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June 1, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
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OCC Comment **On CEAB Intervention**

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 request for intervenor status filed by the Connecticut Energy Advisory Board ("CEAB") on May 8, 2009, as well as a copy of the May 28, 2009 response of The Connecticut Light and Power Company ("CL&P") to that CEAB request.

OCC herewith files its Comment on CEAB Intervention.

Obviously, the Siting Council should approve CEAB's request for intervention in this docket. As CEAB's 5/8/09 request recites, in its Paragraphs 1 through 5, that entity's

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work already has played an integral role in framing this consolidated proceeding. CEAB's participation can only assist the Siting Council's work here.

Further, the Council should impose no advance limitations on CEAB's intervention activities in this docket.

For instance, the Council should deny CL&P's curious request --- that is, the company's proposal to forbid CEAB from posing interrogatories to other docket participants, while allowing those participants to ask discovery of CEAB. Any such unbalanced treatment in this docket for CEAB immediately raises due process issues for all docket participants (not merely CEAB itself). Further, arbitrary ex ante limitations of this type could hamper the development of a full and complete record in this proceeding.

Both CL&P¹ and CEAB² mention that the orderly conduct of this proceeding is desirable. This general point undoubtedly is correct. However, OCC submits that the best way for the Council to achieve that good result is to address any concerns (e.g., overly burdensome discovery) on an individualized basis, as specific potential problems are brought to the Council's attention by one or another docket participant. This is not the sort of situation sensibly resolved by general fiat, issued in advance of actual need.

Very truly yours,

MARY J. HEALEY
CONSUMER COUNSEL

By 
Bruce C. Johnson
Principal Attorney

cc: Service List

¹ In its 5/28/09 response.

² In Paragraphs 6 & 7 of its 5/8/09 request to intervene.