

CARMODY & TORRANCE LLP

Attorneys at Law

195 Church Street
Post Office Box 1950
New Haven, Connecticut
06509-1950

Telephone: 203 777-5501
Facsimile: 203 784-3199
afitzgerald@carmodylaw.com

Anthony M. Fitzgerald

BY HAND DELIVERY

October 8, 2009

S. Derek Phelps
Executive Director
State of Connecticut
Connecticut Siting Council
10 Franklin Square
New Britain CT 06051

Re: Docket No. 370A: CL&P Application for the Greater Springfield Reliability Project and the Manchester to Meekville Jct. Circuit Separation Project

Docket No. 370B: NRG Energy, Inc. Application Pursuant to C. G.S. § 16-50l(a)(3) for Consideration for a 530 MW Combined Cycle Generation Plant in Meriden, CT.

Dear Mr. Phelps,

This letter is submitted in response to the Connecticut Siting Council's notice dated September 24, 2009 regarding NRG's Motion for Access to Model Price Data of London Economics International (LEI) dated August 25, 2009. The notice indicated that at its September 17, 2009 meeting the Council had decided to defer a decision on NRG's motion for thirty days in order to receive comments from parties and individuals "as to whether or not the LEI testimony shall be stricken in its entirety."

The Connecticut Light and Power Company ("CL&P") is submitting this letter to express its position on striking the LEI Testimony from the record. CL&P respectfully submits that Ms. Frayer's testimony concerning the economic benefits of GSRP (LEI GSRP Testimony) is relevant to issues of cost and ratepayer impact, and should not be stricken. In particular, her testimony is useful in that it shows that the GSRP's cost to consumers will be substantially offset by economic benefits that they otherwise would not realize.

CL&P asked LEI to expand its study so as to provide a basis for an economic comparison of the Greater Springfield Reliability Project ("GSRP") with NRG's proposed Meriden Plant, in the event that NRG produced evidence that the Meriden Plant could provide a reliability alternative to GSRP. That has not happened. Accordingly, the

{W1745070;2}

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 2

relevance of Ms. Frayer's testimony concerning the potential projected costs and benefits of the NRG Meriden Plant (LEI NRG Testimony) has turned out to be of dubious relevance. CL&P would not object to the striking of that testimony.

CL&P is also filing this letter to reiterate its position - as outlined in its letters to the Council dated August 31, 2009 and September 11, 2009 - that the Council should sustain CL&P's Objection to NRG's discovery request dated August 25, 2009 and its September 2, 2009 request to file supplemental discovery.

I. The LEI Testimony Concerning the Economic Benefits of GSRP Should Not Be Stricken Because It Is Relevant to the Ultimate Cost of the Project to Ratepayers.

The LEI GSRP testimony of Julia Frayer should not be stricken because the Council should consider this testimony in carrying out its statutory duty to determine whether GSRP is consistent with a long-term plan that will serve the public need for adequate, reliable, and economic service. Moreover, exclusion of this testimony could create the risk of a reversible error on any appeal of the Council's ultimate ruling in this docket.

A. The LEI GSRP Testimony

Ms. Frayer performed an economic analysis of GSRP in which she evaluated the potential economic benefits of the project, and then compared these benefits with the projected costs of the project. In performing this analysis, Ms. Frayer began with a Base Case analysis that represented the most likely set of conditions for a ten-year period starting in 2014. She calculated the economic benefits of GSRP by comparing the Base Case results with and without the construction of these projects, and thereby determined the incremental cost savings generated by these projects.

Key points of the LEI Testimony regarding GSRP include the following:

- Using conservative assumptions, New England ratepayers can expect that GSRP will generate energy market benefits in the "spot market" averaging \$35 million per year over 10 years (i.e., \$350 million total) under "normal" operating conditions modeled in the Base Case. (LEI Testimony, p. 9)

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 3

- Under a scenario involving an extended nuclear plant outage in Connecticut, GSRP produces a maximum energy market benefit for New England ratepayers of \$332 million in a single year. (*Id.*, p. 11)
- LEI also modeled a “High Fuel Prices” scenario and a “Additional Retirements with More Renewables” scenario. Over the ten-year period, GSRP is expected to produce energy benefits ranging from \$291-\$441 million under the “High Fuel Prices” scenario, and \$373-519 million under the “Additional Retirements with More Renewables” scenario. (*Id.*, p. 12)
- GSRP is also expected to generate economic benefits of \$5.5 million per year on average in the Locational Forward Reserve Market. (*Id.*, p. 12)
- Under the Base Case, the cumulative ten-year benefits from GSRP from the energy market and the LFRM, calculated at the 95% confidence interval, are equal to \$351 million to \$459 million in nominal terms. (*Id.*, p. 14)
- Because GSRP will likely be designated a “pooled transmission facility”, Connecticut ratepayers will be responsible for approximately 25% of the total costs of GSRP, or approximately \$180 million of the \$714 million total cost. (*Id.*, p. 15)
- Although GSRP is a reliability-driven project, it is likely to generate energy market and LFRM benefits for Connecticut ratepayers that will cover as much as 63% of the costs to these ratepayers. (*Id.*, p. 15)
- On a present value basis, GSRP is projected to create on average \$98 million in total market benefits for Connecticut ratepayers over ten years, as compared to total costs to Connecticut ratepayers of approximately \$180 million. (*Id.*, pp. 17-18)

B. The LEI NRG Testimony

i. Background of the LEI NRG Analysis

On April 17, 2009, CL&P responded to Discovery Request OCC-Q-014 as follows:

Question

Please supply, for the record in this docket, a copy of any economic comparisons that CL&P has prepared concerning the relative costs to Connecticut ratepayers of GSRP/MMP or NEEWS (on the one hand) versus a generation project such as the NRG Meriden Project (on the other).

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 4

Response

CL&P has not prepared or commissioned any economic comparisons concerning the relative costs to Connecticut ratepayers of GSRP / MMP and the NRG Meriden Project or a generic generation project because GSRP is a reliability project for which new generation, especially new generation in Connecticut, is not a practical substitute. In addition, if CL&P were to nevertheless attempt such a comparison, it would not know what to compare. At this time, CL&P is still trying to determine whether the NRG Meriden Project is being offered as an alternative to GSRP / MMP or just to some portion of GSRP, such as the proposed segment of 345-kV line between North Bloomfield Substation and the state border and the improvements to North Bloomfield Substation. If CL&P does prepare or obtain any such economic comparisons, once it knows what to compare, it will provide copies in response to this request.

CL&P's uncertainty as to the claims that would be made for the Meriden Plant at this point was due to the following facts: 1) NRG's Response to the CEAB RFP did not specify or demonstrate that the Meriden Plant addressed either all or part of the needs addressed by GSRP; and did not specify that the Meriden Plant would supposedly provide a reliability substitute for all of GSRP, or for only specific parts of it; 2) the CEAB Report that evaluated the RFP Responses, dated February 17, 2009 (CEAB Evaluation Report) did not evaluate the Meriden Plant on its own, but only as a part of a potential alternative "portfolio" of projects, and did not claim or demonstrate that the entire portfolio provided a reliability alternative to GSRP; and 3) NRG had not yet responded to CL&P's Discovery Requests designed to elicit that information. (CL&P filed Discovery Requests addressed to NRG, on March 24, 2009. They were not answered until June 5, 2009.)

Nonetheless, pre-filed testimony was required to be filed on July 7, 2009, and a long lead time is required for economic modeling of the type performed by LEI. Accordingly, CL&P asked Ms. Frayer to include in her testimony an economic analysis of the NRG Plant in her testimony, which would assume that the Meriden Plant would be built and that GSRP would not be built.

When ultimately filed, NRG's Discovery Responses were studiously vague as to how the NRG Plant could fulfill the reliability need addressed by GSRP. However, since the possibility remained that NRG could attempt to demonstrate in its pre-filed testimony that the Meriden Plant would provide a substitute for the GSRP or part of it; and since CL&P had promised the OCC that it would provide any comparative analysis that it commissioned, CL&P asked Ms. Frayer to complete her NRG analysis and to include it in her pre-filed testimony, which was filed contemporaneously with NRG's testimony on

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 5

July 7, 2009. That testimony made clear that NRG had not done anything further to substantiate that the Meriden Plant would address all of the reliability needs served by GSRP, or even that it had identified a specific sub-set of GSRP facilities that it could show would be rendered unnecessary by construction of the Meriden Plant.

ii. Content of the LEI NRG Analysis

With regard to the Meriden Plant, Ms. Frayer's Testimony concludes, among other things that:

- If the Meriden Plant were built and GSRP were not, the Meriden Plant would likely create market benefits by lowering market prices for Connecticut consumers, although those benefits may turn out to be less than the contract costs that Connecticut consumers would have to bear under NRG's proposed "contract for differences" structure and under the assumptions that NRG estimated in its application regarding a potential contract price. (*Id.*, pp. 15-16)
- Connecticut ratepayers would be responsible for the entire cost of the NRG contract, in contrast to the socialization of costs of transmission reliability upgrades like GSRP. (*Id.*, p. 16)
- On a present value basis under the Base Case scenario, the Meriden Plant is projected to create on average \$436 million in total market benefits for Connecticut ratepayers over ten years, as compared to total contract costs to Connecticut ratepayers of approximately \$423 million. (*Id.*, pp. 17-18) Of these total market benefits, energy market benefits are projected to be \$401 million – are therefore less than the projected contract costs.

C. Standard for Admissibility of Evidence in a Contested Case

Pursuant to Conn. Gen. Stat. section 4-178, "[i]n contested cases: (1) Any oral or documentary evidence may be received, but the agency shall, as a matter of policy, provide for the exclusion of *irrelevant, immaterial or unduly repetitious evidence.*" (Emphasis added.) Given the issues in this proceeding and the competing projects, there can be no serious contention that the LEI GSRP Testimony is "irrelevant, immaterial, or unduly repetitious."

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 6

Historically, the Council has been liberal in its determination on the relevance and materiality of evidence, and CL&P is unaware of any prior proceedings in which testimony regarding potential economic benefits of a project, and expected impacts on ratepayers, has been precluded. Of course, this is not surprising given that matters of cost are one of the factors that the Council is statutorily required to consider in a certification proceeding.

D. The Economic Benefits of a Proposed Facility, Such as GSRP, Are Clearly Relevant in a Proceeding under PUESA.

Even though GSRP is a reliability-driven project, this does not mean that economic issues are *irrelevant* in this proceeding. The fact that economic issues are secondary to the reliability issues in this docket does not mean that evidence regarding the costs and benefits of GSRP should be excluded.

In fact, issues regarding long-term costs to ratepayers and system economy – and the need to balance cost with other factors – are at the heart of a certification proceeding, and therefore are clearly relevant. As set forth in the “Legislative Findings and Purpose” of the Public Utility Environmental Standards Act (“PUESA”), one of the key purposes of PUESA is to “provide for the balancing of the need for adequate and reliable public utility services *at the lowest reasonable cost to consumers* with the need to protect the environment and ecology of the state” Conn. Gen. Stat. § 16-50g.

The statutory prerequisites for the Council’s issuance of a Certificate of Environmental Compatibility and Public Need include required findings as to cost and system economy. Specifically, Conn. Gen. Stat. § 16-50p provides in pertinent part that “the council shall not [issue] a certificate, either as proposed or as modified by the council, unless it shall find and determine”:

- “In the case of an electric transmission line, ... (iii) that the conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and the interconnected utility systems *and will serve the interests of electric system economy and reliability ...*”; (Conn. Gen Stat. § 16-50p(a)(3)(D) (Emphasis added.)
- “In the case of an application that was heard under a consolidated hearing process with other applications that were common to a request for

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 7

proposal, that the facility proposed in the subject application *represents the most appropriate alternative among such applications based on the findings and determinations pursuant to this subsection*; (Conn. Gen. Stat. § 16-50p(a)(3)(F) (Emphasis added.)

PUESA requires applicants for a Certificate to provide “a statement and full explanation of why the proposed transmission line ...is necessary and how the facility conforms to a long-range plan for expansion of the electric power grid serving the state and interconnected utility system, *that will serve the public need for adequate, reliable, and economic service.*” Conn. Gen. Stat. § 16-50l(a)(1)(A)(ii). (Emphasis added.) In addition, applicants must provide estimated costs of a proposed transmission, as well as life-cycle cost studies that compare overhead alternatives with underground alternatives. Conn. Gen. Stat. § 16-50l(a)(1)(A) (i), (vi).

PUESA clearly dictates that the Council must consider issues of cost and ratepayer impact in determining the manner in which the proposed facility (or an alternative facility proposed pursuant to the RFP process) will impact “electric system economy.” In considering such impacts, the Council should consider all relevant information, including not only the capital cost of the facility and life-cycle cost but also any future cost savings that will be realized as a result of the construction of the facility. While such economic issues may not ultimately be determinative of the Council’s ruling in a particular docket, they must still be considered as part of the Council’s deliberations.

E. In Prior Dockets, The Council Has Admitted and Relied Upon Similar Testimony Regarding Economic Benefits of Reliability-Driven Upgrades.

In recent dockets involving reliability-driven projects like GSRP, the Council has admitted evidence regarding ancillary economic benefits of transmission upgrades, as well as evidence of likely impacts on ratepayers, and has relied upon such evidence in its decisions. For example:

- In Docket 272 (the Middletown-Norwalk Project):
 - the Council specifically found that the project “conforms to a long range plan for expansion of the electric power grid of the electric systems serving the State of Connecticut and its people and interconnected utility

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 8

systems and will serve the interests of electric system economy and reliability.” Docket 272, Finding of Fact #725, p. 80). In support of this finding, the Council cited specific findings regarding “Economic Benefits” of the Project (Findings 709-713), including the reduction of congestion costs associated with transmission constraints at the SWCT interface, reducing dependence on “Reliability Must Run” contracts, fostering competition in the power markets by increasing supply options, reduction in line losses as a result of operating at 345-kV rather than 115-kV, and reducing the risk of cascading outages. (*Id.*, pp. 78-79). The Council also made specific findings as to the capital and life cycle costs of the Project, and socialization of costs. (*Id.*, pp. 79-80)

- The Council noted in its Opinion that: (i) the “inefficiency cost” of the existing transmission system in Connecticut was approximately \$308 million per year, including the costs of RMR contracts, gap generation and emergency demand response initiatives, congestion costs, and the costs of running uneconomic generators (Opinion, p. 3); and (ii) lines loss savings associated with the use of a 345-kV line as opposed to a 115-kV line would lower costs by reducing generation requirements.

- In Docket 217 (the Bethel-Norwalk Project):
 - the Council’s Findings of Fact included specific findings regarding the magnitude of economic costs of existing transmission constraints in SWCT (constraints that the project would help to alleviate), including the cost of “Reliability Must Run” contracts, the costs of emergency peak reduction measures and temporary generating capacity, and “congestion” costs. (Docket 217, Findings of Fact dated 7/14/03, Findings # 55-60, pp. 11-12)
 - The Council’s Findings included projected project costs, on a capital and life cycle basis, as well as a discussion of the process and criteria by which reliability upgrades are reviewed by ISO-NE for a determination of the portion of the project that are “socialized” over all New England ratepayers. (*Id.*, Findings # 44-53, pp. 9-11).

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 9

The relevance – and in fact the importance – of evidence regarding the potential economic benefits of reliability-driven projects is perhaps best illustrated by the economic benefits that have been produced by the Bethel-Norwalk Project. CL&P estimates that, since its completion, the highly-contested Bethel-Norwalk 345-kV line has generated at least \$150 million in congestion-related savings for ratepayers. While CL&P was not able to provide an estimate of estimated congestion savings during the Bethel-Norwalk proceedings, it is probable that the Council would have been extremely interested in hearing such evidence, and certainly would not have precluded it.

F. In Contrast to the LEI GSRP Testimony, Ms. Frayer's Testimony Concerning the NRG Meriden Plant Is of Doubtful Relevance.

If there were a basis in the record upon which the Council could find that the Meriden Plant provided a reliability substitute for GSRP – or arguably even for part of it - then the LEI NRG testimony would be important because it would provide the Council with a basis for a comparison of the expected costs of GSRP and the NRG Proposal. In order to compare alternative projects, the Council must necessarily consider the long-term costs and benefits of both alternatives in order to determine whether "...the facility proposed in the subject application represents the most appropriate alternative among such applications based on the findings and determinations pursuant to this subsection" (Conn. Gen. Stat. § 16-50p(a)(3)(F)) However, where there is no demonstration in the record that the competing project addresses the same needs as the project that is the subject of the original application, there is no necessity for, and no point in, such a comparison.

Accordingly, while CL&P has presented Ms. Frayer's testimony concerning the NRG Meriden Plant, it must acknowledge that the LEI NRG testimony has little or no relevance to this proceeding; and should NRG, the Council, or any other party or intervenor wish this testimony to be stricken, CL&P would not object.

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 10

II. While the LEI Testimony is Relevant and Material, The Specific Proprietary Information Sought by NRG Is Peripheral to the Issues in This Docket and Goes Beyond the Scope of Permissible Discovery in an Administrative Proceeding, Which Is Subject to the Council's Broad Discretion.

In essence, NRG is attempting to conduct "litigation-type, fishing expedition" discovery in the context of the narrow discovery rules of an administrative proceeding. The Council should not countenance this effort.

Conn. Gen. Stat. § 4-177c(a)(a) entitles each party and agency to obtain only "relevant and material" records, papers, and documents. The Council retains ultimate discretion to determine whether the data request is permissible, and it should exercise that discretion in this proceeding to prevent NRG from attempting to conduct unnecessary and unending burdensome discovery on issues that are peripheral to the LEI Testimony.

NRG has failed to meet its burden of establishing that the proprietary LEI data constitutes "relevant and material" information. NRG does not need the price forecasts in order to evaluate or challenge the conclusions reached in the LEI Testimony. Because the LEI analysis of future economic benefits of GSRP and the NRG Proposal are based on projections of differences in price levels – rather than the precise price levels found in the modeling output - the discovery sought is peripheral to NRG's goal of challenging the LEI Testimony. Moreover, CL&P has already disclosed a substantial amount of the data that LEI used in performing its modeling (*see* CL&P letter dated 8/31/09, pp. 4-5), all of which can be used by NRG to have its own expert prepare an independent economic analysis to either: (i) attack the conclusions reached by LEI; or (ii) provide his/her own conclusions regarding the respective economic benefits of GSRP and the NRG proposal.

A. The Production of the LEI Price Data in the Prior DPUC Proceeding Was Under Different Circumstances than the Present Docket, and Therefore Is Not Relevant to the Current NRG Discovery Request.

NRG relies upon the ruling of the Department of Public Utility Control (Department) in Docket No. 07-04-24 in which the Department allowed NRG access to LEI's modeling outputs that evaluated competing generation projects. (NRG 8/25/09 Letter, pp. 3-4). As NRG concedes, the Council exercises complete discretion on this issue and the Department's ruling does not bind the Council in any manner. Moreover, the nature of the issues in that docket – and the role of the LEI modeling in that matter –

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 11

are wholly different than in the current proceeding, and therefore NRG's reliance on the Department's ruling is misplaced.

i. *The Purpose of the Economic Analysis Presented in the DPUC Proceeding Was Distinct from the Purpose of the Economic Analysis Presented in this Docket.*

In Docket 07-04-24, the Department was performing an economic assessment of proposed bids for competing generation projects, including an NRG project. The LEI modeling data was an essential and critical analytical tool used by the DPUC in determining whether to approve or reject a proposed contract. In fact, the economic assessment represented 85% of the overall 'scoring' process for final selection of "winning" bidders, as documented and dictated by the RFP rules.¹ In that docket, the projected future price level itself – i.e., the data sought in the current request - was a critical component in the analysis.

In contrast, in the current proceeding LEI's assessment of the economic benefits of GSRP and the NRG Proposal is relevant, informative, and useful in order to understand likely long-term ratepayer impact of both projects, but this economic assessment is not the primary criteria by which the CSC will evaluate GSRP and any asserted alternatives. GSRP is a reliability-driven project; economic assessments are relevant in this proceeding but they are not the critical component of the Council's ultimate determination. The Council should consider this factor, therefore, when balancing NRG's request for this data with LEI's interests in protecting its proprietary information.

In addition, in Docket 07-04-24 the Department did not consider the implications of transmission, and therefore the use of price differences in measuring the market impact of transmission that LEI performed with respect to GSRP is not directly comparable to the analysis it performed in Docket 07-04-24.

¹ See RFP issued on September 13, 2006, p. 41,
http://www.connecticut2006rfp.com/PDF/RFP_docs/Attachment%201A_RFP%20091206.pdf
{W1745070;2}

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 12

ii. **Rather Than Obtaining Access to LEI's Proprietary Data, NRG Can Simply Present Its Own Economic Analysis.**

Although NRG has filed a competing application in this Docket, it has filed no substantial competing analysis. If indeed the purpose of NRG's request is to support a contention that NRG's Meriden proposal somehow provides a suitable and more economic non-transmission alternative to GSRP, and NRG is not content to stand pat on the CEAB Evaluation Report, then NRG could have hired an expert to conduct a comparative study using the assumptions that LEI has disclosed, or such variant assumptions as that expert considered appropriate. LEI's proprietary software is based on the underlying transmission network dispatch model widely documented in the academic literature. As such, the underlying simulations are based on a long history of peer-reviewed research that supports the validity of its model. If NRG truly wants to go beyond critiquing the inputs into LEI's modeling, its consultant can recreate the simulations to present NRG's own projections of economic benefits.

B. **Release of the Proprietary Price Forecast Data Could Harm LEI.**

LEI's price forecasts are privileged and confidential by the very proprietary nature of LEI's work product, which relies on the culmination of LEI's wholesale market experience and proprietary modeling tools. The sale of these price forecasts is a core component of LEI's business practice. LEI has invested substantial intellectual capital to produce these wholesale electricity market forecasts. Release of these forecasts – even under a protective order - inhibits and unduly limits the business opportunities for LEI.

III. **If the Council Overrules CL&P's Objection to NRG's Discovery Request, Production of The Proprietary LEI Information Should Only Be Allowed Pursuant to a Protective Order and Execution of a Non-Disclosure Agreement.**

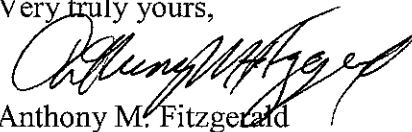
In the event that the Council overrules CL&P's objection to NRG's discovery request, then the production of the LEI proprietary data should proceed under the terms and conditions set forth in NRG's letter dated August 25, 2009, including the issuance and enforcement of a protective order in substantially the form attached to the NRG filing, and the execution of a Non-Disclosure Agreement. (See NRG's 8/25/09 Letter Requesting LEI data, p. 3)

S. Derek Phelps, Executive Director
State of Connecticut
Connecticut Siting Council
October 8, 2009
Page 13

IV. There is No Basis On Which the Council May Strike the LEI GSRP Testimony.

There is no basis upon which the Council could order the LEI GSRP testimony stricken. Certainly, CL&P's request that the Council not require LEI to produce information that it regards as confidential provides no such basis. Although courts may exclude particular evidence as a discovery sanction, they may do so only when a party has lost (or failed to make) an objection, and then disobeys a court order to make disclosure. *See*, Connecticut Practice Book Section 13-14 ("If any party has failed...substantially to comply with any...discovery order made pursuant to Sections 13-6 through 13-11 [relating to, among other things, objections to requests for production], the judicial authority may.[enter an] order prohibiting the party who has failed to comply from introducing designated matters in evidence..."); Fed. R. Civ. Pro. 37(b)(2) ("If a party...fails to obey an order to provide or permit discovery...the court...may...prohibit the disobedient party... from introducing designated matters in evidence.") CL&P has not, of course, disobeyed any court order to produce data; the whole point of the proceeding in which this letter is submitted is to determine whether such an order will enter, and, if so, whether it will provide for an appropriate protective order. Moreover, there is no statute or regulation vesting administrative agencies with powers to enter discovery sanctions analogous to those conferred on courts by the rules quoted above. An order striking the LEI GSRP testimony because CL&P has objected to one of many discovery requests made in the middle of a witnesses' testimony would be an abuse of discretion.

Very truly yours,



Anthony M. Fitzgerald

cc: CSC Service List dated September 18, 2009

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carbere@nu.com
	<input checked="" type="checkbox"/> E-mail		Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Jeffrey Towle; Project Manager Transmission, NEEWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlejm@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Intervenor (granted on February 19, 2009) Competing Applicant as of 03/19/2009	<input checked="" type="checkbox"/> U.S. Mail	NRG Energy, Inc.	NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel – NE 211 Carnegie Center Princeton, NJ 08540
	<input checked="" type="checkbox"/> U.S. Mail		Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 – fax alord@murthalaw.com

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail	NRG Energy, Inc. continued...	Jonathan Milley Vice President, NE Region NRG Energy, Inc. 211 Carnegie Center Princeton, NJ 08540 (609) 524-4680 (609) 524-5160 fax Jonathan.milley@nrgenergy.com Diana M. Kleefeld, Esq. Murtha Cullina LL CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6035 (860) 240-5974 dkleefeld@murthalaw.com
Party (granted November 20, 2008)	<input checked="" type="checkbox"/> E-mail	Richard Blumenthal Attorney General	Michael C. Wertheimer Assistant Attorney General Attorney General's Office 10 Franklin Square New Britain, CT 06051 (860) 827-2620 (860) 827-2893 Michael.wertheimer@po.state.ct.us
Party (granted November 20, 2008)	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> U.S. Mail	Town of East Granby	Donald R. Holtman, Esq. Katz & Seligman, LLC 130 Washington Street Hartford, CT 06106 (860) 547-1857 (860) 241-9127 dholtman@katzandseligman.com The Honorable James Hayden First Selectman Town of East Granby P.O. Box 1858 East Granby, CT 06026

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted November 20, 2008)	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> U.S. Mail	Town of Suffield	Edward G. McAnaney, Esq. McAnaney & McAnaney Suffield Village 68 Bridge Street Suffield, CT 06078 (860) 668-2000 (860) 668-2666 – fax Mcananey-mcananey@att.net The Honorable Scott R. Lingenfelter First Selectman Suffield Town Hall 83 Mountain Road Suffield, CT 06078
Intervenor (granted December 4, 2008)	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> U.S. Mail	ISO New England Inc.	Anthony M. Macleod Whitman Breed Abbott & Morgan LLC 500 West Putnam Avenue, P.O. Box 2250 Greenwich, CT 06830-2250 (203) 862-2458 amacleod@wbamct.com Kevin Flynn, Esq. Regulatory Counsel ISO New England One Sullivan Road Holyoke, MA 01040 (413) 535-4177 kflynn@iso-ne.com
Party (granted on January 8, 2009)	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail	Office of Consumer Counsel	Mary J. Healey Consumer Counsel Ten Franklin Square New Britain, CT 06051 Mary.healey@ct.gov Bruce C. Johnson Principal Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Bruce.johnson@ct.gov

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> E-mail	Office of Consumer Counsel Continued...	Victoria Hackett Staff Attorney Office of Consumer Counsel 10 Franklin Square New Britain, CT 06051 860-827-2922 860-827-2929 - fax victoria.hackett@ct.gov Paul Chernick, President Resource Insight, Inc. 5 Water Street Arlington, MA 02476 (781) 646-1505 ext. 207 (781) 646-1506 - fax pchernick@resourceinsight.com
Intervenor (granted on January 22, 2009)	<input checked="" type="checkbox"/> E-mail	Ice Energy, Inc.	Stephen J. Humes, Esq. McCarter & English LLP 185 Asylum Street, CityPlace I Hartford, CT 06103 (860) 275-6761 (860) 560-5955 - fax Shumes@mccarter.com
Party (granted on February 19, 2009)	<input checked="" type="checkbox"/> E-Mail	Town of Enfield	Kevin M. Deneen, Town Attorney Office of the Town Attorney 820 Enfield Street Enfield, CT 06082-2997 (860) 253-6405 (860) 253-6362 - fax townattorney@enfield.org

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p align="center">Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p align="center">City of Meriden</p>	<p>Deborah L. Moore, City Attorney Meriden City Hall Department of Law 142 East Main St. Meriden, CT 06450 (203) 630-4045 (203) 630-7907 – fax dmoore@ci.meriden.ct.us</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Lawrence J. Kendzior, City Manager Meriden City Hall 142 East Main St. Meriden, CT 06450 lkendzior@ci.meriden.ct.us</p>
<p align="center">Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> E-Mail	<p align="center">The United Illuminating Company (UI)</p>	<p>John J. Prete The United Illuminating Company 157 Church Street, P.O. Box 1564 New Haven, CT 06506-1904 (203) 499-3701 (203) 499-3728 neews-ui@uinet.com</p>
	<input checked="" type="checkbox"/> E-Mail		<p>Linda L. Randell Senior Vice President, General Counsel and Corporate Secretary UIL Holdings Corporation 157 Church St., P.O. Box 1564 New Haven, CT 06506-0901 (203) 499-2575 (203) 499-3664 Linda.randell@uinet.com</p>
	<input checked="" type="checkbox"/> E-Mail		<p>Bruce L. McDermott Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4340 (203) 782-2889 bmcdermott@wiggin.com</p>

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted on June 4, 2009)	<input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> U.S. Mail	The Connecticut Energy Advisory Board (CEAB)	Michele S. Rivero Assistant Attorney General 10 Franklin Square New Britain, CT 06051 (860) 827-2683 Michele.rivero@po.state.ct.us CEAB c/o Gretchen Deans CERC 805 Brook Street, Bldg. 4 Rocky Hill, CT 06067 (860) 571-7147 gdeans@cerc.com
Party (granted on June 4, 2009)	<input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> U.S. Mail	Connecticut Department of Transportation	Eileen Meskill Assistant Attorney General Office of the Attorney General 55 Elm Street P.O. Box 120 Hartford, CT 06141-0120 Eileen.meskill@po.state.ct.us Thomas A. Harley, P.E. Chief Engineer Connecticut Dept. of Transportation 2800 Berlin Turnpike Newington, CT 06131
Intervenor (granted on June 4, 2009)	<input checked="" type="checkbox"/> E-mail	Farmington River Watershed Association	Eileen Fielding Farmington River Watershed Association 749 Hopmeadow Street Simsbury, CT 06070 (860) 658-4442 (860) 651-7519 fax efielding@frwa.org
Party (granted on June 4, 2009)	<input checked="" type="checkbox"/> U.S. Mail	Citizens Against Overhead Power Line Construction	Citizens Against Overhead Power Line Construction c/o Richard Legere 1204 Newgate Road West Suffield, CT 06093 (860) 668-0848 (860) 668-0848 rlegere@cox.net

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted on June 4, 2009)	<input checked="" type="checkbox"/> E- Mail	Citizens Against Overhead Power Line Construction continued...	Matthew C. McGrath Attorney at Law 4 Richmond Road West Hartford, CT 06117 (860) 878-0158 (860) 570-1203 – fax McGrath@McGrathLaw.Pro
Intervenor (granted on July 21, 2009)	<input checked="" type="checkbox"/> E- Mail <input checked="" type="checkbox"/> E- Mail	Massachusetts Municipal Wholesale Electric Company (MMWEC)	Nicholas J. Scobbo, Jr. Bruce F. Anderson Ferriter Scobbo & Rodophele, PC 125 High Street Boston, MA 02110 (617) 737-1800 ext. 234 (617) 737-1803 fax nscobbo@ferriterscobbo.com Edward Kaczinski Manager, Generation Services Massachusetts Municipal Wholesale Electric Company 327 Moody St., P.O. Box 426 Ludlow, MA 01056 banderson@ferriterscobbo.com
	<input checked="" type="checkbox"/> E-Mail	Massachusetts Energy Facilities Siting Board (MA EFSB)	Stephen August Presiding Officer Energy Facilities Siting Board One South Station Boston, MA 02110 (617) 305-3525 (617) 443-1116 - fax Stephen.August@state.ma.us

