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S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
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OCC Opposition To Striking the LEI Testimony

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 copy of the notice the Connecticut Siting Council (“CSC”) issued on September 24, 2009, part of which concerns the docket status of expert testimony from London Economics International, LLC (“LEI”), sponsored by The Connecticut Light and Power Company (“CL&P”) in this proceeding [“LEI Testimony”].

OCC herewith files its Opposition to Striking the LEI Testimony.

CSC states, in its 9/24/09 notice, that upon consideration of NRG's 8/25/09 motion for access it decided to defer any decision in order to receive comments from docket participants on whether the LEI Testimony should be "stricken in its entirety."

OCC's answer to this question is no. The LEI Testimony should not be stricken from the record of this proceeding.

The LEI Testimony already has been scrutinized in detail by CSC members, by CSC staff, and by various docket participants. Ms. Frayer, its principal author, was on the stand in hearing for a day and a half. This necessarily means that all docket participants, including CSC members, have definite impressions as to the meaning, the cogency, and the implications of the LEI Testimony, which impressions cannot be erased by striking the testimony.

At the same time, however, the docket record concerning the LEI Testimony remains incomplete and unbalanced. To date, NRG has not been granted access to the further LEI-related data specified in its 8/25/09 letter to CSC, nor has it been allowed to submit further interrogatories respecting the LEI Testimony (or derivative late-filed exhibits). OCC has commented on these issues in several letters to CSC¹, and we stand by those earlier comments at this time.

The LEI Testimony concerns an issue at the heart of this proceeding --- namely, the relative economic benefits of GSRP and NRG/Meriden, the two projects offered by the competing applicants. At this point, the only proper course for CSC is to grant both NRG's motion for access and its request for the opportunity to submit further interrogatories.

¹ See OCC letters of 9/1/09, 9/10/09 and 9/15/09, as filed with CSC.

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By taking these steps, CSC will be protecting the procedural due process rights, not only of NRG, but of all participants in this docket.

Very truly yours,

MARY J. HEALEY
CONSUMER COUNSEL

By: _____
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cc: Service List