

December 11, 2008

Mr. Daniel F. Caruso, Esq., Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: Docket #346 Implementation of Section 8 of Public Act 07-242, An Act Concerning Electricity and Energy Efficiency

Dear Chairman Caruso:

Joel Gordes (DBA Environmental Energy Solutions or EES) hereby files the attached second round interrogatories directed to the investor-owned utilities. There are also interrogatories resubmitted to the Connecticut Energy Advisory Board (CEAB) since the originals were unanswered as of this date. EES understands CMEEC requires more time but, with the Council's approval, reserves the right to direct additional interrogatories toward them. Finally, since the Department of Emergency Management and Homeland Security (DEMHS) is now a party, interrogatories have also been directed toward them.

As previously noted, these interrogatories are largely but not exclusively framed within the context of the Best Management Practices (BMPs) as requested by CSC. They seek to elicit information that views the grid not in isolation on a component-by-component basis but, rather, in a more holistic sense wherein equal attention is paid to the interaction(s) of each component upon the whole and resultant effects on grid security.

Unfortunately, contrary to this, CL&P and UI ("the Companies") have elected to not only summarily dismiss the need for the CSC's draft BMPs but also question the CSC's statutory authority to address the very points of investigation (at p.5, para.1)¹ listed in both the statute itself and the BMPs. In their comments, the Companies have conveniently neglected to include these points in bold font as critical matters. They have chosen the narrowest of interpretations in regard to the word "siting" and neglect the responsibility of the Council set out in 16-50g which since PA 03-140 includes "to promote energy security" which may even be construed to go to issues attendant to "siting" rather than exclusively environmental concerns. It is EES's opinion this limitation on CSC prerogatives compromises any serious investigation of energy security contemplated by the General Assembly and the CSC. In their comments at Point II, p. 3, second to last line, the Companies are presumptuous enough to add the words "may include" to the points of investigation when the word "may" does not appear in the statute except in reference to executive sessions. The operative statutory language is "including" not "may include".

Furthermore, while the Companies cite the "plain meaning rule," it appears the Companies have not investigated legislative intent by: 1) referring to committee of cognizance and/or

¹ "...including consideration of planning, preparedness, response and recovery capabilities."

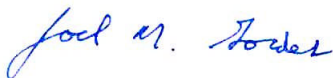
House or Senate transcripts of floor debate; and/or 2) discussion(s) with legislator(s) who introduced or became sponsors of Section 8 of PA 07-242. This might seem appropriate as EES can attest that oft times interpretations, be they plain meaning or not, can still be incorrect.

In relation to the interrogatories submitted by EES, the Companies responses repeatedly maintain, "This question does not relate to siting of facilities and is beyond the scope of this proceeding" in an attempt to evade answering. It also presumptuously usurps the power of the Council which has sole authority to make that pronouncement. To restrict "siting" to their own narrow definition is merely an opinion but as Senator Daniel Patrick Moynahan once suggested "Everyone is entitled to their own opinion, but not their own facts." Little factual information in support of their opinions has been forthcoming and even where they do provide partial responses, they lack citations to support many of these responses.

Due to the nature of some interrogatories, it was anticipated requests for protective orders or reluctance to provide answers would be cited and EES, having had military security experience, respects this. Repeatedly providing indiscriminant use of "security" as an excuse, however, without careful consideration of where an answer might act as a deterrent² (e.g. Q-EES-9 which could reveal how a grid has been strengthened) provides perverse results and represents a lost opportunity to actually enhance security.

For these reasons, EES resubmits many of the previous interrogatories newly framed in language to counter some of the aforementioned non-responses and request that more meaningful answers be provided.

Sincerely,



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CC: Service List

² Deterrence involves three conditions and assumes the adversary to be rational in a Western cultural sense: 1) you must have the capability to inflict unacceptable losses on the enemy; 2) the enemy must know you have this capability; and 3) you must have the will to use it. Source: Approximate definition from USAF Manual 1-1, Basic Doctrine. Circa 1964.