
19 EMF?

20 DR. GINSBERG: That's -- that's correct.

21 MR. FITZGERALD: Okay. And it was in this
22 comment, looking at page 1, where the Department says the
23 Connecticut DPH believes that the application to the
24 Siting Council presents a thorough review of recent

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1 scientific research regarding the potential for health
2 effects from EMF exposure, right?

3 DR. GINSBERG: That says -- that's correct.

4 MR. FITZGERALD: And it also says that the
5 Connecticut DPH believes that its own conclusions about
6 EMF and health effects are generally consistent with the
7 conclusions presented in the application to the Siting
8 Council, correct?

9 DR. GINSBERG: It does say that, yes.

10 MR. FITZGERALD: Okay. Now when you came
11 here on March 25, 2004, you brought with you a written
12 opening statement that was not admitted as an exhibit but
13 which you read into the record and it appears in the
14 transcript starting at page 357 for March 25th. And I
15 gave you the volumes of transcript there just in case you
16 wanted to look at it to refresh your recollection. And I
17 have a similar set of questions about that opening
18 statement. First of all, who -- who wrote it?

19 DR. GINSBERG: I wrote it with the over --
20 with the review of the people I already mentioned.

21 MR. FITZGERALD: Okay. And did that --
22 (mic feedback) -- and was that opening statement meant to
23 be a statement of the Department -- the Connecticut
24 Department of Health as opposed to your own statement --

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1 DR. GINSBERG: The former.

2 MR. FITZGERALD: The former. And -- by the
3 way, in that statement, you -- at page 358 you refer to a
4 study by Lei and Singh 2004 statement. And it's the case,
5 isn't it, that that statement was brought to your
6 attention by the Woodbridge doctors at your meeting with
7 them on March 18th?

8 DR. GINSBERG: Actually, no, that was not
9 brought to my attention or the Department's attention by
10 their submission. It was actually available quite
11 recently at the same time from Environmental Health
12 Perspectives where it was published. They have an advance
13 sort of highlights, newsworthy articles that came across
14 our desk on the internet right around the same time.

15 MR. FITZGERALD: Okay. Would you turn to
16 page 168 of the May 12th transcript.

17 DR. GINSBERG: Page 168 -- I'm not sure
18 where the page numbers are on this -- page 168 in --

19 MR. FITZGERALD: The big -- the books of
20 transcript --

21 DR. GINSBERG: Oh, the books --

22 MR. FITZGERALD: -- are in front of you.
23 The date -- yeah, the date is on the front --

24 CHAIRMAN KATZ: Would it -- would it be

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1 possible if you could provide some help to -- if you're
2 going to be asking Dr. Ginsberg to look at various pages,
3 maybe provide some help to help him find --

4 DR. GINSBERG: I think -- I think I'm
5 getting warm here.

6 CHAIRMAN KATZ: Oh, okay.

7 MR. FITZGERALD: That's what --

8 DR. GINSBERG: 168 --

9 MR. FITZGERALD: -- that's what I'm trying
10 to do, yeah.

11 DR. GINSBERG: Okay. Yeah, I'm with you.

12 MR. FITZGERALD: Okay. And you'll see
13 starting at line 5 there you say well we never said in our
14 on the record testimony that the Siting Council should try
15 to decrease fields from what they currently are. What our
16 point is, is that best management practices should be used
17 to minimize --

18 DR. GINSBERG: Excuse me -- excuse me, page
19 168?

20 MR. FITZGERALD: 168, May 12th.

21 DR. GINSBERG: And line what?

22 MR. FITZGERALD: Line 5.

23 DR. GINSBERG: Line 5. I have a
24 conversation here in that -- in this first book anyway

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1 that's between Mr. Cole -- Dr. Cole and Mr. Schaefer --
2 MR. FITZGERALD: No --
3 DR. GINSBERG: -- so, I'm looking at the
4 wrong page or something -- page 168 --
5 MR. FITZGERALD: May 12th -- that's March
6 25th --
7 DR. GINSBERG: Oh, okay.
8 MR. FITZGERALD: Here's the --
9 DR. GINSBERG: Oh, okay --
10 MR. FITZGERALD: The dates are right there
11 --
12 DR. GINSBERG: Okay. Excuse me.
13 MR. FITZGERALD: Okay. May 12th, page 168
14 --
15 DR. GINSBERG: Okay --
16 MR. FITZGERALD: -- line 5. Do you have
17 that?
18 DR. GINSBERG: Yes, okay.
19 MR. FITZGERALD: Okay. So here -- since
20 only you and I have the transcript at this point, I'm
21 going to read what you said.
22 DR. GINSBERG: Sure.
23 MR. FITZGERALD: Well we never said in our
24 on the record testimony that the Siting Council should try

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1 to decrease fields from what they currently are. What our
2 point is, is that best management practices should be used
3 to minimize any increase and to keep in mind the potential
4 health risks and what background levels tend to be and try
5 to strike that balance so that there's minimal exposure or
6 minimal increase in exposure.

7 Any my question is who -- when you're
8 referring to our there, what our point is, who's the
9 collective us?

10 DR. GINSBERG: That's the -- in that
11 statement I'm trying to reflect agency opinion.

12 MR. FITZGERALD: Okay. And --

13 DR. GINSBERG: Can I say something else
14 about that statement or --

15 CHAIRMAN KATZ: I'd prefer you wait for the
16 follow-up question.

17 DR. GINSBERG: Sure, okay.

18 MR. FITZGERALD: Alright. And now still on
19 the May 12, 2004, would you look at page 164. And I --
20 and at line 3 I said to you do you -- by the way, I'm sure
21 you recall making the statement that the Department of
22 Health had adopted a policy of prudent avoidance?

23 DR. GINSBERG: That's correct.

24 MR. FITZGERALD: Okay. And then at page

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1 164 I said to you do you understand the policy concept of
2 prudent avoidance to refer to the prudence of making an
3 investment to avoid exposure. And the answer was yes.
4 Now it's me who's saying you're saying you without being
5 clear about, you know, whether it's you or the Department.
6 But is that a statement of the -- a fair statement of the
7 Department's understanding and not just your personal
8 understanding?

9 DR. GINSBERG: We work with the concept of
10 prudent avoidance and cost benefit all the time and so I'm
11 not sure exactly the parameters within which your -- the
12 context of that question. But for myself and for the
13 people I work with regarding EMF, we understand prudent
14 avoidance for this issue.

15 MR. FITZGERALD: And -- and you understand
16 that your understanding of the term is that -- used by
17 Granger Morgan and others is that the prudent refers to
18 the prudence of making an investment?

19 DR. GINSBERG: No. That -- the -- the
20 prudent action to take visa vie a potential environmental
21 exposure is the context from within -- from which we --

22 MR. FITZGERALD: So --

23 DR. GINSBERG: -- prudent action amongst
24 all the costs and the benefits for -- for mitigating or

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1 accepting a certain exposure.

2 MR. FITZGERALD: Do you understand that
3 concept to be any different than the description of the
4 policy of prudent avoidance that is set forth for instance
5 in the inner-agency task force documents?

6 DR. GINSBERG: No, it's not materially
7 different.

8 MR. FITZGERALD: You don't think so, okay.
9 Do you want to look back at that question and answer; do
10 you understand the policy concept of prudent avoidance to
11 refer to the prudence of making an investment to avoid
12 exposure? Do you think you should not have answered yes
13 to that question?

14 DR. GINSBERG: I would still answer yes to
15 it, but I would not necessarily -- because we understand
16 the issue. But I should tell you that when we talk about
17 prudent avoidance at the Health Department, it's not
18 necessarily about the level of economic investment or
19 measures that one has to take to avoid an exposure. The
20 context within which we make a statement like that is that
21 the exposure is something that should be avoided under
22 circumstances that one can normally take within their
23 power and control. So we are not telling someone how much
24 to spend or at what length to go to avoid an exposure. We

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1 are just telling someone that this is an exposure that's
2 worth mitigating, avoiding, and leaving the cost issues to
3 another party. We don't get involved in the economics or
4 the incentives, the economic incentives and disincentives
5 of a certain avoidance measure.

6 CHAIRMAN KATZ: Dr. Ginsberg, would higher
7 towers to reduce EMFs at ground level, is that in the
8 realm of prudent avoidance?

9 DR. GINSBERG: Yes.

10 MR. ASHTON: When you say you don't get
11 into the economics of it, do you mean you ignore the
12 economic consequences entirely or what? I'm a little bit
13 troubled by that --

14 DR. GINSBERG: Let me -- let me --

15 MR. ASHTON: -- phrase --

16 DR. GINSBERG: -- let me try to explain it
17 to you. We are a risk assessment unit, we are not risk
18 managers. We will advise the Department of Environmental
19 Protection if they ask us. We will advise the Connecticut
20 Siting Council and DOT, Consumer Protection, whoever, what
21 we perceive of the risks. And if they ask us is this
22 something that's high, medium, or low, we will tell them
23 that -- and whether this is something the public needs to
24 pay attention to and avoid. We can give them various

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1 warning signals, either imminent hazard, don't go near
2 those drums they are leaking, to this is a may be risk and
3 it's better to avoid it and take measures if possible,
4 it's up to you the risk manager if you want to put a fence
5 up around those barrels or to get rid of those barrels or
6 put warning signs, or it's up to you risk manager whether
7 you want to spend the money on higher towers,
8 undergrounding, whatever options. We're saying that
9 there's an issue to avoid, that would be prudent to avoid.

10 MR. ASHTON: So is it fair to say then that
11 you make no judgment whatsoever on whether a risk is
12 economically worth spending incremental money on to avoid?

13 DR. GINSBERG: Generally, that's true. The
14 one case where we do get involved is if someone -- if the
15 risk manager comes back to us and says well what if we
16 cleaned this up to only five parts per million instead of
17 25 parts per million, how much residual risks will there
18 be, and we can run through our calculations and tell the
19 risk manager the benefits of a certain mitigation step,
20 but we don't talk about the economics of, gee, that's a 40
21 million dollar cleanup, don't bother, you know. We --

22 MR. ASHTON: That --

23 DR. GINSBERG: And the purpose of that --
24 and that's I think true in risk assessment practice in

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1 most places, is to try to keep the risk assessor separate
2 in the process from managing the risks so that they don't
3 get involved in either the politics or the economics of
4 what comes next.

5 MR. ASHTON: Okay. So your -- your
6 position is totally devoid of economics?

7 DR. GINSBERG: That's correct.

8 CHAIRMAN KATZ: Mr. O'Neill.

9 MR. O'NEILL: When you do your risk
10 assessment, don't you try to determine what the strength
11 of the association is?

12 DR. GINSBERG: Absolutely. That comes
13 before one would deal with setting a standard or deriving
14 a number of increased cancer risk or -- you know, before
15 you get into the quantitative event, you've got to deal
16 with what we call the qualitative event, and that is what
17 is the quality of the data and the strength of the
18 associations and what are the sensitive end points and,
19 you know, all of that, sure.

20 MR. O'NEILL: And what did you consider to
21 be the strength of association in this case with exposure
22 to EMFs at the levels that you are suggesting?

23 DR. GINSBERG: The -- the strength is on
24 the weak side. It is -- we can't -- we can't call it

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1 strong. And we -- we definitely see an association. It
2 raises concerns, it raises questions, but it is not a
3 strong association.

4 MR. O'NEILL: Is it almost to the point of
5 being insignificant?

6 DR. GINSBERG: No. Clearly not that,
7 because when you have this much trouble in designing a
8 study where there's a control, a true control population,
9 and so when the epidemiology is this difficult to design,
10 a good stud, and still you run the studies and you pool
11 the populations and you come up with meta analyses that
12 show a signal, we don't see that as insignificant. We see
13 that as -- especially when it becomes an end point in
14 people, in young children, in -- for a serious end point
15 such as leukemia, we don't see that as an insignificant
16 association. It's an association that ideally would be
17 followed up with more -- more specific tests and studies.
18 However, we don't have any additional -- the best and
19 latest information we have is this weak association.

20 MR. O'NEILL: Wasn't it true that a large
21 portion of the studies included in the meta analyses were
22 concerned about internal wiring inside of houses?

23 DR. GINSBERG: The meta analyses both
24 divided up the data based upon the type of measurements

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1 made, so there were specific subsets of data that were
2 analyzed based upon wire codes, other data -- and there
3 are plenty of other studies that were based upon actual
4 milligauss readings, and those had variabilities in the
5 way they did their measurements because some were sort of
6 short term snapshots and others were longer term averages
7 and so they're not all apples to apples. But anyway,
8 there was pooling in these meta analyses based upon the
9 way measurements were made. And what we think are the
10 best measurements of EMF in relation to trying to
11 associate that with anything, our actual field milligauss
12 measurements, and those studies did show an increased odds
13 ratio when you pooled them, so -- the individual studies
14 in a number of cases suggested that there may be a
15 correlation but they didn't reach statistical significance
16 and other studies did not even suggest that much, but when
17 all the data were pooled across nine or ten studies is
18 when there was a signal that emerged that became
19 statistically significant and led to our conclusion that
20 there's a weak association.

21 MR. O'NEILL: And how would you respond to
22 critics who would suggest that you're applying a
23 theoretical measure to a practical or a real world
24 situation?

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1 DR. GINSBERG: I'm not -- I would need that
2 person to clarify what is the theoretical part of the
3 analysis because the EMF measurements that were made at
4 these homes where children did or did not get disease,
5 those are in fact real world measurements. So those are -
6 - that's not theory, it's not wire codes, it's not just
7 saying the distance to the line is, you know, X number of
8 meters and so we think it's high or low exposure. They
9 made measurements.

10 MR. O'NEILL: Outside of these meta
11 analyses, talking -- addressing Connecticut specifically,
12 I understand you have found no correlation between
13 distance from power lines to any cancer clusters in any
14 segment of the population, is that true?

15 DR. GINSBERG: Well, we haven't done that
16 specific study. It's just that we don't have cancer
17 clusters for childhood leukemia, which is the only cancer
18 that is, at least in theory, associated with what we're
19 talking about today. We don't have a cluster that then we
20 would investigate for is the groundwater polluted, is
21 there something in the air, is there a radiation issue,
22 etcetera, etcetera. We don't have that cluster. However,
23 the way you would do a study like this is that -- and the
24 best way to do a study like this is not to start from a

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1 cluster because it's already a biased population. So you
2 would do a study of EMF association with an end point like
3 cancer based upon the exposure parameter, those living
4 close, those living further away, who got cancer, who
5 didn't. You wouldn't start with a known cluster because
6 that's already a biased sample.

7 MR. O'NEILL: Thank you.

8 CHAIRMAN KATZ: Back to you, Mr.
9 Fitzgerald.

10 MR. FITZGERALD: Thank you. As long as
11 we're mentioning these meta analyses, it caused me to
12 wonder whether an article by Martha Linet and others at
13 the National Cancer Institute called Interpreting
14 Epidemiologic Research, Lessons from Studies of Childhood
15 Cancer that was in the July 2003 issue of Pediatrics has
16 come to your attention?

17 DR. GINSBERG: I'm familiar with the title
18 and that it's out there. I don't believe we've gathered
19 that one.

20 MR. FITZGERALD: Okay. I will not ask you
21 then for your comment on what she had to say about the
22 meta analyses.

23 Okay, getting back to just clarifying these
24 -- the source of some of these statements that you've

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1 made, I'm now back to the March 25, 2004 book --

2 DR. GINSBERG: The book --

3 MR. FITZGERALD: You remember the dates are
4 in the upper right-hand corner of the front cover. If you
5 --

6 DR. GINSBERG: Okay.

7 MR. FITZGERALD: If you turn to page 359
8 and go down to the very bottom of the page to page -- to
9 line 20 --

10 A VOICE: Wait a second --

11 DR. GINSBERG: March 25, 2004, my book ends
12 at 322, so is there a --

13 MR. FITZGERALD: Well, it's probably a
14 second book then with the same date --

15 CHAIRMAN KATZ: It would have been swell if
16 your paralegals had done post-it notes or something for
17 Dr. Ginsberg.

18 DR. GINSBERG: I've got June 17th, May
19 12th, March 25th that only goes to that 322 page, and July
20 29th.

21 MR. FITZGERALD: Okay --

22 A VOICE: (Indiscernible) -- we'll find the
23 words --

24 MR. FITZGERALD: Well, you know, I've -- I

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1 mean I've got it -- (indiscernible) -- find it there --

2 A VOICE: Yeah, but my page number and his
3 match up. I don't have that page number --

4 MR. FITZGERALD: Time weight -- time weight
5 average are the words. This is the Post Reporting
6 Service.

7 MS. RANDELL: And I've got the same one he
8 --

9 CHAIRMAN KATZ: Do you want to go off the
10 record for a moment?

11 MR. FITZGERALD: Just -- just for a moment,
12 yes.

13 CHAIRMAN KATZ: Off the record.
14 (Off the record)

15 CHAIRMAN KATZ: Mr. Frank --

16 DR. GINSBERG: (Indiscernible) -- I have
17 the --

18 CHAIRMAN KATZ: Dr. Ginsberg, if you could
19 just hold for one second. Mr. Frank.

20 MR. FRANK: I just want to try to
21 understand what this is because the way I've heard the
22 questions and the answers, it appears to be a cross-
23 examination of a prior cross-examination. And what Mr.
24 Fitzgerald is doing is reading questions that he asked Dr.

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1 Ginsberg for March and for May, and they're statements
2 that he made and he's asking about it again. I think if
3 we go down this road, I think potentially we could be here
4 all day and for the next five days because then other
5 people may decide that other things that are within the
6 cross they want to now recross on that cross-examination
7 as well. And you know, that's not my understanding of
8 what today's proceeding was all about.

9 CHAIRMAN KATZ: Mr. Fitzgerald.

10 MR. FITZGERALD: My understanding of what
11 this proceeding is all about is that this is our last
12 chance to have Dr. Ginsberg clarify prior statements that
13 he made. And that is exactly what I'm trying to do. I've
14 read through the transcript. I had some questions I mean
15 I thought I was being clear about as to -- there is some
16 ambiguity as to whether he is talking about the Department
17 of Health, his unit, or his personal opinion in various
18 places. And I am giving him the opportunity to clarify
19 which of those statements that I'm interested in he made
20 on behalf of the Department of Health, which of them he
21 was referring to his unit within the Department of Health,
22 and which of them, if any, he was referring to as his
23 personal opinion. And then I do have a few, very few new
24 questions at the end, which would probably take about as

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1 much time as Mr. Frank takes to object.

2 CHAIRMAN KATZ: One moment please.

3 (Pause).

4 MR. HAINES: Mr. Frank, do you have any
5 objections to --

6 CHAIRMAN KATZ: Start again.

7 MR. HAINES: Oh, thank you. Mr. Frank, do
8 you have any objection to the scope of the questions just
9 outlined by Mr. Fitzgerald?

10 MR. FRANK: I do not have an objection to
11 the limited scope of the questions that Mr. Fitzgerald
12 outlined if he seeks to merely clarify whether they're Dr.
13 Ginsberg's own opinions or the opinions of the Department.
14 The questions that were asked I believe went well beyond
15 that. And so if he wants to stick to those questions as
16 he offered in his offer of proof, I do not have an
17 objection.

18 MR. HAINES: Alright, that's fine. You're
19 free to object if Mr. Fitzgerald strays from the limited
20 scope of the questions.

21 MR. FRANK: Thank you.

22 CHAIRMAN KATZ: Mr. Wertheimer, did you
23 want to be heard?

24 MR. WERTHEIMER: Just briefly. If Mr.

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1 Fitzgerald could refer to the question and answer -- I'm
2 trying to follow along in my transcript. And mine, like
3 Dr. Ginsberg's, goes up to 314 --

4 CHAIRMAN KATZ: Yes --

5 MR. WERTHEIMER: -- and so maybe it's a
6 pagination issue. I'd just like to find the passages as
7 he's going through it.

8 CHAIRMAN KATZ: Okay. While we were off
9 the record we were going to have a clarification of where
10 we are in the transcript. And do we have that at this
11 point?

12 MR. FITZGERALD: No. We found another copy
13 of the same transcript that I have that has the same
14 pagination.

15 CHAIRMAN KATZ: Well, how about if you and
16 Dr. Ginsberg have identical copies and you go from there.

17 MR. FITZGERALD: We do --

18 MS. RANDELL: They do.

19 CHAIRMAN KATZ: Great.

20 MS. RANDELL: I -- I have the same
21 pagination as Mr. Fitzgerald, so my copy is now with Dr.
22 Ginsberg. I will try to see where Mr. Fitzgerald is an
23 match it up to the other transcript that's just been
24 handed to me --

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1 CHAIRMAN KATZ: Okay --

2 MS. RANDELL: -- if that helps.

3 CHAIRMAN KATZ: It sounds like a plan. Can
4 you repeat --

5 MR. FITZGERALD: Yeah --

6 CHAIRMAN KATZ: -- the question now that
7 we're in the same location.

8 MR. FITZGERALD: Yeah, I'm going to give a
9 word cue to Mr. McDermott to see if he can find it in
10 another transcript so I can satisfy Mr. -- the Assistant
11 Attorney General. Time weight average -- weight, not
12 weighted, time weight average.

13 MR. BRIAN MCDERMOTT: As the start of a
14 sentence?

15 MR. FITZGERALD: Yeah.

16 MR. MCDERMOTT: 317.

17 MR. FITZGERALD: Okay. Mr. Wertheimer,
18 this appears to be on page 317 of your transcript.

19 MR. WERTHEIMER: Got it.

20 MR. HAINES: Mr. Fitzgerald, could I --
21 could I just inquire of the nature of the missed
22 pagination? Do there appear to be come duplicates on the
23 pages or pages numbered the same or --

24 MR. FITZGERALD: I don't know. I -- I paid

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1 full price for it. (Laughter).

2 MR. HAINES: Can we -- can we try to
3 straighten out the -- what the problem is by the end of
4 the day?

5 MS. RANDELL: Yeah. Mr. McDermott can
6 explain this if I can get him a microphone.

7 MR. MCDERMOTT: The problem appears to be
8 when Post Reporting serves the transcripts on the
9 companies, they come in ASCII format. We then convert the
10 ASCII format to Word. And in doing so, the pagination
11 doesn't always track with what is in the hard copy. So
12 that when we then kind of distribute or, you know, have
13 electronic copies, they don't always match up with the
14 hard copies, so -- I have the electronic version, which I
15 think is maybe the correct version, and I will follow as
16 Mr. Fitzgerald gives citations and make sure everyone is
17 on the same page. Sorry.

18 CHAIRMAN KATZ: Understood. But this gives
19 me food for thought for future dockets, but we'll take
20 care of that. Do we have a question on the floor?

21 MR. FITZGERALD: I'm trying.

22 MR. TAIT: We are working from the official
23 transcript page now and not your copy?

24 MS. RANDELL: No. I believe we are not.

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1 MR. TAIT: I don't see how we can work from
2 a different page than our official transcript. We will
3 have to go back to the official transcript and use that
4 page number.

5 MS. RANDELL: We are now doing that.

6 MR. FITZGERALD: Mr. -- or Dr. Ginsberg has
7 the official transcript.

8 MS. RANDELL: But not in --

9 MR. FITZGERALD: Oh -- oh, yes -- okay --

10 MS. RANDELL: I'll reclaim the binder.

11 MR. PHELPS: Madam Chairman, can we go off
12 the record for a moment.

13 CHAIRMAN KATZ: Off the record.

14 (Off the record)

15 MS. RANDELL: (Indiscernible) -- is that we
16 will convert for the witness and the official record from
17 the ASCII printed one to the official record so that we'll
18 be able to tell you at each moment --

19 MR. TAIT: So --

20 MS. RANDELL: -- the Q&A on the right --
21 the official electronic version of the transcript -- or
22 the official transcript --

23 MR. TAIT: Yes --

24 MS. RANDELL: -- and let's just leave it at

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1 that --

2 MR. TAIT: Is Dr. Ginsberg working from the

3 --

4 MS. RANDELL: Yes --

5 MR. TAIT: -- official transcript that this
6 Council will get so we know what page he's on?

7 MS. RANDELL: Yes.

8 MR. TAIT: Okay. I don't care what you're
9 using as long as he knows --

10 MS. RANDELL: That was my view. Mr.
11 Fitzgerald is going to go ahead where it's going to be
12 neutral to those people. The correct number and page
13 number will be in the record.

14 MR. TAIT: People like Attorney Wertheimer,
15 can they follow through on this --

16 MS. RANDELL: Yes.

17 MR. TAIT: Okay.

18 MS. RANDELL: -- yes.

19 MR. TAIT: Okay.

20 MS. RANDELL: And I believe we're on page
21 317. Is that correct? Okay.

22 MR. FITZGERALD: There's a sentence there
23 beginning time weight average background levels?

24 DR. GINSBERG: I see it.

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1 MR. FITZGERALD: Okay. And it says time
2 weight average background levels appear to be broadly in
3 the 1 to 5-milligauss range with most homes at or below 3-
4 milligauss. And then you -- there's another sentence in
5 which you characterize the studies. And then another
6 sentence starting therefore -- therefore, a prudent
7 approach would be to make every effort to keep the long-
8 term average exposure of those living near major EMF
9 sources, for example power lines and substations, to be
10 within a reasonably small factor, for example two-fold, of
11 this background range. And the particular question I
12 wanted to ask you about that statement is whether you used
13 the term to make every effort to keep the long-term
14 average exposure of those living near the sources to below
15 two times three milligauss, you didn't mean that
16 literally, did you, leave no stone unturned, make every
17 effort?

18 MR. FRANK: Objection.

19 CHAIRMAN KATZ: Mr. Frank, do you want to
20 speak -- Dr. Ginsberg, hold a moment -- do you want to
21 speak to your objection?

22 MR. FRANK: I do. This goes well beyond
23 the offer of proof that Attorney Fitzgerald made moments
24 ago. I think it's -- again, it's recross of a prior

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1 cross-examination. I think it's improper.

2 MR. FITZGERALD: Alright. Would you like
3 me to respond or would you like to rule?

4 CHAIRMAN KATZ: Just one moment.

5 MR. HAINES: Well, let him respond.

6 CHAIRMAN KATZ: Okay, respond.

7 MR. FITZGERALD: The notice of today's
8 proceedings says parties and intervenors are also advised
9 that Dr. Gary Ginsberg of the Department of Public Health
10 will be asked to attend in order that he will be available
11 to clarify earlier testimony. That's what I am asking him
12 specifically to do. That was a question asking for a
13 clarification. There is a statement in the record which
14 at the time because it's a colloquial statement, it didn't
15 sound to me to be a drastic one, but it's in the record.
16 You, the members of the Siting Council, could take this to
17 mean that a prudent approach would be to make every effort
18 to do every single thing within the realm of possibility -
19 -

20 CHAIRMAN KATZ: I think the most expedient
21 thing at this point would be to just let Dr. Ginsberg
22 answer the question.

23 MR. HAINES: (Indiscernible) --

24 DR. GINSBERG: Okay, I will -- oh, sorry.

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1 (Pause)

2 CHAIRMAN KATZ: Mr. Haines, has made a good
3 point. We will offer other opportunities -- other parties
4 and intervenors the opportunity to clarify previous
5 statements that Dr. Ginsberg has made. So Dr. Ginsberg,
6 please answer the question as you understand it.

7 DR. GINSBERG: I would just like to preface
8 my answer again by saying that we are risk assessors and
9 not a risk management agency or unit, so that we are not
10 trying to tell the Siting Council or risk managers exactly
11 how to avoid an exposure. So when we say make every
12 effort, we are really saying that within the bounds and
13 limits that you have to deal with. And really I think
14 probably it would be -- the word reasonable, every
15 reasonable effort would be the way -- a more refined way
16 of saying what we intended. To -- but we -- but we don't
17 want to prescribe any actions to the Siting Council, that
18 is not our job. Our job is to point out where there's
19 risks, where there's potential risks, and where protection
20 of public health in a certain area may be warranted. And
21 all we're trying to say with this statement is that it
22 would be reasonable -- or making reasonable -- every
23 reasonable effort to avoid these kinds of exposure that
24 are well above background, we would want to impress that

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1 upon the Siting Council.

2 MR. FITZGERALD: Thank you, doctor. And
3 actually you just said something which bears on other
4 statements in the record that I wanted to ask you to
5 clarify. You've said on a number of occasions that we are
6 not risk managers, we do not set policy. When you say
7 that, are you -- you are referring, I think, to your unit?

8 DR. GINSBERG: I am referring to the agency
9 in terms of the area of chemical or radiological risks.
10 There are other areas of our agency, the Department of
11 Public Health, our department that does set policy
12 regarding hospitals, HMOs. I mean there's a wide variety
13 of issues that we address. But when it comes to cleaning
14 up sites, mitigating chemical hazards or radiologic
15 hazards, in those areas we are the technical risk
16 assessors, we are not the risk managers.

17 MR. FITZGERALD: Well -- please look at the
18 May 12th transcript, page 178. That is the correct
19 reference. And down at the bottom, line 22.

20 DR. GINSBERG: Yes.

21 MR. FITZGERALD: It says my unit is a risk
22 assessment unit, we are not risk managers. What is the
23 unit that you're referring to there?

24 DR. GINSBERG: The unit is Environmental

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1 and Occupational Health Assessment.

2 MR. FITZGERALD: Okay. Now, the
3 Connecticut Department of Health is a policy making body,
4 isn't it?

5 DR. GINSBERG: It is.

6 MR. FITZGERALD: Okay. And it is indeed
7 the lead administrative agency for public health
8 initiatives in the State of Connecticut?

9 DR. GINSBERG: Yes.

10 MR. FITZGERALD: Okay. And the Connecticut
11 Department of Health publishes --

12 DR. GINSBERG: Public -- Public Health.

13 MR. FITZGERALD: Public -- I'm sorry, the
14 Connecticut Department of Public Health publishes on its
15 website a comprehensive State health plan in which it
16 addresses its policy priorities and initiatives for the
17 public health in the State of Connecticut?

18 DR. GINSBERG: That's correct.

19 MR. FITZGERALD: Okay. And I have put in
20 front of you a copy of the executive summary of that State
21 Health Assessment in case you might want to look at it for
22 the next few questions.

23 DR. GINSBERG: Is that Looking Toward 2000?

24 MR. FITZGERALD: Yes.

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1 DR. GINSBERG: Okay.

2 MR. FITZGERALD: Is it fair to say that in
3 its State Health Assessment the Department of Public
4 Health has identified environmental conditions that should
5 be ameliorated in order to promote the public health of
6 the citizens of the State of Connecticut, specifically
7 including children?

8 (Pause).

9 MR. FITZGERALD: If you need me to, sure --
10 did somebody say to hold up?

11 A VOICE: Yes.

12 DR. GINSBERG: Yeah. I think it was my
13 turn to speak. Do you want to point to a specific
14 statement just to clarify exactly what you mean?

15 CHAIRMAN KATZ: (Indiscernible) -- we're
16 not ameliorating children, right, we're ameliorating
17 conditions.

18 MR. FITZGERALD: I apologize for my poor
19 grammar. Well, let's start on the -- let's start on page
20 1 under public -- under the description of public health
21 infrastructure. I was trying to short cut it, but we can
22 do that. And if we look at the third paragraph in which
23 the executive summary describes the document, it says the
24 Healthy Connecticut 2000 Baseline Assessment report

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1 provides a framework for program planning and evaluation
2 with 130 objectives that focus on health status to reduce
3 death, disease and disability, risk reduction, to reduce
4 the prevalence of risks to health, and services and
5 protection to increase comprehensiveness, accessibility,
6 and quality of preventive services and interventions --

7 DR. GINSBERG: Um-hmm --

8 MR. FITZGERALD: -- right?

9 A VOICE: I'd like to inquire what the
10 purpose of --

11 CHAIRMAN KATZ: Mr. Fitzgerald, we're going
12 to give you like one more question to sort of link this
13 back to EMF soon.

14 MR. FITZGERALD: Okay. Does the
15 comprehensive State health plan and the initiatives
16 described therein to promote the public health in the
17 State of Connecticut and to identify modifiable behaviors
18 so as to avoid risk factors say anything anywhere about
19 electric and magnetic fields?

20 DR. GINSBERG: No, I don't believe this
21 plan specifically mentions that or many other
22 environmental specific issues. It talks about the
23 environment in general terms, in terms of protecting
24 public health.

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1 MR. FITZGERALD: It talks about air
2 pollution, radon, asbestos, right?

3 DR. GINSBERG: It does talk about those
4 things --

5 MR. FITZGERALD: Yeah --

6 DR. GINSBERG: -- yes.

7 MR. FITZGERALD: It talks about modifying
8 risky behaviors, right?

9 DR. GINSBERG: It identifies areas that we
10 already have programs in or areas that we may develop
11 programs in as a goal.

12 MR. FITZGERALD: Right --

13 DR. GINSBERG: It -- we do not have an EMF
14 program or intend to develop an EMF program.

15 MR. FITZGERALD: Okay, good. I think then
16 we can move on from that document then, although I would
17 like --

18 CHAIRMAN KATZ: As you would say, good.

19 MR. FITZGERALD: I -- I would ask the
20 Council to take administrative notice of this official
21 Department of Public Health document, which is on their
22 website, Looking Toward 2000 State Health Assessment.

23 CHAIRMAN KATZ: Mr. Fitzgerald, you just
24 told us it has nothing to do with EMFs -- or you had the

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1 witness tell us.

2 MR. FITZGERALD: Well, you know, Sherlock
3 Holmes once had a famous case called --

4 CHAIRMAN KATZ: I know, the dog that didn't
5 bark. (Laughter).

6 MR. FITZGERALD: There you are.

7 A VOICE: That's scary you two are --

8 MS. RANDELL: And I guess it's my turn to
9 say I'm glad you two are communicating.

10 MR. FITZGERALD: Well, I'll -- I'll -- I've
11 made the request and I'll move on.

12 CHAIRMAN KATZ: Yes. Hold it. Mr. Frank.

13 MR. FRANK: I'm going to object and I bet I
14 can do it in fewer words than Mr. Fitzgerald did in
15 promoting it.

16 MR. FITZGERALD: Good.

17 MR. FRANK: The Siting Council sets policy
18 on this. He's admitted -- or stated that the policy has
19 nothing to do with EMF. It's irrelevant to this
20 proceeding.

21 MR. FITZGERALD: Doctor, could you please
22 turn to the June -- well, let me see -- the June 17th
23 transcript and try page 14. Let me check mine and see if
24 it's right --

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1 A VOICE: Post-it notes would have helped -
2 -

3 DR. GINSBERG: Was that -- was that one-
4 four?

5 MR. FITZGERALD: One-four, yeah.

6 MR. MCDERMOTT: Okay, so that's the
7 official -- (pause).

8 MR. FITZGERALD: Okay. Please go down to
9 line 20 and there's a statement there of yours, peak
10 exposures around the home may occur when a child sits and
11 plays near a refrigerator, a washing machine, a computer,
12 or other home appliance. These peaks may not on their own
13 be sufficient to overcome cellular defenses. However, a
14 possibility is that one begins with high baseline exposure
15 due to nearby power lines and then adds to that exposure
16 that which comes from appliances in the home, added to EMF
17 levels may be more likely to exceed cellular thresholds
18 and lead to genetic effects. Now, it's true, isn't it,
19 doctor, that the exposure to peak fields at home is a
20 modifiable behavior? I mean that's something that could
21 be changed?

22 DR. GINSBERG: I would have to give a very
23 qualified yes to that because there are so many local
24 sources in a home that -- I'm having some difficulty

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1 imaging what kind of household advisory one would give to
2 say don't let children do this, that, or the other thing
3 that could actually be enforced or followed. Of course
4 the utilities -- or rather the appliance manufacturers may
5 be able to do something about shielding that may be more
6 beneficial if one was trying to mitigate these very
7 localized sources. I'm not sure exactly what direction
8 you're going in.

9 MR. FITZGERALD: Well if -- if we go back
10 to the fact sheet, the EMF fact sheet --

11 DR. GINSBERG: Right --

12 MR. FITZGERALD: -- that you're familiar
13 with --

14 DR. GINSBERG: That's right, yeah --

15 MR. FITZGERALD: -- you -- the Health
16 Department does address this issue in a way. It says if
17 you would like to reduce your exposure to EMF, you can
18 take simple steps such as increase the distance between
19 you and the electrical source; for example, sit at arm's
20 length from your computer or reposition electric alarm
21 clocks farther away from your body while in bed --

22 DR. GINSBERG: Right. We do -- we do make
23 statements like that, um-hmm.

24 MR. FITZGERALD: You do not, however,

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1 advise the public to whom this is addressed that they
2 should do any of these things, do you?

3 DR. GINSBERG: We give people the
4 information that they can then make their own choices
5 about. We provide people with the information about this
6 is a possible risk and this is some activities that they
7 may consider doing to reduce exposure.

8 MR. FITZGERALD: You do tell people that
9 they shouldn't smoke for instance?

10 DR. GINSBERG: That's correct.

11 MR. FITZGERALD: Okay.

12 CHAIRMAN KATZ: We're getting far afield in
13 that we've been talking about EMF concerning children and
14 now we're starting to talk about the distance from the
15 computer and the smoking and --

16 MR. FITZGERALD: Okay, fine. Then I'll ask
17 one last question --

18 CHAIRMAN KATZ: Okay --

19 MR. FITZGERALD: I was going to stop, but
20 you gave me another one -- (laughter) -- the Health
21 Department does not advise parents that they should not
22 let their children be exposed to high sources of EMF from
23 television or Game Boys or any other source within the
24 home, right?

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1 DR. GINSBERG: We do not say that. If I
2 could just add to that statement? Part of the reason is,
3 is that the -- there have not been studies of households
4 or children that are -- that have certain activities
5 around the home with certain peak exposures that show that
6 they have an increased risk, they may well, they may not,
7 but what we have -- the database that we have has to do
8 with, you know, the time weight average measurements and
9 their association with cancer risks, and so we're not
10 focusing at this point so much on the peak exposure. I
11 know on this page we talked about a theoretical construct
12 that peak exposures may add to the risk, but what we have
13 data for are time weight average measurements in relation
14 to health risks. And so our main advice -- and none of --
15 and you're accurate, none of what we're telling people is
16 prescriptive, there are no shoulds, whereas in other areas
17 we do have shoulds. These are all in the general advisory
18 area.

19 MR. FITZGERALD: Thank you, doctor.

20 CHAIRMAN KATZ: All set?

21 MR. FITZGERALD: Yes.

22 CHAIRMAN KATZ: Next on the list is the
23 Town of Middlefield, any questions for Dr. Ginsberg?

24 MR. ERIC KNAPP: No questions.

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1 CHAIRMAN KATZ: Mr. Knapp says no
2 questions.

3 CHAIRMAN KATZ: Next Wallingford/Durham,
4 any questions?

5 MR. ALAN CURTO: No questions, Madam
6 Chairman.

7 CHAIRMAN KATZ: Mr. Curto says no
8 questions. Woodbridge. Would you like to pass and come
9 back?

10 A VOICE: If I could, that would be great.

11 CHAIRMAN KATZ: Milford?

12 MS. JULIE DONALDSON KOHLER: Actually, I
13 think the Towns are passing.

14 CHAIRMAN KATZ: Oh, okay. We will skip
15 along. Does that include Orange that passed? I assume it
16 does. The City of Norwalk? Pass. The Town of Westport?
17 The City of Meriden? Assistant Attorney General Michael
18 Wertheimer?

19 MR. HEFFERNAN: Pam, can I ask one question
20 before --

21 CHAIRMAN KATZ: Yes. Mr. Heffernan.

22 MR. HEFFERNAN: Dr. Ginsberg, just to get
23 this clear in my own mind to where I understand this, is
24 that it's my understanding that there's no clear evidence,

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1 as far as you're concerned, that there's a nexus between
2 the EMFs and leukemia, however -- childhood leukemia.
3 However, if I understood your testimony before properly,
4 you still have to be diligent because there is a
5 possibility. But in my mind, didn't you testify before
6 that between 3 and 6 milligausses you felt that there was
7 absolutely no problem?

8 DR. GINSBERG: Okay, I'll try to clarify --

9 MR. HEFFERNAN: I just --

10 DR. GINSBERG: You asked two different
11 things there.

12 MR. HEFFERNAN: Yeah.

13 DR. GINSBERG: On the first point regarding
14 whether there's clear evidence or what the -- you know,
15 what evidence do we have? There is no clear evidence --

16 MR. HEFFERNAN: Okay --

17 DR. GINSBERG: -- for an effect. What we
18 do have is an association that suggests -- it's a weak
19 association --

20 MR. HEFFERNAN: Alright --

21 DR. GINSBERG: -- and it suggests a
22 relatively small effect. However, this is more evidence
23 that we have that some other random environmental effect
24 may cause childhood leukemia. This has been studied a lot

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1 than -- you know, we're not making up risks out of thin
2 air or from one isolated study. So that while we say that
3 there's not clear evidence, there's some evidence for this
4 particular risk factor. And what we've been trying to
5 impress upon the Council is that this is a difficult
6 subject to study --

7 MR. HEFFERNAN: We know.

8 DR. GINSBERG: -- on a number of fronts,
9 but -- on the epidemiology front on the health risks
10 because there are very few homes that have high enough
11 levels to be in that higher than 3 or 4 milligauss
12 category, so that to really have a robust number of
13 subjects, a robust study, we don't have very much -- we
14 don't have a single study that can do that. The largest
15 study in Great Britain had many many children enrolled,
16 many many childhood leukemia cases, but in Great Britain
17 they don't have a whole lot of EMF exposure, so they
18 couldn't really say definitively what's going on above 3
19 or 4 milligauss. And that's the way those study authors
20 left us. So we have -- the signal that comes through is a
21 relatively weak signal, but the reason why we pay
22 particular attention to it is because it's probably not
23 just a random spurious finding, maybe there's some bias
24 involved, maybe there's some other things going on, but it

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1 does come through in two different studies, and the fact
2 that we see anything, given how difficult this is to
3 study, given that there is no true control population,
4 given that we see anything is somewhat impressive.

5 MR. HEFFERNAN: Yeah, but -- okay, just to
6 get back to my second point, I mean it was my
7 understanding that your prior testimony said 3
8 milligausses --

9 DR. GINSBERG: Alright, the second --

10 MR. HEFFERNAN: -- you saw no problem. And
11 I thought you said up to 6 milligausses -- I --

12 DR. GINSBERG: We're not trying to say that
13 there is no health effect from EMF at 3 milligauss or even
14 below. You just can't study it. There may -- there's no
15 control population. So relative to who are we going to
16 say that 2 milligausses isn't a problem, you can't study
17 it. We don't know what's going on below three. What we
18 do have some signal for is that above 3, and some studies
19 are above 4 and other studies, there is a statistical
20 correlation. As a matter of fact, the group that started
21 above 3 milligauss in the best laid out study, they had
22 5.8 milligauss exposure. That's why we sort of settled in
23 at 6, one of the reasons. At 5.8 milligauss, the average
24 exposure in that group where they showed roughly a

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1 doubling of their leukemia risk, so -- and that was in
2 this meta analysis again. So --

3 MR. HEFFERNAN: Okay, fine, thank you --

4 DR. GINSBERG: So it's -- between 3 and 6
5 it's still -- you're relatively close to background. The
6 evidence is, you know, not crystal clear. Above 6 --
7 again, nothing is crystal clear --

8 MR. HEFFERNAN: I understand --

9 DR. GINSBERG: -- but we have a little bit
10 more -- a little bit less certainty in safety because
11 you're clearly above background and you're in a range now
12 where at least one meta analysis identified a group
13 average that was associated with a doubling.

14 MR. HEFFERNAN: Thank you, doctor.

15 MR. TAIT: Dr. Ginsberg, following up on
16 one of Mr. Fitzgerald's questions of your prior testimony,
17 I thought you talked about doubling of the background.
18 And the background numbers you were using was 1 to 5 --

19 DR. GINSBERG: Right --

20 MR. TAIT: -- so doubling 1 to 5 is not 6 -
21 - I'm a lawyer -- it's something higher than that?

22 DR. GINSBERG: The reality is that 98
23 percent of the data from homes around the country are 3 or
24 below. So while you can find -- we said broadly 1 to 5

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1 just so that --

2 MR. TAIT: No, I don't want to pin you down

3 --

4 DR. GINSBERG: -- you know, if you find a 4

5 --

6 MR. TAIT: -- but Mr. Heffernan -- you were
7 talking about 6. And to me that's higher than 6.

8 DR. GINSBERG: Right.

9 MR. TAIT: Okay.

10 DR. GINSBERG: But where we're basically
11 focusing in on background is mostly 3 or below.

12 MR. WILENSKY: Madam Chairman.

13 CHAIRMAN KATZ: Mr. Wilensky.

14 MR. WILENSKY: Do you know of -- is there
15 any indication or any studies of over 6 or 6 of any type
16 of cancer clusters anyplace?

17 DR. GINSBERG: The studies that have been
18 done have used 3 or 4 as a cut off, because if you focused
19 on in any one study above 6, you would have way too few
20 subjects to do a statistical analysis. You just don't
21 have that many people with greater than 6 milligauss on
22 average.

23 MR. WILENSKY: I'm sorry, you mean being
24 exposed to over 6 --

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1 DR. GINSBERG: That's right --

2 MR. WILENSKY: -- is that what you're
3 saying?

4 DR. GINSBERG: That's right. We just don't
5 have enough of a population to study with that kind of a
6 cutoff. So the cutoffs have traditionally been in the 2
7 to 4 range, because then at least that upper quartile or
8 that upper bracket that you're studying there's enough
9 subjects in there that you can do some statistics with
10 that.

11 MR. WILENSKY: So in other words, are you
12 saying that at 6 or plus there are no studies?

13 DR. GINSBERG: There are no data, that's
14 correct.

15 MR. WILENSKY: Okay, thank you.

16 CHAIRMAN KATZ: Mr. O'Neill.

17 MR. O'NEILL: Yes. Doctor, I believe you
18 stated earlier that you were the author of the Connecticut
19 Department of Public Health Comments to the Siting
20 Council, is that correct?

21 DR. GINSBERG: I was one of the authors.

22 MR. O'NEILL: Could you explain a sentence
23 in that document stating EMF exposures are lower on
24 average in the home as compared with outside the home?

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1 This is on page 2 of those comments.

2 DR. GINSBERG: Is this from March 25th.

3 MR. ASHTON: There's no date on it.

4 MR. O'NEILL: There's no date.

5 CHAIRMAN KATZ: Can you read the title for
6 him.

7 MR. O'NEILL: Connecticut Department of
8 Public Health Comments to the Connecticut Siting Council
9 Regarding Electric and Magnetic Field Health Studies.

10 MR. TAIT: What date?

11 MR. ASHTON: No date given.

12 MR. O'NEILL: No date on this document.

13 CHAIRMAN KATZ: No date --

14 DR. GINSBERG: I'm looking at the wrong
15 thing because these are my introductory comments. Uh --

16 MR. FITZGERALD: Doctor, it's attached to
17 the March 15th letter that I gave you earlier --

18 A VOICE: Here, you can use this one.

19 DR. GINSBERG: Oh, okay. (Pause). Okay.

20 Now page 2 of this?

21 MR. O'NEILL: Yes, that's correct. The end
22 of the first paragraph, the last sentence, EMF exposures
23 are lower, on average, in the home as compared with
24 outside the home. This would seem to be a contradiction

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1 of common knowledge about EMF exposure, would it not?

2 DR. GINSBERG: Well, that's -- that's an
3 interesting point. What this -- this study by NIEHS, what
4 they -- what they found was that when you put a milligauss
5 -- a gauss monitor on someone and followed them around --
6 let them do their normal daily activities, that by going
7 to the supermarket, or driving around in their car, the
8 outside of home activities actually yielded a higher
9 average exposure than the in-home activities just from
10 being around town.

11 MR. O'NEILL: How would you explain that?

12 DR. GINSBERG: There is -- I believe one of
13 the highest sources that they had was in the supermarket
14 when you -- because of all the --

15 MR. O'NEILL: Neon lights for example?

16 DR. GINSBERG: No. I think just the
17 refrigeration --

18 CHAIRMAN KATZ: The freezers --

19 MR. O'NEILL: Refrigeration, okay.

20 DR. GINSBERG: Yeah.

21 MR. O'NEILL: Freezers, fans, and other --

22 DR. GINSBERG: Right. So there were
23 spikes. You could see the daily profile, there would be a
24 spike here or there based upon what kind of establishments

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1 someone went into.

2 MR. O'NEILL: I'm asking the next question
3 with the understanding that there haven't been any
4 significant studies of EMF within the State of
5 Connecticut. Therefore, as a Council member it's
6 incumbent upon us to consider what other sources of
7 information are available to us within the United States -
8 -

9 MR. ASHTON: And the world.

10 MR. O'NEILL: -- and the world of course,
11 but within the United States. The National Institute of
12 Environmental Health Sciences would have to be the
13 preeminent source of information for us, would it not?

14 DR. GINSBERG: That would be one of the
15 main sources.

16 MR. O'NEILL: What would be the other
17 source that you would consider to be on a level with them?

18 DR. GINSBERG: For health statistics on EMF
19 and --

20 MR. O'NEILL: And significant studies and
21 with resources available to review the data that's
22 presented?

23 DR. GINSBERG: The National Cancer
24 Institute, the National Toxicology Program, which is more

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1 on the toxicology and not the epidemiology, and of course
2 the World Health Organization. They've all done major
3 reviews.

4 MR. O'NEILL: Doesn't the National
5 Institute of Environmental Health Sciences include those
6 other bodies in their determination of risk assessment for
7 example?

8 DR. GINSBERG: They're -- that's accurate,
9 yes.

10 MR. O'NEILL: Thank you.

11 CHAIRMAN KATZ: Mr. Wertheimer to you.

12 MR. WERTHEIMER: Thank you. Good
13 afternoon, Dr. Ginsberg.

14 DR. GINSBERG: Good afternoon.

15 MR. WERTHEIMER: Michael Wertheimer for the
16 Office of the Attorney General.

17 I'd like to turn you to -- back to the
18 first transcript section that Attorney Fitzgerald directed
19 you to, that's May 12th, page 168, specifically the -- I
20 think he referred you to the passage of your statement
21 from lines 5 to 12. Do you see that?

22 DR. GINSBERG: I'm getting there. Line 5
23 to 12, okay.

24 MR. WERTHEIMER: And he asked if that was

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1 your view or DPH's view. Do you recall that question?

2 DR. GINSBERG: Yes.

3 MR. WERTHEIMER: And after your answer, you
4 asked if you could say something else and Mr. Fitzgerald
5 moved along. And I'm asking you what else was it that you
6 wanted to say there?

7 CHAIRMAN KATZ: Actually, I moved along,
8 but go ahead.

9 MR. WERTHEIMER: No offense intended. If
10 you recall?

11 DR. GINSBERG: Right. Yeah, our -- the
12 statement basically reads that we as an agency are not
13 telling the Siting Council specifically how to manage the
14 risks, to -- or to decrease fields from what they
15 currently are. What we're saying is that the Siting
16 Council should use best management practices within its
17 purview, within its -- within its capabilities to try to
18 strike a balance so that there's minimal exposure or
19 minimal increase in exposure.

20 I think -- I think what we're -- the point
21 that I wanted to make is that again we're the risk
22 assessor and not the risk manager. This came up in some
23 of my other comments to you, that we as a health
24 department see a need to avoid high exposures to EMF and

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1 that we are hoping that whatever best management practices
2 are available are used in this case to -- in a prudent
3 avoidance type of -- type of way.

4 MR. WERTHEIMER: Thank you. And then
5 turning your attention now to the document to which
6 Attorney Fitzgerald referred to, which is not yet in the
7 record, and may not be, the executive summary of a DPH
8 policy statement, I think it was called Looking Forward or
9 something --

10 DR. GINSBERG: Right --

11 MR. WERTHEIMER: -- is that right? And
12 particularly the point being made I believe was that it
13 did not specifically mention EMF when it listed other
14 things. Do you recall that question and answer?

15 DR. GINSBERG: Yes, I do.

16 MR. TAIT: Maybe we ought to take
17 administrative notice --

18 CHAIRMAN KATZ: Yes --

19 MR. TAIT: -- because you're cross-
20 examining on a document not in evidence.

21 MR. WERTHEIMER: I'm -- I'm just trying to
22 clarify --

23 MR. TAIT: Maybe he was --

24 MR. WERTHEIMER: -- one point.

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1 MR. TAIT: Maybe he was too.

2 MR. WERTHEIMER: Right. And I'm not asking
3 you to take administrative notice. I'm just trying to
4 clarify one point.

5 MR. TAIT: Of a document --

6 MR. WERTHEIMER: Doctor --

7 MR. TAIT: -- of a document that we don't
8 notice?

9 A VOICE: Maybe we should --

10 MR. TAIT: What I'm saying is I don't want
11 any more testimony without it going into evidence. So
12 either decide you want to question on it and put it into
13 evidence or skip it.

14 MR. WERTHEIMER: I didn't bring this
15 document up --

16 (gavel)

17 MR. WERTHEIMER: -- there's -- there's --

18 CHAIRMAN KATZ: Just a moment please.

19 (Pause)

20 CHAIRMAN KATZ: Right. It's -- it's a
21 public document and --

22 MR. TAIT: Who can object to it?

23 CHAIRMAN KATZ: -- the Council will take
24 administrative notice of it.

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1 MR. TAIT: Is there any objection to taking
2 administrative notice of this official document?

3 MR. WERTHEIMER: No.

4 CHAIRMAN KATZ: Hearing none, we shall do
5 so.

6 MR. TAIT: Then let's move on.

7 CHAIRMAN KATZ: Okay.

8 MR. WERTHEIMER: Dr. Ginsberg, does the
9 fact that EMF is not apparently mentioned in the summary
10 of that document change any of the testimony that you've
11 provided in this case?

12 DR. GINSBERG: No, it doesn't.

13 MR. WERTHEIMER: Thank you. And finally,
14 turning to the transcript of June 17th, page 15, back to
15 the passage that Attorney Fitzgerald discussed with you --

16 MR. ASHTON: What page?

17 MR. WERTHEIMER: Actually, the passage that
18 Attorney Fitzgerald referred to ran from the end of 14
19 over to page 15.

20 DR. GINSBERG: Yes, I'm with you.

21 MR. WERTHEIMER: Okay. Starting on line
22 18, the last sentence of that passage from yours --

23 DR. GINSBERG: Yes --

24 MR. WERTHEIMER: -- do you see that? It

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1 reads therefore controlling the external fields entering
2 homes may be the best approach to minimizing children's
3 EMF exposures if the Council in the long-run does deem
4 that a prudent avoidance is warranted. Is that still your
5 testimony here today?

6 DR. GINSBERG: That's correct.

7 MR. WERTHEIMER: Okay. That's all I have.

8 CHAIRMAN KATZ: Thank you, Mr. Wertheimer.

9 MR. WERTHEIMER: Thank you.

10 CHAIRMAN KATZ: Next on the list is
11 Communities for Responsible Energy. No questions -- they
12 said no questions. ISO New England, Mr. McLeod, any
13 questions?

14 MR. ANTHONY MCLEOD: No questions, Madam
15 Chairman.

16 CHAIRMAN KATZ: Mr. McLeod says no
17 questions. DOT, Attorneys Walsh and Meskill, any
18 questions? Miss Meskill.

19 A VOICE: This is DOT?

20 MR. FITZGERALD: While -- while Miss
21 Meskill is -- (indiscernible) -- let me ask -- we'll of
22 course provide a hard copy of the --

23 CHAIRMAN KATZ: Thank you --

24 MR. FITZGERALD: -- but I offer you the

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1 option of the executive summary, which is this, which is
2 what I actually asked about --

3 CHAIRMAN KATZ: Yes --

4 MR. FITZGERALD: -- or of the entire --

5 MR. TAIT: The executive summary will do.

6 CHAIRMAN KATZ: We -- we will take the
7 executive summary.

8 MS. EILEEN MESKILL: Okay.

9 COURT REPORTER: Excuse me, could I have
10 your name --

11 MS. MESKILL: Yes. Assistant Attorney
12 General Eileen Meskill representing the Department of
13 Transportation.

14 Good afternoon, Dr. Ginsberg --

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

17 MS. MESKILL: Oh, sure. It's E-i-l-e-e-n.
18 The last name Meskill, M-e-s-k-i-l-l.

19 COURT REPORTER: Thank you.

20 MS. MESKILL: You're welcome.

21 DR. GINSBERG: Good afternoon.

22 MS. MESKILL: Dr. Ginsberg, I just want to
23 clarify a couple of things because I read through the
24 transcripts of your testimony and listening to you today

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1 as well. Are you recommending or is the Department -- and
2 when I say you, I'm referring to the Department so we can
3 be clear -- that the exposure to magnetic fields be
4 limited to 3 or less or between 3 and 6?

5 DR. GINSBERG: Our recommendation is that a
6 prudent avoidance should begin at levels above 3, but that
7 above 6 it's more of a -- between 3 and 6 is a gray area.
8 Clearly above 6 is a level that we would have a larger
9 public health concern about. Between 3 and 6 it's
10 slightly above background, it's not ideal, but it's not an
11 identifiable health risk. Above 6 is more of our target.

12 MS. MESKILL: Thank --

13 CHAIRMAN KATZ: Before you proceed,
14 Professor Tait has a question.

15 MR. TAIT: Have you addressed the EMF
16 problems of undergrounding cables and the EMFs from those?
17 Is the Health Department aware of or have any
18 recommendations from the information in this docket they
19 are well above 3-6 depending on what sort of cable is
20 underground?

21 DR. GINSBERG: We have mostly focused on
22 what the milligauss determination would be at a receptor.
23 We --

24 MR. TAIT: So it doesn't matter whether

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1 it's overhead or underground?

2 DR. GINSBERG: That's right.

3 MR. TAIT: Thank you.

4 CHAIRMAN KATZ: Thank you.

5 MS. MESKILL: Well, you of course
6 anticipated exactly what I was going to ask Dr. Ginsberg -
7 - (laughter) -- to try and just clarify whether that was
8 based on overhead or under -- and I take it, it doesn't
9 matter --

10 DR. GINSBERG: It would --

11 MS. MESKILL: -- thank you.

12 DR. GINSBERG: It would not matter.

13 MS. MESKILL: That's it, thank you.

14 CHAIRMAN KATZ: Thank you. Next on the
15 list is the Town of Fairfield. Absent. South Central
16 Connecticut Regional Water Authority?

17 MR. ANDREW LORD: No questions.

18 CHAIRMAN KATZ: Mr. Lord says no questions.
19 Mr. Buturla, are you with that other little covey of --

20 MR. BUTURLA: (Indiscernible) --

21 CHAIRMAN KATZ: Yeah, okay --

22 MR. BUTURLA: -- no questions.

23 CHAIRMAN KATZ: The Town of North Haven?
24 Ezra Academy, B'Nai Jacob, et al? No questions. The City

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1 of New Haven? No questions. At this point, I'll go back
2 to the Towns.

3 A VOICE: No questions. (Laughter).

4 CHAIRMAN KATZ: No questions. Is there any
5 party or intervenor that I did not call upon before I go
6 to Council questions? Seeing none, we will start down
7 with you, Mr. Lynch.

8 MR. D. LYNCH: I have just -- just one
9 question, Dr. Ginsberg. When we're talking about risk
10 assessment and best management practices, prudent
11 avoidance and so on, one thing that I'm having a hard time
12 dealing with in this docket and what may result from this
13 docket is that if we're talking about these issues in the
14 docket that's before us right now, how do we deal with the
15 questions of EMF that may be above 6 or above 3 with what
16 currently exists in Connecticut right now for 345 and 115?

17 MR. ASHTON: Or any voltage --

18 MR. D. LYNCH: Or any voltage, distribution
19 included with transmission?

20 DR. GINSBERG: No, that -- that is a
21 relevant point. And we have some initial GIS mapping
22 efforts initiated in our department to at least look at
23 where the 345 -- starting with 345-kV lines, looking at
24 where they go and to try to determine if there's

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1 populations living close to those that should potentially
2 be looked at closer. But we are just at the initial
3 stages of looking at where these 345-kV lines are in the
4 State. And we know there's many miles of them. And so we
5 are just now beginning the effort of GIS -- you know,
6 lining up where the lines are with where there are
7 schools, where there's playgrounds, where there's, you
8 know, housing, etcetera, just to see, you know, what the
9 scope of the issue might be.

10 MR. D. LYNCH: And would you work down from
11 there to the 115 and 69 or maybe even to distribution as
12 Mr. Ashton is talking about?

13 DR. GINSBERG: We would do it in a very
14 stepwise fashion, but we would potentially go into lower
15 levels.

16 MR. D. LYNCH: Alright, thank you.

17 CHAIRMAN KATZ: Mr. Wilensky.

18 MR. WILENSKY: Yes. Doctor, you know,
19 somewhere along the line the 300-foot buffer zone came
20 into being. And I remember asking the question -- they
21 said it would -- the statement came from you. Could you
22 explain the 300-foot buffer zone --

23 A VOICE: Right --

24 MR. WILENSKY: -- which we have not

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1 discussed here today, which seemed to be a big part of our
2 discussions for several meetings.

3 DR. GINSBERG: Yeah, the 300-foot zone was
4 not developed by the Department of Public Health. We just
5 repeated it because it came from other documents which
6 basically say that for the most -- for the highest voltage
7 lines that are commonly in use, that if you go 300 feet
8 out from those, you're basically down to background. So
9 when we tell the public -- you know, if somebody calls us
10 and they say I'm thinking about buying this house and they
11 try to describe the line to us, and it's hard over the
12 phone to really figure out what they're dealing with, we
13 can pretty much blanket say if you're more than 300 feet
14 out, you don't have to worry about it without getting into
15 the details of exactly what the milligauss reading is.
16 And then we always tell them if you're not sure, get some
17 milligauss readings --

18 CHAIRMAN KATZ: Okay --

19 DR. GINSBERG: -- at this house.

20 CHAIRMAN KATZ: Let's follow up on that
21 thought. To make sure we're -- the Council really wants
22 to make sure we understand this. You had testified
23 earlier that when you're at 3 milligausses or lower, you
24 don't have to do prudent avoidance, correct?

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1 DR. GINSBERG: Right.

2 CHAIRMAN KATZ: Okay. So you might not
3 necessarily need 300 feet to do -- to be prudent on this?

4 DR. GINSBERG: Oh, that's correct, right.

5 CHAIRMAN KATZ: Okay.

6 DR. GINSBERG: I mean this advice that we
7 generically give is to somebody over the phone that
8 doesn't have any milligauss readings, doesn't know exactly
9 what the wires are, the configuration, there's all sorts
10 of unknowns, and this is just sort of, you know, the kind
11 of blanket coverage so that we don't get anyone into
12 trouble. It could be that much closer would be acceptable
13 if you did the milligauss readings and, you know, you
14 found out that it was less than 3, sure.

15 CHAIRMAN KATZ: Okay. But -- so -- let's
16 say we did 4 to 5 milligausses, are we endangering public
17 health or as long as we're less than 6 --

18 DR. GINSBERG: I think the best way to
19 characterize it is that below 6 we're in a range that is -
20 - can be reasonably anticipated to not present an
21 increased public health risk.

22 CHAIRMAN KATZ: Thank you. Back to you.

23 MR. TAIT: Now this 300-foot buffer you
24 mentioned, you said --

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1 MR. WILENSKY: I lost my question --

2 (laughter) --

3 MR. TAIT: Well, I just want to follow up -
4 - 345 or higher -- so this 300-foot is not geared to just
5 345, it could be safe for 500, 750-kV?

6 DR. GINSBERG: That's right.

7 MR. TAIT: So that's a very generous --

8 DR. GINSBERG: Yeah, generous and generic.
9 That's --

10 MR. TAIT: It works for double 345, from
11 whoever else --

12 DR. GINSBERG: Right. Again, that's --
13 that's information that I don't want to be held sue and
14 accountable for --

15 MR. TAIT: I just want to understand --

16 DR. GINSBERG: -- because we've -- we've
17 been repeating that from other sources.

18 MR. TAIT: But the other sources have from
19 higher power than what we are faced with here?

20 DR. GINSBERG: Right. It's not specific to
21 345.

22 CHAIRMAN KATZ: Thank you, Mr. Wilensky,
23 for bringing that up, and we'll bring that back to you if
24 you have other questions.

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1 MR. WILENSKY: No, I think the other
2 questions I have, have been asked. But just -- just a
3 quick -- you know, maybe a statement from you -- where
4 we've talked about 300 feet, it's not really a number cut
5 in stone? I mean it doesn't mean that for the length of
6 this line it has to be 300 feet as a buffer zone? Am I --
7 is that -- would that be your assumption, sir?

8 DR. GINSBERG: Right. We -- we're more
9 focused on what the milligauss reading is or what the
10 model from the proposed corridor would say that the
11 milligauss reading would be at the point where people will
12 live and where the property line is. So 300 feet, it
13 could be larger, it could be smaller depending upon all
14 the other factors. It's -- that's not really our focus
15 except when we give advice to the general public and we
16 need to be sort of generic about it.

17 MR. WILENSKY: Thank you, Dr. Ginsberg.

18 CHAIRMAN KATZ: Thank you --

19 MR. WILENSKY: Thank you, Madam Chairman.

20 CHAIRMAN KATZ: Mr. Murphy.

21 MR. JAMES J. MURPHY, JR.: No questions,
22 Madam Chairman.

23 CHAIRMAN KATZ: Mr. O'Neill.

24 MR. O'NEILL: Yes. Doctor, you've

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1 suggested that the role as you see your agency is as risk
2 assessor, not risk manager. Isn't it possible that by
3 giving advice as far as real estate, you've crossed over
4 the threshold from giving an assessment to giving ad hoc
5 management of property within the right-of-way and within
6 the State of Connecticut?

7 DR. GINSBERG: Well -- you know, that's an
8 interesting distinction. And that's part of the reason
9 why when I was answering Mr. Fitzgerald's questions that
10 we don't give people shoulds. We give people the
11 information and we give people options and we tell people
12 that they can choose on their own to -- amongst all the
13 other issues with buying a house or living in a house,
14 they can choose to avoid this source of possible risk, but
15 we don't tell them what to do.

16 MR. O'NEILL: What I'm concerned with is
17 that through weak associations and no direct correlation
18 and any scientific study that I've seen, the associations
19 that have been voiced by the public as areas of concern
20 have caused kind of a hysteria in the community, which
21 perhaps the Health Department unwittingly has fueled.
22 Now, I don't know how to address this specifically as a
23 Council member. I share the concerns of the property
24 owners. I certainly share the concerns for their

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1 children. We all are concerned about our children,
2 they're preeminent in all of our lives. However, when we
3 speak of state agencies, people think of your word as
4 gospel, and the possible association becomes it is an
5 association, a weak association becomes a fact. Somehow
6 these lines and distinctions have to be either drawn in
7 ways in which they calm the public fears or else not
8 stated in an open forum that gets people excited and
9 causes them to be overly concerned.

10 Certainly, the National Institute of
11 Environmental Health Sciences suggests that there's no
12 risk from power lines. And it seems that through your
13 testimony there's a contradiction here that even though we
14 haven't conducted independent studies here in the State of
15 Connecticut, we have more knowledge than the National
16 Institute of Environmental Health Sciences on this matter.
17 The suggestion that through our best management practices
18 we would establish standards in excess of any established
19 standards around the world, any established standards in
20 any state of the union through indirect associations, weak
21 associations, is troubling to me. It's extremely
22 troubling.

23 I don't know if you have taken notice of
24 any other best management practices used in any other

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1 states that you can refer to regarding EMFs that you would
2 suggest we use as a measure of what we should do here in
3 the State of Connecticut or any other countries for that
4 matter. Are there any other best management practices in
5 the United States or around the world that could lead you
6 to the conclusions you are trying to impose on this
7 Council indirectly through your response?

8 DR. GINSBERG: That was quite a lot of --
9 sort of like when you look at the debates and you see them
10 taking furious notes about, you know, trying to answer all
11 the points.

12 We're -- as a health agency we are trying
13 to just answer to the most -- in the most credible way
14 that we can the questions posed by us -- to us by the
15 Siting Council and not impose a certain plan or approach
16 to the Siting Council.

17 We don't feel that as an agency that there
18 is no evidence or evidence that's so weak that it just
19 goes away. We feel that the best way to look at the issue
20 is that there's a lot of uncertainty, and that typically
21 when there's uncertainty about what might be a significant
22 health risk, that if you can avoid it, it should be
23 avoided. If -- or -- if you can avoid it, then avoid it.
24 If it's something that you can't avoid, then it's

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1 something you live with. We have many health risks that
2 we live with now that we -- in some cases we know more
3 about them and in other cases we know less about them than
4 with EMF, and some of these we accept, others we don't.
5 So we can't prescribe to the individual whether to smoke
6 or not to smoke. We can give them information. They make
7 their choices.

8 Regarding EMF, we see that there is some
9 evidence, as I said not the -- we'd rather not have these
10 uncertainties. We don't like -- as you suggest, it's not
11 a good position to be in, to be a public health agency and
12 be dealing with lots of questions from the public every
13 day, from the Siting Council, from the media, and have to
14 say we're really not sure. On most -- on many things
15 we're a lot more sure than we are -- than we are about
16 EMF, either it's not a risk or that it is a risk, and we
17 can some clean or cleaner and say here's what to do,
18 here's what -- you don't have to do anything in this case,
19 here's where you have to do something. EMF falls into
20 this zone of I would call discomfort for a lot of people
21 in which we would rather have better information, we would
22 rather it be totally clean information, that there's no
23 health risk. I mean that's the ideal, put your power
24 lines wherever you want because we've got the goods, we've

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1 got the -- and of course it's always harder to prove a
2 negative than to prove a positive, and I -- and we all
3 appreciate that. But where there is -- you know, in the -
4 - in the latest and sort of the most complete meta
5 analyses a suggestion of a signal in a field that is this
6 difficult to study, it raises the concern -- it raises the
7 uncertainty and some concern that we as a health agency
8 can't ignore and we have to let the public know that this
9 exists. When they're making real estate decisions or
10 consumer choices, we have to let them know what we know.

11 MR. O'NEILL: Would you agree with the
12 statement that you have found no study that indicates a
13 direct correlation between childhood leukemia and EMF
14 exposure?

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

17 DR. GINSBERG: I think you're using the
18 word direct correlation and -- I think the key part of
19 that sentence is direct correlation and you're making that
20 sound as if what the studies have tested -- what the meta
21 analyses have tested wasn't a direct correlation. They
22 did find a direct correlation between the measured levels
23 and the increased cancer incidents -- or the cancer
24 incidents when you pooled across studies. What would be

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1 more direct would be animal evidence that would show that
2 for very specific defined exposure -- because in these
3 studies the indirect part of these studies is the exposure
4 part. And we don't really define exposure that well in
5 any of these studies. They tried and the newer studies
6 refine it better. But in an animal study you can really
7 nail down what the exposure is, and there you can get the
8 most direct evidence. We don't have that for cancer. We
9 do have some direct evidence for genetic effects at very
10 high exposures in animal cells, in whole animals. So
11 there is some direct evidence for risk assessment. It's
12 not all that usable evidence, but there is some direct
13 evidence that EMFs at high levels can induce a biologic
14 effect

15 MR. O'NEILL: Now, the second part of my
16 question involved any possible recommendations you have
17 regarding best management practices used by other states
18 in this country --

19 DR. GINSBERG: Oh, yeah --

20 MR. O'NEILL: -- or around the world
21 regarding --

22 DR. GINSBERG: Right --

23 MR. O'NEILL: -- the placement of
24 transmission or distribution lines. Do you -- have you

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1 had any recommendations specific --

2 DR. GINSBERG: Yeah. The -- one of the
3 states, if not the state that has done the most looking
4 into the issue and their own take on the issue, their own
5 write-up is California. And you know, sometimes when you
6 mention the State of California and how risk of verse they
7 have been on some issues, you know, people say, gee, you
8 know, they're off on their own planet, but we don't think
9 that they are. On many issues -- some issues they have
10 been more extreme than we would be. Regarding EMF, they
11 have -- I believe they actually have legislation --
12 they've legislated the siting of schools to be at a
13 certain distance from -- it's either distance or
14 milligauss readings they've used to legislate the siting
15 of new schools.

16 MR. TAIT: This is the siting of new
17 schools and not --

18 DR. GINSBERG: Right --

19 MR. TAIT: -- and the not the removal of
20 existing schools?

21 DR. GINSBERG: That's right, yeah. I --

22 MR. TAIT: Or relocating the lines near
23 existing schools?

24 DR. GINSBERG: Right. Yeah, I think that

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1 their -- what they've been able to do is -- you know,
2 there's a limitation on what they can do.

3 MR. D. LYNCH: Dr. Ginsberg --

4 MR. O'NEILL: I don't think I was quite
5 finished.

6 MR. D. LYNCH: So we in Connecticut, unlike
7 California, can still eat potato chips and french fries --
8 (laughter) --

9 DR. GINSBERG: And drink MTBE and
10 groundwater and things like that. Yeah, there are --
11 there are difference between us.

12 CHAIRMAN KATZ: Mr. O'Neill, any more
13 questions?

14 MR. O'NEILL: Yes, just one more. Knowing
15 and appreciating and sharing your concerns about
16 children's health, does your Department intend on
17 following up your concerns on EMF with recommendations to
18 schools as far as placement of desks to fans and other
19 appliances within schools?

20 DR. GINSBERG: Again, the time weight --
21 and you bring up schools as an interesting issue because a
22 study done I believe in California did find in general
23 higher EMF exposures in schools than in homes because of
24 the school -- what the school environment brings and all

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1 the power that comes into --

2 MR. O'NEILL: And the time they spend in
3 them as well.

4 DR. GINSBERG: And because of all the power
5 that comes into a school building that is different than
6 the voltage that needs to come into a home to run the
7 home's equipment. The -- however, the time weight average
8 of a school environment child is -- in that environment is
9 still below the 6-milligauss range that we would find to
10 be abnormally high. So if the school environment time
11 weight average exposure was in this 3 to 6 or greater than
12 6 range, it's at that point where we would try to make
13 specific recommendations about maybe that classroom -- you
14 know, what's going on, why -- why are these children for
15 eight hours a day being exposed to these greater than
16 background levels. So far we haven't seen evidence that
17 they're that high in schools.

18 MR. O'NEILL: Thank you, doctor.

19 CHAIRMAN KATZ: Thank you. We're going to
20 take a break in a minute. But I'm just curious, Dr.
21 Ginsberg, were you or any of your colleagues asked to
22 testify before the Legislature when they were looking at
23 their buffer zone EMF legislation?

24 DR. GINSBERG: We were not called in on

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1 that.

2 CHAIRMAN KATZ: Okay. It's about time for
3 our break. So what we're going to do is take our break at
4 this point, if you don't mind, and then we'll come back to
5 follow-up questions from Mr. Ashton. So we are adjourned
6 for -- let's just make this 10 minutes if we could.

7 (Whereupon, a short recess was taken.)

8 CHAIRMAN KATZ: Before we resume with Dr.
9 Ginsberg -- are we back in order, Mr. Chamberlain? Mr.
10 Prete, I don't want to create new paper. I want to give
11 you sort of a homework assignment --

12 MR. TAIT: There's fear on his face --
13 (laughter) --

14 CHAIRMAN KATZ: Yes --

15 MR. PRETE: Mr. Pinto, are you listening.

16 CHAIRMAN KATZ: Okay. But you had
17 testified previously about 6 milligauss, okay. And based
18 on this recent testimony -- and this is sort of a homework
19 assignment for cleanup day, so -- but I just want to make
20 it clear in my mind, taking this grand circle of maps, if
21 the Council wanted to know where 6 milligauss wanders
22 outside the existing right-of-way, where you would be able
23 to tell us that?

24 MR. TAIT: And whether there are any

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1 statutory facilities --

2 CHAIRMAN KATZ: Facilities --

3 MR. TAIT: -- when you do that.

4 CHAIRMAN KATZ: And when we talk about
5 statutory facilities, for the sake of this question please
6 consider all residences.

7 MR. PRETE: I would assume all residences
8 as structures, correct?

9 CHAIRMAN KATZ: Yes.

10 MR. PRETE: And I would also assume that
11 the 6 milligausses is associated with a time weighted
12 average, so it would be the 15-gigawatt loading.

13 CHAIRMAN KATZ: Now you're going to hate me
14 --

15 MR. ASHTON: The answer is yes, Pam -- the
16 answer has got to be yes. It's got to be yes, there's no
17 other way --

18 MR. TAIT: Or 27 --

19 (Pause)

20 MR. PRETE: We will never hate you,
21 Chairman. (Laughter).

22 CHAIRMAN KATZ: Wait a minute, I'm getting
23 a little more animated feedback from up here. Should we
24 ask for 27?

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1 MR. TAIT: I think so.

2 CHAIRMAN KATZ: Yeah. We're going to ask
3 for 15 and 27. Now you can hate us. Where we would
4 wander outside the right-of-way for a 6-milligauss case
5 under those two loadings.

6 MR. PRETE: What assumptions do we make for
7 the height of the structures?

8 CHAIRMAN KATZ: The height of the
9 structures would be --

10 MR. ASHTON: As proposed.

11 CHAIRMAN KATZ: -- as proposed in your
12 existing maps.

13 A VOICE: Applying mitigation.

14 CHAIRMAN KATZ: Applying --

15 MS. BARTOSEWICZ: In the application
16 proposal or in the mitigation --

17 CHAIRMAN KATZ: In the mitigation proposal.

18 MR. PRETE: What's still outstanding of
19 course is Mr. Tait's homework assignment that asked us to
20 generously increase the height to find out with the
21 mitigation, and of course that's now adopted, what do we
22 do with the results of that particular assignment?

23 MR. TAIT: I think let's put that aside and
24 go with -- to simplify your task, can we extrapolate from

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1 that the questions thereafter? From your recent
2 submission can we --

3 CHAIRMAN KATZ: How about if we do this, I
4 -- at this late in the docket I really don't want to
5 create a lot, but I -- I think we're narrowing down here a
6 little bit, and the -- if you said to us okay at these
7 points under the heights that we're talking about under
8 our mitigation proposal 6 milligauss wanders outside the
9 right-of-way but we could go to X height and stay within
10 the right-of-way, is that doable?

11 MR. PRETE: For the 15-gigawatt loading --
12 that's very doable for the 15-gigawatt loading.

13 MR. TAIT: For the 27 --

14 CHAIRMAN KATZ: But why -- and why is that
15 a problem for the 27?

16 MR. PRETE: It's just more complex and it's
17 duplicating the work since of course that line would more
18 than likely be further away than the 15-gigawatt line.

19 CHAIRMAN KATZ: Or the tower would be
20 higher?

21 MR. PRETE: Or the tower would be higher.

22 CHAIRMAN KATZ: Mr. Fitzgerald.

23 MR. FITZGERALD: Also, just -- just so we
24 can follow along, you -- what you just described when you

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1 spoke of wandering outside the right-of-way --

2 CHAIRMAN KATZ: Yes --

3 MR. FITZGERALD: -- well now that's an edge
4 of right-of-way value --

5 CHAIRMAN KATZ: Yes.

6 MR. FITZGERALD: What John was talking
7 about earlier were where are the -- where is the 6-
8 milligauss line going to fall across a house or statutory
9 facility --

10 CHAIRMAN KATZ: No, I --

11 MR. FITZGERALD: No?

12 MS. RANDELL: No --

13 MR. FITZGERALD: Okay, then I stand
14 corrected. I misunderstood.

15 MR. ASHTON: Can I try something, Pam?

16 CHAIRMAN KATZ: Mr. Ashton.

17 MR. ASHTON: Mr. Prete -- I forget what
18 exhibit number it is -- it may be the one that was 166 --
19 and that describes the EMF at the edge of the right-of-way
20 for a variety of structure heights, does it not? I'm
21 wondering if --

22 MR. PRETE: That would be Exhibit 96.

23 MR. ASHTON: Okay. I'm wondering if by any
24 chance something that's already in gives a pretty good

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1 picture of the -- whether or not the 6-milligauss is held
2 at the right-of-way for the proposed structures in the
3 application? If it is, then mitigation measures would
4 further reduce that. In other words, there may be --
5 rather than create something new, I'm wondering if we
6 could just pick off something that's already in the record
7 --

8 A VOICE: No --

9 MR. ASHTON: -- and slightly tweak that to
10 get a satisfactory answer. I'm not sure we need to
11 reproduce all of these maps --

12 CHAIRMAN KATZ: Oh, no, I don't want to
13 reproduce all the maps --

14 MR. ASHTON: -- and that kind of thing.

15 MR. PRETE: I think that if you go to Dr.
16 Bailey's testimony, it shows very specifically per cross-
17 section the mitigating techniques. And as you recall, it
18 has a graph very similar to the graph that shows the EMF
19 measurements at 15-foot intervals --

20 MR. ASHTON: Yeah --

21 MR. PRETE: -- and from there you could
22 pick off the 3 or the 6, it's quite easy to do so.

23 MR. ASHTON: Yeah.

24 CHAIRMAN KATZ: Okay, what I'm going to do

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1 is this, I'm going to confer a little further with the
2 staff, specifically Mr. Cunliffe, and what we'll do is we
3 might actually issue an interrogatory -- once we're clear
4 on what we want, we'll issue an interrogatory to the
5 Applicants outlining that.

6 MR. PRETE: We certainly can do what you're
7 asking for --

8 CHAIRMAN KATZ: Okay --

9 MR. PRETE: -- I'm just trying to figure
10 out the best format and reuse the information in the
11 record. I think we can do that.

12 MR. ASHTON: Yeah.

13 MR. FITZGERALD: Yeah.

14 MR. ASHTON: The data is there I think,
15 that's why --

16 CHAIRMAN KATZ: Okay. Well, we'll give
17 that more thought and we will -- and if others have
18 thoughts on that, you can share them with us.

19 Okay, at this point what I'd like to do is
20 we're going to go back to the continuation of questions of
21 Dr. Ginsberg. And Mr. Ashton, I think we're up to you.

22 MR. ASHTON: Thank you. Mr. Ginsberg,
23 there's a couple of --

24 MR. TAIT: Doctor.

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1 CHAIRMAN KATZ: Dr. Ginsberg.

2 MR. ASHTON: Or Dr. Ginsberg, pardon me.
3 There's a couple of concerns I have in that -- in your
4 testimony -- in your oral testimony this afternoon you
5 intermittently used power and voltage to delineate various
6 gradations of EMF. And isn't it a fact that it's not
7 power or voltage, it's the current flowing through the
8 conductor and that should be the basis for determining
9 EMF? The voltage is irrelevant per say -- a conductor at
10 the same height, a given height, having different voltages
11 but the same current would produce the same EMF, wouldn't
12 it?

13 DR. GINSBERG: Right. We -- we don't claim
14 to have expertise specifically in terms of the electro
15 physics of the lines and whether -- I mean they're
16 commonly referred to as -- in terms of the kilo-voltage
17 that goes through the line --

18 MR. ASHTON: Right --

19 DR. GINSBERG: -- so that --

20 MR. ASHTON: -- but that in itself is not a
21 measure of EMF --

22 DR. GINSBERG: Right. Oh, no --

23 MR. ASHTON: -- it's the current flowing
24 through it?

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1 DR. GINSBERG: Absolutely, yes.

2 MR. ASHTON: So it could be a 120-volt line
3 if was big enough that could create an EMF field that
4 would match that of a 345 line?

5 DR. GINSBERG: Right.

6 MR. ASHTON: So I want to underscore that
7 it's the current rather -- the current and distance that
8 creates EMF --

9 DR. GINSBERG: Right --

10 MR. ASHTON: -- is that fair to say?

11 DR. GINSBERG: Yes, that's fair to say.

12 MR. ASHTON: Okay. If I heard your
13 testimony correct and I wrote down the notes correctly, we
14 agree that with EMF and cancer, it's a weak association?

15 DR. GINSBERG: Yes.

16 MR. ASHTON: Okay. And the -- the -- your
17 advice to the Siting Council is that we should use best
18 management practices which make every reasonable effort to
19 avoid exposure, is that fair to say?

20 DR. GINSBERG: That's fair.

21 MR. ASHTON: Okay. And furthermore, you
22 said that, as I wrote in my notes again, prudent avoidance
23 where you have less than 6 milligauss is not a public
24 health risk?

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1 DR. GINSBERG: Uh --

2 MR. ASHTON: That was --

3 DR. GINSBERG: Not a defined public health
4 risk.

5 MR. ASHTON: I beg your pardon?

6 DR. GINSBERG: Defined. I would use the
7 word --

8 MR. ASHTON: What does defined mean?

9 DR. GINSBERG: It's -- we can't define it
10 as a public health risk. We can't call it that. I
11 wouldn't say that it doesn't exist because we just -- you
12 know, the data, the evidence is not sufficient to describe
13 --

14 MR. ASHTON: There's no weak association at
15 6 or below, is that fair to say?

16 DR. GINSBERG: Well, the -- the mean of the
17 group that was at elevated risk was 5.8. You know, there
18 were people in that group that were part of that grouping
19 that had 4, or 4.5. You know, so where -- I don't think
20 that there's a bright line that says, you know, at this
21 level there's risk and at this level there's no risk.
22 What we're basing it on is what we've got from the
23 literature to work with and what background information
24 is. And when we put those two together, 6 and above

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1 stands out as being a range that the certainty of safety
2 goes down considerably --

3 MR. ASHTON: Well --

4 DR. GINSBERG: -- whereas 6 and below 6
5 we're in a different range -- well, below 3 we're in a
6 clearly different range where we don't have a concern --

7 MR. ASHTON: Well, let me be specific --

8 DR. GINSBERG: -- between 3 and 6 it's more
9 of a gray area.

10 (gavel)

11 MR. ASHTON: Let me --

12 CHAIRMAN KATZ: Mr. Ashton, you've got to
13 let the witness --

14 MR. ASHTON: I hear you --

15 CHAIRMAN KATZ: -- finish the answer.

16 MR. ASHTON: Specifically I wrote down for
17 less than 3 there is no prudent avoidance necessary --

18 DR. GINSBERG: Right --

19 MR. ASHTON: -- and I wrote down from 3 to
20 6 it's a gray area --

21 DR. GINSBERG: Right --

22 MR. ASHTON: -- those were your terms?

23 DR. GINSBERG: Right.

24 MR. ASHTON: And for greater than 6, it is

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1 a, quote, larger public health -- or pardon me -- "there
2 exists larger public health concerns"?

3 DR. GINSBERG: That's correct.

4 MR. ASHTON: Okay. And those are all long-
5 term averages?

6 DR. GINSBERG: Yes.

7 MR. ASHTON: And that -- that term is
8 picked up on line 20, page 179 of your May 12th testimony,
9 that was where you used the term.

10 DR. GINSBERG: Okay.

11 MR. ASHTON: And I want to be sure we are
12 in agreement and understand what long-term average is.
13 This is taking a minute-by-minute -- because current
14 varies minute-by-minute -- it would be more faster than
15 that -- this is taking the average of the instantaneous
16 readings over a long period of time, is that fair to say?

17 DR. GINSBERG: This would be -- yeah,
18 weighting the peaks for the amount of time that those
19 peaks exist and averaging them in with all the other
20 readings --

21 MR. ASHTON: Okay --

22 DR. GINSBERG: -- over the course of --

23 MR. ASHTON: -- a numerical average?

24 DR. GINSBERG: Yes.

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1 MR. ASHTON: Okay. So if it varied between
2 zero on a line and a thousand amperes on a line over a
3 period of time and the average for all the hours in a year
4 was 287, you would use that number --

5 DR. GINSBERG: Right --

6 MR. ASHTON: -- is that fair to say?

7 DR. GINSBERG: Right. I did make some
8 other point when this question came up about peaks versus
9 averages. Somebody from the Council asked and I said that
10 even though we're not focusing on peaks, we wouldn't want
11 to see some, you know, tremendously high excursions that
12 we don't really know what they mean, because when you get
13 into the animal literature, you know, there are some
14 fairly -- when they do use high exposures, you start
15 seeing biological effects, so --

16 MR. ASHTON: Well, let me --

17 DR. GINSBERG: -- we wouldn't --

18 (gavel)

19 DR. GINSBERG: -- we wouldn't want to see -
20 - everything focused on the average and no concern at all
21 about peaks. It's just that we don't have enough
22 information to say what a peak number is that we'd start
23 worrying about.

24 MR. ASHTON: Okay. What do we do with a

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1 peak number? You've got concerns about it, but what do we
2 do with it? You know, it's well to say you have concerns,
3 but --

4 DR. GINSBERG: Right --

5 MR. ASHTON: Let me give you two peaks, the
6 first one is the peak flow on a line serving normal load
7 over long hours, 8,760 hours in a year, a line that's
8 rated for 1,000 amperes has a peak flow on it of 680
9 amperes for one hour. Another instance could be under
10 short-circuit conditions where for a few cycles, i.e. one
11 cycle being 160th of a second, you might get 2,000 or
12 3,000 amperes on the line. Are you concerned about the
13 latter or the former?

14 DR. GINSBERG: I would have to see what
15 that would result in in EMF exposures --

16 MR. ASHTON: Well --

17 DR. GINSBERG: -- and in particular
18 location.

19 MR. ASHTON: Arguing EMF at the edge of
20 the right-of-way for a 680 normal peak load hour on the
21 line yields an EMF, my numbers grabbed out of the top of
22 my head, of 35 milligauss at the edge of the right-of-way
23 --

24 DR. GINSBERG: That's at peak?

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1 MR. ASHTON: That's that one peak hour, one
2 peak hour, averaged for the hour. In short-circuit
3 conditions it's for 160th of a second, the short-circuit
4 current generates an EMF of 120 milligauss, that's 160th
5 of a second once a year.

6 MR. HEFFERNAN: We'll forget about that one
7 -- (laughter) --

8 DR. GINSBERG: You know, the -- I -- I
9 don't know that that particular scenario has ever been
10 experimentally tested, you know, on such a short term and
11 a spike of that magnitude. So, I wouldn't want to sit
12 here and say that absolutely I know what the answer is --

13 MR. ASHTON: Okay --

14 DR. GINSBERG: -- to whether it's safe or
15 not.

16 MR. ASHTON: Okay, that's fine --

17 DR. GINSBERG: I would -- I would just
18 speculate, and it's pure speculation, that such a short-
19 term infrequent exposure would not elevate itself to being
20 a major concern --

21 MR. ASHTON: Okay --

22 DR. GINSBERG: -- but I -- that's pure
23 speculation.

24 MR. ASHTON: You don't know in fairness?

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1 DR. GINSBERG: Yeah.

2 MR. ASHTON: Okay. Has the Department
3 issued any warnings or expressed in policy any concerns
4 over EMF fields generated by or located in industrial,
5 commercial, or in residential uses?

6 DR. GINSBERG: Well, the industrial,
7 commercial we have not. Of course we don't expect young
8 children to be in that environment.

9 MR. ASHTON: Certainly in commercial they
10 could be. Schools are -- private --

11 DR. GINSBERG: Oh, if you're including
12 schools -- yeah -- no, we have not issued any advisories
13 or interceded in any way as I said with industries,
14 commerce, or schools. The only place where this comes up
15 is in the residential -- where we have made any statement
16 at all is in the residential area. And that's through our
17 fact sheet and through conversations on the phone.

18 MR. ASHTON: Do we warn children staying
19 away from microwaves or electric blankets or anything like
20 that?

21 DR. GINSBERG: The only warning that we
22 have --

23 MR. ASHTON: Or refrigerators?

24 DR. GINSBERG: It's not -- again, it's not

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1 a, quote/unquote, "warning". It's a -- some advice or
2 information because again, you know, we don't want to
3 cross the line into risk management, but information to
4 pregnant women about electric -- well in general about
5 electric blankets and warming them up before you get into
6 bed so that you don't have the EMF field from the blanket
7 on while you're sleeping. And then the -- just the other
8 general things in our fact sheet about keeping distance
9 from EMF sources around the home again as a for your
10 information this is something you can do to limit your
11 exposure if -- if you're concerned about it.

12 MR. ASHTON: You made a statement that you
13 warned -- if I heard it correctly, you warned people about
14 -- women -- pregnant women about getting -- not getting
15 into -- under an electric blanket while it's warming up.
16 What happens during the night?

17 DR. GINSBERG: The assumption is --

18 MR. ASHTON: Never mind, Gerry.

19 (Laughter).

20 MR. TAIT: Don't go there.

21 CHAIRMAN KATZ: Moving on.

22 DR. GINSBERG: The assumption is, is that
23 once you get into a bed with an electric blanket on that's
24 warm -- that the electric blanket is off -- if the

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1 electric blanket had been turned on and the bed is warm
2 and you fall asleep, that you're not going to get up
3 during the night to turn it on and thereby you wouldn't
4 get exposure. Also, there's a certain amount of retention
5 of body heat that -- you know, the idea is to warm up the
6 bed before you get in so you don't get into a cold bed.

7 MR. ASHTON: If an electric blanket is
8 thermostatically controlled and comes on during the night
9 --

10 DR. GINSBERG: Yeah, we would suggest to
11 people to not have it on, the thermostat setting.

12 MR. ASHTON: Okay. The CDH advice to the
13 general public as you cited, I understood to say is that
14 you're recommending a 300-foot buffer which allows EMF to
15 get down to background levels. And that background is
16 six-tenths of a milligauss?

17 DR. GINSBERG: Yeah, the background that we
18 -- the general ambient outdoor background away from power
19 lines can be in the .5 to 1 --

20 MR. ASHTON: Approximately --

21 DR. GINSBERG: -- 1 milligauss range --

22 MR. ASHTON: -- six-tenths or something
23 like that --

24 DR. GINSBERG: Yeah --

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1 MR. ASHTON: -- half a milligauss --

2 DR. GINSBERG: -- ballpark.

3 (gavel)

4 CHAIRMAN KATZ: The Navajo --

5 MR. ASHTON: Is the -- does that account
6 for proximity to distribution lines along the street or
7 service conductors into the house?

8 DR. GINSBERG: You mean the background --

9 MR. ASHTON: Well, yeah --

10 DR. GINSBERG: -- of .5 to 1?

11 MR. ASHTON: Yeah -- well, the background I
12 presume is outside of the house --

13 DR. GINSBERG: Right --

14 MR. ASHTON: -- and away from all power
15 lines?

16 DR. GINSBERG: Right. Just --

17 MR. ASHTON: Do you give similar advice
18 that a house ought to be built away from distribution
19 lines, overhead or underground, so that they achieve that
20 same kind of effect?

21 DR. GINSBERG: We instruct people that if
22 they have concerns about the power grid, that they get a
23 milligauss reading and that levels that are significantly
24 above background, they should, you know, get further

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1 information about and think harder about in terms of their
2 real estate purchases. We don't specify that it should be
3 from one kind of power line or another. We typically get
4 questions from people because the house that they're
5 considering purchasing is near one of these supply lines,
6 not a neighborhood grid kind of line --

7 MR. ASHTON: I --

8 DR. GINSBERG: -- nobody calls us with that
9 kind of question.

10 MR. ASHTON: Okay. I have no -- I have
11 some problem with what you're saying, but I have a
12 particular problem in that you're singling out a
13 transmission line and recommending getting 300 feet away
14 from it, where that could conceivably put a person closer
15 to or in ignorance of electromagnetic fields from
16 appliances, from the service line to the house, and from
17 the conductors along the street. We're not being
18 consistent, are we?

19 DR. GINSBERG: Well, again what we're
20 saying is that 300 feet is a no-brainer, you don't have to
21 worry or get milligauss readings. If you're within 300
22 feet, then we suggest that people get milligauss readings
23 so that they understand their exposure in general. It
24 could be from a major transmission line, it could be from

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1 other lines in the area. We're not looking to give
2 general advice to everybody that's got a -- the normal
3 power grid in their backyard in their neighborhood
4 partially because we as an agency may be somewhat ignorant
5 about how much those levels can -- or those lines may
6 contribute to a milligauss reading. We do have
7 information about the transmission lines, and from those
8 sources it has spurred us to give some advice to people.
9 We haven't -- you know, the lower level neighborhood grid
10 lines, it's our understanding that they provide less
11 exposure, and so we -- but we don't have the details to
12 say under certain circumstances you may also have a
13 concern with that.

14 So in general, we get more questions -- we
15 only get questions about the transmission lines, and so
16 that's what our focus for an answer has been on.

17 MR. ASHTON: Understandable on the latter
18 point, but with regard to the former, you've agreed that
19 the fields generated are the product of distance and
20 current --

21 DR. GINSBERG: Right --

22 MR. ASHTON: -- and in these large super
23 houses that are going in, you're getting current entrance
24 switches of 400 amperes and can get a loading up in the

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1 several hundred of amperes right in the house itself,
2 coming into the house at a much closer distance, so that
3 the fields generated -- to just say we pass those by and
4 looking at transmission, to me seems completely
5 inconsistent.

6 DR. GINSBERG: Well, this is an area that,
7 you know, if you have data or the utility has data, maybe
8 DPH would want to look at just how much increase in
9 background some of these lines can bring if you're saying
10 that that scenario is a concern.

11 MR. ASHTON: Mr. O'Neill asked some very
12 excellent questions. And in the answer to one, you say
13 you try to be neutral and express -- make a comparison.
14 For example, when talking about known risks, you made the
15 comparison between smoking and EMF. Is that not a loaded
16 comparison because there's a known carcinogenic link
17 between smoking and cancer and there is none between EMF
18 and cancer? Isn't that the kind of comparison that does
19 EMF an injustice because it's -- they're dissimilar in
20 their effects --

21 DR. GINSBERG: Yeah, I don't --

22 MR. ASHTON: -- or linkages?

23 DR. GINSBERG: I don't recall exactly what
24 my statement was about smoking. I remember it coming up

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1 in the context of we do tell people not to smoke. We --
2 that they should not smoke. I think, you know, it's
3 somewhat of a careful word -- you know, how do we -- how
4 exactly do we word it. We tell people they should not
5 smoke. We don't use shoulds when we tell people about
6 EMFs. So, I think that -- that was the context that came
7 up. And I wasn't trying to compare risks or say that
8 they're the same thing or not the same thing.

9 MR. ASHTON: Well, the transcript will
10 speak for itself, but -- one last question -- do computers
11 generate fairly high levels of EMF?

12 DR. GINSBERG: It's my understanding that
13 computers generate some, that there are shielding in
14 computers that helps cut down on that, but there is
15 certainly some exposure. I don't think it's the highest
16 source of exposure in a house.

17 CHAIRMAN KATZ: All -- all set?

18 MR. ASHTON: Nothing further, thank you.

19 CHAIRMAN KATZ: Mr. Tait.

20 MR. TAIT: Dr. Ginsberg, we're wrestling
21 with overhead and underground here on EMFs --

22 DR. GINSBERG: Yes --

23 MR. TAIT: -- and the Legislature has
24 thought that undergrounding would solve the solution

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1 because overhead would have -- I think that's behind the
2 legislative dictate to us to presume unless it's
3 technically not feasible. We're hearing testimony that to
4 make undergrounding feasible for even portions of this
5 line, we have to use a cable XLPE, whose information we
6 currently have, have EMF levels over it of up to 25
7 milligauss. It seems to me to be counterproductive for us
8 to go underground to eliminate EMFs when overhead makes
9 them less. So for prudent avoidance, it tells me to avoid
10 EMFs, we go overhead. Am I wrong? If the EMFs are the
11 same aboveground or below ground --

12 DR. GINSBERG: Yeah, I --

13 MR. TAIT: -- if we go aboveground, we know
14 what they are, below the ground, we know what they are --

15 DR. GINSBERG: Yeah, I think it boils down
16 to what will be the ground reading at the nearest
17 structure where children may be spending a lot of time and
18 if an underground line creates 25 but it is small relative
19 to what's directly under an overhead line and they both
20 dissipate the same with distance, maybe the under -- maybe
21 what comes up from underground isn't that much --

22 MR. TAIT: That's --

23 DR. GINSBERG: -- compared to the overhead,
24 but if you could --

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1 MR. TAIT: That's the comparison we should
2 be making though?

3 DR. GINSBERG: Right. It's -- it's what is
4 going to be at the edge of the right-of-way where children
5 may be spending time.

6 MR. TAIT: And although the Legislature
7 didn't order us to do that for undergrounding, they've
8 asked us to do statutory facilities for overhead --

9 DR. GINSBERG: Right --

10 MR. TAIT: -- we should be doing it for
11 underground as well --

12 DR. GINSBERG: That's the way --

13 MR. TAIT: -- to be consistent?

14 DR. GINSBERG: I'm just guessing that the
15 Legislature made an assumption about the effectiveness of
16 undergrounding.

17 MR. TAIT: And I don't think they really --
18 they did it without the benefit of your testimony -- I
19 know that you didn't testify. I'm not sure the
20 Legislature had all this information --

21 DR. GINSBERG: Right --

22 MR. TAIT: -- when they dictated -- more or
23 less dictated undergrounding --

24 DR. GINSBERG: Right --

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1 MR. TAIT: -- with the aim of reducing EMFs

2 --

3 DR. GINSBERG: Right --

4 MR. TAIT: -- so --

5 DR. GINSBERG: Again, you know, the risk
6 management options that you may have available to you to
7 achieve as close to background -- quote/unquote, back --
8 as close to within, you know, "background" as possible is
9 a little bit beyond what we think about on a day-to-day
10 basis, whether this technology, split-phasing, heights,
11 other configurations, undergrounding is going to achieve
12 the desired goal. You know, our bottom line is what is
13 the EMF level at the -- where the receptor, the young
14 child is going to be spending a lot of time.

15 MR. TAIT: I know -- I don't think that you
16 participated in Docket 217, which was the Phase 1 part of
17 this problem --

18 DR. GINSBERG: Right, I don't believe so --

19 MR. TAIT: -- and I wish you had. I know
20 we sent a letter to the Health Department asking for
21 comments and I don't believe we had any response, but I
22 don't think that's your problem.

23 CHAIRMAN KATZ: All set?

24 DR. GINSBERG: And we'll try to not let

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1 that happen again.

2 CHAIRMAN KATZ: Mr. Heffernan.

3 MR. HEFFERNAN: No questions, Madam
4 Chairman.

5 CHAIRMAN KATZ: Mr. Emerick.

6 MR. EMERICK: Dr. Ginsberg, based on the
7 medical record, and I realize you're a risk assessor and
8 not manager, but in looking at the application of the
9 health record on this, are you aware of any management
10 agencies or health agencies, assessment folks that
11 actually established a specific EMF standard for
12 transmission lines or any other kinds of facilities?

13 DR. GINSBERG: I think what you're really
14 looking for is a standard that would be in the community
15 or at homes, you know, what -- is there an acceptable
16 exposure limit for EMF. And I am not aware of any body in
17 this country or internationally, whether it's a town, a
18 state, or a higher level body that has set a standard.
19 And again, there's -- we're within the realm of prudent
20 avoidance, guidance, best management practices. I'm not
21 aware of any standards of any nature, whether it's for a
22 school, a home, for workers on lines. There may be some
23 guidance to -- or standards to avoid thermal effects, but
24 -- but not in a community setting.

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1 MR. EMERICK: And I guess one last question
2 and it more deals with risk management than assessment,
3 but if we have a current situation where we have an EMF
4 reading, perhaps a milligauss reading at the edge of a
5 right-of-way, 15, 16, current conditions, and we have this
6 project if it were to go forward, we could apply different
7 mitigation strategies, heights, line configurations, such
8 that that number becomes 7, obviously it's going -- I
9 would think from an assessment perspective going in the
10 right direction, but to bring it down to something like 6
11 takes us beyond the right-of-way, perhaps to that
12 structure. I mean where do -- where would you suggest you
13 draw the line in terms of prudent avoidance? Is it
14 prudent avoidance to contemplate acquiring that structure
15 as a way of achieving or eliminating the possibility of
16 that kind of exposure, recognizing that if we pulled back
17 and did nothing we're living in that higher environment?

18 DR. GINSBERG: Well, now you're asking the
19 natty risk management questions that we normally don't get
20 involved in on a day-to-day basis. But I would say that,
21 you know, the level of 6 that we have described is a level
22 that I think is fairly -- you know, it's difficult to
23 characterize it exactly, but fairly generous in terms of
24 what background is, because background clearly -- this is

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1 -- this is clearly above background. So then the matter
2 is how much are we concerned with elevations above
3 background that are two-fold, that are three-fold, that
4 are in between two and three, that are more than three.
5 And all we can say given the limited information we've got
6 is that the certainty of -- and I've said this before and
7 I hate to harp back to the same, quote/unquote, "line",
8 but the certainty of safety goes down with the more above
9 this sort of prescribed background range, the more above
10 it we go just because there's some uncertainty in the
11 database, but we do have this association, and -- and so
12 the -- the more untested we also are, the more above
13 background that we go -- because these studies just have
14 not been able to identify enough kids exposed at 6, 7, 8,
15 10, 12 milligauss, so we get into really more uncharted
16 territory.

17 So if someone asked me the question -- you
18 know we get the question well should I live in that house,
19 can you say that it's safe for me to live there, and --
20 and you know, if you're going to present me with a level
21 of 7 milligauss from just background, you know, from the
22 power line and then you add in what's going on inside the
23 house, you know, I -- we -- we would not be able to tell
24 that person that's a known safe situation, that we would

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1 have to say that there's certainly some uncertainty there,
2 that they should, you know, consider all -- this is one
3 factor they should -- it becomes a factor for them in
4 their real estate decision, and they have to judge how
5 much they like the house, whether they have kids, whether
6 they're going to have kids, how old the kids are,
7 etcetera, etcetera, amongst all their other factors.

8 I know I'm avoiding the question about what
9 this Council should do in that scenario about, you know,
10 future uses of that property. It's just a hard -- a hard
11 question.

12 MR. EMERICK: Okay, fair enough. Thank you
13 very much.

14 CHAIRMAN KATZ: Mr. Cunliffe.

15 MR. CUNLIFFE: I'm going to read you a
16 question and an answer and I want to see if you agree or
17 disagree with it, okay. And this comes from the -- from
18 Mr. Bailey's supplemental testimony and he presented Dr.
19 Linet's July 2003 paper.

20 DR. GINSBERG: Okay.

21 MR. CUNLIFFE: And the question posed to
22 her and her answer is are there meaningfully types of meta
23 analyses or statistical approaches for systematically
24 evaluating a body of epidemiological studies. And her

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1 answer is at present this is an active area of statistical
2 research with a variety of methods under development.
3 Under internationally recognized methods -- until
4 internationally recognized methods have been validated,
5 such efforts should be viewed with appropriate caution.

6 DR. GINSBERG: Um-hmm. I would agree with
7 that statement. I would also point out that she was one
8 of the authors of a large European summary -- actually,
9 no, it wasn't just European -- it was a European and U.S.
10 summary in Environmental Health Perspectives in 2001 where
11 they point out the limit -- the data and the limitations
12 and do point out the -- and highlight the associations
13 found in the meta analyses on EMF as raising questions.
14 So if one were to wait for whatever new methodologies to
15 do meta analyses better to come along, that's fine, but
16 still we have what we have in terms of data. And she
17 recognizes, I assume because she's one of the co-authors,
18 recognizes the value of using the information that you
19 have now to analyze it and to make some kind of informed
20 statement about what we do know.

21 MR. CUNLIFFE: Thank you. No more
22 questions.

23 CHAIRMAN KATZ: At this point, I'm going to
24 let the Applicants, parties, and intervenors ask further

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1 questions of Dr. Ginsberg. I ask that you restrict it to
2 new testimony only since it's your last turn. Is there
3 anyone who wishes to cross-examine Dr. Ginsberg? Mr.
4 Frank. Can I have a show of hands of other people who may
5 be interested? Okay. After Dr. Ginsberg's testimony,
6 we'll go back and finish the maps.

7 MR. FRANK: Good afternoon, Dr. Ginsberg.
8 For the record, Monte Frank for the Town of Woodbridge.

9 DR. GINSBERG: Good afternoon.

10 MR. FRANK: Dr. Ginsberg, do you have the
11 transcript in front of you for June 17th?

12 DR. GINSBERG: Yes.

13 MR. FRANK: Okay. Could you please turn to
14 page 13, line 20.

15 DR. GINSBERG: Yes.

16 MR. FRANK: Okay. You state that given the
17 suggestive positive findings for exposures above 3 or 4
18 milligauss in the Greenland and Ahlbom meta analyses, DPH
19 finds that prudent avoidance is warranted in this
20 uncertain zone above 3-milligauss. Is that your opinion?

21 MR. FITZGERALD: Gee, I'm going to have to
22 object to this --

23 MR. TAIT: Is it his personal opinion or is
24 it the --

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1 CHAIRMAN KATZ: Can you clarify the
2 question?

3 MR. FRANK: Sure. Is that -- is that the
4 Department's opinion because there's been --

5 DR. GINSBERG: Yes --

6 MR. FRANK: I just want to make sure it's
7 clear.

8 DR. GINSBERG: Yes, it's -- it's a -- it's
9 above the range of background and so we advise people to -
10 - if they can in whatever way is feasible for them,
11 reasonable for them, to limit exposures to background.

12 MR. FRANK: Okay. Isn't it true, Dr.
13 Ginsberg, that at or below 6 milligauss there are no
14 studies that prove that EMF exposures at that level is
15 safe for children?

16 DR. GINSBERG: Well, well below 6
17 milligauss when you get into the, you know, sort of 1 to 3
18 milligauss range, you know, that's sort of the control
19 group, so you don't even test there. Between 3 and 6
20 milligauss, the evidence is very limited because you don't
21 really have a group that's just between 3 and 6. These
22 studies say above 2, above 3, above 4. So that could be 4
23 to 25, 4 to 50. So nobody has teased out to say that just
24 between 3 and 6 specifically is a known increase in risk,

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1 but we -- as I -- as I pointed out, that at 5.8 that
2 happened to be the average of the above -- I can't
3 remember if it was an above 3 meta analysis or if it was -
4 - if the meta analysis was above 4, but the average was
5 5.8, which did show the increased correlation.

6 MR. FRANK: Okay. And just to be clear, in
7 that range between 3 and 6, you're not aware of any
8 studies that prove that that EMF exposure is safe for
9 children, correct?

10 DR. GINSBERG: No, there is no studies that
11 would prove --

12 CHAIRMAN KATZ: Let me ask the mirror image
13 of that question. Are there any studies that 3 to 6 is
14 unsafe for children?

15 DR. GINSBERG: Again, the evidence is that
16 above 3 and some studies are above 4, but they don't put
17 an upper window, they don't say 3 to 6 --

18 CHAIRMAN KATZ: Okay --

19 DR. GINSBERG: -- you know, so we don't
20 have a defined exposure of 3 to 6 in any of these studies
21 that says that that is safe or unsafe.

22 CHAIRMAN KATZ: Okay.

23 MR. FRANK: And Dr. Ginsberg, in the fact
24 sheet that was promulgated by the DPH, it states that more

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1 than 300 feet away there's no cause for a concern, right?

2 DR. GINSBERG: That's right.

3 MR. FRANK: Okay. And is that the DPH's
4 opinion?

5 DR. GINSBERG: That's correct.

6 MR. FRANK: Okay. Thank you.

7 CHAIRMAN KATZ: Thank you. Is there anyone
8 else who has questions for Dr. Ginsberg?

9 MR. WILENSKY: (Indiscernible) -- under 300
10 feet, Dr. Ginsberg, doesn't mean -- it doesn't necessarily
11 mean that it would be unsafe, is it --

12 DR. GINSBERG: That's --

13 MR. WILENSKY: -- as we discussed before?

14 DR. GINSBERG: That's right. We -- as we
15 discussed before, we're just again saying that in a fact
16 sheet where people want generic information, that we could
17 state without qualification that above three -- greater
18 than 300 feet is not a concern. The -- sort of the other
19 aspect, the flip side, or the corollary to that is under
20 300 feet a concern? It may be in some cases, it may not
21 be in others.

22 MR. WILENSKY: Okay. Thank you, Dr.
23 Ginsberg.

24 CHAIRMAN KATZ: Other questions?

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1 COURT REPORTER: One moment. (Pause).
2 Okay.
3 CHAIRMAN KATZ: Going once?
4 MR. TAIT: Gone.
5 CHAIRMAN KATZ: Thank you, Dr. Ginsberg, we
6 appreciate your participation as our witness.
7 DR. GINSBERG: You're welcome.
8 CHAIRMAN KATZ: We'll go off the record for
9 a moment while we set up the maps or are we all set?
10 MR. PRETE: We're ready.
11 CHAIRMAN KATZ: Okay. After we finish the
12 maps, we'll discuss any procedural or calendar issues that
13 anyone wants to bring up. Mr. Wertheimer, you want to be
14 recognized?
15 MR. WERTHEIMER: There was some other
16 testimony that was put in by the Applicants today, some
17 from Mr. Scarfone and Mr. Johnson and you haven't
18 mentioned that --
19 CHAIRMAN KATZ: No, I haven't --
20 MR. WERTHEIMER: -- after the maps. And if
21 that --
22 CHAIRMAN KATZ: If you'd like to ask --
23 MR. WERTHEIMER: Today's the day?
24 CHAIRMAN KATZ: We can do that.

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1 MR. WERTHEIMER: That's fine.

2 CHAIRMAN KATZ: Okay, what map are we on?

3 MR. PRETE: We're on Map 10, which is the
4 fair town of Woodbridge primarily.

5 CHAIRMAN KATZ: Is there anyone who has
6 questions on this map?

7 MR. O'NEILL: Could you please enlarge the
8 map for just a moment so we can see the --

9 MR. PRETE: Mr. O'Neill, anywhere
10 specifically? Do you want us to start --

11 MR. O'NEILL: Somewhere --

12 MR. PRETE: -- up in the upper corner?

13 MR. O'NEILL: In the middle --

14 MR. PRETE: In the middle, fine.

15 MR. O'NEILL: -- it looks like there's
16 maybe a lot of -- (pause) -- okay -- I thought there were
17 residences in that area, but I don't see the red circles -
18 -

19 A VOICE: Yeah, they're there.

20 A VOICE: They're there.

21 MR. O'NEILL: They're there?

22 A VOICE: Right here.

23 MR. O'NEILL: I'll have to adjust my eyes
24 once again to this --

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1 CHAIRMAN KATZ: Could we turn down the
2 lights a little? Would that make the red circles more --

3 MR. PRETE: I'm sure it would.

4 MR. O'NEILL: Now I see them, yeah.

5 A VOICE: Is there another set --

6 MR. PRETE: Is there another set of
7 switches?

8 A VOICE: Yeah, but it will take a whole
9 lot of lights out --

10 (Pause)

11 MR. O'NEILL: If you could move up that
12 path through the --

13 MR. PRETE: Is that okay with -- is that
14 better?

15 MR. O'NEILL: That's much better. Thank
16 you very much.

17 MR. PRETE: Oh, good. So we'll pan more
18 north then. We left off, S-09 is the Ezra Academy --

19 MR. O'NEILL: Terrific. Thank you.

20 MR. PRETE: Okay. Would you like to go
21 south from there, Mr. O'Neill?

22 MR. O'NEILL: I've seen what I needed to
23 see.

24 MR. PRETE: Okay.

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1 CHAIRMAN KATZ: Other questions on this
2 map? Let's go to the next map.

3 MR. PRETE: That would be Map 11 as it's
4 shown. It will be the Towns of Orange and West Haven,
5 primarily Orange. As we see the map, the northern section
6 is Orange. And this knee here is West Haven. And then
7 the rest is Orange.

8 CHAIRMAN KATZ: Could you enlarge one of
9 the densely populated areas where there are many red
10 circles.

11 MR. ASHTON: Mr. Prete, the Maltby
12 Reservoir would be at the right-hand -- the upper right-
13 hand corner of the map on this?

14 MR. PRETE: That would be correct. And
15 just for orders of magnitude, in Exhibit 158 we see three
16 structures within the 15-gigawatt loading at 3-milligauss,
17 34, the 27 and 157 with the 300-foot buffer.

18 CHAIRMAN KATZ: Mr. Stone.

19 MR. BRIAN STONE: It can be the next map.
20 I think there's more of Orange on the next map, so --

21 CHAIRMAN KATZ: Okay, if you'd like to
22 direct Mr. Prete to a certain area.

23 MR. STONE: Any -- any of the residential
24 areas are really fine because --

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1 MR. PRETE: How about up here?

2 MR. STONE: Sure, that's fine.

3 CHAIRMAN KATZ: Before you ask your
4 question, if you could just identify yourself for the
5 record.

6 MR. STONE: For the record, Brian Stone,
7 the Town of Orange.

8 Okay. And this is probably repetitive, but
9 at this point I want to reconfirm that in establishing the
10 3-milligauss lines for both the 15 and the 27-gigawatt
11 case, that those were using the mitigation techniques,
12 which is the 345 split-phase plus 30 feet, is that
13 accurate?

14 MR. PRETE: That's correct. And the 345
15 line would put the total height at 135 feet.

16 MR. STONE: And when we talk about the
17 relationship of distance and EMF from the towers, that's -
18 - that's not a linear relationship, isn't that correct?

19 MR. PRETE: Not entirely when you have
20 another circuit on the right-of-way.

21 MR. STONE: Well even if you didn't have a
22 circuit on the right-of-way, it wouldn't be linear, would
23 it? It's more -- more parabolic?

24 MR. PRETE: I guess you'd need to rephrase

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1 your question. My understanding is --

2 DR. JOHNSON: If you double the distance,
3 you don't necessary lower the field levels by half.

4 CHAIRMAN KATZ: Do you mean logarithmic?

5 MR. STONE: Log --

6 A VOICE: Yeah --

7 MR. STONE: Well, if you look at -- if you
8 look at -- for instance a graph would show the reduction
9 in EMF over distance. For instance, there was one exhibit
10 where you had a 115 split-phase -- I think it was Exponent
11 -- in July they had a memorandum where they had graphed
12 the reduction in EMF, it shows that over 50 feet you got -
13 - went from 8 milligauss to 2 milligauss and then -- then
14 it flattens out over distance after that. So is it
15 correct to say that you get, you know, more bang for your
16 buck or maybe more bang for your foot earlier than you do
17 further? In other words, the reduction is greater in the
18 first say 50 feet from the line than it would be say
19 between 50 and 200 feet, it flattens out?

20 DR. JOHNSON: I would say that generally
21 that would be correct.

22 MR. STONE: Okay. So -- I'd like to go
23 back to -- and we were talking the last time we discussed
24 these maps, to Exhibit 96 where you were calculating EMF

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1 at the edge of the right-of-way using the different
2 mitigation techniques. And we might as well us this,
3 which is 8 south, and I think it was page 13 -- and I'm
4 not sure I have the revised one or the original one in
5 front of me, so --

6 MR. PRETE: It should be dated on the
7 bottom.

8 MR. STONE: May 28th?

9 MR. PRETE: And if I could just make sure
10 I'm on the right page --

11 MR. STONE: It says --

12 MR. PRETE: -- mine is also May 28th and
13 I'm on --

14 MR. STONE: Page --

15 MR. PRETE: -- Cross-Section 8, south
16 segment, on top --

17 MR. STONE: Correct, page 13 of 13?

18 MR. PRETE: Yes.

19 MR. STONE: Alright. Now, when we look at
20 the -- I'd like you to focus on No. 4, which is -- was
21 just the regular 345-kV split-phase as compared to No. 6,
22 which was when you removed the 115-kV and put it
23 underground on the northwest edge of the right-of-way, we
24 went from 5.9 milligauss to 3.6 milligauss, correct?

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1 MR. PRETE: That is correct. Option 4 has
2 the double-circuit monopole 115.

3 MR. STONE: And the reason I'm asking you
4 to look at those two is because both of those have the
5 same height for the 345, that was the 105-foot height?

6 MR. PRETE: That is correct.

7 MR. STONE: And --

8 CHAIRMAN KATZ: Did you look at the
9 milligauss from the underground line?

10 MR. PRETE: The underground was assumed to
11 be in the streets.

12 CHAIRMAN KATZ: I know, but did you look at
13 --

14 MR. PRETE: No, we did not.

15 CHAIRMAN KATZ: Okay.

16 MR. STONE: Now in -- am I accurate in
17 saying that the reason that we've gotten that well 40
18 percent drop in milligauss level at the edge of right-of-
19 way is as a result of relocating the pole for the 345 line
20 from closer to the northwest edge of the right-of-way to
21 the center of the right-of-way?

22 MR. PRETE: I would say that would be
23 certainly one of the reasons. The other reason is that
24 the 115 overhead was taken off the right-of-way under

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1 Option 6.

2 MR. STONE: Well, the last time you stated
3 that taking the 116 increased the milligauss because you
4 lost the cancellation effect from the 115?

5 MR. PRETE: Right, but you're honing in on
6 one part of the right-of-way, which I'm trying to do as
7 well. And my statement that I gave prior was just
8 collectively when you have both structures on the right-
9 of-way.

10 MR. STONE: Okay. And correspondingly, the
11 increase on the southeast edge of the right-of-way from
12 1.7 to 3.6 milligauss, that would be for the same reason,
13 you've now moved a pole from the -- closer to the
14 southeast edge, correct?

15 MR. PRETE: That's correct.

16 MR. STONE: Okay. So --

17 DR. JOHNSON: I'd like to --

18 MR. PRETE: Excuse me.

19 DR. JOHNSON: I'd like to add one thing on
20 this.

21 CHAIRMAN KATZ: Just identify yourself
22 please.

23 DR. JOHNSON: Gary Johnson. One thing on
24 the southeast side of that, it's not simply relocating the

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1 pole. There it's more of an impact of also losing the
2 115.

3 MR. STONE: Okay. And that's because the
4 115 is not there any longer, and that was closer to the
5 southeast edge, correct?

6 DR. JOHNSON: Yes.

7 MR. STONE: And would you say that that
8 resulted in an increase or did that have a mitigating
9 effect?

10 DR. JOHNSON: In the particular case since
11 the field level -- once you lose the 115, I believe it
12 actually goes up on the southeast side -- actually, let me
13 -- (pause) -- if you're comparing Options 4 and 6, when
14 you take away the 115 on the southeast side, you are
15 losing some of the cancellation effect from the 115. So
16 it's a combination both of losing a little bit of the
17 cancellation and moving the line.

18 MR. STONE: Do you know what that
19 relationship is? I mean would you have any way of knowing
20 what portion of that increase was as a result of loss of
21 cancellation versus moving the line?

22 DR. JOHNSON: Trying to characterize it
23 specifically without running further calculations to
24 really look at that specific question, not off the top of

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1 my head.

2 MR. STONE: Well, let's assume that you
3 just removed the 115 line and left the 345 where it was
4 closer to the northeast edge, would you expect that there
5 would be an increase in the milligauss level on the south
6 -- on the southeast side?

7 DR. JOHNSON: Okay, let me make sure I
8 understand this correctly. You're saying leave the 345 as
9 is, simply remove the 115, and then what would happen to
10 the field levels on that southeast side?

11 MR. STONE: Correct.

12 DR. JOHNSON: It appears in this case they
13 would go up.

14 MR. STONE: Okay. But you don't know what
15 that level would be, that wasn't part of your calculation
16 to arrive at --

17 DR. JOHNSON: Not without rerunning the
18 calculations for that specific case.

19 MR. STONE: Well, when you -- I mean I
20 guess I don't understand how the calculations work. How
21 do you -- when you make that calculation, how -- how do
22 you take into account the cancellation effect versus the
23 increase?

24 MR. PRETE: You need to do the calculation

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1 with the 345 at the exact placement as if the 115 was --

2 MR. STONE: Well, I understand that it
3 would be at the exact placement, but do you -- do you
4 measure those impacts separately? In other words, you
5 have a cancellation impact and you have an increase
6 impact. Do you measure those separately and then combine
7 them or are they measured all together, or is it just
8 plugged into some formula? How -- how do you do that?

9 DR. JOHNSON: You -- in modeling or
10 calculating the fields, you basically put in the currents
11 in each of the lines in their positions. In the one case
12 you will have the set of currents in the position of the
13 345 line and also the currents that are in the 115 line.
14 Then you calculate -- essentially, calculate the fields
15 from all of those currents, look at how they add and
16 subtract to produce the final total field. In the case
17 where you've removed the 115 line, you simply take that
18 set of currents out of the equations. And so then when
19 you total up and figure out the total field, you have just
20 the field effects from the 345.

21 MR. STONE: Okay. Is -- would there be any
22 cancellation benefit under the existing configuration on
23 the northwest side from the existence of the 115?

24 DR. JOHNSON: Whether it would be a

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1 cancellation or enhancement would depend on the exact
2 configuration and positioning of the lines. It would have
3 a -- it would have some impact. The exact amount, whether
4 it be cancellation or addition, again I'd have to run the
5 case to look at it.

6 MR. STONE: Okay. Now, looking at -- would
7 it -- would it be fair to say -- I mean in your best
8 estimate based on your experience, that most of this
9 impact is coming from relocation of the 345 line and the
10 change and not from the loss of the 115 line?

11 DR. JOHNSON: Well, two parts to that. On
12 which side of the right-of-way and probably --

13 MR. STONE: On the -- on the northwest side
14 of the right-of-way.

15 DR. JOHNSON: The impact on the northwest
16 side will probably be a larger -- probably be a larger
17 majority due to the relocation, but again it's specific to
18 the exact right-of-way and configurations.

19 MR. STONE: Okay. Well -- now, let's look
20 at No. 6, which has, for whatever reason, a reduction on
21 the northwest side with a corresponding increase on the
22 southeast side, but that's of 105 feet. If we then took
23 that configuration and increased it to 135 feet, would we
24 expect a significant reduction just as we did when we went

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1 from 4 to 5?

2 MR. PRETE: I would say that adding 30 feet
3 would have a fair amount of reduction.

4 MR. STONE: Okay. And on the northwest
5 side would it be likely to have a similar reduction as
6 we've had from going in the original configuration in No.
7 4 to No. 5?

8 MR. PRETE: You're referring on the
9 northwest side --

10 MR. STONE: The northwest side now. We
11 went from --

12 MR. PRETE: Going from 5.9 to 2.9 --

13 MR. STONE: 2.9 --

14 MR. PRETE: -- by simply going 30 feet. Is
15 your question would we have similar reductions to the 3.6
16 under the 105-foot single --

17 MR. STONE: Correct --

18 MR. PRETE: -- split-phase? I guess my gut
19 would say yes, but, Gary, I need you to give me a
20 confirmation of that.

21 DR. JOHNSON: Considering the complexity of
22 the right-of-way and going between those two conditions --
23 you're talking about 5 to 6 or just increasing the height
24 of 6 --

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1 MR. STONE: Just -- just taking 6 --

2 DR. JOHNSON: And increasing the height --

3 MR. STONE: -- and increasing the height,
4 would you have a similar reduction as you had with going
5 from 4 to 5? In other words, you had -- you went from 5.9
6 to 2.9 at the northwest right-of-way by merely increasing
7 the height 30 feet in the location where the conductor was
8 located closer to the northwest side. Now with it located
9 in the center, you're at 3.6. Would a 30-foot increase in
10 height have a corresponding reduction?

11 DR. JOHNSON: It would not have the same
12 impact. It would be less.

13 MR. STONE: Right. And that's because --
14 because --

15 DR. JOHNSON: You're further away from --

16 MR. STONE: -- you're further away and so
17 you don't get the same bang for your foot?

18 DR. JOHNSON: Essentially, yes.

19 MR. STONE: But you would still have a
20 significant reduction?

21 DR. JOHNSON: To quantify significant, I
22 would really want to calculate it. You would have a --
23 likely have a reduction though.

24 MR. STONE: And the same would be true on

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1 the southeast side, is that correct, you'd go -- that
2 would be exactly the same, wouldn't it, in that case?

3 DR. JOHNSON: This is -- in the case of 6?

4 MR. STONE: Yes.

5 DR. JOHNSON: There you just now have
6 basically the single line and structure, so you'd get a
7 reduction on both sides.

8 MR. STONE: Okay. So let's just say for
9 the sake of argument that you went from -- you wouldn't
10 get a 3-milligauss reduction obviously, you wouldn't go
11 down to .6 because the distance is further. But let's
12 assume that you've got a 1.6 milligauss reduction, that
13 might not be an unreasonable assumption, would it?

14 DR. JOHNSON: At this point to really say
15 what the reduction would be, I'd have -- I would be
16 guessing.

17 MR. STONE: Okay. Do you know how many --
18 what the -- what the change in the -- what's the distance
19 presently of that 3 -- of the proposed 345 line from the
20 northwest edge of the right-of-way, do you know?

21 MR. PRETE: Yes. Under which option?

22 MR. STONE: Under -- under the -- let's say
23 Option 4 or 5 where you have both poles.

24 MR. PRETE: The pole itself is 65 foot from

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1 the right-of-way. The conductor is 15 foot closer. So
2 the conductor itself is roughly 50 feet from the right-of-
3 way.

4 MR. STONE: Okay. So with the conductor 50
5 feet from the right-of-way and an increase in 30 feet in
6 height, you would get a 3-milligauss reduction from that
7 50-foot increase. If you're in the center of the right-
8 of-way, how far would the conductor be from that northwest
9 edge?

10 MR. PRETE: Approximately 25 feet more. So
11 it would be from 50 -- instead of being 50, it be about
12 65, roughly --

13 MR. STONE: Okay --

14 MR. PRETE: -- the conductor.

15 MR. STONE: Would there be a significant
16 difference when we look at distance -- when I look at for
17 instance the Exponent graph which shows a sharp decline
18 over 50 feet, would there be a significant difference if I
19 was looking at a 345 split-phase as opposed to the 115
20 split-phase in that case?

21 DR. JOHNSON: They would be -- in terms of
22 the relative drop-off with distance, it would be -- it
23 would be similar. It depends on the exact structure
24 configuration between the 345 and the 115.

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1 MR. STONE: Okay. So if -- if when I look
2 at that it goes from 8 to 2 over 50 feet, and since that
3 large drop-off appears to be within that 50-foot range,
4 then here where we're going from 35 feet to 60 feet, I
5 would still expect a significant drop-off between at least
6 the first 15 feet of -- from 35 to 50 feet, wouldn't I?

7 DR. JOHNSON: Okay, I have to --

8 MR. STONE: Since it's --

9 DR. JOHNSON: Before I answer, you're going
10 to have to clearly define what I'm considering. Are we
11 talking about a single line now?

12 MR. STONE: I'm talking about the 345. I
13 had asked if there would be a corresponding reduction in
14 EMF between -- to the edge of the northwest right-of-way
15 if the pole was located in the center of that right-of-way
16 --

17 DR. JOHNSON: Okay --

18 MR. STONE: -- and you indicated no -- or
19 Mr. Prete indicated no because it's a greater distance.
20 And I -- I suggested would 1.6 as opposed to the 3-
21 milligauss reduction from that increase in height, would
22 that be reasonable, and you said you couldn't make that --
23 you wouldn't -- couldn't respond based upon -- without
24 making a calculation. And I'm just trying to see if we

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1 can come up with some -- some kind of reasonable feel for
2 what that reduction would be based upon the fact that we
3 have a graph, which you submitted into evidence from
4 Exponent, which showed that over a 50-foot distance in a
5 115 split-phase we went from 8 milligauss to 2 milligauss,
6 and it was -- I wouldn't say strictly straight line
7 between 25 and 50 feet, but there was -- it was pretty
8 close to a straight line drop between 25 and 50 feet. And
9 now between the two scenarios the current -- the proposed
10 location of the 345 with two poles and the -- with --
11 under scenario 6 where it would be centered there's a 25-
12 foot difference, one going from 35 feet and one going to
13 60 feet. So wouldn't there be -- and since you did
14 testify that the relationship would be similar, even
15 though the numbers would be different, the general ratio
16 would be the same, wouldn't I be able to expect a similar
17 type of reduction?

18 MR. FITZGERALD: Could you repeat the
19 question please. (Laughter).

20 DR. JOHNSON: If -- if the 115 and the 345
21 --

22 MR. STONE: Can we have it read back --
23 (laughter) --

24 DR. JOHNSON: -- are similar construction -

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1 - if we're talking like the same phase facing, same type
2 of geometry, yes, the two would be the same -- the two
3 would be very similar. In some cases where you have a 115
4 line on a composite structure in some of these scenarios,
5 it's at the same phase spacing as a 345 line. In other
6 cases if the 115 line is solely alone, the separation of
7 the phase conductors will be somewhat smaller or less than
8 on a 345. If that's the case, the drop off that you would
9 see with a 345 line would be a little bit faster than what
10 you would get with a 345 line.

11 MR. STONE: The --

12 DR. JOHNSON: I'm sorry, let me -- the drop
13 off that you would get with a 115 line if it has a closer
14 phase spacing would be faster than what you would see with
15 a 345 line.

16 MR. STONE: But would it be proportionate
17 over the same distances? I mean you might --

18 DR. JOHNSON: No, it would depend on the
19 phase spacing.

20 MR. STONE: Okay. So -- I guess I -- I'll
21 get to my point, which is if you went up -- if you put the
22 115 underground and centered, or whether you centered or
23 not, increased the height of the 345, you would have
24 certainly a lower EMF level than the 3.6 that we're

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1 showing in No. 6?

2 DR. JOHNSON: Yes, that's correct.

3 MR. STONE: And it would also give you the
4 flexibility to relocate that line within the right-of-way
5 so that if you had residential homes or facilities that
6 would be encroached upon by let's say a 3-milligauss
7 level, you could then move it one way or the other so that
8 you would reduce -- reduce the EMF on one side, you would
9 increase it on the other side, but perhaps there wouldn't
10 be any structures to be affected by that, isn't that true?

11 MR. PRETE: You have flexibility to move
12 the 345 split-phase if the 115 was underground in an
13 envelop roughly 25 feet on either center, that's correct.

14 MR. STONE: Okay. Can we take -- can we
15 look at one -- just one example of that -- High Plains
16 School could we show that?

17 MR. PRETE: Yes.

18 MR. STONE: Okay. Is that --

19 MR. EMERICK: Madam Chairman, before we
20 move --

21 CHAIRMAN KATZ: Mr. Emerick.

22 MR. EMERICK: I'm sorry, I haven't looked
23 at this in quite a while, so it -- so it provoked a
24 question -- (mic feedback) -- in this case we have a

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1 pretty good match up of backyards to right-of-way. And my
2 question really is under the easement that's held by the
3 utility for this line, what restrictions apply to the
4 backyards of those properties?

5 MR. FITZGERALD: Could I answer that on the
6 basis of -- I think -- there's nobody here today that can
7 give you an answer that is based specifically on the
8 easements for those properties. That would require
9 homework. I can tell you --

10 MR. EMERICK: Well, let me ask it more
11 generally. Not specifically those, but would there be a
12 restriction about someone placing a swing set, a sandbox -
13 -

14 MR. FITZGERALD: I -- as someone who's
15 spent a lot of time enforcing those easements, I can tell
16 you just generally what the law is and what those
17 easements generally say. The older -- it depends on the
18 age of the easements. The older they are, the less they
19 say. The really old ones really say very little other
20 than that the company has the right to use the easement
21 area for its facilities. The newer -- the newest ones
22 have a lot of specific restrictions in them in addition to
23 that, such as saying you can't put any structure in the
24 right-of-way, which would include a swing set. Get

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1 another -- get another version of the word structure. But
2 it has been interpreted that way.

3 There is a general principle of real estate
4 law that the owner of the dominant tenement is the
5 landowner. You cannot use the property for any purpose
6 that is inconsistent with the purpose for which the
7 easement was granted. So there -- there are frequent
8 occasions where there's some question whether -- where
9 there's no specific restriction whether a use that the
10 owner wants to make of the property is inconsistent with
11 the electric right-of-way use, and you get into
12 litigation, but -- so that's the story.

13 And it has caused me to wonder what would
14 happen if the Legislature or the Siting Council were to
15 declare that use or going onto the right-of-way is
16 inconsistent with the buffer zone use, what happens then.
17 And I think that what you would have would be litigation
18 in which the utility company would be saying you -- we
19 have the right by virtue of your easement to use this for
20 any purpose that is consistent with the electric use and
21 you cannot use it for purposes that are inconsistent with
22 the electric use, and the State of Connecticut has now
23 said that you going onto your -- walking across it or
24 whatever is now not consistent with our use, so tough, and

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1 we don't have to pay you anything more for those rights.
2 They of course would say this is not what you paid for
3 back in whatever it was, this is a new burden on our
4 easement that affects really a complete taking of our
5 property and not just easement over it and you need to pay
6 us more, and there would be a lawsuit.

7 CHAIRMAN KATZ: It sounds like a brief.
8 Okay, let's go to High Plains.

9 MR. PRETE: We're at High Plains designated
10 by DC-81.

11 MR. STONE: And -- I see the building. I
12 don't have your -- that's the building? And we know that
13 --

14 MR. PRETE: We tried to reference the
15 closest point of the building to the right-of-way --

16 MR. STONE: Okay --

17 MR. PRETE: -- so -- the building is
18 actually quite large.

19 CHAIRMAN KATZ: Everyone just remember it's
20 an audio tape, so --

21 MR. STONE: Yes. And this is located,
22 because it is an audio tape, on the northwest side of the
23 right-of-way?

24 MR. PRETE: That is correct.

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1 MR. STONE: And -- you know -- and I know
2 you're familiar where the playground is located, which is
3 -- happens to be on the southeast side of the building or
4 closest to the right-of-way, is that correct?

5 MR. PRETE: That's very good.

6 MR. STONE: Okay. So under this
7 configuration -- and right now let's look at the 27-
8 gigawatt case, which is the darker blue line, we see that
9 that blue line encroaches upon your circle on the
10 northwest side based upon the configuration where you have
11 the two poles and the 345 closer to the northwest
12 boundary, is that correct?

13 MR. PRETE: It encroaches definitely on the
14 playground.

15 MR. STONE: Okay. And -- now would that
16 not likely move -- we would -- we would shift to the other
17 side, but there's nothing on the other side, is there, on
18 the southeast side of the right-of-way at that particular
19 point, there's no structures or buildings or anything
20 there, so if we just had the 345 line at the 130-foot
21 height and moved it even further from the center of the
22 right-of-way, wouldn't we basically just be sliding over,
23 maybe not exactly because I understand that there's some
24 cancellation effect that we're losing and that distance

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1 plays a role, but certainly presumptively you could -- you
2 could move that playground right out of that area,
3 couldn't you? It's possible? Maybe you can't guarantee
4 it until you do the calculations, but you could do the
5 calculations and make that determination, and maybe --
6 well, let me ask that -- isn't that -- is that accurate?

7 MR. PRETE: We don't know exactly where the
8 3-milligauss line would be on this map using just the 345
9 split-phase and undergrounding the 115. Your assumption
10 that you could move the 345 away from the building more is
11 accurate.

12 MR. STONE: Okay. And if at 135 feet, if
13 you slid it over as far on the right-of-way as you could
14 without impacting say homes on the other side, if you
15 couldn't get it away at 135 feet, maybe if you went to 140
16 feet, that might make a difference, wouldn't it? It
17 certainly would make a difference. We don't know how much
18 of a difference, we don't have a calculation, but it
19 would?

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

21 MR. STONE: Wouldn't that be true along
22 this entire right-of-way with respect to every spot on the
23 right-of-way where you are encroaching on people's
24 properties?

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1 MR. FITZGERALD: Objection to the -- to the
2 term encroaching on people's properties.

3 MR. STONE: Okay, I misspoke.

4 CHAIRMAN KATZ: Just to make sure I
5 understand your question, Mr. Stone, you want to move the
6 345 further away from the northwest part of the edge
7 closer to the southeast part of the edge on the entire
8 right-of-way?

9 MR. STONE: No, I want to do it here --

10 CHAIRMAN KATZ: Well --

11 MR. STONE: -- but at the last -- at the
12 last meeting if I recall the testimony, was that you could
13 relocate individual poles, you know, in different spots in
14 the right-of-way, they don't have to all be centered on
15 the right-of-way or all in one particular line in the
16 right-of-way, they have the use of the right-of-way.

17 CHAIRMAN KATZ: So in the Town of Orange,
18 Mr. Prete, could you shift the 345 from the northwest side
19 closer to the southeast side to impact less houses?

20 MR. PRETE: In Orange there's houses on
21 both sides, so I'm not sure that's a true statement. In
22 the case of this map right here where you don't have
23 something on the other side, I would agree.

24 CHAIRMAN KATZ: Okay. So in the area of

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1 High Plains, you could shift without impacting more to
2 southeast?

3 MR. STONE: If -- if you underground the
4 115.

5 MR. TAIT: And go up higher with the pole.

6 MR. STONE: Well, the proposal is 135 now,
7 so you don't have to go up any higher on the pole to
8 accomplish that result.

9 MR. PRETE: I guess I would say that we
10 could shift the whole right-of-way too, I guess, there.

11 CHAIRMAN KATZ: Are you assuming in your
12 question, Mr. Stone, that the 115 would be under the
13 streets?

14 MR. STONE: It would have to be under the
15 streets because you wouldn't be able to move the pole
16 otherwise.

17 CHAIRMAN KATZ: You're going to ask him
18 what the EMF of that is?

19 MR. TAIT: Near your playground?

20 CHAIRMAN KATZ: The one you're putting
21 under the streets now --

22 MR. TAIT: With XLPE, do you want to know
23 that figure?

24 MR. STONE: Sure.

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1 MR. TAIT: Then you better ask it. You may
2 get what you want.

3 MR. PRETE: I'm sorry, was there -- I was -
4 -

5 MR. STONE: Well, I'm not going to get an
6 answer. I could ask the question --

7 MR. PRETE: No -- (laughter) --

8 MR. STONE: That's the answer I know that,
9 you're not going to know that.

10 CHAIRMAN KATZ: Under Mr. Stone's scenario
11 of the 115 under the streets, would that be an XLPE?

12 A VOICE: Yes.

13 MR. PRETE: At 115, most definitely.

14 CHAIRMAN KATZ: And would we be able to
15 hazard a guess of how much EMF Mr. Stone would get above
16 that 115 under the streets of Orange assuming the 15-
17 gigawatt case, or would you want him to assume the 27-
18 gigawatt case?

19 MR. FITZGERALD: Dare I --

20 MR. TAIT: 27 --

21 MR. FITZGERALD: Dare I ask --

22 DR. JOHNSON: A real rough estimate just
23 based on other configurations, I mean the loading will
24 change a little bit on the line when they put it

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1 underground, but it's probably going to be in the range of
2 20 milligauss, plus or minus 5. That's directly above
3 waist level.

4 MR. STONE: But you don't know what it
5 would be at the playground?

6 DR. JOHNSON: It would depend on the
7 location of the cable.

8 CHAIRMAN KATZ: Your question -- do you
9 have another question for --

10 MR. STONE: And isn't there any
11 cancellation effect in the 115 by bundling --

12 MR. FITZGERALD: Excuse me --

13 MR. STONE: -- for the underground?

14 DR. JOHNSON: Again, whether or not you get
15 -- okay, when you talk cancellation, are we talking just
16 the 115 line?

17 MR. STONE: Just the 115 line.

18 DR. JOHNSON: Within the 115, you will get
19 the phases closer together, so that will help with the
20 field. That's why even though you're only six feet away,
21 the field is only going to be in the 20-milligauss range.

22 A VOICE: Only.

23 DR. JOHNSON: Depending on the
24 configuration of the cable they use, there could be some

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1 additional effects. But if it's single circuit XLPE for
2 this, that's probably unlikely.

3 MR. STONE: Okay. And can you tell me how
4 -- how that decreases over distance as you move from
5 directly above the line?

6 DR. JOHNSON: As you go away from the cable
7 on either side, it will drop off in a similar manner,
8 basically dropping off as one over the distance square.
9 It will drop off in a similar manner as the overhead line.

10 MR. STONE: Okay. So if you were 50 feet
11 from the line, you would expect a substantial drop-off
12 just as you do with the overhead?

13 DR. JOHNSON: Similar.

14 MR. STONE: And so if you were in a 50-foot
15 right-of-way of the road, then --

16 MR. FITZGERALD: That's not --

17 MR. STONE: Hmm?

18 MR. TAIT: You're not --

19 MR. FITZGERALD: The road is not a right-
20 of-way. You just have a license to -- or a permit to be
21 in the road. They don't -- so I would just object to the
22 use of the term right-of-way, but --

23 MR. STONE: Well --

24 MR. FITZGERALD: -- but you can --

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1 MR. STONE: -- a road is a right-of-way --

2 CHAIRMAN KATZ: Do you have a question?

3 MR. STONE: No, I have no further
4 questions.

5 CHAIRMAN KATZ: Okay. Thank you. Anyone
6 else on this map? Just while we're getting -- going back
7 to Cheshire and Old Farms Road, that 115 was going to go
8 underground, was that going to be XLPE? And where was
9 that going to be in relation to the streets and the
10 sidewalks? Was it going to be in the right-of-way or was
11 it going to be in the streets -- under the streets and
12 sidewalks?

13 MS. BARTOSEWICZ: No, in the streets. If
14 you notice at Cook Hill Junction, that development was
15 built around that street, which is -- essentially follows
16 the right-of-way. The right-of-way does the same curve
17 the street does. So you would come off the existing
18 right-of-way before Tuttle Avenue, you'd go into the
19 street, you'd follow the road that curves right around,
20 and as you cross the other side of that neighborhood, you
21 can come back up into the right-of-way, so you would be in
22 the middle of that street.

23 CHAIRMAN KATZ: So Dr. Johnson, is it fair
24 that 20 milligausses is probably true for the 115 that's

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1 under Old Farms Road?

2 MR. FITZGERALD: Excuse me. Gary, there's
3 a question --

4 CHAIRMAN KATZ: Dr. Johnson --

5 DR. JOHNSON: I'm sorry --

6 CHAIRMAN KATZ: -- would it be also true
7 that that 115-kV XLPE that's being discussed as being put
8 under Old Farms Road in Cheshire might also be in the
9 range of 20 milligausses above it?

10 DR. JOHNSON: Yes.

11 CHAIRMAN KATZ: Okay. We have -- you have
12 questions on this map?

13 MS. KOHLER: Down to -- Julie Donaldson
14 Kohler for the City of Milford.

15 Can we just go down to Milford, Eisenhower
16 Park. I also want to mention we did get the maps, the
17 Applicants' maps with the circles. And the Milford MIS
18 Department is working feverishly on putting together the
19 Milford map that includes the definitions of the backyard
20 and development since 2002.

21 A VOICE: What does backyard mean?

22 MS. KOHLER: So that road right -- that
23 road right there is the Milford connector. And I think,
24 just to get my own bearings, north of the Milford

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1 connector is the Eisenhower Park, which is P-48?

2 A VOICE: That's correct.

3 MS. KOHLER: Yeah.

4 CHAIRMAN KATZ: Can we enlarge that?

5 MS. KOHLER: And that P-48 dot is -- was
6 intended to be representative of -- sort of in between
7 both ballfields?

8 A VOICE: That's the bleachers and the
9 ballfield.

10 MR. PRETE: It's generally in the
11 bleacher/ballfield area.

12 MS. KOHLER: Okay. There's a -- there's a
13 sort of bleacher/ballfield to the left and then -- within
14 the right-of-way -- and then a little bit to the northeast
15 there's that field, which is the softball field, correct?

16 MR. PRETE: That is correct.

17 MS. KOHLER: Okay. If we can just go down
18 further south of the connector, which is the highly
19 residential area.

20 CHAIRMAN KATZ: Is this what we've been
21 referring to as Lexington Gardens?

22 MS. KOHLER: Lexington Green. Actually, I
23 think you'll find that the -- almost the entire area south
24 of the connector to the proposed substation is pretty

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1 densely residential, but just for the purposes of time
2 maybe if we could just look at Lexington Green as an
3 example.

4 MR. PRETE: So what's -- what's shown here
5 really in the center then is Lexington Green's proper,
6 which --

7 MS. KOHLER: And --

8 MR. PRETE: I was trying to be audio --

9 MS. KOHLER: Oh, thank you.

10 MR. PRETE: That's okay, you can go.

11 MS. KOHLER: And looking at Lexington Green
12 and the area that's designated by the 300-foot buffer, in
13 information that you previously submitted, I think it's
14 Exhibit 98 which gives the breakdown of the structures
15 within the 300-foot buffer and within the 3-milligauss --

16 MR. PRETE: I think that's 158.

17 MS. KOHLER: 158, I'm sorry. I can't read
18 my own handwriting --

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

20 MS. KOHLER: In Milford under the
21 definitions that you used, 114 houses would be within 300
22 feet. And Lexington Green, by my count, it's about 36, so
23 it's about a third of that 114 houses. Does that sound
24 about right?

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1 MR. PRETE: That's correct.

2 MS. KOHLER: And under the 3-milligauss at
3 27.7, in Milford there is 24 houses that would be within
4 that blue line. And again by my calculations, Lexington
5 Green has about 12 of those houses, which would be about
6 half of the structures within the right-of-way. Again,
7 does that sound right?

8 MR. PRETE: If -- if you're counting them,
9 that's correct.

10 MR. EMERICK: Could -- could we zoom in a
11 little bit on that area.

12 MR. PRETE: The area that's circled --

13 MR. EMERICK: Yeah, the area --

14 MR. PRETE: -- that we're talking about.

15 MR. EMERICK: Thanks.

16 MS. KOHLER: So half of the houses of that
17 24 number would be in Lexington Green under the 3-
18 milligauss level and then the other half of the houses are
19 further south between that and the proposed substation.
20 Uh --

21 CHAIRMAN KATZ: Is that a question that you
22 want some information on?

23 MS. KOHLER: Can --

24 MR. FITZGERALD: I think it's a summing up.

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1 He's already --

2 MS. KOHLER: Thank you, I was just --

3 MR. FITZGERALD: -- he already agreed with
4 her.

5 MS. KOHLER: That was for audio purposes.
6 I was trying to -- (laughter) --

7 CHAIRMAN KATZ: Understood.

8 MS. KOHLER: So the right-of-way in this
9 area of Section 8 is 165 feet, correct?

10 MR. PRETE: That is correct.

11 MS. KOHLER: And in the information that
12 you just provided in Exhibit 166, which was that homework
13 assignment under 15-gigawatt and 27-gigawatt, what the
14 reductions in magnetic fields would be from increasing the
15 transmission structure heights --

16 MR. PRETE: Yes?

17 MS. KOHLER: -- under a 15-gigawatt case
18 the height that's required to reach 3-milligauss at the
19 edge of the right-of-way, the towers would be 135 for the
20 345 and 110 feet at the 115. What --

21 MR. PRETE: That is correct.

22 MS. KOHLER: What impact would increasing
23 the height of the towers to this -- from what's proposed
24 to 135 feet have on the right-of-way?

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1 COURT REPORTER: One moment please.

2 (Pause). Okay.

3 MR. PRETE: Do you want to ask the question
4 again?

5 MR. FITZGERALD: Yeah, ask --

6 MS. KOHLER: Will you -- by increasing the
7 tower height to 135 feet, will you need to expand the
8 right-of-way?

9 MR. PRETE: No, we do not.

10 MS. KOHLER: And what will the footprint of
11 the foundation look like at about 135 feet as compared to
12 that that's proposed?

13 MR. PRETE: Are you asking for the diameter
14 of the foundation itself?

15 MS. KOHLER: Correct.

16 MR. PRETE: I'd say it would be marginally
17 bigger --

18 MS. KOHLER: Okay --

19 MR. PRETE: -- not greatly bigger.

20 MS. KOHLER: Now at the 27.7-gigawatt level
21 the heights of the towers that are needed to reach 3-
22 milligauss would be 199 feet for the 345-kV line and 174
23 feet at the 115-kilovolt level?

24 MR. PRETE: That's correct.

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1 MS. KOHLER: Again, would the right-of-way
2 -- the right-of-way would not need to be increased to
3 accommodate those towers?

4 MR. PRETE: It will not.

5 CHAIRMAN KATZ: Could you shift the whole
6 thing -- the whole line southeast away from the houses,
7 closer to the area below -- in the area of Lexington
8 Green, could you shift the line within the right-of-way?

9 MR. PRETE: We would not be able to shift
10 the line at all within the right-of-way because we do have
11 two structures there. One would be a split-phase 345 and
12 one will be a double-circuit 115, so there will no -- no
13 allowance for shifting.

14 CHAIRMAN KATZ: I see.

15 MR. ASHTON: Could you shift the right-of-
16 way itself a little bit to the south so that you're
17 building -- taking advantage of a 165 foot or maybe a 200-
18 foot right-of-way that's more focused to the southeast?

19 MR. PRETE: Certainly it's feasible. I
20 don't know whose property that is --

21 MR. ASHTON: I understand --

22 MR. PRETE: -- Mr. Ashton --

23 MR. ASHTON: I understand --

24 MR. PRETE: -- but I'm sure you could do

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1 that.

2 MR. ASHTON: And am I correct that these
3 rights-of-way -- these rights go back to around 1920 in
4 this section and don't include any underground provision?

5 MS. BARTOSEWICZ: They do not include
6 underground provisions. I don't know if they go back to
7 the 20's. At least to the 40's. We can check that for
8 you.

9 MR. ASHTON: Yeah.

10 CHAIRMAN KATZ: Mr. Emerick.

11 MR. EMERICK: (Indiscernible) -- the
12 property lines along that row of houses, are there
13 individual property lines there or is it owned by -- I'm
14 trying to figure out who owns some of the underlying
15 property that --

16 MR. PRETE: These are individual property
17 lines and most of them abut the property of the right-of-
18 way, abut the actual right-of-way line. Can you see them
19 now? Can you take that blue line off please, Rich. Is
20 that more visible?

21 MR. EMERICK: Okay.

22 MR. PRETE: Can you see those --

23 MR. EMERICK: So they're right -- they're
24 right on the --

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1 MR. PRETE: Right there.

2 MR. EMERICK: But to the south it looks
3 like a larger unbroken parcel at least based on property
4 lines.

5 MR. PRETE: Right here?

6 MR. EMERICK: Yeah.

7 MR. PRETE: Yes, it looks that way as well.

8 MS. KOHLER: How close are the conductors
9 or the towers to the edge of the right-of-way or would
10 they be under this configuration?

11 MR. PRETE: On the northwest side, that
12 would be the side that the 345 line would be, the
13 conductor is approximately 50 feet from the edge of the
14 right-of-way. On the southeast side, that is associated
15 with the double-circuit 115, the -- the conductor would be
16 approximately 30 feet.

17 CHAIRMAN KATZ: Which came first, the 345
18 line or the Lexington Green houses?

19 MS. BARTOSEWICZ: The 345 line --

20 MR. FITZGERALD: There -- there is no 345 -
21 -

22 (Multiple voices overlapping,
23 indiscernible)

24 MR. PRETE: No, the 115 --

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1 CHAIRMAN KATZ: Oh, I'm sorry, I thought
2 you said --

3 MR. PRETE: The 115 -- absolutely, the 115.

4 CHAIRMAN KATZ: The 115 line came first?

5 MR. PRETE: Absolutely.

6 MR. TAIT: Mr. Ashton raised an interesting
7 question, which he usually does, is when you have a right-
8 of-way and you want to go underground, does that involve
9 compensation to the landowner? For instance, Section 3
10 and 4 which you're proposing to be underground, have you
11 calculated that cost in the cost of the right-of-way? Do
12 you have the right to go underground there?

13 MR. PRETE: That would be the right -- the
14 right-of-way associated with the street.

15 MR. TAIT: The street. When you do your
16 own right-of-way, do you have the right to go underground?

17 MS. BARTOSEWICZ: We --

18 MR. TAIT: You don't know -- it depends
19 upon the easement that you have?

20 CHAIRMAN KATZ: Is it fair to say that
21 you've never actually done underground on an overhead
22 right-of-way?

23 MR. TAIT: Have --

24 MS. BARTOSEWICZ: I don't know that answer,

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1 but I do know we've already looked into whether we have
2 underground easement rights along this right-of-way, and
3 our real estate people tell me we do not --

4 MR. TAIT: Okay --

5 MS. BARTOSEWICZ: -- have those right here.

6 MR. TAIT: Which would be if you went
7 underground, it would be at a cost that you would have to
8 figure in for eminent domain?

9 MS. BARTOSEWICZ: Yes, sir.

10 MR. PRETE: In addition to construction
11 problems --

12 MR. TAIT: No, I --

13 MR. PRETE: -- that we have --

14 MR. TAIT: -- I just wanted to know on your
15 real estate costs you have not calculated that in yet?

16 MS. BARTOSEWICZ: That's correct.

17 MS. KOHLER: So if the towers are going to
18 be -- if the 345-kV towers are going to be 50 feet away
19 from the right-of -- from the edge of the right-of-way --

20 MR. PRETE: That would be the conductor,
21 Mr. Kohler -- Miss Kohler.

22 MS. KOHLER: I'm sorry, the --

23 MR. PRETE: The conductor, the structure
24 itself will be 65 feet or so.

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1 MS. KOHLER: I'm sorry. So how far would
2 the actual tower be away from the edge of the right-of-
3 way?

4 MR. PRETE: The tower will be roughly 65 to
5 70 feet.

6 MS. KOHLER: Okay.

7 CHAIRMAN KATZ: And the tower is right now
8 for the 115 how far away from the --

9 MR. PRETE: The leg of the 115 tower to the
10 northwest side is, give or take, 20 feet.

11 MS. KOHLER: So under a 20 -- under the
12 27.7-gigawatt, 3-milligauss level on which the tower would
13 have to be 199 feet, is it true that the fall zone of the
14 tower outside of the right-of-way would be 134 feet then
15 in --

16 MR. PRETE: Roughly, that's what it would
17 be, yeah.

18 MS. KOHLER: Okay. And can you just pan
19 down a little further south. And if you can put the
20 circles back on.

21 CHAIRMAN KATZ: While you're panning, we've
22 never had a question before about the fall zone of a
23 structure. And I'm curious that hasn't come up in
24 previous dockets. In Connecticut do we have any type of

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1 history of the falling over of -- you know, we talk about
2 this for telecommunications towers, but we never have
3 talked about it in the past for utility structures,
4 electric utility structures. Do we have any history that
5 we can point to?

6 MR. ASHTON: Do you want me to answer that?

7 CHAIRMAN KATZ: No -- (laughter) -- I want
8 them to answer it. Mr. Zak.

9 MR. ROGER ZAKLUKIEWICZ: I am -- I am not
10 aware of a steel tower coming down in my recollection --

11 A VOICE: In Connecticut --

12 MR. ZAKLUKIEWICZ: -- in Connecticut,
13 although I haven't been around anywheres near the time
14 that Mr. Ashton has. (Laughter).

15 CHAIRMAN KATZ: Which is stronger, a
16 lattice tower or a steel monopole?

17 MR. ZAKLUKIEWICZ: A lattice -- a lattice
18 tower, Because there's four legs on it, it would -- you
19 know, you'd have to have basically all four legs or two of
20 the four legs to collapse. Although the steel monopoles
21 of course are much newer in design, so the time history of
22 those is less than that of the lattice towers, but I am
23 not aware of a monopole in Connecticut in our service
24 territory coming down --

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1 CHAIRMAN KATZ: Thank you --

2 MR. ZAKLUKIEWICZ: -- in all of my -- in my
3 memory. And the design requirements are -- is typically
4 we're designing those structures for about 20 percent of
5 the stresses that they would be experiencing. So there is
6 quite a factor involved as compared to a guyed structure.

7 CHAIRMAN KATZ: Twenty percent over --

8 MR. PRETE: Over -- over, yes.

9 MR. ZAKLUKIEWICZ: Yes.

10 MS. KOHLER: How would the foundation of
11 199-foot tower compare to that that's being proposed?

12 MR. PRETE: It would -- it would be
13 somewhat larger. (Laughter).

14 MS. KOHLER: Can you -- can you quantify
15 that?

16 MR. ZAKLUKIEWICZ: What did you answer?

17 MR. PRETE: Somewhat larger.

18 MR. ZAKLUKIEWICZ: I think for a 199-foot
19 structure and a structure of 130-foot, is that what we're
20 comparing it to? Probably -- approximately, 40 to 50
21 percent larger in volume because of the -- because of the
22 cantilevering of the taller structure, at least -- at
23 least that --

24 MS. KOHLER: Can --

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1 MR. ZAKLUKIEWICZ: -- that much larger,
2 both in depth and in width.

3 MS. KOHLER: Can we compare it to what was
4 proposed originally in the application, which I think was
5 less than 130 -- was it 105 in this area?

6 MR. PRETE: I think the proposal actually
7 had 85-foot poles --

8 MS. KOHLER: Okay --

9 MR. PRETE: -- the mitigating technique
10 said 105. And I think we testified that the diameter of
11 the foundation would be between four and six feet in
12 diameter.

13 MS. KOHLER: So comparing the 199-foot
14 structure to the 105 would be twice as big maybe?

15 MR. PRETE: I think Mr. Zak had said about
16 50 percent, so instead of four to six, you can do the
17 math, it's about six to eight --

18 MR. ZAKLUKIEWICZ: It would be -- it would
19 definitely be much deeper in depth is where you'd gain the
20 mass of which would be required.

21 MS. KOHLER: Is it -- Mr. Prete, is it true
22 that most of the residences that occupy the rest of the
23 right-of-way to the substation, most of them just about the
24 right-of-way similarly to Lexington Green? We can go

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1 through it --

2 CHAIRMAN KATZ: Should we pan down?

3 MR. PRETE: Yeah, I would like to do that.

4 MS. KOHLER: I'm sorry, could we actually
5 just go just south of Lexington Green, there's a fairly
6 large -- (pause) -- that's it, yeah. So most -- is it
7 true that most of those properties as we pan down about the
8 right-of-way, the backyards are in the right-of-way, some
9 of the pools are in the right-of-way?

10 CHAIRMAN KATZ: When you say in the right-
11 of-way, do you mean --

12 MS. KOHLER: I'm sorry, about the right-of-
13 way.

14 MR. PRETE: I would say a majority of them
15 as we're seeing on this particular slide here look like
16 they are located on the south -- southeast side --

17 MS. KOHLER: Okay --

18 MR. PRETE: -- southwest side, I'm sorry

19 MS. KOHLER: Thank you.

20 CHAIRMAN KATZ: Any other questions on this
21 map? Do we have -- we have -- this is the last map?

22 MR. PRETE: This is Map 13.

23 MR. ZAKLUKIEWICZ: Chairman --

24 CHAIRMAN KATZ: Yes?

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1 MR. ZAKLUKIEWICZ: Chairman Katz, on your
2 question on the fall zone, I think you need to recollect
3 that the conductors themselves are going to keep the
4 structure from tipping over sideways because of the
5 tension and the large size of the conductors we're putting
6 there. So if there was a fall, it would be a fall in line
7 with the conductors as opposed to a fall off to the side -
8 -

9 CHAIRMAN KATZ: Hmm --

10 MR. ZAKLUKIEWICZ: -- as a major difference
11 to what you have with say a cell phone tower.

12 CHAIRMAN KATZ: Sort of a built-in guyed
13 wire.

14 MR. ZAKLUKIEWICZ: A very strong built-in
15 guyed wire.

16 CHAIRMAN KATZ: Okay. At this point are
17 there any final questions on the maps before we go to Mr.
18 Wertheimer, who I believe had some questions for the
19 Applicant's panel? Okay. Can we have the lights back on
20 and the maps off and Mr. Wertheimer down at the table.

21 After Mr. Wertheimer, is there any other
22 party or intervenor who has cross-examination? Mr. Frank,
23 who do you want to cross-examine? Can you come to the
24 microphone. Is it the same group?

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1 MR. FRANK: The same topic as Mr.
2 Wertheimer.

3 CHAIRMAN KATZ: Okay, you will follow then.

4 MR. FRANK: And depending on his questions,
5 I may not have any questions.

6 CHAIRMAN KATZ: He'll send you a bill.

7 MR. WERTHEIMER: Good afternoon. My
8 questions relate to the testimony of Mr. Scarfone and Mr.
9 Johnson dated October 12th.

10 Mr. Scarfone, at our last -- at our last
11 hearing, I -- there was some cross-examination of Mr.
12 Prete relating to his September 24th prefiled testimony,
13 do you recall that discussion?

14 MR. SCARFONE: Yes.

15 MR. WERTHEIMER: And I believe you and/or
16 the panel agreed that the proposed transmission lines will
17 have a useful life of approximately 40 years?

18 MR. SCARFONE: That's correct.

19 MR. WERTHEIMER: And I'd like to direct you
20 to the graph on Mr. Prete's testimony that's on page 7.
21 Do you have that?

22 MR. SCARFONE: Okay.

23 MR. WERTHEIMER: And do you see the line
24 for the average all hours?

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1 MR. SCARFONE: Yes, I do.

2 MR. WERTHEIMER: And that is the 50/50
3 case, is that right?

4 MR. PRETE: Mr. Wertheimer, can you repeat
5 the question, I'm sorry?

6 MR. WERTHEIMER: The line that says average
7 of all hours, that represents the 50/50 case in your
8 modeling?

9 MR. PRETE: It was simply an extrapolation
10 of the prior -- the four years leading up to 2003 and
11 carrying that particular average out to a timeframe, more
12 importantly a load level.

13 MR. WERTHEIMER: To show the reasonableness
14 in your view of the 15-gigawatt case?

15 MR. PRETE: Yes, sir.

16 MR. WERTHEIMER: Okay. Now let's -- for
17 2003 that line looks like it's about right on the 15-
18 gigawatt level, is that right?

19 MR. SCARFONE: That's correct.

20 MR. WERTHEIMER: And then going out to the
21 2005 to 2010, that dotted line is above the 15-gigawatt
22 level, right?

23 MR. PRETE: Yes. I think actually it
24 approaches 17 gigawatts.

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1 MR. WERTHEIMER: Okay. Now, Mr. Scarfone,
2 turning to your testimony, the question on the bottom of
3 page 5 reads do these data provide the Council additional
4 assurance that the 15-gigawatt and 27.7-gigawatt load
5 cases can be relied upon for the purposes of modeling
6 magnetic fields in the future, is that right?

7 MR. SCARFONE: Yes.

8 MR. WERTHEIMER: Okay. Now, your answer on
9 page 6, the first sentence relates to the 15-gigawatt
10 case. It reads these data confirm that the current flows
11 modeled by the companies for the 15-gigawatt case reflect
12 the average or typical loadings on the transmission lines
13 now operating on the proposed route, right?

14 MR. SCARFONE: That's correct.

15 MR. WERTHEIMER: Okay. And turning to page
16 3, your answer on lines 8 to 11 talks about the average --
17 the line loadings that were actually recorded in the year
18 2003, is that correct?

19 MR. SCARFONE: Yes.

20 MR. WERTHEIMER: The fact of the matter is,
21 there's nothing in your answer that appears on page 6 that
22 indicates anything about the reliability of the 15-
23 gigawatt case into the future? You're talking about now
24 operating in current flows in 2003?

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1 MR. SCARFONE: The data in the charts are
2 for 2003 data. I guess my question back to you is what do
3 you mean by reliability?

4 MR. WERTHEIMER: The question on page 5,
5 and this is where I read it, said that do you -- do these
6 data -- this is a question to you --

7 MR. SCARFONE: Yeah.

8 MR. WERTHEIMER: -- do these data provide
9 the Council additional assurance that the 15-gigawatt case
10 and 27.7 case can be relied upon. Relied upon. I'm
11 asking -- and the point is your answer doesn't say
12 anything about data going into the future. You're talking
13 about current flows and 2003 levels, right?

14 MR. SCARFONE: Right. The -- if you look
15 at Figure 1, you can see most of the 15-gigawatt circles
16 are within or in close proximity to the mean and standard
17 deviation --

18 MR. WERTHEIMER: Currently --

19 MR. SCARFONE: -- just the basis of our
20 determination that the 15-gigawatt case is a reasonable
21 case to use for EMF calculations.

22 MR. WERTHEIMER: Right, but the distinction
23 here is -- you're saying it's -- judging by your table and
24 your testimony, it's reasonable when you're looking at

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1 current flows in 2003?

2 MR. SCARFONE: Right. This --

3 MR. WERTHEIMER: Okay, now stop -- and I'm
4 just trying to -- the only point -- one of the points here
5 is that the question you were asked in this testimony
6 talks about if it could be relied upon for modeling into
7 the future. And none of the data you provide talks about
8 reliability going into the future, you're talking about
9 reliability here and now today?

10 MR. SCARFONE: That's correct. And Mr.
11 Prete's testimony --

12 MR. WERTHEIMER: Okay --

13 MR. SCARFONE: -- as we footnoted, talks
14 about going into the future.

15 MR. WERTHEIMER: Okay. We -- we already
16 addressed Mr. Prete's testimony. That's all I have.

17 CHAIRMAN KATZ: Thank you, Mr. Wertheimer.
18 Mr. Frank.

19 MR. FRANK: Mr. Scarfone, if you could
20 please turn back to that Figure 1 and the white dots
21 represents the 16 -- I'm sorry -- the 15-gigawatt case,
22 is that correct?

23 MR. SCARFONE: That's correct.

24 MR. FRANK: Okay. And that is modeled

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1 based on the inclusion of the 345-kV line that is proposed
2 or is it not?

3 MR. SCARFONE: No.

4 MR. FRANK: Okay. So the 15-gigawatt case
5 that is shown there is a different case than has been
6 modeled for EMF purposes?

7 MR. SCARFONE: It is today's --

8 MR. FRANK: So this is purely the existing
9 system, it does not take into account the proposed 345-kV
10 line?

11 MR. SCARFONE: The black dots are 2003 data
12 --

13 MR. FRANK: Right --

14 MR. SCARFONE: -- with the standard
15 deviation points. And the white circles -- the white
16 circles are flows that we have in our 15-gigawatt case of
17 today's system.

18 MR. FRANK: Of today's system?

19 MR. SCARFONE: That's correct.

20 MR. FRANK: Okay. Okay, thank you for that
21 clarification.

22 Now with respect to Figure 2 just to
23 clarify, are the white dots indicative of the conditions
24 that -- (indiscernible, sneezing) -- with or without the

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1 additional -- with or without the proposed 345-kV line?

2 MR. SCARFONE: Without.

3 MR. FRANK: Without?

4 MR. SCARFONE: Without.

5 MR. FRANK: Thank you. No further
6 questions.

7 CHAIRMAN KATZ: Thank you, Mr. Frank.
8 Anybody else? Any other final questions of these
9 witnesses? Okay, we have concluded cross-examination.
10 Are there any procedural or calendar matters that anyone
11 wishes to bring up?

12 MS. RANDELL: Yes.

13 CHAIRMAN KATZ: Miss Randell.

14 MS. RANDELL: I had the feeling listening
15 to you this morning, you didn't want to see us or hear
16 from us for a couple of weeks. I'm really sensitive that
17 way. So, I thought I would raise an issue that occurred
18 to us as we were thinking through the December KEMA, ABB,
19 and such hearings. And since it's what I do, I sketched
20 out timeframes and they're very close in for the first
21 interrogatories to be filed. Let me just give you an
22 example of where I was going with this so you'll see why I
23 want everyone to know they don't have forever. If you
24 were to --

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1 CHAIRMAN KATZ: Okay, Fred, if you could
2 take these down also.

3 MS. RANDELL: If -- and I tried to base it
4 on how long it takes us to answer interrogatories even
5 though these would be interrogatories to KEMA and to ABB.
6 If you had the requirement that we or anybody else file
7 interrogatories to KEMA by November 1, we would say then
8 answers to that first set of interrogatories would be
9 November 15. Then because there is no more time, a week
10 later, November 22, the second set of interrogatories
11 would be filed, with answers due December 2, taking into
12 account there is Thanksgiving in the middle of that. And
13 then we would say prefiled testimony by all parties and
14 intervenors in advance of the hearing would be a week
15 later, December 9, which gets us I think into the hearing
16 date area that you were looking at. But there isn't a lot
17 of fat here in terms of time if you want to allow for two
18 sets of interrogatories.

19 So my hope was while you may not choose to
20 adopt these dates, that at least you -- well actually I
21 hope you do, but if you don't, at least you will alert all
22 the other parties and intervenors who are here today that
23 they are going -- if they have interrogatories addressed
24 to KEMA or ABB, that they're going to need to be filed

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1 soon, so that if in fact you issue a schedule next week,
2 they won't say, oh, my God, that's three days from now --

3 CHAIRMAN KATZ: Yes --

4 MS. RANDELL: -- that they have to file.

5 CHAIRMAN KATZ: -- I'm willing to say that,
6 that people who are going to have questions for KEMA --
7 and the questions on the DC Light would be addressed to
8 the Applicants, correct?

9 MS. RANDELL: No --

10 MR. FITZGERALD: Well --

11 CHAIRMAN KATZ: Well --

12 MR. FITZGERALD: -- wait a minute --

13 CHAIRMAN KATZ: -- ABB is not a party --

14 MR. FITZGERALD: ABB is not a party.

15 MS. RANDELL: Yeah, it is an issue, ABB is
16 not a party or an intervenor. However, they are obviously
17 promoting their proposal, and --

18 CHAIRMAN KATZ: So who --

19 MS. RANDELL: -- it is not, as you know,
20 the company's proposal. And therefore, they don't --
21 unlike interrogatories addressed to the companies about
22 things they are studying, we cannot -- we -- they're not
23 ours to answer.

24 MR. FITZGERALD: Well, we could -- the

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1 companies could answer questions about what do they --
2 what is your position on the ABB report, but -- but that
3 would not -- that would not reflect ABB's own thinking --

4 MS. RANDELL: And indeed, we thought we'd
5 be in the position of filing prefiled testimony with
6 respect to that.

7 MR. FITZGERALD: And I think that we could
8 -- we could -- you could always ask.

9 MS. RANDELL: We -- we -- well, the Council
10 could request that if ABB chooses to pursue its proposal,
11 that it seek to become an intervenor. And then as you
12 know, under the Uniform Administrative Procedure Act you
13 can condition intervention and require intervenors to
14 answer interrogatories and the like.

15 CHAIRMAN KATZ: (Pause). Okay, we will ask
16 ABB to be intervenors because -- how to put this
17 diplomatically -- we don't just want your opinion of their
18 work, we'd also like their opinion of their --

19 MS. RANDELL: And that's why we proposed it
20 this way. And we actually thought that this is where you
21 would be --

22 CHAIRMAN KATZ: So we will get a letter out
23 to ABB asking them to be intervenors. And then I am
24 looking at the same type of schedule for ending up

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1 prefiled in mid-December for the questions of ABB --

2 A VOICE: And a hearing before --

3 CHAIRMAN KATZ: -- I mean -- and a hearing
4 before Christmas. Mr. Ball.

5 MR. BALL: The only thing that I would add
6 to that -- I do think it makes sense to bring in ABB as an
7 intervenor -- I would think it would also make sense when
8 we ultimately have an evidentiary hearing, to have
9 witnesses from ABB present.

10 CHAIRMAN KATZ: Of course.

11 MR. BALL: Thank you.

12 MR. PHELPS: Madam Chair --

13 CHAIRMAN KATZ: Mr. Johnson asked you to
14 ask that question? (Laughter). So Mr. Phelps, you'll
15 take care of --

16 MR. PHELPS: Madam Chair, so I gather we're
17 talking then about prefiled -- did I hear that prefiled
18 would be the 9th of December, anticipating hearings during
19 the week of the 13th, is that what we're looking towards?

20 MS. RANDELL: That's the way --

21 CHAIRMAN KATZ: That is the request of the
22 Applicant --

23 MS. RANDELL: Right --

24 MR. PHELPS: Yes --

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1 CHAIRMAN KATZ: -- we're not promising
2 anything.

3 MR. PHELPS: I'm -- I appreciate that, yes,
4 ma'am.

5 MS. RANDELL: It was our request just to
6 get the timeframes out.

7 MR. PHELPS: Might I ask that there be some
8 discussion then about how many days of hearings there
9 should be anticipated in that stretch of time?

10 CHAIRMAN KATZ: Why don't you get back to
11 us on what our calendar looks like --

12 MR. PHELPS: Yes, ma'am --

13 CHAIRMAN KATZ: -- if we can do two days.

14 MR. PHELPS: Yes, ma'am.

15 CHAIRMAN KATZ: And I also want to do a
16 Glenbrook Cable day in December, so --

17 MR. PHELPS: Yes, ma'am.

18 CHAIRMAN KATZ: -- I'd like to do more than
19 one, but work it all out. Mr. Wertheimer.

20 MR. WERTHEIMER: While we're making
21 requests, if possible, could we have at least a week
22 between the prefile date and the hearing date?

23 CHAIRMAN KATZ: I think that's fair. Other
24 requests? Okay.

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1 The staff is going to have the unenviable
2 job of working out telecommunication dockets, Glenbrook
3 Cable, and 272 for the month of December, considering that
4 we also have a few holidays.

5 A VOICE: How about 217 --

6 CHAIRMAN KATZ: And -- well, we're handling
7 217 at ET meetings.

8 Any other procedural and calendar matters?
9 Going once -- we are adjourned.

10

11 (Whereupon, the hearing adjourned at 5:00
12 p.m.)

13

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In witness whereof I have hereunto set my hand and do so attest to the above, this 12th day of November, 2004.

A handwritten signature in black ink that reads "Paul Landman". The signature is written in a cursive style with a long horizontal flourish at the end.

Paul Landman
President

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