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February 20, 2009

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

Re: The Connecticut Light and Power Company Application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects Which Consist of (1) The Connecticut Portion of the Greater Springfield Reliability Project that Traverses the Municipalities of Bloomfield, East Granby, and Suffield, or Potentially Including an Alternative Portion that Traverses the Municipalities of Suffield and Enfield, Terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut
DOCKET No. 370

Dear Mr. Phelps:

The Office of Consumer Counsel ("OCC") is a party to the above-captioned docket. OCC is in receipt of a copy of a Notice issued by the Connecticut Siting Council (the "Siting Council" or "Council") on January 21, 2009, seeking comments on a motion for protective order which The Connecticut Light and Power Company ("CL&P") made in this docket.

OCC herewith responds to this Siting Council request, addressing specific questions posed by the Council's 1/21/09 Notice.

CL&P's October 30, 2008 motion for protective order (the "CL&P Motion") concerns critical energy infrastructure information ("CEII") associated with its present Application. Some materials CL&P contends are CEII already have been filed with the

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Council in this docket (i.e., the so-called "CEII Appendix"), and other such materials may be filed as this docket continues.

OCC has not seen any of the materials which make up the CEII Appendix. However, CL&P represents that these materials relate to the need for this project. CL&P Motion, p. 2. Whether this CL&P project is needed, and/or would provide public benefits if certificated and built, is one of the most important open questions in this docket, particularly in light of the CEAB Evaluation Report, filed with the Council on February 17, 2009. Thus, the CEII Appendix must be placed on the docket record.

As potential docket evidence, the CEII Appendix must be subject to full review by the Council and by parties to this docket. Cf. Connecticut General Statutes ("CGS") §§ 4-177b, 4-177c, 4-178, 4-179, 4-180. Given these UAPA requirements, the Council must assure that the Council, its staff and docket parties have reasonable access to the CEII Appendix.

At the same time, the national security issues which gave rise to the public disclosure limitations discussed in the CL&P Motion must be addressed. The draft protective order offered in the CL&P Motion does so appropriately, and the Council should grant that protective order.

In effect, the fourteen numbered paragraphs in CL&P's draft order outline the appropriate procedures for handling CEII in this docket. Should the Council have further questions concerning implementation of those procedures, it should consider conferring with the Department of Public Utility Control ("DPUC"). As the Memorandum (pp. 6-7) accompanying the CL&P Motion notes, the DPUC has considerable experience with handling FOIA-exempt materials in agency dockets.

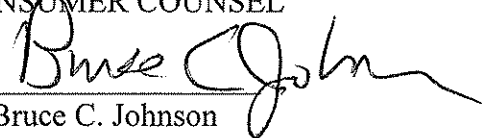
In this docket, CEII should be defined consistently with CGS § 1-210(b)(19), and with applicable federal law and regulatory guidance as referenced in the CL&P Motion. When considering any CL&P request for CEII protections for specific docket-related materials, the Council must evaluate the representations offered in any affidavit CL&P provides in that connection. Any materials properly designated as CEII in this docket are exempt from public disclosure under the Connecticut FOIA.

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Connecticut Siting Council
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Very truly yours,

MARY J. HEALEY
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By


Bruce C. Johnson
Principal Attorney

cc: Service List