



# STATE OF CONNECTICUT

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July 7, 2009

S. Derek Phelps  
Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

### **OCC's** **Limited Procedural Comments**

Re: CL&P Application for the Greater Springfield Reliability Project and the Manchester to Meekville Junction Circuit Separation Project  
**Docket No. 370A** (Consolidated Docket)  
&  
NRG Energy, Inc. Application Pursuant To CGS § 16-50l(a)(3) For Consideration Of A 530 MW Combined Cycle Generating Plant In Meriden, Connecticut  
**Docket No. 370B** (Consolidated Docket)

Dear Mr. Phelps:

The Office of Consumer Counsel ("OCC") is a party to the above-captioned proceeding. OCC is in receipt of a notice issued by the Connecticut Siting Council ("CSC") on June 16, 2009, by which the CSC notified parties to this docket of the format it intends to follow in this docket.

OCC herewith files its Limited Procedural Comments.

Administrative Notice List. OCC is in receipt of a copy of a proposed Administrative Notice List, not dated, but distributed by the CSC at the June 12, 2009 pre-hearing conference. OCC has no objection to administrative notice being taken, in this docket, of any of the 36 items on that list.

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If OCC has further items to suggest for inclusion on this administrative notice list, it will notify CSC as soon as it becomes aware of any such items.

Availability of OCC Witness. OCC is today filing the direct written testimony of its expert, Paul L. Chernick. This testimony addresses the need for the GSRP project.

OCC is aware that CSC plans to begin the evidentiary hearings in this docket on July 21, 2009. OCC intends to make Mr. Chernick available in person during those hearings. In that light, OCC states the following. The first day after the start of hearings when Mr. Chernick could be available to appear (given other commitments of long-standing) is August 5, 2009.

Allowance for Further Discovery. The CSC's June 16, 2009 announcement (particularly Item No. 9 there) appears to contemplate that all discovery in this docket should be complete by July 7, 2009. OCC believes that it would be unwise for any such limitation to be maintained.

The development of a full record is particularly important in this proceeding. The present docket is more complex than similar proceedings CSC has conducted in the past (such as its Dockets No. 217 or 272). For instance, it is the first such proceeding to include direct participation by CEAB (through the reactive RFP process) and the first to include a competing applicant (NRG).

Further, the pre-filed testimony expected from diverse parties (scheduled to be filed today) may give rise to discovery questions from other docket participants. For instance, OCC is willing to entertain reasonable discovery questions concerning the written testimony of our witness, Mr. Chernick.<sup>1</sup>

OCC notes the following with respect to Department of Public Utility Control ("DPUC") procedures. In its dockets, the DPUC normally schedules an opportunity for interrogatories following the presentation of written testimony by docket participants. Further, once DPUC evidentiary hearings have begun, that agency also regularly allows for "late-filed exhibits", which themselves can become the object of further hearing. By these means, the DPUC helps to assure that the administrative record in its proceedings is complete beyond question.

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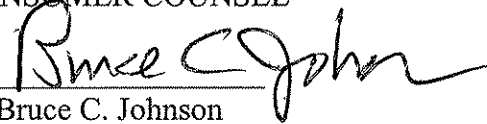
<sup>1</sup> However, since Mr. Chernick is traveling overseas from now through early August, any discovery responses on his part may be delayed to mid-August.

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Connecticut Siting Council  
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If the CSC allows reasonable further discovery in this docket (as OCC urges it to do), this need not delay the proceeding in any way. It appears that CSC contemplates holding hearings in this docket into September, and perhaps thereafter.

Very truly yours,

MARY J. HEALEY  
CONSUMER COUNSEL

By 

Bruce C. Johnson  
Principal Attorney  
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Staff Attorney

cc: Service List