

STATE OF CONNECTICUT

SITING COUNCIL

* * * * *
 * AUGUST 30, 2012
 THE CONNECTICUT LIGHT & POWER * (11:05 a.m.)
 COMPANY *
 *
 RE: CONNECTICUT PORTION OF *
 THE INTERSTATE RELIABILITY * DOCKET NO: 424
 PROJECT *
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 * * * * *

BEFORE: ROBIN STEIN, CHAIRMAN

BOARD MEMBERS: Colin C. Tait, Vice Chairman
 Brian Golembiewski, DEEP Designee
 Michael Caron, DPUC Designee
 Daniel P. Lynch, Jr.
 Edward S. Wilensky
 Philip T. Ashton
 Dr. Barbara Bell
 James J. Murphy, Jr.

STAFF MEMBERS: Linda Roberts, Executive Director
 Christina Walsh, Siting Analyst
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1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of an application by The Connecticut Light and
4 Power Company, Re: Connecticut Portion of the Interstate
5 Reliability Project, held at the offices of the
6 Connecticut Siting Council, Ten Franklin Square, New
7 Britain, Connecticut, on August 30, 2012 at 11:05 a.m.,
8 at which time the parties were represented as
9 hereinbefore set forth . . .

10
11
12 CHAIRMAN ROBIN STEIN: Ladies and
13 gentlemen, I'd like to call to order this meeting of the
14 Connecticut Siting Council today, Thursday, August 30,
15 2012, at approximately 11:05.

16 My name is Robin Stein and I'm Chairman of
17 the Siting Council. Other members of the Council in
18 attendance are Professor Colin Tait, Vice Chairman; Brian
19 Golembiewski, the designee for the Department of Energy
20 and Environmental Protection; Director Michael Caron, the
21 designee from the Public Utilities Regulatory Agency; Mr.
22 Ashton; Mr. Lynch; Dr. Bell; and Senator Murphy.

23 Members of the staff -- I don't see her,
24 but she's probably somewhere -- Executive Director Linda

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1 Roberts; Attorney Melanie Bachman, Siting Analyst
2 Christina Walsh. And Gail Gregoriades is the court
3 reporter.

4 This hearing is a continuation of the
5 evidentiary portion of the proceedings that began on June
6 4th on CL&P's proposed Interstate Reliability Project.
7 We will proceed in accordance with the prepared agenda,
8 copies of which are available on the table there.

9 A verbatim transcript is being made of
10 each hearing session, and all hearing transcripts will be
11 deposited in the Town Clerks Offices of the towns
12 traversed by the project for the convenience of the
13 public.

14 We're going to start with the appearance
15 of Mr. Edward Hill Bullard and cross-examination by the
16 Council and other parties. And we're going to start by
17 having Attorney Bachman swear in your witnesses.

18 A VOICE: Does he need to be sworn --

19 CHAIRMAN STEIN: And yourself -- yourself,
20 Mr. Bullard, too. Please stand.

21 MS. MELANIE BACHMAN: Please raise your
22 right hand.

23 (Whereupon, Edward Hill Bullard and Joan
24 Nichols were duly sworn in.)

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1 MS. BACHMAN: Thank you.

2 CHAIRMAN STEIN: And Mr. Bullard, I
3 understand you have exhibits for admission?

4 MR. EDWARD HILL BULLARD: Yes, I do, Mr.
5 Chairman. Good morning. Good morning Council.

6 CHAIRMAN STEIN: Thank you. There's a
7 process that we have to go through, which I'll -- I'll
8 lead you and you give me the appropriate answers. Mr.
9 Bullard, you have offered the exhibits listed on the
10 hearing program as Roman Numeral -- Roman Numeral VII for
11 identification purposes. And I just -- is there any
12 objection from any of the other parties or intervenors of
13 these exhibits being for identification at this time?
14 Hearing and seeing none, Mr. Bullard, did you prepare or
15 assist in the preparation of the exhibits?

16 MR. BULLARD: Yes, I did.

17 CHAIRMAN STEIN: I guess, Miss Nichols,
18 you can chime in if you were involved too. I don't know
19 if you were involved in preparation of any of these
20 exhibits.

21 MS. JOAN NICHOLS: Yes, I was.

22 CHAIRMAN STEIN: Okay. Do you have any
23 additions, clarifications, deletions, or modifications of
24 these documents, Mr. Bullard?

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1 MR. BULLARD: No, I do not.

2 CHAIRMAN STEIN: Miss Nichols?

3 MS. NICHOLS: No, I do not.

4 CHAIRMAN STEIN: Are these exhibits true
5 and accurate to the best of your knowledge?

6 MR. BULLARD: Yes, they are.

7 MS. NICHOLS: Yes, they are.

8 CHAIRMAN STEIN: Do you offer these
9 exhibits as your testimony here today?

10 MR. BULLARD: Yes, I do.

11 MS. NICHOLS: Yes, I do.

12 CHAIRMAN STEIN: And do you offer them as
13 full exhibits?

14 MR. BULLARD: I -- I couldn't hear you,
15 I'm sorry.

16 CHAIRMAN STEIN: Do you offer them as full
17 exhibits? They are your exhibits?

18 MR. BULLARD: Yes.

19 CHAIRMAN STEIN: Okay.

20 MS. NICHOLS: Yes.

21 CHAIRMAN STEIN: Is there any objection
22 from any of the parties or intervenors to having these
23 items admitted as full exhibits? Hearing and seeing
24 none, these items -- or this item is admitted as full

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1 exhibits for the proceedings.

2 (Whereupon, Bullard Exhibit Nos. 1 through
3 3 were received into evidence.)

4 CHAIRMAN STEIN: We'll now begin the
5 cross-examination. We'll start with staff. Miss Walsh.

6 MS. CHRISTINA WALSH: Thank you, Mr.
7 Chairman.

8 Mr. Bullard, are you -- are your concerns
9 now met or satisfied by CL&P's statements in its
10 transmission right-of-way activities in the Agricultural
11 Lands document and based on CL&P's witness testimony in
12 this proceeding so far?

13 MR. BULLARD: Yes. The testimony of the
14 witnesses -- of the CL&P witnesses of June 5th was
15 satisfactory. I haven't heard -- of course I sent at the
16 last minute on August 18th a new exhibit, Exhibit 3, for
17 new discovery in the right-of-way, and I -- I haven't had
18 a reaction from CL&P on that, other than a casual
19 conversation with Tony Mele. So as to Exhibit 2, I
20 believe it is, yes, I am satisfied with CL&P's responses.
21 Just there hasn't been enough time or opportunity for a
22 response to Exhibit 3 that's all.

23 MS. WALSH: Okay. And you had personally
24 contacted CL&P also in addition to filing that exhibit

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1 about the wire that you found --

2 MR. BULLARD: Yes.

3 MS. WALSH: Okay. Thank you. No further
4 questions.

5 CHAIRMAN STEIN: Okay. We'll now continue
6 with any questions that the Council members might have.
7 Professor Tait.

8 MR. COLIN C. TAIT: No questions.

9 CHAIRMAN STEIN: Mr. Ashton.

10 MR. PHILIP T. ASHTON: Mr. Bullard, did --
11 in explaining or contacting CL&P about the wire you
12 found, did they explain what it was and what -- and how
13 it should be treated?

14 MR. BULLARD: Yes. Just briefly, it was
15 explained it was -- it was indeed a ground wire. And
16 apparently from the length of the line, pole to pole, at
17 least through my property they do, we were surprised to
18 find that six inches under the ground where it would be
19 susceptible to agricultural operations --

20 MR. ASHTON: Did they --

21 MR. BULLARD: -- the only reason it has
22 not been dug up so far is because we've been growing hay.
23 We're going to convert to corn, so that will be a
24 problem. A harrow will slice that right in half.

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1 MR. ASHTON: How did they indicate that
2 they would treat the wire that you discovered --

3 MR. BULLARD: We have --

4 MR. ASHTON: -- are they going to rebury
5 it or --

6 MR. BULLARD: We haven't had a formal
7 conversation at all on treatment. I asked Tony Mele and
8 I also put in my filing that -- that the -- that this
9 wire and any other existing underground wires be reburied
10 during the construction process while they -- to a depth
11 of 24 inches. That will make it safe for certainly
12 harrowing and plowing and -- we're not going to deep plow
13 anyway because we've got Hinkley soil. And I also asked
14 that any ground wire in conjunction with the new
15 east/west construction also be buried to a depth of 24
16 inches. That way it won't interfere --

17 MR. ASHTON: Did they --

18 MR. BULLARD: -- it's -- it's not a
19 problem as long as it's done.

20 MR. ASHTON: Did they explain that the
21 ground wire is a normal part of construction of a
22 transmission line?

23 MR. BULLARD: No. We were surprised to
24 see it was so thin. It was only about three-eighths.

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1 MR. ASHTON: Yeah. Okay. Nothing
2 further. Thank you, Mr. Chairman.

3 CHAIRMAN STEIN: Alright. Mr. Lynch.

4 MR. DANIEL P. LYNCH, JR.: No questions,
5 Mr. Chairman.

6 CHAIRMAN STEIN: Director Caron?

7 MR. MICHAEL CARON: No questions. Thank
8 you, Mr. Chairman.

9 CHAIRMAN STEIN: Mr. Golembiewski.

10 MR. BRIAN GOLEMBIEWSKI: No questions,
11 thank you.

12 CHAIRMAN STEIN: Senator Murphy.

13 MR. JAMES J. MURPHY, JR.: I -- I have no
14 questions either, Mr. Chairman.

15 CHAIRMAN STEIN: Dr. Bell.

16 DR. BARBARA C. BELL: No questions, Mr.
17 Chair.

18 CHAIRMAN STEIN: We'll now see if there
19 are -- if any of the other parties or intervenors have
20 questions. We'll start with the Applicant.

21 MR. ANTHONY FITZGERALD: No thank you, Mr.
22 Chairman. We have no questions, but we will be
23 responding --

24 COURT REPORTER: I'm sorry, you need to

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1 come up to the microphone.

2 CHAIRMAN STEIN: I guess if your answer is
3 anything more than no questions, than you have to come up
4 to the -- (laughter) --

5 MR. FITZGERALD: We have no questions, but
6 we will be responding to Mr. Bullard's questions about
7 the ground wire in the redirect.

8 CHAIRMAN STEIN: Thank you. NRG
9 Companies?

10 A VOICE: He's not here.

11 CHAIRMAN STEIN: The Civies? Mr. Civie?

12 MR. VICTOR CIVIE: One question. Can you
13 briefly summarize the restoration of agricultural lands
14 and your point about that?

15 MR. BULLARD: That was discussed on June
16 5th. Essentially, if you break it, you fix it.
17 Restoration of agricultural lands would be when you
18 scrape the topsoil and put it into a pile, any subsoil
19 during excavation of let's say the pole sites and the
20 crane pads, the subsoil that's not used as backfill be
21 transported off site and not spread on site because
22 nothing will grow in it as evidenced in the last 60's.
23 Soil re-spread on top, any roads that were constructed be
24 removed, and things returned to the way they were when

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1 they entered the property. That's the sum and substance
2 of it.

3 MR. V. CIVIE: Alright, thank you. Miss
4 Nichols, do you have anything else to add?

5 MS. NICHOLS: No, I don't.

6 MR. V. CIVIE: Alright. Thank you.

7 MS. NICHOLS: Thank you.

8 CHAIRMAN STEIN: EquiPower Resources
9 Corp.? United Illuminating Company?

10 A VOICE: Not here.

11 CHAIRMAN STEIN: I assume if they're not
12 here is the same as a no. The Office of Consumer
13 Counsel? Richard Cheney and the Highland Ridge Golf
14 Range? Mount Hope Montessori School? And ISO New
15 England?

16 MR. ANTHONY MACLEOD: No questions, Mr.
17 Chairman.

18 CHAIRMAN STEIN: Alright, thank you. Mr.
19 Bullard, that will complete your testimony, so you can --
20 thank you and you can move to --

21 MR. BULLARD: Thank you, Mr. Chairman.

22 CHAIRMAN STEIN: And again I'm going to
23 repeat -- I have a formal list, so even if the people are
24 not here, I'm going to just for the record call on -- the

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1 Office Consumer Counsel? Richard Cheney and the Highland
2 Ridge Golf Range? Mount Hope Montessori School? And
3 then Mr. and Mr. Civie.

4 (pause)

5 MR. V. CIVIE: Mr. Chairman and members of
6 the Council, thank you.

7 CHAIRMAN STEIN: Thank you. And we'll --
8 we'll start with the swearing in of --

9 MR. V. CIVIE: Mmm-hmm.

10 MS. BACHMAN: Raise your right hand.

11 (Whereupon Victor Civie and Richard Civie
12 were duly sworn in.)

13 MS. BACHMAN: Thank you.

14 CHAIRMAN STEIN: And do -- you have
15 exhibits to --

16 MR. V. CIVIE: That is correct. We'll
17 begin with a little bit of housekeeping here with Exhibit
18 1 and Exhibit 2. Exhibit 1 and Exhibit 2 is Request for
19 Party Status.

20 CHAIRMAN STEIN: Okay, so those --

21 MR. V. CIVIE: Basically, it's a request -
22 - it's a motion. However, there is some information in
23 there that needs attention.

24 CHAIRMAN STEIN: Okay, but before you get

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1 into the details, I think we have to go through the
2 process of having these entered into the record --

3 MR. V. CIVIE: Well that's -- that's what
4 I'm doing.

5 CHAIRMAN STEIN: Well I --

6 MR. V. CIVIE: So I'm -- I'm going to
7 enter this into the record --

8 CHAIRMAN STEIN: You can't ask yourself
9 the questions.

10 MR. V. CIVIE: Alright. So basically, I
11 put forth this two man panel. Did the panel take part in
12 the preparation of this exhibit? Yes.

13 MR. RICHARD CIVIE: Yes.

14 MR. R. CIVIE: Do -- do you want to do
15 this?

16 CHAIRMAN STEIN: Well I was going to do
17 it, but --

18 MR. R. CIVIE: Oh, okay --

19 CHAIRMAN STEIN: -- but you took over, so
20 --

21 MR. R. CIVIE: No, go ahead. Go ahead,
22 you do it the official way --

23 MR. V. CIVIE: No -- alright, let me
24 continue. Is this exhibit true and accurate to the best

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1 of your knowledge and belief? Yes.

2 MR. R. CIVIE: Yes.

3 MS. BACHMAN: Mr. Civie, if you would
4 please just allow the Chairman --

5 MR. R. CIVIE: Yes --

6 MR. V. CIVIE: Alright, that would be fine
7 --

8 MS. BACHMAN: -- to do the verification
9 process --

10 MR. V. CIVIE: Sure -- alright --

11 MS. BACHMAN: -- and then I -- I believe
12 you have exhibits 3 and 4 also --

13 MR. V. CIVIE: Correct --

14 MS. BACHMAN: -- for identification --

15 MR. V. CIVIE: -- yes.

16 CHAIRMAN STEIN: So we're -- we're talking
17 about Exhibits 1, 2, 3, and 4. Okay. So let's start
18 over since you didn't -- you only talked about 1 and 2
19 initially. 1, 2, 3, and 4 -- first of all, is there any
20 objection from any of the parties or intervenors to
21 marking these exhibits for identification purposes only?

22 (pause - no audible responses)

23 (Whereupon, Civie Exhibit Nos. 1 through 4
24 were marked for identification purposes.)

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1 CHAIRMAN STEIN: Again for those four
2 exhibits, did either or both of you prepare or assist in
3 the preparation of those exhibits?

4 MR. V. CIVIE: Yes.

5 MR. R. CIVIE: Yes.

6 MR. V. CIVIE: And the cost estimate -- it
7 was solely my doing.

8 CHAIRMAN STEIN: It was what?

9 MR. V. CIVIE: The cost estimate, Exhibit
10 4, I was the sole preparer of that.

11 CHAIRMAN STEIN: Do you have any
12 additions, clarifications, deletions, or modifications of
13 the documents?

14 MR. V. CIVIE: Yes. Exhibit 4, the cost
15 estimate for the Mount Hope underground, there was a
16 mistake -- or a problem, the numbers were transferred for
17 duct bank materials and insulation. Insulation, that
18 figure should be fourteen-fifty. Terminators should be
19 three-thirty-five. It doesn't make a difference in the
20 totals. The wrong number was transferred over at the
21 time.

22 CHAIRMAN STEIN: Are these exhibits true
23 and accurate to the best of your knowledge?

24 MR. V. CIVIE: Yes.

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1 MR. R. CIVIE: Yes.

2 CHAIRMAN STEIN: And do you offer these
3 exhibits as your testimony here today?

4 MR. V. CIVIE: Yes.

5 MR. R. CIVIE: Yes.

6 CHAIRMAN STEIN: And do you offer them as
7 full exhibits?

8 MR. V. CIVIE: Yes.

9 MR. R. CIVIE: Yes.

10 CHAIRMAN STEIN: Is there any objection to
11 these items previously marked for identification and as
12 corrected being admitted as full exhibits by any of the
13 parties or intervenors? Hearing and seeing none, these
14 items shall be admitted as full exhibits.

15 (Whereupon, Civie Exhibit Nos. 1 through 4
16 for identification were received into evidence as full
17 exhibits.)

18 CHAIRMAN STEIN: We'll proceed with cross-
19 examination, and we'll start with staff.

20 MS. WALSH: Mr. Civie, based on your
21 exhibit for the cost estimate, how many splice vaults
22 were included in --

23 MR. V. CIVIE: There were five.

24 MS. WALSH: Five. Spaced -- what was the

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1 spacing on those?

2 MR. V. CIVIE: The spacing on the splice
3 vaults I believe was about 512 feet -- 522 feet.

4 MS. WALSH: And based on your pre-filed
5 testimony, you discussed undergrounding in the area of
6 the Beach Mountain development. Is that a planned
7 development or is it currently under construction?

8 MR. V. CIVIE: It's actually both. First
9 of all, it goes through the residential area. There are
10 a number of houses that already exist in that area.
11 Second of all, it goes through the development which
12 we're currently working right now selling parcels for
13 that development.

14 MS. WALSH: So right now you're selling
15 parcels. It looks like there's a road that you're
16 proposing to construct. So that that portion of it is
17 not -- it's not under construction at this time, is that
18 correct?

19 MR. V. CIVIE: That's correct.

20 MS. WALSH: Okay, thank you. No further
21 questions.

22 CHAIRMAN STEIN: Alright. We'll now
23 proceed with questions from the Council. Professor Tait.

24 MR. TAIT: No questions.

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1 CHAIRMAN STEIN: Mr. Ashton.

2 MR. ASHTON: Mr. Civie -- or gentlemen,
3 refresh my memory, when did you acquire this property
4 approximately?

5 MR. V. CIVIE: Oh, perhaps --

6 MR. R. CIVIE: '98, '99.

7 MR. ASHTON: Fifteen years ago or around
8 about --

9 MR. R. CIVIE: Yeah, approximately.

10 MR. ASHTON: And you -- do you broadly
11 agree that the cost of undergrounding is multimillions of
12 dollars?

13 MR. V. CIVIE: 12.5 million, yes.

14 MR. ASHTON: Okay. Would you also think
15 that were undergrounding to be required here, a cheaper
16 option might be to buy out the Civie interests in this
17 area and --

18 MR. V. CIVIE: Certainly --

19 MR. ASHTON: -- and thereby reduce the
20 overall cost of the project?

21 MR. R. CIVIE: That's --

22 MR. V. CIVIE: That's certainly a
23 possibility --

24 MR. ASHTON: I'm sorry?

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1 MR. R. CIVIE: That's a possibility, sure

2 --

3 COURT REPORTER: I can only record one
4 person at a time.

5 MR. R. CIVIE: Oh, okay. Yeah, I'll let -

6 -

7 MR. ASHTON: I'm sorry, I -- I didn't
8 catch it.

9 MR. V. CIVIE: Yes.

10 MR. ASHTON: Okay. Nothing further, thank
11 you.

12 CHAIRMAN STEIN: Mr. Lynch.

13 MR. LYNCH: No questions, Mr. Chairman.

14 CHAIRMAN STEIN: Director Caron.

15 MR. CARON: No questions.

16 CHAIRMAN STEIN: Mr. Golembiewski.

17 MR. GOLEMBIEWSKI: No questions.

18 CHAIRMAN STEIN: Senator Murphy.

19 MR. MURPHY: Just for my own edification,
20 how many dwellings are there in this development of yours
21 at the current time?

22 MR. V. CIVIE: Just the development or the
23 residential area?

24 MR. MURPHY: Your -- your development.

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1 MR. V. CIVIE: There will be -- there is
2 right now I believe five.

3 MR. MURPHY: You have an approved
4 subdivision I take it?

5 MR. V. CIVIE: Actually, these are
6 grandfathered lots --

7 MR. MURPHY: Okay --

8 MR. V. CIVIE: -- so --

9 MR. MURPHY: How many lots are
10 grandfathered as buildable?

11 MR. V. CIVIE: Ten.

12 MR. MURPHY: Ten.

13 MR. V. CIVIE: Let me -- let me clarify
14 that. Actually there are six lots and then we're granted
15 a subdivision on each lot, so the total would be twelve
16 altogether.

17 MR. MURPHY: So the total that can be
18 built is 12?

19 MR. V. CIVIE: Correct.

20 MR. MURPHY: Of which five have dwellings
21 upon them?

22 MR. V. CIVIE: Correct.

23 MR. MURPHY: Okay. So you have that many
24 left, okay. And you -- your other response as to how

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1 many residences are in this area --

2 MR. V. CIVIE: I believe --

3 MR. MURPHY: -- including your five --

4 MR. V. CIVIE: I believe 20 --

5 MR. MURPHY: -- ball -- a ballpark -- 20?

6 MR. V. CIVIE: Twenty-six -- maybe 24, 26

7 --

8 MR. MURPHY: Twenty-six --

9 MR. V. CIVIE: -- around that.

10 MR. R. CIVIE: Are we counting Mountain

11 Road?

12 MR. V. CIVIE: No.

13 MR. R. CIVIE: No. Counting Mountain

14 Road, which is within hundreds of -- a couple of hundreds

15 of feet, I'm not sure exactly, there's 22 there.

16 MR. MURPHY: There's 22 in addition to --

17 MR. R. CIVIE: On -- on Mountain Road

18 that's nearby. It's next -- the next road over.

19 MR. V. CIVIE: It borders our property.

20 MR. MURPHY: Okay.

21 MR. R. CIVIE: Correct.

22 MR. MURPHY: Thank you. I have no other

23 questions, Mr. Chairman.

24 CHAIRMAN STEIN: Dr. Bell.

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1 DR. BELL: Thank you, Mr. Chair. I have
2 no questions.

3 CHAIRMAN STEIN: I just want -- I have a
4 couple of questions for clarification. There is an
5 existing overhead transmission line?

6 MR. R. CIVIE: Yes.

7 MR. V. CIVIE: Correct. It's the Card to
8 Lake Road line. And that's the one that runs through the
9 center of the property.

10 CHAIRMAN STEIN: And if -- if this new
11 line were to be built, you're proposing that it and the
12 existing line be placed under ground or just the new --

13 MR. V. CIVIE: Just the new line.

14 MR. R. CIVIE: I would actually propose
15 that if -- since we have 40-year-old poles there already,
16 that -- and the life expectancy is 40 years, that if they
17 wanted to put all of it underground, you might actually
18 have a better savings because you have to replace those
19 poles anyway within the scope of the project -- of the
20 proposal, the State Reliability Project. If projected --
21 projected out could be way over 40 years by the time the
22 projections are over. So you could actually -- if you
23 were to put one underground, you might as well put the
24 other one underground also since that one is going to be

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1 offset by the money you're going to save by taking the
2 old poles down and putting new poles up.

3 CHAIRMAN STEIN: Do you --

4 MR. R. CIVIE: So that's -- that's another
5 option.

6 CHAIRMAN STEIN: Have you calculated that
7 cost and the benefit of putting the whole line also under
8 ground?

9 MR. R. CIVIE: I -- I don't have it at the
10 tips of my fingers, but it's been mentioned here how much
11 overhead lines cost as opposed to the underground. And
12 so we can get the information from that.

13 CHAIRMAN STEIN: Okay --

14 MR. R. CIVIE: I -- I don't have it right
15 here. I can't tell you --

16 CHAIRMAN STEIN: Okay, well --

17 MR. R. CIVIE: -- but it has been
18 mentioned how much it cost to replace -- to put in
19 overhead lines.

20 CHAIRMAN STEIN: Okay. So if I
21 understand, in the best of worlds, you'd like to have
22 both the existing and the new placed under ground --

23 MR. R. CIVIE: Sure --

24 CHAIRMAN STEIN: -- is that --

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1 MR. R. CIVIE: -- absolutely, yes.

2 CHAIRMAN STEIN: Okay. No further
3 questions. We'll now go -- we'll now go to the Applicant
4 CL&P for their cross-examination.

5 MR. FITZGERALD: Thank you, Mr. Chairman.
6 If I could just have a moment to set up here.

7 (pause)

8 CHAIRMAN STEIN: Mr. Civie, just make sure
9 your mic -- I mean your mound doesn't get on top of your
10 -- okay, ready for --

11 MR. FITZGERALD: Thank you. Good morning,
12 gentlemen.

13 MR. R. CIVIE: Good morning.

14 MR. V. CIVIE: Good morning.

15 MR. FITZGERALD: Mr. Victor Civie, you
16 have a Bachelor of Science in Engineering?

17 MR. V. CIVIE: Correct. Can I elaborate?

18 MR. FITZGERALD: No.

19 MR. V. CIVIE: Okay.

20 MR. FITZGERALD: And a Master's of science
21 -- well I should say I'm going to give you that chance
22 later --

23 MR. V. CIVIE: That's fine --

24 MR. FITZGERALD: -- and a Master of

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1 Science in Electrical Engineering?

2 MR. V. CIVIE: That's correct.

3 MR. FITZGERALD: And you have experience
4 in teaching and writing about computer technology?

5 MR. V. CIVIE: Well computer technology
6 certainly.

7 MR. FITZGERALD: And have you ever taken
8 any courses in power system engineering?

9 MR. V. CIVIE: Yes, I have.

10 MR. FITZGERALD: And where was that?

11 MR. V. CIVIE: The University of
12 Connecticut.

13 MR. FITZGERALD: And what was the name of
14 the course?

15 MR. V. CIVIE: There were three courses.
16 I can't recall, that was a long time ago. However, they
17 dealt with power aspects, basically transmission line
18 theory. And assuming the calculations, both 480 courses,
19 and math support in regards to power angles, power
20 curves, that was done in at least two courses. One was
21 physics where they represented that type of analysis
22 using basically integrals with signs, co-signs. In the
23 engineering department it took a different type of
24 analysis where we were talking about 480 series, La Paz

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1 transport plants, and that type of procedures.

2 MR. FITZGERALD: Have you ever worked for
3 a public utility, a utility regulatory agency, or an
4 engineering consultant that provided services related to
5 electric system engineering or planning?

6 MR. V. CIVIE: I have not.

7 MR. FITZGERALD: Do you have any
8 experience in planning electric utility systems?

9 MR. V. CIVIE: I do not.

10 MR. FITZGERALD: Do you have any
11 experience in operating electric utility systems?

12 MR. V. CIVIE: No, I do not.

13 MR. FITZGERALD: Do you have any
14 experience in constructing electric utility facilities?

15 MR. V. CIVIE: No, I do not.

16 MR. FITZGERALD: And what experience do
17 you have in estimating the cost of electric public
18 utility facilities?

19 MR. V. CIVIE: I've done that twice in the
20 past. One was for the Bethel/Norwalk project. And the
21 second was just a general request.

22 MR. FITZGERALD: Well for -- for whom did
23 you do your work on the Bethel/Norwalk project?

24 MR. V. CIVIE: Basically the work for the

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1 Bethel/Norwalk project was for myself, and at that time
2 the Bethel/Norwalk project along with the second project
3 affecting property that we owned in that area.

4 MR. FITZGERALD: You did it for yourself?

5 MR. V. CIVIE: Correct.

6 MR. FITZGERALD: And what was the other
7 request that you referred to?

8 MR. V. CIVIE: Actually that wasn't a
9 request. That was when the Greater Springfield project
10 came about. I did some rudimentary work there as far as
11 costs go.

12 MR. FITZGERALD: For who?

13 MR. V. CIVIE: Oh -- for myself again.

14 MR. FITZGERALD: Okay. What parts of the
15 application in this case have you read?

16 MR. V. CIVIE: Well I've read a
17 substantial amount of the application.

18 MR. FITZGERALD: And do you remember what
19 subjects or the parts you read dealt with?

20 MR. V. CIVIE: They dealt with everything.
21 In regards to the volumes, I went through the volumes.
22 In regards to the ISO reports, I read through the ISO
23 reports.

24 MR. FITZGERALD: Okay. I'm looking now at

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1 your -- at your testimony. And you say here that the
2 project will affect 27 properties, including the Beach
3 Mountain development --

4 MR. V. CIVIE: Excuse me, Mr. Fitzgerald.
5 You suggested that I would get back to my background. It
6 wasn't quite accurate.

7 MR. FITZGERALD: I -- yeah --

8 MR. V. CIVIE: Alright. Basically, I have
9 a Bachelor's of Engineering in Electrical Engineering. A
10 Bachelor's of Science in Physics. My Master's and
11 doctorate work was done in the field of electrical
12 engineering. I had a 4-0 out of 4-0 QPR average in
13 graduate school. The -- after that, I was a professional
14 engineer in the State of Connecticut and a professional
15 engineer in the State of New Hampshire. Thank you.

16 MR. FITZGERALD: You're saying you have a
17 doctorate?

18 MR. V. CIVIE: No. My doctorate work was
19 -- I have everything -- I have everything but. The
20 thesis and all the work was completed.

21 MR. FITZGERALD: When you referred to your
22 doctorate work, I thought you were telling us that you
23 had a Ph.D.

24 MR. V. CIVIE: No.

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1 MR. FITZGERALD: You wouldn't want to
2 leave that impression --

3 MR. V. CIVIE: No.

4 MR. FITZGERALD: Okay.

5 MR. V. CIVIE: And then after that, I was
6 full-time faculty at the University of Connecticut.

7 MR. ASHTON: What was your field of
8 specialty in electrical engineering --

9 MR. V. CIVIE: Actually --

10 MR. ASHTON: -- which covers a pretty wide
11 waterfront?

12 MR. V. CIVIE: It was -- the field of
13 specialty was solid state physics.

14 MR. ASHTON: Solid state?

15 MR. V. CIVIE: Yes.

16 MR. ASHTON: Okay.

17 MR. FITZGERALD: Alright, now getting to
18 your testimony, you refer to the Beach Mountain
19 development in Appendix A. And that appendix includes a
20 so-called concept subdivision plan. That's what the
21 title says, correct?

22 MR. V. CIVIE: Correct.

23 MR. FITZGERALD: Alright. I'm going to
24 have some questions about the development for you --

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1 MR. V. CIVIE: Mmm-hmm --

2 MR. FITZGERALD: -- and for the Council's
3 convenience, I'd like to pass out copies of that map. If
4 that's all right, Mr. Chairman?

5 CHAIRMAN STEIN: Yes.

6 MR. FITZGERALD: And we also have a --
7 (pause) -- okay, following up on some of Senator Murphy's
8 questions, you referred to a 12-lot subdivision. And I
9 see on this map lots numbered 1 through 11. Are those 11
10 of the 12 lots?

11 MR. V. CIVIE: Well no. Actually, those
12 are -- I guess I'm not sure what you're referring to.
13 For clarification purposes, these are lots in which we
14 intend to develop and sell them.

15 MR. FITZGERALD: Okay. Which lots shown
16 on this map are the grandfathered lots that you referred
17 to?

18 MR. V. CIVIE: The grandfathered lots can
19 be 1, 2, 3, 4, 9, 10, 5, 6.

20 MR. FITZGERALD: And -- so it's your
21 understanding that you don't need any subdivision
22 approval to sell those lots?

23 MR. V. CIVIE: That's correct. And we've
24 sold lots without that subdivision approval.

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1 MR. FITZGERALD: And No. 11 has got a
2 notation on it that says on deposit?

3 MR. V. CIVIE: Yes. Actually it's no
4 longer on deposit.

5 MR. FITZGERALD: Is it -- has it been
6 sold?

7 MR. V. CIVIE: It has not.

8 MR. FITZGERALD: Okay. Now you have
9 submitted a cost estimate for the Mount Hope variation?

10 MR. V. CIVIE: That's correct.

11 MR. FITZGERALD: But you are not asking
12 the Council to order the Mount Hope variation, are you?
13 You -- you are asking for an extended version of --

14 MR. V. CIVIE: That's correct.

15 MR. FITZGERALD: And we might be able to
16 describe that with this -- with this map. First of all
17 though, if we look at the map, we see that there's a
18 piece of land that's labeled Lot 44, 19.3 acres --

19 MR. V. CIVIE: Mmm-hmm --

20 MR. FITZGERALD: -- that's the CL&P right-
21 of-way isn't it?

22 MR. V. CIVIE: Part of it is, yes.

23 MR. FITZGERALD: Okay. And if we go over
24 to the left or toward the upper part of the map, there

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1 are three structures indicated --

2 MR. V. CIVIE: Mmm-hmm --

3 MR. FITZGERALD: -- is that right?

4 MR. V. CIVIE: That's correct.

5 MR. FITZGERALD: And -- and are you
6 indicating here the location of the CL&P structures 67,
7 68, and 69?

8 MR. V. CIVIE: Yes, correct.

9 MR. FITZGERALD: When did you prepare this
10 map or have it prepared?

11 MR. V. CIVIE: When was the map --

12 MR. R. CIVIE: I can't read it -- the
13 latest revision is probably just a couple of years ago,
14 probably --

15 MR. V. CIVIE: Well 2009 was the original.

16 MR. FITZGERALD: Okay. And -- was the
17 original. And then the -- the latest revision was when?

18 MR. V. CIVIE: I would say just before we
19 submitted it perhaps.

20 MR. FITZGERALD: And the -- is that when
21 you plotted the location of the structures on it?

22 MR. V. CIVIE: Correct.

23 MR. FITZGERALD: And what was your purpose
24 in doing that?

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1 MR. V. CIVIE: Basically, we wanted to
2 have a general idea of what -- where we wanted to extend
3 the underground to. That is we wanted to extend the
4 underground to Structure 67, which is past the houses
5 that you see there and the two houses that we're
6 proposing.

7 MR. FITZGERALD: Alright. Now these
8 structures that are indicated on the map are structures
9 that would be associated with the proposed new line,
10 right?

11 MR. V. CIVIE: No. These are the
12 structures for the currently existing line.

13 MR. R. CIVIE: Correct. That's what
14 they're supposed to be, yes. Yes, they --

15 MR. FITZGERALD: You sure about that?

16 MR. R. CIVIE: Yes. These are the ones --
17 these structures are the current lines.

18 MR. FITZGERALD: Okay, well we'll follow
19 that up. You don't otherwise indicate on the map, on the
20 concept map that there's a CL&P right-of-way here, do
21 you?

22 MR. R. CIVIE: Yes, there is.

23 MR. V. CIVIE: The edge of the CL&P power
24 line easement.

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1 MR. FITZGERALD: Okay. I stand corrected.
2 Very good. Well where is the existing line with relation
3 to the proposed new line on this right-of-way?

4 MR. V. CIVIE: The existing line would be
5 --

6 MR. R. CIVIE: South.

7 MR. V. CIVIE: Well right, but they might
8 be confused with the map orientation -- alright -- so the
9 existing line is on the south side. The new proposed
10 line will be on the north side of the easement.

11 MR. FITZGERALD: Okay. And so --

12 CHAIRMAN STEIN: Could I just ask a
13 follow-up?

14 MR. FITZGERALD: Sure.

15 CHAIRMAN STEIN: So this -- what you have
16 labeled 67, 68, and 69, the surveyor plotted those?
17 You're saying those are the new or the existing
18 structures?

19 MR. V. CIVIE: Those are the existing
20 structures right now, existing pole numbers --

21 CHAIRMAN STEIN: Okay --

22 MR. V. CIVIE: -- or H-frame numbers.

23 MR. ASHTON: And this line is on easement
24 or fee owned right-of-ways?

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1 MR. V. CIVIE: It's on an easement.

2 MR. R. CIVIE: Easement.

3 MR. ASHTON: Easement. It's all easement,
4 okay. I left my glasses home, so I'm having trouble
5 reading --

6 MR. FITZGERALD: That's why we've got --
7 we do have a blow-up here.

8 MR. ASHTON: I may need that before we're
9 through.

10 MR. FITZGERALD: Now as -- as proposed,
11 the Mount Hope underground variation would start on the
12 far side of Connecticut Route 120 and 195, off --
13 essentially off the map, right?

14 MR. R. CIVIE: Right.

15 MR. V. CIVIE: That's correct. It -- it
16 starts -- its initial location is beyond the school, the
17 Montessori School and -- it travels first to the
18 Montessori School, then upward through this property.

19 MR. FITZGERALD: And as proposed, the
20 Mount Hope underground variation would terminate between
21 Structure 67 and 68, is that right?

22 MR. V. CIVIE: I think it's 68 and 69, but
23 I'm not a hundred percent sure.

24 MR. FITZGERALD: Alright. Between --

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1 MR. V. CIVIE: It will be somewhere on
2 that property.

3 MR. FITZGERALD: Okay. And your -- and
4 your proposal is to build the Mount Hope variation, but
5 to extend it all the way through your property and
6 terminate it on neighboring property?

7 MR. V. CIVIE: Correct.

8 MR. R. CIVIE: Yes. And that is also what
9 the Mansfield Town proposed.

10 MR. FITZGERALD: Well actually the
11 Mansfield Town proposed that the -- proposed that
12 terminal point, but they proposed that it start just on
13 the other side of Route 195 --

14 MR. V. CIVIE: That's correct.

15 MR. FITZGERALD: Okay. But -- but that's
16 not your proposal?

17 MR. V. CIVIE: No.

18 MR. FITZGERALD: Yeah, okay. Alright.
19 Now your -- your cost estimate was for the 1.1 mile long
20 Mount Hope underground variation?

21 MR. V. CIVIE: That's correct.

22 MR. FITZGERALD: What you want the Council
23 to order is a longer underground variation, right?

24 MR. V. CIVIE: That's correct.

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1 MR. FITZGERALD: Going back to your
2 testimony, you say that the underground plan requires
3 only a ten-foot width. Where do you get that figure?

4 MR. V. CIVIE: Ten foot for the
5 preponderance of the proposal. That is -- I got it
6 basically from your records. The width of the lines
7 themselves -- the vaults obviously are going to have to
8 require more width. The transition stations obviously
9 require more width. But the lines themselves, that's the
10 width I as referring to.

11 MR. FITZGERALD: In order -- in order to
12 build the underground line --

13 MR. V. CIVIE: Mmm-hmm --

14 MR. FITZGERALD: -- what -- what width of
15 right-of-way --

16 MR. V. CIVIE: It would be substantially
17 more than that.

18 COURT REPORTER: One moment please.

19 (pause - tape change)

20 MR. FITZGERALD: And you note in your
21 testimony that in this variation there is minimal road
22 interface and that no part of the underground cable runs
23 in the direction of a road, right?

24 MR. V. CIVIE: Correct.

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1 MR. FITZGERALD: Now what does that tell
2 you about the need for access roads to provide access to
3 every foot of the underground cable route?

4 MR. V. CIVIE: You're going to need an
5 access road to be able to do that.

6 MR. FITZGERALD: You're going to need to
7 build an access road on the right-of-way, right?

8 MR. V. CIVIE: Correct.

9 MR. FITZGERALD: And you're going to need
10 to have an access to get there?

11 MR. V. CIVIE: That's correct.

12 MR. FITZGERALD: You also say that since
13 the transmission lines can be placed within the right-of-
14 way, no easements would have to be obtained for the
15 actual underground cables. Do you know whether or not
16 the easements through that area include underground
17 rights?

18 MR. V. CIVIE: Pardon me?

19 MR. FITZGERALD: Do you know whether the
20 easements through that area include underground rights?

21 MR. V. CIVIE: I do not.

22 MR. FITZGERALD: And you say that in the
23 past, configurations such as this have been regionalized.
24 What do you mean by such as this? Do you -- do you have

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1 an example of a short underground variation through a so-
2 called residential area that's been regionalized?

3 MR. V. CIVIE: No, that's not what I was
4 referring to. I was just making a general statement that
5 underground in itself has been regionalized.

6 MR. FITZGERALD: And you were referring to
7 what?

8 MR. V. CIVIE: Either the Bethel/Norwalk
9 Project, the -- any one of the other projects --

10 MR. FITZGERALD: Well --

11 MR. V. CIVIE: -- underground --

12 MR. FITZGERALD: -- you -- what's your
13 basis for saying that the underground cost of the
14 Bethel/Norwalk project was regionalized?

15 MR. V. CIVIE: Basically, through --
16 through the testimony of the Applicant. I asked -- I
17 asked the Applicant what part of these things were
18 regionalized and which weren't. And I believe it's
19 either the Bethel/Norwalk or the other one --

20 MR. FITZGERALD: The Middletown/Norwalk
21 line, do you know what the -- what the basis for
22 regionalizing the underground construction on the
23 Middletown to Norwalk line was?

24 MR. V. CIVIE: The basis? I'm not sure

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1 what your question is.

2 MR. FITZGERALD: Do you know why it was
3 regionalized?

4 MR. V. CIVIE: Yes. From what your
5 testimony described, it was regionalized because that was
6 the best method in regards to overall all analysis
7 pursued.

8 MR. FITZGERALD: You don't recall the
9 justification that because there was no available right-
10 of-way for overhead lines and expansion of the right-of-
11 way would require the taking of many houses, that the
12 cost overall of overhead and underground in that
13 particular instance were much closer than is usually the
14 case?

15 MR. V. CIVIE: Yes, that was in the
16 testimony prior to this.

17 MR. FITZGERALD: Okay. You then go on to
18 say regionalization occurs for costs that have accrued
19 for just cause. What's the basis of that understanding?

20 MR. V. CIVIE: What my point was -- that
21 was just in general; if the conditions are correct, it
22 should be regionalized.

23 MR. FITZGERALD: Are you aware of a
24 standard for regionalization that involves something

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1 called good utility practice?

2 MR. V. CIVIE: Yes.

3 MR. FITZGERALD: And are -- is it your
4 understanding that the effect of that standard is that if
5 a line would ordinarily be constructed overhead,
6 according to good utility practice, and that is a
7 feasible and least cost way to do it, that that will be
8 the baseline for regionalization of costs?

9 MR. V. CIVIE: I understand that
10 regionalization of costs in regards to good utility
11 practice is that's the general concept.

12 MR. ASHTON: I'm not sure whether that was
13 responsive to the question. Can --

14 MR. V. CIVIE: I don't believe then that
15 that's the end result, that is just that alone is the
16 driving factor. In regards to regionalization, it's not
17 a straightforward procedure. There are many people that
18 have to vote on it, many people from different parties
19 and things of that nature, and all these people have to
20 agree on whether it's regionalized or not.

21 MR. FITZGERALD: Let's go back to the
22 subdivision map, the so-called concept map. And it
23 appears that Lots 9, 10, and 11 are adjacent to the south
24 side of the right-of-way --

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1 MR. V. CIVIE: Correct --

2 MR. FITZGERALD: Sorry?

3 MR. V. CIVIE: Correct.

4 MR. FITZGERALD: Yeah. And Lots 1, 2, 3,
5 and 4 are adjacent to the north side?

6 MR. V. CIVIE: Correct.

7 MR. FITZGERALD: So the existing -- and
8 then you say the existing line is on the south side of
9 the right-of-way?

10 MR. V. CIVIE: That's correct.

11 MR. FITZGERALD: And how far from the edge
12 of the right-of-way is the existing line, if you know?

13 MR. V. CIVIE: I don't have the specs in
14 front of me.

15 MR. FITZGERALD: Okay. Each of these
16 houses, again staying on the south side, 9, 10 and 11,
17 they -- each of them front on a street. So it would be
18 the rear yard of the house that would be adjacent to the
19 right-of-way if houses were built, is that right?

20 MR. R. CIVIE: Not --

21 MR. V. CIVIE: The side I would say -- the
22 side -- some rear, some side.

23 MR. FITZGERALD: Some rear, some side?

24 MR. V. CIVIE: Mmm-hmm.

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1 MR. FITZGERALD: And what about the -- the
2 upper -- the lots on the north side?

3 MR. FITZGERALD: Oh, that's what I was
4 referring to, those are mostly side -- two of them are
5 side, two of them are rear.

6 MR. FITZGERALD: The rear. And then down
7 on the south side of the lot?

8 MR. V. CIVIE: Those would be one side,
9 two rear.

10 MR. FITZGERALD: Okay. And these are two-
11 acre lots?

12 MR. V. CIVIE: Correct.

13 MR. FITZGERALD: And how would you
14 anticipate locating the houses in relation to the
15 transmission lines were the line to be built as proposed?

16 MR. V. CIVIE: Actually, that depends upon
17 the lot. Each lot has certain features and we have to
18 put the house in the best possible place. So I can't
19 answer that right now. I do know though that for No. 11
20 -- I know where a lot of the septic systems are going
21 right now because that work has been done. So in regards
22 to 9, 10, and 11, the septic systems would be actually on
23 -- well actually 10 and 11, the septic systems will be on
24 the -- it would be the eastern side, so the side of the

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1 property. I don't remember where 9 is.

2 MR. FITZGERALD: Okay.

3 MR. R. CIVIE: But we --

4 MR. V. CIVIE: Go ahead. I'm sorry.

5 MR. R. CIVIE: Well, we -- we do the
6 septic systems first, then we design the house around it.

7 MR. FITZGERALD: What -- what are the
8 setback requirements?

9 MR. V. CIVIE: The setback requirements I
10 believe are 20 -- you know, I don't have that right here.

11 MR. FITZGERALD: Well let me -- would you
12 accept, subject to check, that according to the zoning
13 regs that are on file in the case here, that it's 50 feet
14 for a rear yard and 35 feet for a side yard?

15 MR. V. CIVIE: Yes. That sounds about
16 right.

17 MR. FITZGERALD: Okay. Have you reviewed
18 the Section 7 of the application, which deals with
19 electric magnetic fields, to determine what the magnetic
20 field levels would be in the area of any houses that
21 would be constructed on these lots either before the new
22 line is built or afterwards?

23 MR. V. CIVIE: I've reviewed them, however
24 not in depth. That's not what -- that's not one of my

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1 points.

2 MR. FITZGERALD: Okay. So that's not a
3 particular concern of yours?

4 MR. V. CIVIE: No.

5 MR. FITZGERALD: Okay. Who is Attorney
6 Howard Altschuler?

7 MR. V. CIVIE: I don't understand the
8 question. He's an attorney in the New Haven area.

9 MR. FITZGERALD: And did you engage him to
10 write to CL&P on your behalf?

11 MR. V. CIVIE: Correct.

12 MR. FITZGERALD: And did you authorize him
13 to demand that CL&P both build a new line underground
14 that traversed your subdivision and also place the
15 existing line underground?

16 MR. V. CIVIE: I don't recall that, if
17 that was the intent of the letter. The main intent of
18 the letter was for the new line to be underground.

19 MR. FITZGERALD: You don't recall whether
20 he asserted that both should be -- were required by law
21 to be --

22 MR. V. CIVIE: Alright --

23 MR. FITZGERALD: -- all underground?

24 MR. V. CIVIE: It sounds like he did.

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1 MR. FITZGERALD: I'd like to hand you a
2 piece of the application that's already in evidence --
3 MR. V. CIVIE: Thank you --
4 MR. FITZGERALD: -- and might we --
5 COURT REPORTER: You need to be on the
6 microphone please.
7 MR. FITZGERALD: May we hand these out --
8 CHAIRMAN STEIN: Yes.
9 (pause)
10 MR. ASHTON: Are there two there or one?
11 MR. FITZGERALD: Oh -- no, there's just
12 that -- I'm sorry, that's -- it should just be -- just be
13 one.
14 MR. ASHTON: Just that one?
15 MR. FITZGERALD: Yeah. Map sheet one of
16 two. Yeah, somebody copied two of two as well.
17 MR. ASHTON: You got an extra one?
18 MR. TAIT: It's not this one --
19 MR. ASHTON: No --
20 MR. TAIT: -- it's this one.
21 MR. GOLEMBIEWSKI: Map one of two.
22 MR. TAIT: Okay.
23 MR. ASHTON: Brian, I'm sorry?
24 MR. GOLEMBIEWSKI: It should be this --

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1 MR. ASHTON: Okay.

2 (pause)

3 MR. ASHTON: Any extra ones? I think
4 Maryann will make you a couple --

5 MR. FITZGERALD: There's more.

6 MR. V. CIVIE: I didn't bring -- I mean I
7 don't need these --

8 MR. R. CIVIE: We've got one --

9 MR. V. CIVIE: -- I mean we -- you can
10 have this back --

11 MR. R. CIVIE: Hand them the copy --

12 MR. V. CIVIE: I know --

13 MR. ASHTON: We've got one -- we've got
14 one.

15 (pause)

16 MR. FITZGERALD: Okay. First of all, this
17 map -- I'm referring now to map sheet one of two of the
18 Mount Hope underground variation, which is from Volume 9
19 of the application. This map shows both the existing
20 line and the proposed new construction. And according to
21 the key map, structure 66, 67, and 68 are part of the
22 existing line and not -- not the new line, right?

23 MR. R. CIVIE: This plan we discussed
24 before was in error --

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1 MR. V. CIVIE: It's reversed.

2 MR. R. CIVIE: It's reversed. 96 and 7 --
3 the red is actually the new line. It was originally
4 represented this way. However, I recognize that the red
5 line is actually the new line, though it's labeled as the
6 existing line. So that red is -- red should be yellow
7 and yellow should be red if you're talking about the
8 lines. The legend should be reversed.

9 MR. FITZGERALD: Well I'm not sure I
10 follow you, but we can ask some other witnesses about
11 that. We do see here the red line terminating at a box
12 that says potential line transition site?

13 MR. R. CIVIE: Yes.

14 MR. V. CIVIE: Mmm-hmm.

15 MR. FITZGERALD: And that is the -- as you
16 understand it, the proposed termination point --

17 MR. V. CIVIE: Correct --

18 MR. FITZGERALD: -- for the Mount Hope
19 underground variation?

20 MR. V. CIVIE: Correct.

21 MR. R. CIVIE: Right.

22 MR. FITZGERALD: And that is essentially
23 in the middle of your subdivision?

24 MR. V. CIVIE: Correct.

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1 MR. FITZGERALD: And you want to move that
2 box down to a point that would be -- or to an area that
3 would be between --

4 MR. R. CIVIE: 67 --

5 MR. FITZGERALD: -- 67 and 66?

6 MR. V. CIVIE: Correct.

7 MR. FITZGERALD: Okay. Now if we look at
8 the map, do you see any -- any wetlands indicated there
9 just beyond that area where the box would be?

10 MR. V. CIVIE: The wetlands are further
11 down, that is down the hill from 67, yes. You're talking
12 to the west -- or south, correct?

13 MR. FITZGERALD: And do you see any
14 construction problems that would relate to those
15 wetlands?

16 MR. V. CIVIE: Oh, at 66, certainly.
17 That's not the proposed or what we're suggesting. At 67
18 the hill flattens out, there's plenty of space for a
19 transition station.

20 MR. FITZGERALD: What do you -- what do
21 you mean that the hill flattens out?

22 MR. V. CIVIE: Well basically at 68 you're
23 on top of the hill, 67 you're on the hill a little bit.
24 However, what -- the hill is not continuous. That is at

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1 that point or around that point there's a level spot.
2 And then by the time you get to the wetlands there's a
3 very steep drop.

4 MR. FITZGERALD: Now what is the -- what
5 is the slope of that existing terrain where you would
6 propose to put the termination station?

7 MR. V. CIVIE: Well the slope would be
8 almost zero.

9 MR. FITZGERALD: Have you looked at the
10 topographical renderings that are in the application?

11 MR. V. CIVIE: I live there.

12 MR. FITZGERALD: Okay.

13 MR. R. CIVIE: Also I'd like to add that I
14 do believe the records show that the Town of Mansfield
15 has moved the transition station down, but we can check
16 the record on that.

17 MR. FITZGERALD: I'm sorry, I'm not --

18 MR. R. CIVIE: The transition station, the
19 Town of Mansfield I'm almost certain moved the --
20 requested that the transition station be moved down also.

21 MR. FITZGERALD: Yes. I was referring --

22 MR. R. CIVIE: Right --

23 MR. FITZGERALD: -- I was referring to the

24 --

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1 MR. R. CIVIE: Oh, the other side --

2 MR. FITZGERALD: -- other side --

3 MR. R. CIVIE: Oh, I'm sorry --

4 MR. FITZGERALD: Yeah --

5 MR. R. CIVIE: I was getting upset for
6 nothing.

7 MR. FITZGERALD: So just to be clear, the
8 -- the area where you propose that the transition station
9 be constructed would be on the side of structure 67
10 toward structure 66?

11 MR. V. CIVIE: Correct.

12 MR. FITZGERALD: And you don't see any
13 construction issues or environmental issues with that
14 placement?

15 MR. V. CIVIE: No, I do not.

16 MR. FITZGERALD: And what about -- are
17 there any visual impacts that relate to the Joshua's
18 tract of conservation land?

19 MR. V. CIVIE: No. You're pretty far
20 removed from Joshua's tract.

21 MR. FITZGERALD: And the Joshua's Trust
22 Trail --

23 MR. V. CIVIE: Mmm-hmm. You're removed
24 from that also.

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1 MR. FITZGERALD: The Nipmunk Trail?

2 MR. V. CIVIE: Nipmunk goes along Saw Mill
3 Brook. You're not even close there.

4 MR. FITZGERALD: Okay.

5 DR. BELL: Mr. Chair.

6 CHAIRMAN STEIN: Dr. --

7 DR. BELL: Could I ask a question?

8 CHAIRMAN STEIN: Dr. Bell.

9 DR. BELL: I'm having trouble following
10 the discussion that we just had because it goes back to
11 Mr. Richard Civie's original comment that he thinks that
12 the yellow and the red should be changed. The problem
13 I'm having is that if you change the yellow and the red,
14 you change the numbering of the structures, so that the
15 area between 67 and 66 in red does have wetlands in it,
16 but between 66 and 67 yellow structures doesn't have
17 wetlands in it. So it depends on whether we're actually
18 going to reverse the markings on the map according to
19 what Mr. Civie said we ought to do to what we're actually
20 talking about when we're referencing structures.

21 MR. FITZGERALD: Well --

22 MR. V. CIVIE: Would you like me to
23 clarify?

24 MR. FITZGERALD: We'll have Mr. Carberry

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1 talk about what the map shows and doesn't show as far as
2 new and old lines are concerned, but --

3 DR. BELL: But when you asked for instance
4 were there any construction issues having to do with
5 wetlands if the transition site were placed between 67
6 and 66 -- structure 67 and 66 -- I -- it -- were you
7 asking -- were you referencing 67 and 66 in heavy red
8 letters or were you referencing 66 and 67 in black 9066
9 and 9067 --

10 A VOICE: No --

11 MR. FITZGERALD: I was -- I was
12 referencing the two digit numbers in red, 66 and 67.

13 DR. BELL: Okay.

14 MR. FITZGERALD: And 9065 and 9066 --

15 DR. BELL: Okay --

16 MR. FITZGERALD: -- and 9067 are
17 different.

18 DR. BELL: And -- okay. And you -- and
19 the Civies answered correctly from their point of view
20 with reference to the same --

21 MR. V. CIVIE: Correct, with -- with 67
22 there's no problem --

23 DR. BELL: Okay --

24 MR. V. CIVIE: -- if you get down to the

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1 bottom -- 66 is the bottom of the hill and that's where
2 the wetlands are.

3 DR. BELL: Okay. So you have -- you're
4 completely straight on Mr. Fitzgerald's references --

5 MR. V. CIVIE: Yes --

6 DR. BELL: -- and it's only I who am
7 confused --

8 MR. V. CIVIE: Well the map is confusing
9 also --

10 DR. BELL: It doesn't --

11 MR. V. CIVIE: -- no the map is confusing
12 --

13 DR. BELL: -- it doesn't matter if I'm
14 confused. It just matters if you're giving --

15 MR. R. CIVIE: Okay--

16 DR. BELL: -- if you're both -- if you're
17 using the same references.

18 MR. V. CIVIE: Correct.

19 DR. BELL: Thank you. I'm all set.

20 MR. FITZGERALD: Okay. Have you applied
21 for approval of the concept subdivision map that's shown
22 here?

23 MR. V. CIVIE: No, we have not.

24 MR. FITZGERALD: Which of the roads that

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1 are shown on the map exists?

2 MR. V. CIVIE: Basically, the -- Beach
3 Mountain Road exists, Saw Mill Brook exists, the --

4 MR. R. CIVIE: Mountain Road --

5 MR. V. CIVIE: Well Mountain Road is this
6 -- right -- that's way to the right. The road between
7 Saw Mill Brook and Mountain Road exists, and that loop
8 that says Beach, that road exists, that's not an approved
9 road yet.

10 MR. FITZGERALD: And in order to get the
11 road approved -- oh, I see -- this is -- this is the one
12 that says future road?

13 MR. V. CIVIE: No, no, no. Future road
14 actually is another road, and that has not been approved
15 yet.

16 MR. FITZGERALD: Alright, thank you.

17 MR. ASHTON: Mr. Civie, if I may just so
18 I'm understanding it all --

19 MR. V. CIVIE: Mmm-hmm --

20 MR. ASHTON: -- on the reproduction of
21 your map, the end of Saw Mill -- Saw Brook Road at the
22 circle is right next to the word sold?

23 MR. V. CIVIE: Correct.

24 MR. ASHTON: And that shows upon sheet one

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1 of two right where -- near the words Connecticut Natural
2 Diversity Database area --

3 MR. V. CIVIE: Correct --

4 MR. ASHTON: -- is that correct --

5 MR. V. CIVIE: -- very good.

6 MR. ASHTON: And the -- well I can't --
7 sorry about my glasses being home -- Beach Road shows on
8 sheet one of two -- if you look carefully is a -- what
9 looks almost like a worm cast. It's an unimproved road I
10 assume where the trees show up against the road, is that
11 fair to say?

12 MR. V. CIVIE: That's correct. Very
13 observant.

14 MR. ASHTON: Okay.

15 MR. FITZGERALD: Okay --

16 CHAIRMAN STEIN: Excuse me. I have I
17 guess a follow-up because I'm -- when you say -- I'm
18 assuming you're saying, Mr. Civie, that these lots are
19 approved via some form of grandfathering --

20 MR. V. CIVIE: Correct --

21 CHAIRMAN STEIN: -- and does that mean
22 there's a map on record somewhere that shows what you
23 have as the concept plan or --

24 MR. V. CIVIE: No. What grandfathered

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1 means is that prior to zoning -- prior to zoning laws if
2 they were established lot of record, then -- and they
3 were not contiguous, that is they were not bordering each
4 other, then these are grandfathered lots. If they were
5 accumulated after zoning and after that rule, then the
6 merger provision, which I just expressed, is not -- does
7 not apply, and these are called grandfathered lots, which
8 means it's a full lot, you can build on it as long as it
9 meets specifications.

10 So the -- the procedure that we have --
11 let's say, for example, Lot 11 we wanted to basically put
12 that on sale, we have an A-1 survey done, we have -- we
13 mark out all the requirements for the lot, and we go to
14 the zoning agent to get approval, which we did for Lot
15 11.

16 MR. R. CIVIE: And I can just add that the
17 only reason why we bought this tract of land was because
18 there's lots there.

19 MR. MURPHY: Alright, so this is in
20 contrast to non-conforming lots. They're really
21 conforming to the zoning --

22 MR. V. CIVIE: Correct --

23 MR. MURPHY: -- which therefore because
24 they were established and are still in conformity, you

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1 don't need to go back to get approval --

2 MR. V. CIVIE: Correct --

3 MR. R. CIVIE: Correct --

4 MR. MURPHY: -- in contrast to a non-

5 conforming lot, there would be a merger of title --

6 MR. V. CIVIE: Right --

7 MR. R. CIVIE: Correct --

8 MR. V. CIVIE: -- very -- very good.

9 Excellent.

10 MR. R. CIVIE: Right.

11 MR. V. CIVIE: Not many people have that

12 depth of understanding.

13 CHAIRMAN STEIN: I guess -- I guess with

14 my years of experience, I still don't get it. I mean

15 wouldn't -- shouldn't there be some map --

16 MR. MURPHY: These are very rare --

17 CHAIRMAN STEIN: -- some ancient map of

18 record --

19 MR. V. CIVIE: They are -- I'm sorry.

20 CHAIRMAN STEIN: Isn't there some map

21 somewhere --

22 MR. V. CIVIE: Yes -- well after -- after

23 --

24 CHAIRMAN STEIN: -- on record that shows

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1 it, so you can then say they're grandfathered in because
2 prior to zoning they existed?

3 MR. V. CIVIE: No -- I mean we have a
4 letter which states that. The surveys are done at the
5 time of the sale or just prior to putting them up for
6 sale.

7 CHAIRMAN STEIN: Well I guess we have 169
8 municipalities in Connecticut and each one does it
9 differently. Thank you.

10 MR. V. CIVIE: Certainly.

11 MR. FITZGERALD: How do -- what
12 establishes that the lots existed as approved lots before
13 the subdivision regulations were adopted?

14 MR. V. CIVIE: Basically go back through
15 the records and -- and some of these lots were -- or wood
16 lots as old as perhaps the 1600's or 1700's -- and you
17 determine what -- when the lots were established, you
18 determine what their status was just prior to zoning
19 regulations and you determine the ownership. Basically,
20 that's the criteria for grandfathered lots.

21 MR. FITZGERALD: And -- and so these
22 1600's or 1700's vintage wood lots happen to be two-acre
23 rectangular or square lots?

24 MR. V. CIVIE: No, no, no, no, no, no.

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1 Okay, I see the problem. Once you have an established
2 lot of record, the other rule of zoning is that neighbors
3 can change boundaries anywhere they want. So if we apply
4 that principle to the lots, you can basically move the
5 lots anywhere.

6 A VOICE: I don't think that's correct -
7 -

8 MR. V. CIVIE: In the Town of Mansfield.

9 MR. FITZGERALD: You can move the lots
10 anywhere in the Town of Mansfield?

11 MR. V. CIVIE: No, no, no, no --

12 MR. R. CIVIE: No, no --

13 (overlap of multiple voices -
14 indiscernible) --

15 MR. V. CIVIE: Under Mansfield rules and
16 regulations.

17 MR. FITZGERALD: Oh, I see, okay -- sort
18 of. The -- just to follow up --

19 MR. V. CIVIE: Mmm-hmm --

20 MR. FITZGERALD: -- and I'll be through,
21 on a question that the staff was asking, on your -- your
22 estimate here, I understand that you -- you've made the
23 determination that only two sets of cables are needed
24 and not three sets. That's your professional opinion --

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1 MR. V. CIVIE: That's correct --

2 MR. FITZGERALD: -- right -- yeah. And
3 then you estimated the cost of 1.1 miles of such an
4 installation and not the length that would be required to
5 construct what you want --

6 MR. V. CIVIE: That's correct --

7 MR. FITZGERALD: Alright. And I believe
8 that Miss Lapage asked you if you included an allowance
9 for splice vaults --

10 MR. V. CIVIE: Mmm-hmm --

11 MR. FITZGERALD: -- and I didn't quite get
12 your answer. How many splice vaults did you --

13 MR. V. CIVIE: Five.

14 MR. FITZGERALD: Alright. How did you get
15 -- how do you get five?

16 MR. V. CIVIE: How do I get them?

17 MR. FITZGERALD: Five, yes. You have --
18 you have two cable sets --

19 MR. V. CIVIE: Correct --

20 MR. FITZGERALD: -- two sets of three
21 cables --

22 MR. V. CIVIE: That's correct --

23 MR. FITZGERALD: -- how many sets of
24 splice vaults do you have?

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1 MR. V. CIVIE: Well the five is for the
2 one set.

3 MR. FITZGERALD: Okay, so you have -- you
4 determined that you would only need one set of splice
5 vaults for the 1.1 miles?

6 MR. V. CIVIE: No. They're doubled up, so
7 there will be 10 all together.

8 MR. FITZGERALD: And where -- do they
9 appear in your cost estimate?

10 MR. V. CIVIE: The splice vaults appear
11 basically in two places. The splice vaults appear -- let
12 me just see if that's translated over -- so the -- the
13 splice vaults appear basically down in -- where it says
14 splices. Let me just check one thing, excuse me one
15 minute.

16 (pause)

17 MR. V. CIVIE: Right. I take that back.
18 I'm doubling up on the vaults, so each vault will contain
19 both sets.

20 MR. FITZGERALD: Each splice vault will
21 contain --

22 MR. V. CIVIE: Both sets of lines.

23 MR. FITZGERALD: Oh, so you have one
24 splice vault for three -- you have one splice vault for

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1 six cables?

2 MR. V. CIVIE: That's correct.

3 MR. FITZGERALD: And what's the size of
4 that splice vault?

5 MR. V. CIVIE: I don't think I have the
6 dimensions here -- wait a minute, I might -- (pause) --
7 I'm sorry, I do not.

8 MR. FITZGERALD: And so whatever the size
9 of that one splice vault is, it's one splice vault for
10 the entire length of cable. So you have two transition
11 stations and one splice vault in between?

12 MR. V. CIVIE: Five of them.

13 MR. FITZGERALD: Okay, we're -- we're not
14 communicating --

15 MR. V. CIVIE: Alright -- okay. So -- so
16 every 522 feet there's a splice vault.

17 MR. FITZGERALD: Okay. Every 522 feet
18 there is one splice vault that accommodates six cables -
19 -

20 MR. V. CIVIE: Correct --

21 MR. FITZGERALD: -- and so you end up with
22 five splice vaults?

23 MR. V. CIVIE: Correct.

24 MR. FITZGERALD: Okay. Did you have any

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1 source for that particular cable design?

2 MR. V. CIVIE: I'm not sure what you're
3 referring to.

4 MR. FITZGERALD: I mean did you have a
5 consulting manual or some --

6 MR. V. CIVIE: Well I had quite a bit of
7 resources. I mean I looked at the designs of the
8 Bethel/Norwalk, which I'd done prior to this, obviously
9 manuals. I've contacted a number of people to see what
10 they do.

11 MR. FITZGERALD: And -- and did you find
12 in the Bethel/Norwalk an example that three cables -- I'm
13 sorry -- that six cables were put into a single splice
14 vault?

15 MR. V. CIVIE: I don't recall.

16 MR. FITZGERALD: Okay. Alright, I think
17 that's just about it -- though one other question on your
18 -- on your estimate. You have an estimate that appears
19 in a couple of places for the installation of duck banks
20 --

21 MR. V. CIVIE: Mmm-hmm --

22 MR. FITZGERALD: -- you don't mean duck
23 banks, do you? Those are -- those are duct banks.

24 MR. V. CIVIE: Oh, there's a misspelling

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1 is what you're saying --

2 MR. R. CIVIE: It's d-u-c-k --

3 MR. V. CIVIE: No, it's d-u-c-t.

4 MR. FITZGERALD: Well, I see --

5 MR. V. CIVIE: At least on mine --

6 MR. FITZGERALD: -- under Mount Hope

7 underground cost estimate, down four lines, the

8 installation of duck bank and earth work --

9 MR. V. CIVIE: Oh, okay, right --

10 MR. FITZGERALD: -- and the caption of the

11 next one, installation of duck bank --

12 MR. V. CIVIE: You're right. You caught
13 me on that mistake.

14 MR. FITZGERALD: Okay. That's all I have.
15 Thank you.

16 CHAIRMAN STEIN: Thank you. We'll go down
17 the list to see if we have any other parties or
18 intervenors who wish to cross-examine the Civies. NRG
19 Companies? EquiPower Resources Corp.? United
20 Illuminating?

21 A VOICE: No questions.

22 CHAIRMAN STEIN: Mr. Bullard, do you have
23 -- please come up.

24 (pause)

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1 MR. BULLARD: Mr. Civies -- in the plural
2 -- I've been following this as a party as you know, and
3 I'm always interested in need. And some of your
4 testimony and exhibits have addressed the question of
5 need for the project. Can you briefly summarize that for
6 my edification?

7 MR. V. CIVIE: Briefly? I'll make that
8 attempt.

9 Basically through the testimony and the
10 actual solution study itself the -- and this is the
11 follow-up analysis to 2012 -- this study proves that the
12 existing line from Card to Lake Road by itself with all
13 the other lines of the follow-up analysis intact is
14 sufficient to remove all the violations and basically all
15 the states will see all the benefits from all the
16 solutions from that solution that's presented in the
17 study. Also, if you'll recall from last Tuesday what was
18 demonstrated, and again this follow-up analysis report,
19 was that the new proposed line from Card Street to Lake
20 Road, that is the new proposed line in regards to
21 Connecticut violations did not resolve any Connecticut
22 violations, that is that all the Connecticut violations
23 removed without the new Card -- proposed Card to Lake
24 Road line. In addition, if you take a look at the tables

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1 we referred to, there were two tables where the new
2 proposed Card to Lake Road line did not change anything
3 in regards to violations.

4 Basically in regards to power, it was also
5 demonstrated that the power of the existing Card to Lake
6 Road line is sufficient to meet -- to meet -- right --
7 sufficient capacity to meet the demands of the new
8 solutions; that is if you take a look at the steps that
9 were involved, the new lines on page 34, it lists the new
10 lines proposed in the solution study, the capacity was
11 enough by itself to meet the demand of those lines. If
12 you take a look and review of what was discussed by ISO,
13 the power demand was 1,400 megawatts. The capacity of
14 the current line, the existing line is 1,900 megawatts.
15 Not even close as far as reaching its limit. That power
16 then demonstrates that all the violations if just the
17 existing line from Card to Lake Road was there, nothing
18 else, all the violations would be removed, and again
19 we're talking about with the rest of the study in place,
20 and in addition, all the benefits from all the states
21 will be available. So not only Connecticut violations
22 will be removed, but the violations from all the states
23 will be removed. So this existing line has sufficient
24 power to do it -- has sufficient capacity to do it.

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1 Basically, that's my argument in a
2 nutshell. The new proposed line is not needed.

3 COURT REPORTER: One moment please.

4 (pause - tape change)

5 MR. BULLARD: Well I just wanted your take
6 on that because I haven't been privy to all the -- I
7 wasn't here Tuesday.

8 MR. V. CIVIE: Alright. Thank you.

9 MR. BULLARD: Thank you.

10 CHAIRMAN STEIN: Okay. We'll go down the
11 list. The Office of Consumer Counsel? Richard Cheney
12 and the golf range? Mount Hope Montessori School? ISO
13 New England?

14 MR. MACLEOD: Yes, Mr. Chairman, thank
15 you. Good afternoon, Mr. Civie.

16 MR. V. CIVIE: Good afternoon.

17 MR. MACLEOD: You mentioned that you have
18 degrees. A Bachelor of Science degree in electrical
19 engineering -- was it electrical engineering --

20 MR. V. CIVIE: Correct --

21 MR. MACLEOD: -- your Bachelor's --

22 MR. V. CIVIE: Actually, it was -- the
23 Bachelor of Science was physics --

24 MR. MACLEOD: Okay --

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1 MR. V. CIVIE: The Bachelor's of
2 Engineering was electrical engineering. I have two
3 Bachelors --

4 MR. MACLEOD: What was --

5 MR. V. CIVIE: I have two Bachelors.

6 MR. MACLEOD: Okay, fine, good enough.
7 Can you tell me the year that you received your
8 Bachelor's degrees?

9 MR. V. CIVIE: Probably not.

10 MR. MACLEOD: Let's take the engineering
11 degree first. Were they joint? Were they at the same
12 time or --

13 MR. V. CIVIE: Yeah -- well when I
14 graduated as an undergraduate, they were both awarded to
15 me. Prior to '80, so not -- 1980.

16 MR. MACLEOD: So prior to 1980 or 1980?

17 MR. V. CIVIE: No, prior to 1980.

18 MR. MACLEOD: Okay. Do you recall the
19 exact year that you got your degrees?

20 MR. V. CIVIE: I don't, I'm sorry.

21 MR. MACLEOD: Okay. How about your
22 Master's Degree?

23 MR. V. CIVIE: That was after 1980 I would
24 say -- right around that year.

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1 MR. MACLEOD: Was it closer to 1980 or
2 1990?

3 MR. V. CIVIE: Oh, no, '80.

4 MR. MACLEOD: Okay. But you --

5 MR. V. CIVIE: I don't remember the exact
6 date.

7 MR. MACLEOD: Okay. And I don't -- I
8 should know this, but I don't -- well maybe I did, but
9 I've forgotten -- when you take your exam for your
10 professional engineer certification --

11 MR. V. CIVIE: Mmm-hmm --

12 MR. MACLEOD: -- do you take it in a
13 particular specialty or do you just become a PE?

14 MR. V. CIVIE: Well actually no, there are
15 two parts. And depending on how you go -- if you have
16 someone to sponsor you for example -- and since I was
17 teaching at the University of Connecticut, I was full-
18 time faculty, and one of the faculty members sponsored
19 me. And because of that, it gets you out of some of the
20 requirements.

21 The basic test though, you take a general
22 test -- at least at the time, I'm not sure what they do
23 now -- there's a general test that's taken and then
24 there's a specialty test that's taken.

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1 MR. ASHTON: This is in Connecticut?

2 MR. V. CIVIE: In Connecticut. New
3 Hampshire is a little different, but we're talking about
4 Connecticut.

5 MR. MACLEOD: And did you take a specialty
6 test?

7 MR. V. CIVIE: Yes, I did.

8 MR. MACLEOD: Was that in electrical
9 engineering?

10 MR. V. CIVIE: That's correct.

11 MR. MACLEOD: And in what field, if there
12 is a field?

13 MR. V. CIVIE: There wasn't a field back
14 then --

15 MR. MACLEOD: Okay --

16 MR. V. CIVIE: -- it was just electrical
17 engineering.

18 MR. MACLEOD: And I think you then
19 testified that your specialty is actually solid state
20 engineering?

21 MR. V. CIVIE: Well academically that's
22 what my doctorate thesis was in. It was the effect of
23 semi-conductors. When I was teaching, I taught
24 everything that was there, whether it be antenna arrays,

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1 power, just whatever they had to assign me.

2 MR. MACLEOD: Okay. I think you just
3 reviewed your views as to why there is no need in this
4 case and you talked about the existing line from Lake
5 Road to Card Street Substation as being sufficient to
6 remove all the violations that had been noted in the ISO
7 studies?

8 MR. V. CIVIE: That's correct.

9 MR. MACLEOD: Does that line have a
10 number?

11 MR. V. CIVIE: The 330.

12 MR. MACLEOD: Okay, so that is the 330
13 line we're talking about?

14 MR. V. CIVIE: Yes.

15 MR. MACLEOD: Do you recall the testimony
16 of the ISO witnesses yesterday that said that if you take
17 that 330 line out, there are violations?

18 MR. V. CIVIE: Yes, I do.

19 MR. MACLEOD: Okay. And your hypothesis
20 basically is as long as that line is in, then there
21 are no violations?

22 MR. V. CIVIE: That's correct.

23 MR. MACLEOD: Do you agree with the ISO
24 witnesses that if that line is out, there are

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1 violations?

2 MR. V. CIVIE: I don't agree with that
3 procedure. If the line is out --

4 MR. MACLEOD: I didn't ask you that
5 question --

6 MR. V. CIVIE: -- if the line is out --

7 MR. MACLEOD: -- please answer my question
8 --

9 MR. V. CIVIE: Well I'm attempting to --

10 MR. MACLEOD: Okay --

11 MR. V. CIVIE: -- and you're interrupting
12 me. If the line is out though, yes, there will be
13 violations.

14 MR. MACLEOD: Okay. I have no further
15 questions.

16 MR. V. CIVIE: Redirect?

17 CHAIRMAN STEIN: Okay.

18 MR. V. CIVIE: Mr. Civie, in regards to
19 the argument about taking that line out and there being
20 violations, can you please elaborate on that?

21 Certainly if you take that line out, there
22 are violations. If you take any of those proposed lines
23 out, there are violations by definition. So if they're
24 going to apply that standard to the 330 line, you have to

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1 apply it to all the other lines. That is if they're
2 saying that the 330 line needs to be replaced because if
3 you take it there are violations, think about those lines
4 they're proposing, those lines solve some of the
5 violation problems. So by definition, if those lines are
6 in there, the violations are removed. If you take those
7 lines out, the new lines now they're proposing, there are
8 violations. So that same standard could be put to any of
9 those lines. So it doesn't matter whether it's the 330
10 or their new lines. If they're saying the 330 line is
11 insufficient because if you remove it there's violations,
12 I maintain that their new proposed lines are insufficient
13 because when you remove those, by definition, there are
14 violations. So that's just not a correct standard. It
15 doesn't make any sense. Thank you.

16 MR. ASHTON: Can I inquire?

17 CHAIRMAN STEIN: Well a question --

18 MR. V. CIVIE: Certainly --

19 CHAIRMAN STEIN: -- from Mr. Ashton.

20 MR. V. CIVIE: Mr. Ashton.

21 MR. ASHTON: Mr. Civie, is it your
22 understanding that system planning in the electric
23 utility world does not involve taking in contingencies
24 and studying the effects thereof?

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1 MR. V. CIVIE: Does not involve are you
2 saying, the reverse --

3 MR. ASHTON: Right.

4 MR. V. CIVIE: Yes.

5 MR. ASHTON: It does not -- so system
6 planning does not involve taking contingencies, i.e. a
7 generator out of service or a line out of service?

8 MR. V. CIVIE: Well --

9 MR. ASHTON: Yes or no first, and you can
10 elaborate later.

11 MR. V. CIVIE: Okay. Well yes then.

12 MR. ASHTON: The answer is yes?

13 MR. V. CIVIE: Yes.

14 MR. ASHTON: Okay. Okay, thank you.

15 MR. R. CIVIE: You didn't elaborate.

16 CHAIRMAN STEIN: Any other --

17 MR. V. CIVIE: No, that's okay --

18 CHAIRMAN STEIN: -- questions from the --
19 okay, thank you, Mr. and Mr. Civie.

20 Mr. Rabinowitz from the Montessori
21 School? Can you -- let's see if we can get you done
22 before lunch.

23 (pause)

24 CHAIRMAN STEIN: Can you stay standing

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1 while we swear you in --

2 MR. ADAM RABINOWITZ: Yes.

3 MS. BACHMAN: Please raise your right
4 hand.

5 (Whereupon, Adam Rabinowitz was duly sworn
6 in.)

7 MS. BACHMAN: Thank you.

8 CHAIRMAN STEIN: Thank you. Mr.
9 Rabinowitz, you have offered I believe two exhibits for
10 identification and acceptance, Exhibits 1 and 2?

11 MR. RABINOWITZ: Yes.

12 CHAIRMAN STEIN: And we'll go through the
13 process. First of all are there any objections from any
14 party or intervenor to having these exhibits for
15 identification purposes only at this time? Okay.

16 (Whereupon, Mount Hope Montessori School
17 Exhibit No. 1 and No. 2 were marked for identification
18 purposes.)

19 CHAIRMAN STEIN: Mr. Rabinowitz, did you
20 prepare or assist in the preparation of the Exhibits 1
21 and 2?

22 MR. RABINOWITZ: I did assist with
23 Attorney Ainsworth.

24 CHAIRMAN STEIN: Okay. Do you have any

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1 additions, clarifications, deletions, or modifications?

2 MR. RABINOWITZ: No, I do not.

3 CHAIRMAN STEIN: Are these exhibits true
4 and accurate to the best of your knowledge?

5 MR. RABINOWITZ: Yes, they are true and
6 accurate to the best of my knowledge.

7 CHAIRMAN STEIN: Do you offer these
8 exhibits as your testimony today?

9 MR. RABINOWITZ: Yes, I do.

10 CHAIRMAN STEIN: And are -- you offer them
11 as full exhibits?

12 MR. RABINOWITZ: Yes, I do.

13 CHAIRMAN STEIN: Is there any objection to
14 these items being admitted as full exhibits from any
15 party or intervenor? Hearing and seeing none, they'll be
16 admitted as full exhibits.

17 (Whereupon, Mount Hope Montessori School
18 Exhibit No. 1 and No. 2 for identification were received
19 into evidence.)

20 CHAIRMAN STEIN: We'll now proceed with
21 cross-examination. Staff.

22 MS. WALSH: Thank you, Mr. Chairman. In
23 response to the Council interrogatories, No. 2, it
24 discusses vegetative screening around the proposed -- the

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1 school's parking lot --

2 MR. RABINOWITZ: Correct --

3 MS. WALSH: -- and if that would be
4 adequate for your school for screening of the lines. And
5 your response has something -- some statements about
6 meaningful vegetative screening would not be refused.
7 Could you just quantify or explain what that -- what you
8 mean? What would the school want in terms of screening?

9 MR. RABINOWITZ: Well I think screening
10 does not address the issues. There's -- you know,
11 screening for starters would have to be so huge that, you
12 know, to -- to block that area. We don't see that as
13 viable for one.

14 The second thing is it's -- the lines are
15 obviously there. And the way the lines run through, it's
16 not as if somebody approaching down Bassett's Bridge Road
17 would not see these lines in existence. So the screening
18 itself would not, you know, mask the, you know, existence
19 of this line and the concerns that we have regarding the
20 increased magnitude.

21 MS. WALSH: So basically are you saying
22 that the location of the school is where it is and the
23 lines are where are they are and there's really nothing
24 that you could see that could be done to screen it or

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1 make the public perception any different?

2 MR. RABINOWITZ: Well, I think if we're
3 talking about bringing the lines closer to the school
4 that has been proposed, then, you know, while we wouldn't
5 refuse screening, we don't see that as really being
6 sufficient to address our concerns. If there are other
7 options, which we have been told that, you know, there is
8 nothing feasible, that would not bring the lines closer
9 to the Mount Hope School, whether that be underground or,
10 you know, shifting the existing lines over, you know,
11 further away from the school so any new lines would not
12 be significantly closer to the school, that certainly
13 would be preferred.

14 MS. WALSH: Okay, thank you. Thank you.

15 CHAIRMAN STEIN: We'll proceed with
16 questions from the Council. Professor Tait.

17 MR. TAIT: The new line is how much closer
18 to the school than the existing line?

19 MR. RABINOWITZ: So I do not have the
20 exact number of feet. I don't recall from the proposal,
21 but they are on the -- on the side of the school. So it
22 does bring them closer. So yeah, the existing and -- you
23 know, between the existing line and the school there
24 would be a new line.

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1 MR. TAIT: So you would see two lines, a
2 new one nearer to you than the old line?

3 MR. RABINOWITZ: Correct.

4 MR. TAIT: Basically the same height?

5 MR. RABINOWITZ: Yes.

6 MR. TAIT: And any screening -- would the
7 screening be done on the CL&P property or the school
8 property?

9 MR. RABINOWITZ: As I understand the
10 screening that was discussed, it would be done on the
11 CL&P property.

12 MR. TAIT: Do you have any screening that
13 you would want or allow on your property?

14 MR. RABINOWITZ: I don't know that there's
15 sufficient space given the parking lot abuts the -- you
16 know, the edge of the parking lot abuts the CL&P
17 property.

18 MR. TAIT: Can you change the orientation
19 of your school so you don't come in from the parking lot
20 side?

21 MR. RABINOWITZ: Well -- so coming from
22 the parking lot into the other side, that -- that would
23 require an entrance through one of the classrooms as
24 opposed to a middle hallway that then branches out to two

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1 classrooms. So that would require some changes in the
2 configuration of the inside of the school.

3 MR. TAIT: Is that something you would
4 like to pursue with CL&P if the line goes through? I
5 agree you can't plant tall trees right away and -- but
6 you might change the aspect somehow --

7 MR. RABINOWITZ: Right. I guess that's
8 certainly something that could be discussed if there was
9 some variation that would sort of move the traffic away
10 from -- from there. However, I would say that that still
11 does not address the existence of the school there and
12 the concern of the children spending, you know, the
13 considerable amount of time that they do in that
14 proximity of the --

15 MR. TAIT: Yeah, I understand your -- how
16 much acreage do you have?

17 MR. RABINOWITZ: I believe there's two
18 acres, so --

19 MR. TAIT: And is the school basically in
20 the middle of it?

21 MR. RABINOWITZ: The school is closer to
22 Bassett's Bridge Road and then -- which is sort of
23 adjacent to the parking lot -- and then behind is a large
24 playground area that then moves back towards the lines

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1 and away from the lines.

2 MR. TAIT: Thank you.

3 CHAIRMAN STEIN: Mr. Ashton.

4 MR. ASHTON: Remind me again when did the
5 school go into that site?

6 MR. RABINOWITZ: I don't know the exact -
7 -

8 MR. ASHTON: Approximate.

9 MR. RABINOWITZ: It was -- let's see -- I
10 believe -- I'm just trying to think -- I might have it
11 here -- let me -- let me see -- I mean right away I can
12 say I do know that it was after the existing lines --

13 MR. ASHTON: I'm sorry?

14 MR. RABINOWITZ: It -- it was after the
15 existing lines.

16 MR. ASHTON: So this was a known issue --
17 the utility right-of-way and the presence of the existing
18 line was a known issue at the time the decision was made
19 to locate there. Is that fair to say?

20 MR. RABINOWITZ: I don't know if the full
21 existing right-of-way extended to the -- to abut the
22 existing property that we have or if that was an
23 additional purchase from CL&P. But the existing lines
24 that were there --

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1 MR. ASHTON: Plus whatever right-of-way -

2 -

3 MR. RABINOWITZ: Right.

4 MR. ASHTON: So you had a known factor
5 there. Thank you. That's it.

6 MR. TAIT: Can you possibly get the exact
7 date?

8 MR. RABINOWITZ: Yes, I can see if I have
9 it here.

10 MR. TAIT: Because part of your concern is
11 that at that time you may not have been aware of the
12 current science and the effect of EMFs?

13 MR. RABINOWITZ: That is true.

14 CHAIRMAN STEIN: It is in the record --

15 MR. TAIT: Yeah --

16 CHAIRMAN STEIN: -- so we can do our
17 homework too -- (laughter) -- if you don't have it
18 readily available. Mr. Lynch.

19 MR. LYNCH: Mr. Chairman, I've been
20 sitting next to Mr. Ashton too long, I have the same line
21 of inquiry that he had and Professor Tait, so no
22 questions.

23 CHAIRMAN STEIN: That's very dangerous.
24 Director Caron?

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1 MR. CARON: No questions.

2 CHAIRMAN STEIN: Mr. Golembiewski?

3 MR. GOLEMBIEWSKI: No questions, thank
4 you.

5 CHAIRMAN STEIN: Senator Murphy?

6 MR. MURPHY: No questions, Mr. Chairman.

7 CHAIRMAN STEIN: Dr. Bell.

8 DR. BELL: Thank you, Mr. Chair. Sir, was
9 it ever proposed that plantings be put on top of a large
10 berm that would raise up the small trees that would be
11 planted and allow them to grow further? I'm just
12 curious.

13 MR. RABINOWITZ: No. This is -- that is
14 the first I've heard of that question.

15 DR. BELL: And is that something that
16 would occur to you perhaps in conjunction with what
17 Professor Tait was talking about that might actually do
18 more with screening?

19 MR. RABINOWITZ: So I think it comes down
20 to the issue that all the screening really does is the
21 visual aspect. It really does nothing to the proximity
22 and the expansion of the lines being of greater magnitude
23 and closer to the school and the concerns with that.

24 DR. BELL: I understand, but we're trying

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1 to kind of chop this up into pieces --

2 MR. RABINOWITZ: Sure --

3 DR. BELL: -- so if we're just thinking
4 about visual screening, does -- would it seem to you that
5 proposing screening on top of a berm would be an
6 improvement over planting trees in the ground?

7 MR. RABINOWITZ: So I think if that raises
8 the height of the screening, then that certainly would
9 address some of the visual concerns.

10 DR. BELL: Thank you. That's my question,
11 Mr. Chair.

12 CHAIRMAN STEIN: Mr. Wilensky.

13 MR. EDWARD S. WILENSKY: Yes, just one
14 question. What -- what would satisfy you? I mean what -
15 - what do you want? Do you want no line? Do you want
16 the line underground or overhead or where, or what?

17 MR. RABINOWITZ: So I think what would
18 satisfy us is not having a negative effect to the school,
19 which we perceive as being -- you know, underground would
20 not change the existing landscape that is there and the
21 parent perception of what those lines mean to the impact
22 on their students.

23 And if underground is not an option, then
24 relocating the school away from that site so, you know,

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1 there is not that increased magnitude in the effects on
2 the school --

3 MR. WILENSKY: You're saying relocating
4 the school --

5 MR. RABINOWITZ: To some other site within
6 Mansfield.

7 MR. WILENSKY: And who would do that?

8 MR. RABINOWITZ: Well that is something
9 that, you know, we're hoping to be able to discuss with
10 CL&P and -- and --

11 MR. WILENSKY: Thank you, Mr. Chairman.

12 CHAIRMAN STEIN: Okay. We'll now go to
13 cross-examination first by the Applicant.

14 MR. ASHTON: While he's coming up, Mr.
15 Chairman, one more question. Have you had any
16 discussions with CL&P about alternative arrangements?

17 MR. RABINOWITZ: So there were discussions
18 that the previous director had a number of years back
19 when the proposal first starting coming together before
20 it was shelved, so before it was submitted to the Siting
21 Council --

22 MR. ASHTON: For the second line you mean
23 --

24 MR. RABINOWITZ: -- and -- right, for the

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1 second line. And that was the discussion that resulted
2 in the contract for a piece of land that was identified
3 as a possible relocation and actual discussions about
4 relocating the school, which CL&P was being involved in.
5 After that proposal had been put on hold by CL&P for
6 various reasons, there were other discussions that took
7 place regarding land purchasing and -- but nothing that
8 was of a contractual nature or anything. More recently
9 since the new filing, the only discussions that we had on
10 alternatives was one meeting with a number of CL&P
11 representatives where every alternative that we put
12 forth, we were told was not feasible.

13 MR. ASHTON: Thank you.

14 MR. FITZGERALD: Good morning, sir.

15 MR. RABINOWITZ: Good morning.

16 MR. FITZGERALD: Is it your experience
17 that the parents who enroll students in the Montessori
18 School would carefully investigate it before making an
19 enrollment decision?

20 MR. RABINOWITZ: I think so, yes.

21 MR. FITZGERALD: And they visit the school

22 --

23 MR. RABINOWITZ: Yes --

24 MR. FITZGERALD: -- and interview staff

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1 or administrators typically --

2 MR. RABINOWITZ: Yes --

3 MR. FITZGERALD: -- and get information
4 about the school?

5 MR. RABINOWITZ: Yes.

6 MR. FITZGERALD: And -- and is it your
7 experience that these people who are interested enough in
8 their children's education to send them to the Montessori
9 School typically have the ability to process the
10 information that they get?

11 MR. RABINOWITZ: Yes.

12 MR. FITZGERALD: And -- so it's the --
13 it's the case, isn't it, that the school would have the
14 opportunity of letting people who were concerned about
15 magnetic fields from power lines know that the effect of
16 building the new line is actually going to reduce the
17 magnetic fields that would otherwise be present in the
18 school environment?

19 MR. RABINOWITZ: Provided that they
20 actually gave us an opportunity to portray that and
21 weren't deterred by the existence of the lines and seeing
22 that.

23 MR. FITZGERALD: And in fact, you would be
24 -- if the line -- if the new line were constructed

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1 underground, would the magnetic fields at the school, as
2 you understand it, be any different than they would be
3 with the new line being constructed overhead?

4 MR. RABINOWITZ: As I understand what's in
5 the application, no.

6 MR. FITZGERALD: Alright. And -- and
7 isn't that -- isn't that a point that intelligent people
8 are capable of appreciating so even if they have some
9 unresolved concern about magnetic fields, the fact that
10 they're being reduced is --

11 CHAIRMAN STEIN: Is that really a question
12 about the intelligence --

13 MR. TAIT: Aren't we speculating somewhat,
14 Mr. Fitzgerald?

15 MR. FITZGERALD: Well yes, but we're also
16 speculating -- we're also speculating the fact that the -
17 - that the towers are there is going to decrease interest
18 in the school. So if you want to start with that
19 premise, I think it's fair to inquire whether --

20 MR. TAIT: As to what people in general
21 think is a little bit broad.

22 MR. FITZGERALD: Well, I -- I'm not
23 talking about people in general actually. I'm talking
24 about the parents of --

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1 MR. TAIT: The Montessori --

2 MR. FITZGERALD: -- of the Montessori
3 School children. But if -- if -- if the -- if the line
4 were to be built, you -- you would have occasion to be
5 able to explain that to the parents who were interested
6 in the school, wouldn't you?

7 MR. RABINOWITZ: So I think it's part of
8 the general interview process that, you know, the parents
9 go through when they come interviewing the school, yes,
10 that would be something we would be able to explain if
11 they actually entered the door or made that phone call to
12 us and were not just deterred from the school because of
13 the existence of that line.

14 MR. FITZGERALD: Okay. Thank you very
15 much.

16 CHAIRMAN STEIN: Thank you. Again I'll go
17 down the list. NRG Companies? Mr. Civie? I hope nobody
18 is hungry.

19 MR. V. CIVIE: I will be brief. I am
20 hungry. Just a few quick questions --

21 MR. RABINOWITZ: Sure.

22 MR. V. CIVIE: What do you feel the
23 effects are of moving the lines closer to the school?

24 MR. RABINOWITZ: So I mean we've talked

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1 about some of the visual effects of just the sites that
2 are there.

3 There also are the fact that -- the
4 property value is something that we feel will be lowered
5 if we were to choose to relocate the school at our
6 expense and looking to sell that property. You know,
7 that's something that has been recognized in the real
8 estate community.

9 We also feel that enrollment will go down
10 because parents will be -- have a concern about enrolling
11 their children. And we heard some of that in the public
12 comment for this hearing. We have also heard some of
13 that directly from our parents to us, where, you know,
14 they -- they have had concerns, or knowing that there are
15 new lines that will be closer, that they will ultimately
16 pull their children out.

17 MR. V. CIVIE: So this was expressed to
18 you by the parents?

19 MR. RABINOWITZ: Yes.

20 MR. V. CIVIE: No further questions.

21 CHAIRMAN STEIN: Thank you. Again from
22 the list, EquiPower Resources Corporation? United
23 Illuminating?

24 A VOICE: No questions.

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1 CHAIRMAN STEIN: Mr. Bullard?

2 MR. BULLARD: No questions.

3 CHAIRMAN STEIN: The Office of Consumer
4 Council? Richard Cheney? ISO New England?

5 MR. MACLEOD: No questions, Mr. Chairman.

6 MR. LYNCH: Mr. Chairman.

7 CHAIRMAN STEIN: Mr. Lynch.

8 MR. LYNCH: How many students are
9 currently enrolled in your school?

10 MR. RABINOWITZ: The current enrollment is
11 about 35 for this year. We just started a new year
12 today.

13 MR. LYNCH: And of those 35 how many
14 parents have maybe suggested to you that they would take
15 their children out if the line came in?

16 MR. RABINOWITZ: I do not know precisely.

17 MR. LYNCH: Thank you.

18 CHAIRMAN STEIN: Yes, Professor Tait.

19 MR. TAIT: What grade levels do you
20 service?

21 MR. RABINOWITZ: It is ages 3 to 6, which
22 is essentially pre-K through kindergarten.

23 MR. TAIT: And what was your enrollment
24 last year?

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1 MR. RABINOWITZ: Last year the enrollment
2 was right about 40.

3 MR. ASHTON: Was about what?

4 MR. RABINOWITZ: Forty.

5 MR. TAIT: Do you have any way of
6 attributing the decline in any way to --

7 MR. RABINOWITZ: Well I -- I do know that
8 there was one parent in particular that had -- or one
9 inquiry -- I don't know if they ultimately enrolled, but
10 one inquiry that, you know, said I thought you were
11 closing because of the power lines.

12 MR. ASHTON: Could economic conditions
13 have any bearing on those decisions?

14 MR. RABINOWITZ: So I -- I -- I'm an
15 economist --

16 MR. ASHTON: I'm sorry?

17 MR. RABINOWITZ: I'm an economist by
18 education, so certainly I will say yes. However, I will
19 also say that the year prior to last we did have
20 enrollment that was about 60. So there is general
21 fluctuation in enrollment, but that would have been
22 harder economic times.

23 CHAIRMAN STEIN: If there are no more
24 questions, thank you very much.

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1 We're going to take I guess a 45-minute
2 break. We'll resume at 1:45. And we're then going to go
3 back to the Applicant to complete their testimony. Thank
4 you.

5 (Whereupon, a luncheon recess was taken at
6 approximately 1:00 p.m.)

7 CHAIRMAN STEIN: Okay, we'll resume the
8 hearing. It almost looks like we're back to the
9 beginning -- (laughter).

10 Attorney Fitzgerald, do you have someone
11 that has to be sworn in?

12 MR. FITZGERALD: Yes, Mr. Stein. We have
13 Mr. O'Hara here, who's going to sponsor the one remaining
14 exhibit that's highlighted.

15 CHAIRMAN STEIN: Okay. So could you swear
16 him in.

17 MR. FITZGERALD: To -- yes -- yes.

18 MS. BACHMAN: Raise your right hand.

19 (Whereupon, William O'Hara was duly sworn
20 in.)

21 MS. BACHMAN: Thank you.

22 CHAIRMAN STEIN: And I understand you have
23 two exhibits to enter.

24 MR. FITZGERALD: Yes, Mr. Chairman.

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1 Exhibit 33 on the hearing program and Exhibit 34.

2 Mr. O'Hara, would you please tell the
3 Council who you are and what your position is?

4 MR. WILLIAM O'HARA: Yes. My name is Bill
5 O'Hara -- or William -- Bill O'Hara. I'm the Manger of
6 Transmission Interconnections and Services at Northeast
7 Utilities.

8 MR. FITZGERALD: And as part of your
9 duties did you prepare the responses to the Connecticut
10 Siting Council's Set No. 3 of the Interrogatories, dated
11 August 13, 2012, which has been marked as Exhibit 33 for
12 identification, and the Revised Response to those
13 interrogatories, which has been marked as Exhibit 34 for
14 identification?

15 MR. O'HARA: I did.

16 MR. FITZGERALD: And is the information
17 in those interrogatories as corrected by the revision
18 true and accurate to the best of your knowledge and
19 belief?

20 MR. O'HARA: It is.

21 MR. FITZGERALD: May it please the
22 Council, I offer Exhibits 33 and 34 as full exhibits.

23 CHAIRMAN STEIN: Is there any -- is there
24 any objection from any of the parties or intervenors?

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1 Hearing and seeing none, they're admitted as part of the
2 record.

3 (Whereupon, Applicant Exhibit No. 33 and
4 No. 34 were received into evidence.)

5 MR. FITZGERALD: Thank you. Mr. O'Hara is
6 available for examination on the exhibits.

7 CHAIRMAN STEIN: Okay. We'll start with
8 staff.

9 MS. WALSH: No questions, Mr. Chair.
10 Thank you.

11 CHAIRMAN STEIN: The Council. Professor
12 Tait.

13 MR. TAIT: No questions.

14 CHAIRMAN STEIN: Mr. Ashton.

15 MR. ASHTON: After deliberating on all of
16 the paper and words that have gone before us, I came up
17 with one question I'd like the panel to address.
18 Supposing for the sake of argument and at the risk of
19 giving Mr. Fitzgerald a heart attack, the Council in its
20 infinite wisdom decides to reject the Applicant's
21 proposal for construction of the second circuit between
22 Card Street and Lake Road, what would the Applicant do
23 for an alternative? I'm giving Mr. Zaklukiewicz a heart
24 attack too I'm afraid.

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1 MR. O'HARA: Does the question relate to
2 the agreement that we signed --

3 MR. FITZGERALD: No, no, no, Mr. O'Hara.
4 I think we were expecting questions on the
5 interrogatories --

6 MR. ASHTON: Well I'll let that pass, but
7 I have this one over-arching question.

8 MR. O'HARA: Thank you.

9 MR. ROGER ZAKLUKIEWICZ: The outcome of
10 not building this project would mean that the -- that the
11 transfer limits into the State of Connecticut would have
12 to remain basically where they are. And as you know, we
13 said in the construction and development of the
14 Interstate Reliability Project we would have somewhere
15 around 800 megawatts increase in that transfer limit for
16 N minus 1 minus 1 contingencies. For the N minus 1
17 contingencies, I believe the number is between five and a
18 600-megawatt increase. So the system operator then would
19 have to operate the system such that for contingency
20 flows then following an event on the transmission system
21 he does not exceed those transmission limits. And if he
22 does, that means then that -- immediately then the
23 operator would have to call upon the quick start
24 generators within the State of Connecticut until -- and

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1 he's got 30 minutes now to bring that transfer level back
2 down to what is the recognized limit. So what -- what it
3 also means for the State of Connecticut is that the
4 Connecticut ratepayers are going to pick up the cost of
5 running those gas turbines while they operate. And it
6 also means that under a number of other conditions with
7 certain generation in or out, it means that you will be
8 running what I would call more expensive in-state
9 generation such that you keep then the transfer limits
10 into the State of Connecticut below the limits. Where if
11 Interstate is constructed and placed in service, you will
12 have that additional five to 800 megawatts that you can
13 rely on from generation outside the state to cover the
14 energy requirements within the state should you lose
15 generation within the state.

16 MR. ASHTON: I understand that and I have
17 no dispute over your answer whatsoever, but my question
18 would go more towards what would be the physical solution
19 to the limits that you correctly and fully disclosed.
20 How would you get around the problem on the reduced
21 transport, continued inadequate transfer limits? What
22 would be the next step that you would take as a system
23 planner?

24 MR. ZAKLUKIEWICZ: Well one -- one issue

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1 that you have is what's been identified as thermal
2 overloads and unacceptably low system voltage on the --
3 on the southern 115-kV corridor --

4 MR. ASHTON: Would you -- well, okay --
5 but would, for example, you'd consider another circuit
6 from Ludlow to Manchester as an alternative to this, plus
7 whatever work had to be done in Rhode Island?

8 MR. TIMOTHY LASKOWSKI: Okay. Going back
9 to your question originally, as a transmission planner,
10 we -- we would right away recognize the fact that we have
11 NERC violations and we must come up with a solution.

12 MR. ASHTON: Yeah --

13 MR. LASKOWSKI: As --

14 MR. ASHTON: I'm not arguing that --

15 MR. LASKOWSKI: Okay --

16 MR. ASHTON: -- I'm just saying what are
17 the physical solutions?

18 MR. LASKOWSKI: Okay. We could go back
19 and re-evaluate the other options, which included a line
20 -- the line that went all the way from Millbury over to
21 Ludlow and then down -- Barbour Hill down to Manchester.
22 We would re-evaluate that and come up with a cost. And
23 the worst thing and minimum thing we would probably have
24 to start looking at is coming up with a plan to just drop

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1 customers whenever a line is out in preparation for the
2 next --

3 MR. ASHTON: Well okay, that's -- I'm not
4 going to go that route -- but I'm interested in what the
5 physical alternative would be --

6 MR. FITZGERALD: Can I --

7 MR. ASHTON: Yeah, sure --

8 MR. FITZGERALD: -- maybe help out a
9 little bit?

10 MR. ASHTON: Yeah, you want to join in?

11 MR. FITZGERALD: Yeah.

12 MR. ASHTON: I'd be interested to hear
13 your --

14 MR. FITZGERALD: In fact, in -- in the
15 options report -- in the supplemental options report the
16 working group looked at several other physical approaches
17 to solving this problem. And -- and in fact there were I
18 think five, weren't there --

19 MR. LASKOWSKI: Yes --

20 MR. FITZGERALD: -- that were found to be
21 acceptable in terms of their performance to satisfy the
22 applicable standards and criteria. And from that group
23 you picked out the one that's been proposed as the
24 environmentally and -- as best from an environmental,

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1 economic, and system benefits standpoint, but the other
2 four would have been acceptable as well. Now -- so let's
3 start from there. I mean you -- you've got a bag of
4 tricks that you've developed already. There's a little
5 bit of a wrinkle here in that National Grid is proposing
6 to build the rest of this system, and we don't know if --
7 I don't know whether Mr. Ashton's hypothetical is asking
8 you to assume that they don't get their approvals either
9 or that they do get their approvals, but why don't you
10 just quickly review what the other solutions were that
11 you developed?

12 MR. LASKOWSKI: Okay. Besides our first
13 proposed solution, we also proposed the line as I
14 mentioned earlier that would parallel the Millbury to
15 Ludlow line and then come down and parallel the 3419, 395
16 path down to Barbour Hill. That was another proposal we
17 had made.

18 We made a suggestion that we build a line
19 directly from Millbury coming down basically the I-84
20 route -- 90 for a little while and then down --
21 essentially down the I-84 route as an alternative.

22 I think -- we -- we had proposed a line
23 from Kent County along the shoreline over to Millstone,
24 but it was -- from a technical standpoint it was a little

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1 bit inferior to the other lines.

2 And initially we also proposed a DC
3 solution, which again would have been much more
4 expensive, essentially coming down from Millbury down
5 into the Manchester area.

6 MR. FITZGERALD: When you say proposed,
7 you mean you developed them --

8 MR. LASKOWSKI: We developed --

9 MR. FITZGERALD: -- to look at them?

10 MR. LASKOWSKI: Yeah, we looked at them as
11 alternatives --

12 MR. ASHTON: Thank you --

13 MR. ZAKLUKIEWICZ: I think the answer I
14 gave you, Mr. Ashton, was what do we do now in 2012 where
15 we were anticipating a line to be in place in 2015 --

16 MR. ASHTON: Yeah.

17 MR. ZAKLUKIEWICZ: Now if we start over
18 and we say okay let's look at a more costly solution,
19 such as -- the most prevalent one would be the Millbury
20 over to Ludlow, Ludlow down to Manchester alternative,
21 we're looking at another six to eight to ten years to get
22 through the -- all of the issues associated with
23 constructing such a line, such that in this interim
24 period between 2015 and in theory maybe 2022, before

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1 this other line could be built, you've got to still
2 operate the system. And the operation of the system
3 would be as I described earlier, meaning you've got to --
4 you've got to keep the transfers into the State of
5 Connecticut below the limits, which means you're
6 operating a lot more higher cost generation within the
7 State of Connecticut and it means a lot for the
8 Connecticut ratepayers besides having to operate in that
9 mode due to the additional costs, which would be picked
10 up because Connecticut would be considered a load
11 constraint, and therefore all that generation then that
12 has to be run to meet Connecticut's load gets picked up
13 by the Connecticut ratepayers only.

14 MR. ASHTON: But the Ludlow -- pardon me -
15 - the Millbury/Ludlow/Barbour Hill line would do nothing
16 for the problems in Rhode Island, would it? So that
17 would be -- have to be additionally addressed?

18 MR. ZAKLUKIEWICZ: Yes.

19 MR. ASHTON: Okay. Thank you. Nothing
20 further.

21 CHAIRMAN STEIN: Mr. Lynch.

22 MR. LYNCH: No questions, Mr. Chairman.

23 CHAIRMAN STEIN: Director Caron.

24 MR. CARON: I couldn't follow that, Mr.

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1 Chairman.

2 CHAIRMAN STEIN: I'm sure Mr. Golembiewski

3 --

4 MR. GOLEMBIEWSKI: No questions.

5 CHAIRMAN STEIN: Senator Murphy.

6 MR. MURPHY: No questions.

7 CHAIRMAN STEIN: Dr. Bell.

8 DR. BELL: Thank you, Mr. Chair. I have
9 one question for Mr. O'Hara and then a couple of other
10 questions.

11 Mr. O'Hara, was the agreement with UI
12 about transferring assets on all of these projects, 424,
13 272, or 370 -- sorry -- and future ones, was this -- was
14 this influenced by the FERC Order 1000, which requires
15 greater cooperation among transmission owners, or did
16 that have nothing to do with it?

17 MR. O'HARA: I would say discussions with
18 UI started before Order 1000. We had worked with UI in
19 the past on other projects, such as MN, and we just saw
20 continued value in working with them. Order 1000 simply
21 complimented activities we already had started through
22 the negotiations.

23 DR. BELL: Thank you. Now -- I guess this
24 is a question to Mr. Laskowski I think, but I'm not sure.

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1 My understanding was that there was a recent upgrade to
2 equipment at the Beseck Switching Station that was made
3 because ISO is now requiring transmission owners to
4 perform studies with minimum load rather than only at
5 peak loads. And so my question is did you -- were any
6 studies done of 424 or the proposed line with the loads
7 at minimum rather than at peak?

8 MR. LASKOWSKI: Yes, we did perform the
9 full amount of studies with -- both doing -- just after
10 the GSRP project, after this project, and then we
11 actually -- actually did the studies if and ever we do
12 build the CCRP, the last phase of the NEEWS project. So
13 we did do the minimum load studies. And this project
14 does not require any additional facilities because of the
15 minimum load.

16 DR. BELL: Thank you. And my last
17 question is -- has to do with cost allocation. Yesterday
18 I was asking some questions about ISO regarding cost
19 allocation, possible changes per the FERC Order 1000, and
20 they answered that they didn't feel changes in cost
21 allocations would affect Docket 424 because this -- this
22 and the other NEEWS projects are justified simply on
23 reliability and not the larger public policy
24 considerations. Would -- what is your answer to this

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1 matter?

2 COURT REPORTER: One moment please.

3 (pause - tape change)

4 MR. LASKOWSKI: I agree with ISO New
5 England one hundred percent, this is a pure reliability
6 project. And eventually they will have a public policy
7 thing -- a public policy philosophy that will direct how
8 to do a cost allocation on that, but they're nowhere near
9 that phase. But I agree with them, this is pure
10 reliability. Order 1000 has no impact on it at all.

11 DR. BELL: But you do have to be actually
12 -- not speculating about this whole question now right at
13 the moment. You are required to be addressing this
14 matter of possible changes in cost allocation --

15 COURT REPORTER: Could I stop you just one
16 moment?

17 (pause - audio adjustment and tape change)

18 DR. BELL: I'll start over, sorry. Aren't
19 you required by FERC to be -- to be drafting right now a
20 document to be submitted to them or ISO in October, which
21 discusses changes in the cost application?

22 MR. LASKOWSKI: I believe that will be
23 just an extension which goes towards the public policy
24 and not impact the general -- from what I've read, the

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1 general reliability projects.

2 DR. BELL: Thank you. Those are my
3 questions, Mr. Chair.

4 CHAIRMAN STEIN: Mr. Wilensky?

5 MR. WILENSKY: No questions -- no
6 questions, Mr. Chairman.

7 CHAIRMAN STEIN: We'll go through the list
8 --

9 MR. FITZGERALD: Well --

10 CHAIRMAN STEIN: -- to see if there's any
11 --

12 MR. FITZGERALD: Actually, I had intended
13 to let Mr. O'Hara go and the questions for -- if there
14 weren't any further questions for him. And then we do
15 have some redirect of the other --

16 CHAIRMAN STEIN: No, I understand. But I
17 think I have to see if any of the other parties want to
18 cross-examine --

19 MR. FITZGERALD: Oh, yes --

20 CHAIRMAN STEIN: -- which might affect Mr.
21 O'Hara.

22 MR. FITZGERALD: Absolutely.

23 CHAIRMAN STEIN: Again, I'll just go
24 through -- NRG? Mr. Civie? No? EquiPower Resource?

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1 United Illuminating?

2 A VOICE: No questions.

3 CHAIRMAN STEIN: Mr. Bullard? The Office
4 of Consumer Counsel? Mr. Cheney? The Montessori School?
5 ISO New England?

6 Okay. Now we'll go back to you, Mr.
7 Fitzgerald.

8 MR. FITZGERALD: Thank you. Mr. O'Hara,
9 wait to you see the -- (indiscernible -- laughter).

10 Okay. I'd like to start out this
11 redirect, which I think will be pretty compressed, but
12 with a few questions on the need case. And I'll start
13 with you, Mr. Zaklukiewicz.

14 Yesterday the ISO New England witnesses
15 emphasized, as we just heard a minute ago, that this is a
16 pure reliability project and that it serves regional
17 needs. And we heard about electrons not knowing about
18 state lines and that sort of thing. But is it also the
19 case that the project does address some reliability needs
20 that are specific to Connecticut?

21 MR. ZAKLUKIEWICZ: Yes, it does.

22 MR. FITZGERALD: And would you please
23 review for us and for the record really at a high level
24 what those Connecticut specific reliability needs are?

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1 MR. ZAKLUKIEWICZ: They are -- the
2 Interstate Project achieves compliance with NERC, NPCC,
3 and ISO New England standards and criteria by eliminating
4 the thermal overloads on the transmission lines within
5 Connecticut and the voltage violations that occur in
6 Connecticut. They eliminate the thermal overloads on the
7 transmission lines that directly connect Connecticut to
8 Rhode Island. They eliminate the conditions that could
9 cause a voltage collapse of the Rhode Island transmission
10 system, which could easily propagate into Connecticut if
11 such an event were to occur. They also eliminate the
12 thermal overloads on the critical transmission lines in
13 Massachusetts that provide the power to Connecticut's
14 customers.

15 MR. FITZGERALD: Thank you. And are there
16 also additional benefits of the project that are specific
17 to Connecticut?

18 MR. ZAKLUKIEWICZ: Yes, there are.

19 MR. FITZGERALD: And briefly would you
20 just enumerate them?

21 MR. ZAKLUKIEWICZ: Certainly. As
22 described in the DEP -- DEEP 2012 Integrated Resource
23 Plan for the State of Connecticut, the Interstate Project
24 would bring the Lake Road Generating Station into the

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1 State of Connecticut to be counted as a Connecticut
2 resource. The project increases Connecticut's capacity
3 margin that provides an insurance for future Connecticut
4 generator retirements that both the DEEP and the ISO New
5 England expect to occur but were not identified in the
6 project needs studies of 2011 and 2012. The increased
7 margin that will occur into the State of Connecticut also
8 allows for the time required to repower generation at
9 existing Connecticut generating stations. And second --
10 and secondly, it provides long-term assurance insurance
11 should we have a major catastrophe such as having
12 Millstone 2 and Millstone 3 removed from service for a
13 long period of time because of -- to meet NRC
14 requirements.

15 MR. FITZGERALD: Thank you. And moving on
16 to another topic, Mr. Zaklukiewicz, yesterday Mr. Oberlin
17 explained that ISO did not recommend addressing the
18 overloads on the 115-kV Whipple Junction, Mystic,
19 Chinook, and Wood River lines, those lines down by the
20 shoreline by upgrading those lines. He said the project
21 was intended to address multiple needs and not just those
22 overloads, and that it had been determined that the
23 project provided a more cost effective and
24 environmentally preferable solution to addressing -- as

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1 opposed to addressing all of the 115-kV issues
2 separately. Do you have anything to add to that
3 testimony that relates to Connecticut's own experience?

4 MR. ZAKLUKIEWICZ: I -- I think if you
5 look back at the situation we had in Southwest
6 Connecticut from approximately 1970 through the beginning
7 years of 2002-2003, that area as you all know is highly
8 congested. There was not much room for a 345-kV
9 transmission overhead circuit serving that area. So for
10 that 30 to 35 year period we continued to do what I would
11 call patchwork on to the 115-kV transmission lines in
12 that area. And -- and we were limping for all of those
13 years until we totally ran out of room to do any
14 additional 115-kV enhancements, such that we ended up in
15 coming forward with the Bethel to Norwalk Project and the
16 Middletown to Norwalk Project, which in total cost I
17 believe somewhere close to two billion dollars to
18 finally address the primary issues. The patches we put
19 on to the system were like patches you put on to a tire
20 and try to get additional life out of it. After a while
21 there's hardly any tire left and it's all patchwork. And
22 that's what we were faced with going into 2000 before we
23 put forth the projects into Southwest Connecticut.

24 Here we have by rebuilding portions of the

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1 115-kV lines along that southern corridor from Montville
2 to Whipple Junction, Whipple Junction to Mystic, over to
3 Chinook, over to Wood River in Rhode Island, is we will
4 begin a process where we'll stop putting patches into the
5 system to kind of make it work, but recognize from
6 earlier discussions by doing that we don't address the
7 primary issues, which this whole project is being put
8 forth for also, is to move power from west to east and
9 east to west and -- and address other issues in addition.
10 We presently have a right-of-way which is sufficiently
11 wide to accommodate an additional 345-kV circuit from the
12 Rhode Island line to a major substation in eastern
13 Connecticut. That would be the Card Street Station. And
14 eventually we will end having to build that line, but in
15 the interim we will end up doing what we did in Southwest
16 Connecticut, spending hundreds of millions of dollars
17 trying to upgrade little pieces of the system as we find
18 they're also overloaded and really never address the
19 primary problems that were found during the eight years
20 of studying this -- the NEEWS projects in whole.

21 MR. FITZGERALD: Thank you. I'd like now
22 to move on to ask Mr. Carberry and then you some
23 questions using an illustration from the application. I
24 had a bunch of these to hand out, which -- oh, here you

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1 are --

2 MR. ASHTON: How do you lose your witness

3 -- (laughter) --

4 MR. LYNCH: No respect --

5 MR. ROBERT CARBERRY: Do you want me to --

6 CHAIRMAN STEIN: Yeah, Mr. Carberry -- we
7 have a blow-up of the same exhibit, which is from page 2-
8 35 of the application, Figure 2-9, which is entitled
9 Proposed Interstate Reliability Project, as identified by
10 results of updated solutions study.

11 Now I'd like to -- using this aid, I'd
12 like to follow up on the discussion that Dr. Bell was
13 having with Mr. Oberlin, because she asked about the
14 Rhode Island construction and he answered it in terms of
15 the Rhode Island Reliability Project, and I actually
16 wasn't sure whether his answer was responsive to the
17 question, so I thought we could maybe shed a little light
18 on that. So first of all, using -- using this map, would
19 you shows the Council where the Rhode Island Reliability
20 Project, which is now under construction, is located?

21 MR. CARBERRY: The Rhode Island
22 Reliability Project is to build a 345,000 volt line from
23 this point in north central Rhode Island to the West
24 Farnum Substation straight south to Kent County

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1 Substation. There is one existing 345-kV line on that
2 right-of-way, West Farnum to Kent County, that
3 continuously -- they were trying -- it was causing
4 overload issues in Rhode Island with the loss of that
5 particular 345-kV line. So the Rhode Island Reliability
6 Project is building a second 345-kV line in the same
7 corridor to cover for that contingency. The loss of that
8 line was forcing north/south power flows to overload the
9 115-kV system that remains. Without that existing line,
10 the only 345 in Rhode Island is up in the north section
11 of the state.

12 MR. FITZGERALD: Okay. Now please show us
13 the Rhode Island construction that is proposed as part of
14 this project, the Interstate Reliability Project?

15 MR. CARBERRY: On this diagram that we're
16 all looking at, the color blue is showing the new 345-kV
17 line construction. So let's forego that for the moment
18 and begin with what exists. There's a red 345-kV line
19 that comes to West Farnum from the east, that continues
20 down to the Bratton Point Station in Massachusetts. And
21 there's another 345-kV line that comes to West Farnum
22 from the Sherman Road Switching Station. That's where
23 Ocean State Power interconnects, it's right on the Rhode
24 Island/Massachusetts border. The problem for Rhode

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1 Island is that those are just two 345-kV sources that
2 supply the source to the Rhode Island backbone. And N
3 minus 1 minus 1 will take them both out in planning
4 studies. And that is the event that can lead to voltage
5 collapse. And that voltage collapse can cascade beyond
6 Rhode Island.

7 MR. ASHTON: Mr. Carberry, just for
8 clarification, the Bratton Point site is the location of
9 a major generating station, is that correct?

10 MR. CARBERRY: Yes, it is.

11 MR. ASHTON: And at the Kent County
12 Substation there is no generation at that point, is that
13 correct?

14 MR. CARBERRY: That's correct. The yellow
15 --

16 MR. ASHTON: So that there's a big
17 difference in the nature of the two?

18 MR. CARBERRY: Yeah. The yellow circles
19 that you see on this diagram are marking the locations of
20 the larger generating stations. And you can see that
21 there is none at Kent County.

22 Now -- so the solution to the Rhode Island
23 problem is to get additional 345-kV lines to West Farnum.
24 And so this project proposes to do so in two ways; to

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1 bring a new 345-kV line from the Millbury Switching
2 Station in Massachusetts down to West Farnum. And it
3 will also build a new 345-kV line that begins in
4 Connecticut at Lake Road and comes and goes right by
5 Sherman Road, it does not interconnect with Sherman Road,
6 and goes right down to the West Farnum Station. The blue
7 dash line that you see on this diagram is simply
8 representing the existing 345-kV line there. It will be
9 rebuilt, re-conducted at the same time to give it
10 higher capacity. So there will still be two 345-kV lines
11 in that right-of-way and it is bringing two additional
12 sources to the West Farnum Station. So from the state
13 border with our project, Lake Road to the
14 Connecticut/Rhode Island border, their project in Rhode
15 Island proposes to continue that line all the way to West
16 Farnum, and then to build an additional line heading
17 north to the state line, and then there will be a
18 Massachusetts part of that project that completes that
19 345-kV line up to Millbury.

20 MR. FITZGERALD: Thank you, Mr. Carberry.
21 Mr. Zak --

22 MR. MURPHY: Can I ask -- can I ask a
23 question? So there's nothing east to west or west to
24 east in Rhode Island except way up on the top. The

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1 southern part of Rhode Island, there's nothing over
2 there?

3 MR. CARBERRY: This diagram is only
4 showing the 345-kV system. So the answer is yes in
5 regard to the 345-kV system.

6 There are 115-kV lines elsewhere in Rhode
7 Island. In fact there are 115-kV lines on this
8 north/south right-of-way. Those are the ones that become
9 overloaded when you lose the 345-kV supply. And --

10 MR. MURPHY: So this is just the 3 --

11 MR. CARBERRY: This is just 345.

12 MR. MURPHY: Okay.

13 MR. CARBERRY: There is -- you heard the
14 discussion before of some potential solutions that were
15 discarded in the first solution report --

16 MR. MURPHY: Yeah, I heard --

17 MR. CARBERRY: -- of building a 345
18 beginning here at Kent County, following basically the
19 path of the existing 115-kV lines, and the right-of-way
20 might have to be expanded to do so, but following that
21 all the way into Connecticut probably down at Montville.

22 MR. MURPHY: Okay. And if I may before I
23 forget -- to Mr. Zak if I could -- you talked about no
24 patchwork type of work say from Whipple and Mystic and so

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1 forth. And how does this address the potential non-
2 patchwork from Card Street down say to Mystic or what
3 have you?

4 MR. ZAKLUKIEWICZ: Because -- because --

5 MR. MURPHY: Because you don't really do
6 anything down there. And if you're talking about
7 patching it up like you did in Fairfield County years ago
8 -- I --

9 MR. ZAKLUKIEWICZ: Okay --

10 MR. MURPHY: -- I missed something in
11 between there.

12 MR. ZAKLUKIEWICZ: We'll straighten that
13 out for you --

14 MR. MURPHY: Okay -- well that's why I'm
15 asking.

16 MR. ZAKLUKIEWICZ: East -- east to west
17 across -- across New England there are three 345
18 transmission lines which do the bulk of the movement of
19 power from west to east. When we had the contingencies
20 that we looked at, we took two of those three 345-kV
21 lines out of service. That was my N minus 1 minus 1
22 contingency. That leaves a single 345-kV line. And
23 because the power will tend to go into the path of least
24 resistance, a lot more of the flow now if it has to go to

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1 Connecticut can't -- can't flow on that single 345-kV
2 line, so it will tend to go onto the 115-kV lines. And
3 that's where you get the overloads.

4 By putting up the Interstate Project, what
5 we have now is we will end up with four 345-kV lines that
6 go north -- east to west -- excuse me -- east to west.
7 And for that same N minus 1 minus 1 contingency, we will
8 always have two remaining 345 lines in service. The
9 power then will want to go to Connecticut or if we're
10 moving power from the Connecticut area to the Boston
11 area, it will flow over the two remaining 345-kV lines,
12 less of the power will want to flow over the higher
13 impedance 115-kV lines, therefore they will not continue
14 to overload as they do presently.

15 MR. MURPHY: Okay. So what you're really
16 talking about is the -- the potential problem in eastern
17 Connecticut would have been the overload and not the lack
18 of ability to run the electricity down there?

19 MR. ZAKLUKIEWICZ: Yes. What I'm saying
20 is we would have to then correct it --

21 MR. MURPHY: It's not a problem of getting
22 it down there. Your concern is about maybe too much.

23 MR. ZAKLUKIEWICZ: That is correct with
24 the contingencies in the existing system.

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1 MR. MURPHY: Okay, now I've got-cha.

2 MR. ZAKLUKIEWICZ: So we would rebuild
3 those lines to make them higher capacity so we don't have
4 the violations --

5 MR. MURPHY: Right --

6 MR. ZAKLUKIEWICZ: -- but in another two
7 or three years from now when we restudy it, those --
8 those lines are going to be overloaded --

9 MR. MURPHY: Right --

10 MR. ZAKLUKIEWICZ: -- and now we're going
11 to be back into this scenario and then we'll find some
12 other 115 lines that overload, so you're going to have to
13 rebuild those because you don't have the 345-kV backbone
14 to do the heavy wielding for you.

15 MR. MURPHY: I was thinking in terms of
16 the patchwork down there was for the lack of ability to
17 get the electricity down --

18 MR. ZAKLUKIEWICZ: No. The patchwork was
19 to eliminate the overloads, the violations that were
20 occurring in our study.

21 MR. MURPHY: Got-cha. Thank you. Thank
22 you, Mr. Chairman.

23 MR. FITZGERALD: Okay. Mr. Zaklukiewicz,
24 could you come up here and use the same exhibit. I

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1 wanted to again follow up on some discussion that we
2 heard yesterday from the ISO. And Mr. Oberlin, I think
3 it was, made the point that this project was not being
4 built for the purpose of better integrating generation
5 into the transmission system, but pure reliability. But
6 is it the case that one of the benefits of the project is
7 that it will better integrate existing and potential
8 future generation into the transmission system and in
9 particular with respect to access of Connecticut
10 consumers to generation?

11 MR. ZAKLUKIEWICZ: Is that a question --
12 (laughter) --

13 MR. FITZGERALD: That's the question. And
14 the next question is please explain why --

15 MR. ZAKLUKIEWICZ: Oh --

16 MR. FITZGERALD: -- so answer it yes and
17 then explain why -- (laughter).

18 MR. ZAKLUKIEWICZ: Yes. Right now the --
19 there's two -- two reasons why we have all of this
20 generation built in this area. No. 1, the gas pipeline
21 comes down into that area with sufficient high pressures
22 to operate combined cycle gas turbines to single cycle
23 gas turbines. Secondly, this area was selected to begin
24 with because the transmission was in close proximity to

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1 the location of the gas pipeline. So right now in this
2 corridor we have approximately twenty-five hundred
3 megawatts of generation, okay. In addition, you've got
4 the big units down here at Bratton Point, which I believe
5 are another -- is it fourteen or sixteen hundred --

6 A VOICE: Sixteen --

7 MR. ZAKLUKIEWICZ: -- sixteen hundred
8 megawatts of generation. You have a single 345-kV line
9 from basically the Connecticut/Rhode Island border back
10 into the Card Street Substation, one of the main hubs in
11 the State of Connecticut.

12 So the benefits of the project are, No. 1,
13 we end up with two 345-kV lines from the Connecticut line
14 back into the Card Street Substation. We -- we put in
15 the Millbury -- the Millbury lines into this area, which
16 then eliminates or mitigates somewhat the power flow that
17 would have been going directly east, and the power now
18 can go this way through Ludlow, through Millbury, and
19 over here to Carpenter Hill, down to Ludlow, back down
20 into Connecticut as opposed to all wanting to go in this
21 direction. By so doing that now, we end up having -- in
22 some hours of the day now we have some surplus
23 transmission capacity. Recognize that in the last few
24 years ISO New England has turned down approximately 400

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1 megawatts of generation that wanted to interconnect into
2 this corridor because presently there are a number of
3 hours in the year where you cannot have all of this
4 generation on at the same time because the transmission
5 capability is not sufficient to move all of that power
6 around.

7 So when and if, to answer Mr. Ashton's
8 question, we build this line, we would then have multiple
9 345-kV lines going into the State of Connecticut, you
10 would have multiple lines here, and a line from like we
11 said West Farnum back up to -- up to the Millbury area,
12 and you would have additional lines and a rebuild from
13 Sherman Road over to West Farnum. That would now allow
14 some additional generation now to interconnect into this
15 area. And the good thing about it is is that all of that
16 generation is fairly new, high efficiency, low cost, and
17 by doing the Interstate Project, which I refer to as one
18 of the side benefits, it would also allow for Connecticut
19 now to gain access to some of that lower cost, higher
20 efficiency generation.

21 MR. FITZGERALD: Thank you. Alright, I'm
22 going to change the topic now --

23 COURT REPORTER: Mr. Fitzgerald, bring
24 that microphone --

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1 MR. WILENSKY: Mr. Fitzgerald, can I just
2 ask one question?

3 MR. FITZGERALD: Of course.

4 COURT REPORTER: Bring that microphone
5 over -- the microphone.

6 MR. WILENSKY: Has Massachusetts started
7 any -- as we are right now for the 424 project, has
8 Massachusetts or Rhode Island started on this, are they
9 doing anything on this?

10 MR. ZAKLUKIEWICZ: They are -- the filings
11 have been -- they have been made with the EFSB in
12 Massachusetts. I'm well aware that a number of
13 interrogatories have come forth from the equivalent of
14 the Connecticut Siting Council, the EFSB in
15 Massachusetts, to National Grid, who is building that
16 other portion of the 424 line --

17 MR. WILENSKY: Yes --

18 MR. ZAKLUKIEWICZ: -- and it's my
19 understanding they are just about ready to file in the
20 State of Rhode Island their application for the portion
21 of the lines that are in Rhode Island.

22 MR. WILENSKY: Do they still have --

23 MR. CARBERRY: (Indiscernible) --

24 MR. WILENSKY: -- do they have a process

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1 similar -- I'm sorry, Mr. Carberry.

2 MR. CARBERRY: Rhode Island's application
3 was also filed --

4 MR. ZAKLUKIEWICZ: Okay --

5 MR. CARBERRY: -- and the first major
6 event in Rhode Island will be a hearing that's been
7 scheduled for September 25th. They --

8 MR. WILENSKY: They have not started
9 their -- I'm sorry --

10 MR. CARBERRY: They have not started a
11 formal siting hearing process, nor have they issued any
12 interrogatories that I'm aware of. Massachusetts has not
13 only conducted its -- issued its first round of data
14 requests, but it has held the -- the two -- both the
15 public comment hearings -- in Connecticut you had several
16 of those and in Massachusetts they had two of those. I
17 think the dates were August 14th and 16th, so they
18 completed those two hearings.

19 MR. WILENSKY: What would happen if we
20 approved we'll say this 424 and Rhode Island and
21 Massachusetts don't, does the project still go forward
22 until -- to the state line or is there no project then?

23 MR. CARBERRY: The project -- remember as
24 well we need an Army Corps of Engineers permit and other

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1 permits within Connecticut. So the Army Corps of
2 Engineers permit is not issued for one state at a time.
3 It will be issued for the whole thing.

4 MR. WILENSKY: Okay.

5 MR. CARBERRY: So we -- we -- well the
6 Army Corps permit is relevant to portions of the project
7 that affect wetlands for the most part if nothing else --
8 conceivably you can build in non-wetlands, but you might
9 now if you didn't think you were going to get this permit
10 and the permit was being held up because siting was
11 holding it up in those states, and that could -- and that
12 could really slow things down. That aside, based on
13 siting only, you could consider building from Card to
14 Lake Road, but it wouldn't make much sense to build from
15 Lake Road to the state line if there was no line to
16 connect to.

17 MR. ZAKLUKIEWICZ: Mr. Wilensky, I -- I --
18 I doubt highly that Rhode Island will not approve the
19 project. They have the greatest risk of that voltage
20 collapse in the state. In other words, they -- they
21 really would want that line from Connecticut to West
22 Farnum to be put in place because right now even on
23 fairly light load days, the voltage is going to collapse
24 in the State of Rhode Island should they lose the two

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1 existing 345-kV lines into West Farnum. So if -- I -- I
2 just don't see them not approving the Rhode Island piece
3 of the project.

4 MR. WILENSKY: Thank you, Chairman --

5 MR. FITZGERALD: But to answer the
6 question a little more directly, and this might help, Mr.
7 Laskowski, isn't it the case that ISO New England has
8 issued the I-39 approval that's required before anything
9 can be connected to the transmission system, and that
10 that approval relates to the whole Interstate Project,
11 right?

12 MR. LASKOWSKI: That's correct --

13 MR. FITZGERALD: And if somebody -- if
14 either CL&P or National Grid wanted to build just a part
15 of the project, they wouldn't be able to do that based on
16 the existing ISO approvals, right?

17 MR. LASKOWSKI: Correct. They'd have to
18 go back and prove (a) there's no negative impact; and if
19 they want cost recovery, they'd have to show it actually
20 solves problems.

21 MR. FITZGERALD: So it's a pretty good bet
22 that if -- if any one of the three states does not
23 approve the project, it's back to the drawing board to
24 figure out what next, right?

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1 MR. LASKOWSKI: Yes.

2 MR. WILENSKY: Thank you, Mr. Chairman.

3 MR. FITZGERALD: Okay. I'd like to talk
4 about Hawthorne Lane for a little while. Mr. Carberry,
5 would you quickly remind the Council of the Hawthorne
6 Lane situation? And then give us an update on where it
7 stands?

8 MR. CARBERRY: Sure. In the -- in our
9 application, and specifically in the Field Management
10 Design Plan we identify the Hawthorne Lane area in
11 Mansfield as Focus Area C. It's a location where there's
12 some cul-da-sac that you toured on the field review day
13 and there are several houses with driveways off of that
14 cul-da-sac that cross CL&P's right-of-way to these homes
15 that are on the north side basically. The right-of-way
16 is making a hard right angle turn at that location. And
17 there was some interest expressed by the landowners in
18 that area to relocate the right-of-way, still on their
19 property, but cutting that right angle off and increasing
20 the distance from the right-of-way and therefore the
21 lines on the right-of-way to their homes some -- by some
22 distance. And that would -- that would also enable them
23 to keep more of the existing vegetation on their
24 properties and on the right-of-way itself and provide

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1 screening for them today from the line.

2 So we identified something we call the
3 Hawthorne Lane alternative as Alternative 7 in the Field
4 Management Design Plan. Instead of building two H-frame
5 lines -- or keeping the existing line and building a new
6 H-frame line in the existing right-of-way, it would not
7 only shift the right-of-way, but it would cause the
8 rebuilding of the existing line for a short stretch,
9 which we would propose to vertically in Alternative 7,
10 and the new line would also be built vertically as well
11 for several spans.

12 And that's the Alternative 7 in Focus Area
13 C. It's represented it could cost 1.8 million dollars
14 more. And we agreed with the land owners that we would
15 advance that to the Siting Council. So we have, and we
16 provided some update back in June when we testified as to
17 where we stood with the ability of those property owners
18 to enable a shifting of the right-of-way on their
19 property. While -- while they own the property and have
20 control in that regard, there's a conservation easement
21 that affect some of the properties and it's not so easy
22 to move that, but they did get some support from the town
23 for making such a move. And right now both the town and
24 CL&P in order to advance the possibility of making this

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1 right-of-way shift have been seeking mortgage
2 subordinations from each of the property owners. And I
3 can -- I gave some update back in June as where that
4 stood -- do you want me to just go ahead and give that -
5 -

6 MR. FITZGERALD: Yes -- yes, please.

7 MR. CARBERRY: So there's been a little
8 bit of progress since June 4th when we testified about
9 this. The key outstanding items, again are commitments
10 by the mortgage lenders --

11 MR. MURPHY: I thought the attorney
12 testified that they -- all the mortgage lenders had
13 agreed to it at the public hearing in Mansfield, Attorney
14 Bacon -- that was my recollection of what he said when he
15 came forward.

16 MR. CARBERRY: I'm not recalling what he
17 said, but if he said that --

18 MR. MURPHY: Well that's what I remember.

19 MR. CARBERRY: The --

20 MR. MURPHY: Because I was impressed that
21 he had taken it upon himself to do all of that leg work
22 so far ahead --

23 MR. CARBERRY: Right --

24 MR. MURPHY: -- and that's why I remember

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1 it.

2 MR. CARBERRY: So -- there are four
3 properties and there's more than four mortgages involved,
4 and there's multiple banks involved as well. And so
5 we're looking for that -- for those mortgage
6 subordinations so that we can have the same priority when
7 we relocate our easement over encumbrances that the
8 existing easement has just to keep us harmless. But the
9 town as well is requiring that on the -- to relocate the
10 conservation restriction on to different land, it also
11 would want mortgage subordinations as well. And the
12 necessary commitments have been obtained for only one of
13 the four properties in that regard. We still need
14 commitments -- CL&P still needs commitment on three of
15 the four properties. And the town needed subordination
16 on two of the properties, so it has one but not the
17 other. Okay, that's -- that's the current status. And
18 I'm not sure if Attorney Bacon represented it differently
19 back then.

20 MR. FITZGERALD: By the way, the source of
21 this information that you're now relaying to the Council
22 is Attorney Bacon --

23 MR. CARBERRY: Yes --

24 MR. FITZGERALD: -- right?

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1 MR. CARBERRY: Yes.

2 MR. FITZGERALD: Alright. And -- so what
3 is being done according to Attorney Bacon and Mr.
4 Hawthorne to get the other remaining subordinations or
5 the commitments?

6 MR. CARBERRY: Okay. Well the -- the
7 mortgage lenders have a process and they would begin that
8 process only upon receipt of a submission package. So
9 Attorney Bacon has determined what needs to be in that
10 submission package. Two of the properties that package
11 would also need an appraisal. And he's arranged to have
12 those appraisals completed. And so once -- once the
13 packages are submitted to the mortgage lenders, that
14 begins a due process, which we understand could take as
15 long as six to eight weeks. I'm sure he's making efforts
16 to try to get that done faster, but at this point in time
17 he's informed us that one of the submission packages was
18 submitted on August 13th and the other two were submitted
19 just earlier in this week that we're in today. So if it
20 takes six to eight weeks, we're pushing to close of
21 record -- beyond the close of record. Assuming the
22 lenders decisions are favorable, we still need some
23 additional time to -- additional time in order to review
24 and execute the necessary documents. So it seems

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1 unlikely to us -- I don't want to say it's impossible
2 because we don't know if he's able to advance the cause
3 with the mortgage lenders any more than he has for the
4 many months that he's been after this, but it seems
5 unlikely to us that the landowners will have the
6 commitments required for the shift to be feasible before
7 the record and this docket closes. We're assuming for
8 that purpose that that's about 30 days from today.

9 MR. FITZGERALD: Alright. So in light of
10 all this, what is CL&P asking the Council to do with
11 respect to the Hawthorne alternative?

12 MR. CARBERRY: So our proposal in our
13 application if the Council approved building the H-frame
14 line configuration on the existing right-of-way as
15 proposed in the application, again it would use the
16 existing right-of-way, that is still our proposal, and we
17 have to ask the Council to approve that. It's possible
18 that there will never been an approved shift in route.
19 And so if you approve something else, we would be in
20 trouble.

21 So -- but if the Council has an interest
22 in this Hawthorne alternative, this Alternative 7 in the
23 Field Management Design Plan, and notwithstanding the
24 fact that it cost an additional 1.8 million dollars, if

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1 the Council thought that that was justified by the visual
2 improvement and the modest but some magnetic field
3 reduction that you can see in the Field Management Design
4 Plan that it offers, well the Council could conditionally
5 approve the Hawthorne Lane alternative, and the condition
6 that you might impose would be that if CL&P and the Town
7 of Mansfield were able to acquire all of the rights
8 necessary to relocate the right-of-way prior to CL&P's
9 submission of the D&M plan for this particular segment of
10 the route, that CL&P should propose a shift in the D&M
11 plan. So that's an option that you can consider in your
12 order.

13 MR. FITZGERALD: And just to be clear, Mr.
14 Carberry, what you're saying is that in any case we are
15 asking that the Council approve the proposed route?

16 MR. CARBERRY: Yes.

17 MR. FITZGERALD: But if they are
18 interested in having the Hawthorne Lane alternative, if
19 it turns out to be feasible by the grant of the necessary
20 rights, they could conditionally approve it in the
21 alternative, so that if the rights materialized between
22 the close of the record and the D&M plan, which would be
23 several months, we could then without having to reopen
24 the proceedings, come in with a D&M plan that showed the

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1 Hawthorne Lane alternative if we'd been told in the
2 decision and order that this is something that the
3 Council would like us to do. Is that a fair summary?

4 MR. CARBERRY: Yes, it is.

5 MR. FITZGERALD: Okay. Okay, that's all
6 that I had on the Hawthorne Lane alternative --

7 MR. WILENSKY: Mr. Fitzgerald, on the
8 alternative, what would be the extra cost -- Mr.
9 Carberry?

10 MR. CARBERRY: 1.8 million dollars.

11 MR. WILENSKY: How much? One point --

12 MR. CARBERRY: 1.8 million.

13 MR. FITZGERALD: Okay. I'd like to move
14 on to Elvira Heights, Mr. Carberry. I've got a few
15 questions for you about the BMP configuration for this
16 area, which is Focus Area E in Putnam. Would you start
17 off just by reminding us where Elvira Heights is?

18 COURT REPORTER: One moment please.

19 (pause - tape change)

20 MR. CARBERRY: El -- you all set? Elvira
21 Heights is a -- a -- a subdivision I guess of residences
22 located just to the north of Route 44 in Putnam,
23 Connecticut. It lies to the east -- southeast of the
24 right-of-way basically. In our mapping that's been

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1 provided, you can find it on page 37 of 40 in Volume 9 of
2 the proposed route. And our Field Management Design Plan
3 in Figure 1 also shows you approximately where it is on
4 the total project route. It's very close to the border
5 with Thompson.

6 MR. FITZGERALD: And what is your
7 recommendation for the line design for this focus area?

8 MR. CARBERRY: My recommendation is that
9 base case H-frame line configuration for the new line
10 would be most consistent with the best management
11 practices.

12 MR. FITZGERALD: And please explain why
13 you believe that to be the case?

14 MR. CARBERRY: Let me recognize in that
15 response that that's a different answer than what the
16 proposal is in the Field Management Design Plan in the
17 project. In developing the Field Management Design Plan
18 and looking at the Council's EMF BMPs for guidance, we
19 sought to show the Council where a guideline budget of
20 four percent of the project costs could be spent to
21 reduce magnetic fields by at least 15 percent in areas
22 along the route where we could find schools, day care
23 facilities, or concentrations of residences. So we found
24 that in looking at the Card to Lake Road portion of the

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1 route to begin with that there were relatively few
2 locations where we could see a need to look at BMPs, and
3 some of those we didn't find a need to recommend any
4 alternative other than the H-frame line. So our
5 recommendations for focus areas on the Card to Lake Road
6 line amounted to spending about half of that four percent
7 budget of two percent.

8 As we looked along the route from Lake
9 Road to the Connecticut/Rhode Island border, only this
10 Elvira Heights neighborhood stood out as something that
11 merited any consideration in the EMF BMPs. And -- but,
12 you know, as you know the line currents are different
13 from Lake Road to Card. And if you're on the side of the
14 right-of-way where the existing line is, there is not the
15 natural reduction that is achieved between Card and Lake
16 Road. There's an increase. So we thought that well
17 because that increase occurs, we should look at this and
18 think if there's something we could do. We could not
19 achieve a qualifying reduction in magnetic fields or any
20 reduction in the magnetic fields to the east side of the
21 right-of-way unless we rebuilt the existing line at the
22 same time that we built the new one, okay, adding to the
23 cost.

24 So we did ultimately in that Field

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1 Management Design Plan show that a delta design of the
2 new line and a delta rebuild of the existing line would
3 be one that would achieve the 15 percent reduction. And
4 its cost when added to -- the cost of what was four and a
5 half million dollars. That would eat up the other two
6 percent of the budget. So we felt like well since it
7 could all be done within four percent, we should -- we
8 should present this to the Council.

9 But you know, this alternative of having
10 to not only build the new line but rebuild the existing
11 line would increase environmental impacts, including the
12 water resource impacts in that area. And so both in our
13 application, and that's on page 7B-32 and in our prefiled
14 testimony, and that's Exhibit 17 on page 59, where we
15 express strong reservations about this option, we never
16 included it in our cost estimate. We put it out there as
17 a field management design option, but we've always had
18 strong reservations about it. A small reduction in
19 magnetic fields achieved at nearby residences just
20 doesn't seem to be worth the additional 4.3 million
21 dollars, nor the environmental impacts.

22 And since that time, the Council also
23 received the comments from the Department of Energy and
24 Environmental Protection. And in those comments, which

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1 were authored by Mr. Reese, on page 8 he noted aesthetic
2 impacts of adopting the delta/delta BMP option in that
3 area that would be tall enough to be seen over some of
4 the trees that are adjacent to the right-of-way between
5 the Elvira Heights neighbors and the right-of-way, and
6 again he thought that that was a potential impact that
7 didn't seem any more significant than the very limited
8 reduction of EMF levels. So that's just another piling
9 on of reservations about this particular option.

10 So on balance, based on that comment and
11 the our own previously expressed reservations, we
12 recommend to you that in this 0.6 mile area that the H-
13 frame line be the approved line configuration and no
14 rebuild of the existing line.

15 DR. BELL: Just one quick question. I
16 guess I didn't hear you. The -- the cost of that was
17 going to be 4.3 or 4.5 million to do the delta --

18 MR. CARBERRY: I may have said 4.5, but it
19 is 4.3.

20 DR. BELL: Thank you.

21 MR. FITZGERALD: Okay, thank you. I think
22 we'll move now, Mr. Carberry, to some questions about the
23 Civie exhibit that I used earlier. This is maps sheet
24 one of two of the Mount Hope underground variation that's

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1 been passed out, and it's got a revision date on it of
2 June 2012. Do you have -- do you have it?

3 MR. CARBERRY: I believe so --

4 MR. FITZGERALD: Alright --

5 MR. CARBERRY: -- though I did not take
6 one of your hand-out copies, but I have what was filed
7 with the Council on June 18th, so I believe that's what
8 you're talking about.

9 MR. FITZGERALD: Yes. Now -- first of
10 all, would you confirm that the new and existing lines
11 that are shown in there are correct positions on this map
12 and that the map key identifying those are correct?

13 MR. CARBERRY: Yes. I'll point out first
14 that this is -- these are map sheets of the Mount Hope
15 underground variation. So I think your question is does
16 it show the proposed line. It shows the proposed
17 overhead line on the westerly half of this map, but it
18 does not show the proposed overhead line on the rest of
19 the map. It's showing the Mount Hope underground
20 variation. There's another version of this map in the
21 application which shows the proposed overhead line
22 throughout.

23 MR. FITZGERALD: Thank you for that
24 correction. But in any event, the -- the line that is

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1 shown with the structures in red and the large structure
2 numbers of 65, 66, 67 and 68, are those existing
3 structures or proposed structures?

4 MR. CARBERRY: Those are proposed
5 structures.

6 MR. FITZGERALD: And then just about
7 opposite each one of them there are structures numbered
8 9065, 9066, 9067, 9068, etcetera, are those existing or
9 proposed structures?

10 MR. CARBERRY: Those are existing line
11 structures.

12 MR. FITZGERALD: Okay. And this map shows
13 a square that is labeled potential line transition site.
14 What is that area that's encompassed by the square meant
15 to be?

16 MR. CARBERRY: Four acres.

17 MR. FITZGERALD: Okay. And is that an
18 envelope or is that a designation of an area that is
19 expected would be all required for the facility?

20 MR. CARBERRY: The -- I'm not sure if I
21 completely understood your question. You used the word
22 envelope --

23 MR. FITZGERALD: Well I'm thinking of
24 these -- of these structures and the ones that we show --

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1 saying well it's got to be in here somewhere -- but the
2 actual -- the actual structures are going to take up a
3 lot less room than this envelope that we're drawing.

4 MR. CARBERRY: Yes. I think we've
5 represented that the fenced in area of the completed
6 transition station may be more like an acre and a half --
7 1.7 acres, excuse me. And so obviously to build such a
8 facility, one needs to disturb a larger area. And one
9 needs to develop access to that part of the square. And
10 there's also areas to bring in the overhead line and
11 bring out the underground line. So -- and in the end
12 you'd like to have some buffer remaining at the outskirts
13 of the square. So the four acres, you know, represents -
14 - we said two to four acres in the application. Two
15 would be very borderline to achieve all of that. But
16 four acres is a comfortable number.

17 MR. FITZGERALD: Alright. Now there's
18 been some discussion of moving that square down the line
19 to a position between Structure 67 and Structure 66. Mr.
20 Case, is that -- is that something that you could do?

21 MR. JOHN CASE: It is something that we
22 could do. It is something that would be extremely
23 difficult to do. I'm looking at map sheet 9-11 and there
24 is roughly a hundred foot elevation gained between

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1 Structure 66 and Structure 67 that would have to somehow
2 be leveled out, bulldozed, blasted, whatever it would
3 take to create a footprint for that substation --
4 transition station.

5 MR. FITZGERALD: So you'd have to do some
6 grading?

7 MR. CASE: Significant grading, yes.

8 MR. FITZGERALD: Would you need to put in
9 a retaining wall?

10 MR. CASE: Most likely. But that would
11 have to be done -- you want to try to minimize any
12 impacts to those wetlands. The way to do that would be a
13 concrete retaining wall.

14 MR. FITZGERALD: Miss Mango, do you see
15 any issues with that construction?

16 MS. LOUISE MANGO: Yes. As Mr. Case
17 mentioned, there is about a hundred foot elevation change
18 between Structure 67 and 68, it slopes to the west. Also
19 between Structure 66 and 67 there is a relatively large
20 wetland, Wetland 20-58. And there is a stream, Stream
21 S20-17B. Those areas may have to be filled entirely.
22 Right now the project has spent considerable time
23 minimizing impacts to wetlands, and I think we have less
24 than one acre total filled. If we had to take this

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1 entire wetland area, it would maybe triple that. And in
2 addition, down -- right downstream from Wetland 20-58 we
3 have Saw Mill Brook, which is a fairly significant stream
4 and wetland complex with about five vernal pools. So all
5 those things would of environmental concern and they
6 would probably affect our discussions with the Corps of
7 Engineers and the Connecticut DEEP.

8 MR. FITZGERALD: Okay, thank you. Now
9 moving to a slight somewhat different subject, Mr.
10 Carberry, you of course have seen the so-called concept
11 plan that was attached to the Civie testimony, which is
12 the concept of the subdivision, and I'd like to ask you a
13 hypothetical question. Suppose this were a real
14 subdivision with houses built and you were putting the
15 proposed line in on the existing right-of-way, what line
16 configuration would you recommend as the BMP
17 configuration through this area?

18 MR. CARBERRY: I would recommend the base
19 case H-frame line.

20 MR. FITZGERALD: Why?

21 MR. CARBERRY: I looked at the magnetic
22 field calculations in the Field Management Design Plan
23 for that design and also the alternatives that were
24 considered in the Field Management Design Plan and found

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1 that, you know, none of those options would provide a
2 magnetic field reduction of more than 15 percent at
3 locations on these lots where it's anticipated that
4 houses might be developed.

5 MR. FITZGERALD: And were you considering
6 the design regulation setback requirements when you made
7 that determination?

8 MR. CARBERRY: Yes. I had an
9 understanding that there's a minimum rear yard setback of
10 50 feet and a side yard setback of 35 feet under those
11 regulations that you referred to. And so I made an
12 assumption that the houses would be at least 45 feet or
13 more -- the nearest portion of the houses at least 45
14 feet from the edge of the right-of-way. And at that --
15 at that distance none of the other alternatives in the
16 Field Management Design Plan, you know, the delta in
17 particular would afford a 15 percent reduction with
18 respect to the H-frame line. In fact, it would increase
19 the fields on the south side of the right-of-way.

20 MR. FITZGERALD: What -- what -- what
21 change in the magnetic field in the environment, using an
22 average load annual assumption, would the construction of
23 the proposed H-frames -- the H-frame line through this
24 area make?

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1 MR. CARBERRY: Well let's look at the two
2 sides of the right-of-way separately to answer that
3 question. Let's look at the south side first. That's
4 the side of the right-of-way that is where the existing
5 line is closest to that edge. So at that edge we had
6 shown in the pre-existing condition in 2015 at average
7 annual load that we could have the magnetic field level
8 of 28 milligauss. Any design of the new line would
9 reduce that level at the south edge, but the H-frame line
10 would reduce it the most. It would reduce that level to
11 18.4 milligauss. Delta for example would be 20.6. Even
12 had we built an underground line, the reduction would
13 only be to 24.6, so not as much reduction from the pre-
14 existing condition. The H-frame line again is the best.
15 And if you look at that at greater distances from the
16 right-of-way, at least 50 feet for example, the same is
17 true, the H-frame line would produce the lowest magnetic
18 fields.

19 And when you look at the north right-of-
20 way edge, the pre-existing condition was 4.6 milligauss.
21 It would -- because we are building the new line on the
22 right-of-way more toward the middle, so it is closer to
23 the north edge than the existing line, there is an
24 increase on the north edge, but it's not -- not a similar

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1 kind of increase. The pre-existing condition was 4.6
2 milligauss and the H-frame line would bring it up to 7.2.
3 Now at 50 feet away from that north right-of-way edge,
4 that ballpark of where we're talking the nearest houses
5 might come to be, the pre-existing condition number is 3
6 milligauss. The H-frame would produce 3.2 and the delta
7 line would have 2.8. And there's really -- there's not a
8 15 percent difference there if you want to spend the
9 extra money on the delta. So -- and looking further and
10 further away, at about 75 or 80 feet, the H-frame line
11 becomes better than the delta line in all cases.

12 So on balance if you're talking about
13 houses that are 50 feet or more away on the north side
14 and any distance away on the south side, the H-frame line
15 looks to be the BMP recommendation.

16 MR. FITZGERALD: Thank you. If there are
17 no questions on that topic, I'll --

18 MR. ZAKLUKIEWICZ: Mr. Lynch has one. Mr.
19 Lynch.

20 MR. LYNCH: I just wanted to follow up on
21 something Miss Mango said. If we were to move the
22 transition station down to -- closer to the bottom of the
23 hill, you mentioned the Army Corps. Is this something
24 that -- you're already working with the Army Corps -- is

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1 this something you would add on as an addition to what
2 you're doing with them now or will this require a whole
3 new set of evaluations and permits?

4 MS. MANGO: Well, I -- it wouldn't require
5 a new set of permits, but I think it would be difficult
6 to get the Section 404 Clean Water Act Permit that we
7 have applied for, because by moving the transition
8 station down there, we'd have to justify why we couldn't
9 use our overhead line, which has no impact on the vernal
10 pools or very little impact, and why we would have to
11 fill a wetland where we had already submitted a proposal
12 that would not involve filling a wetland, and also moving
13 a significant amount of earth. Because as you know -- if
14 you'll take a look at the maps that Mr. Carberry
15 referenced, the transition would be sort of, if you will,
16 in the middle of a forested area, there's no existing
17 access. You'd have to have not only the transition
18 station with all the things Mr. Carberry mentioned, the
19 fenced in area, you know, the -- you know, he mentioned
20 two acres or 1.7 acres of actual footprint. But in this
21 area you'd have to grade down the slope, so we might
22 actually take almost the full four acres. You know, we
23 might let some of that re-vegetate, but initially you'd
24 have to grade down to get a stable work area. You'd also

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1 have to establish a permanent road. And that might go
2 through more wetlands, you know. And then on top of that
3 we have the indirect impacts by creating essentially an
4 industrial facility on a slope right above five or six
5 vernal pools right next to the, you know, Nipmunk Trail,
6 and right -- you know, right east of the Joshua's Land
7 Trust Wolf -- I think it's Wolf Rock area. It's a fairly
8 historic location, which is perched on a hill to the
9 west. So I think all of those things would be something
10 that we'd have to consider in these other permit
11 applications. And I'm not sure that we could justify
12 that.

13 MR. LYNCH: Thank you for clarifying that.

14 DR. BELL: Could I -- just to follow up to
15 Mr. Lynch's question, Miss Mango, when you are dealing
16 with the Army Corps, do you at any point tell them about
17 these potential variations that are being discussed? I
18 mean I know you started this a long time ago and
19 obviously you can't apply for variations, which I
20 understand that, but do you -- to what extent do they
21 know about possible variations?

22 MS. MANGO: Well it's interesting that you
23 asked about that. The Army Corps is interested in
24 alternatives. And what we've done in this case is we --

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1 our application is with National Grid, so we have applied
2 for the entire project first a Section 404 Clean Water
3 Act Permit. But what we did is, No. 1, we referenced our
4 entire Siting Council application. And I believe we gave
5 them an electronic version. So they have all of the
6 alternatives that you have.

7 They also have asked for and we've given
8 them links to the Siting Council website, which includes
9 all the transcripts of these hearings.

10 In addition, we have a separate analysis
11 of all of our alternatives. And in that, once again, we
12 provide the same web links.

13 So the Corps does have access to all of
14 this information should they want to look at that. And
15 then in the past -- and I'm not sure if they've done it
16 for this particular docket -- but the Corps has actually
17 sent representatives to the Siting Council hearings. You
18 know, they did that for example on GSRP. So they do take
19 a good look at the alternatives that we've proposed and
20 what, you know, the Siting Council is doing.

21 But as you said, they -- they look at the
22 project that you propose. But if they think there's a
23 better -- you know, if you're proposing something that
24 they think could be impact avoidance, something that

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1 could be avoided, they'll question that and they'll ask
2 you, you know, for example why do you have to have 57
3 structures in wetlands. And then we might say well you
4 know, as is the case on this project, we are able to move
5 some of those and now we have 33. So they're always
6 looking for ways to reduce impacts to water resources and
7 not increase them.

8 DR. BELL: Thank you. Thank you, Mr.
9 Chair.

10 MR. FITZGERALD: Let's move on to the
11 exciting topic of FAA lighting requirements -- (laughter)
12 -- Mr. Case, do you have an update for us on the FAA's
13 requirements for the proposed structures with respect to
14 lighting or otherwise complying with FAA requirements?

15 MR. CASE: Yes. And I'll try to make this
16 as exciting as possible -- (laughter) -- we do have
17 updates. The -- the application volumes that we provided
18 reflect the determinations from the FAA from the initial
19 2009 review. We've just recently received all of our FAA
20 determinations with 2012 updates. It does match pretty
21 well with what was in the application with the exception
22 there are three additional structures that the FAA has
23 recommended for lighting. And those three structures are
24 No. 58, No. 73, and No. 216.

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1 MR. FITZGERALD: And when you say for
2 lighting, what kind of lighting are we talking about?

3 MR. CASE: These would be the low
4 intensity FAA warning lights, a small red light,
5 equivalent to a 60-watt house bulb. It's a very dim
6 bulb, just enough for it to become visible at night.

7 MR. FITZGERALD: So what does that make
8 the total number of structures that the FAA is currently
9 noting lighting for?

10 MR. CASE: For post-structures right now
11 they've recommended it on 20. We are hoping to work with
12 them. We're hoping to refine our design to be able to
13 reduce those requirements. There are a couple of
14 structures, in particular No. 58 and 73 that are very
15 close. And the FAA takes a conservative look at this
16 stage and we've been (indiscernible) study to try to
17 reduce or eliminate some of our lighting requirements.

18 MR. FITZGERALD: And how do you do that?
19 Do you try and see if you can reduce the height of the
20 structure?

21 MR. CASE: That -- that would be some of
22 it to reduce the height of the structure. The other
23 thing is we verify to a greater accuracy. Once we know
24 where that structure is going to be, we can tell the FAA

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1 this is the location. Right now the FAA has to take a
2 conservative approach, so they put a level of
3 conservatism on their analysis of it. Once we can fine
4 tune and give them a higher level of accuracy on the
5 survey, then they'll say that they can cut down some of
6 their over-offenders.

7 CHAIRMAN STEIN: Mr. Ashton has a
8 question.

9 MR. ASHTON: Mr. Case, in looking at the
10 structures, did you apply to the FAA using tangent
11 structures, typical construction, or did you use them
12 using a dead-end configuration, albeit in a straight line
13 so you get a chance to (indiscernible).

14 MR. CASE: We -- we actually applied for
15 what our current design states, which we're at about 70
16 percent complete design. So we have a layout of the plan
17 profile. We know where our structures are going to be as
18 shown in the application, as they're shown in Volume 10,
19 the plan profile. Those are the structures and the
20 heights that we applied for. We did put a two-foot adder
21 on top of that, if you will, at this stage just to be
22 sure that if something changes with grading, that we're
23 still within FAA requirements.

24 MR. ASHTON: I'm not sure that really

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1 answered my question. Let's go -- 53 was the first
2 structure?

3 MR. CASE: 58.

4 MR. ASHTON: 58?

5 MR. CASE: Yeah.

6 MR. ASHTON: Is that a dead-end
7 configuration or tangent?

8 MR. CASE: 58 is an angle -- what we call
9 an angle --

10 MR. ASHTON: So it's a dead-end
11 configuration?

12 MR. CASE: Yes.

13 MR. ASHTON: So you can't do much about
14 lowering that. Is that fair to say?

15 MR. CASE: That's fair to say.

16 MR. ASHTON: Okay. How about 73?

17 MR. CASE: No. 73 is a tangent structure -
18 - an 85-foot tall tangent structure. That one the --
19 hazard termination, the FAA says if you can get it below
20 82 feet, it would likely avoid the lighting requirement.
21 Our proposed structure is now at 85. So what we'll do is
22 take a closer look at our surveys, and again taking a
23 look at fine tuning our surveys. The class of survey
24 that they've got now has a level of conservative --

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1 MR. ASHTON: Okay --

2 MR. CASE: -- so we're looking at --

3 MR. ASHTON: -- but quick and dirty,
4 survey notwithstanding, you could change the
5 configuration to strain rather than tangent and that
6 would pull it down five or seven feet?

7 MR. CASE: Well remember that we need to
8 maintain a certain shield angle --

9 MR. ASHTON: I understand --

10 MR. CASE: -- so you may be able to raise
11 up for conductors, but none of your -- your shield angle
12 must come up as well.

13 MR. ASHTON: I'm going to press that point
14 a little bit. We have gone through a number of instances
15 from strain -- from tangent to strain and reduced tower
16 heights or conversely improved clearances. Would that
17 have a likely impact here to reduce the FAA -- to
18 counteract the FAA requirement for lighting or suggestion
19 for lighting?

20 MR. CASE: Could I ask you to repeat -- to
21 say that again? I'm not sure I understood the question.

22 MR. ASHTON: Over the years CL&P has gone
23 from dead-end -- from strain -- from suspension to strain
24 configurations to give additional clearance and/or to

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1 reduce structure height. Would that work here?

2 MR. CASE: Yes, it would.

3 MR. ASHTON: Okay.

4 MR. CASE: If they reduced --

5 MR. ASHTON: That's fine. I don't want to
6 -- and the third structure number was what?

7 MR. CASE: No. 216.

8 MR. ASHTON: Two-one-six?

9 MR. CASE: Two-one-six, correct.

10 MR. ASHTON: And what kind of structure is
11 that?

12 MR. CASE: No. 216 is actually a delta
13 tangent in the -- it's in the focused area -- beginning
14 of Church Street area --

15 MR. ASHTON: So would the same kind of
16 logic apply there, that by going to a dead-end strain
17 configuration, you could knock the height down a bit?

18 MR. CASE: We -- we could knock down the
19 height a little bit. The -- the FAA has stated that in
20 that area we need to get below 66 feet at the top of
21 structure. Even if we went to an H-frame or the extended
22 arms, it would be tough for us to get our budget--

23 MR. ASHTON: So we got rid of one out of
24 three anyway.

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1 MR. CASE: And -- and we are going to
2 continue to look. The next structure, 217, we're going
3 to continue to work with the FAA to see where we can
4 reduce the height --

5 MR. ASHTON: Would that include such
6 things as perhaps knocking off a pile of rocks -- knock
7 off a pile of rocks in the right-of-way which is driving
8 your clearance and allowing you therefore to reduce
9 structure height?

10 MR. CASE: If you're talking about --

11 MR. ASHTON: Is that a plausible option in
12 some cases?

13 MR. CASE: It -- it maybe a plausible
14 option in some cases, yeah.

15 MR. ASHTON: Thank you.

16 MR. LYNCH: Mr. Case, the -- the FAA's
17 requirement for lighting, whether it be a red light or
18 strobe, is that a 24-hour requirement?

19 MR. CASE: Subject to check, I believe it
20 would just be at night. They would be turned on by solar
21 --

22 MR. LYNCH: Thank you.

23 MR. FITZGERALD: Okay. Two more -- two
24 more topics. First is Mansfield Hollow. Mr. Carberry,

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1 do you have a report on the current status of the
2 evaluation of CL&P's request to the Army Corps of
3 Engineers to expand the right-of-way through Mansfield
4 Hollow?

5 MR. CARBERRY: I do.

6 MR. FITZGERALD: And what is the status of
7 that evaluation?

8 MR. CARBERRY: So we last testified on
9 this subject on June 26th. And since that time, we've
10 had an extensive interaction with the Army Corps
11 concerning the design of the new 345-kV line across the
12 federal lands in Mansfield Hollow, the 1.5 miles of
13 federal lands.

14 We presented to the Corps the same three
15 configurations that were presented to you in the Siting
16 Council application. If you'll recall that was the no
17 right-of-way expansion option in which the new line and
18 the existing line would be vertical if this line were to
19 be built; the five-acre minimal right-of-way expansion,
20 which would expand all the way -- a minimal distance to
21 allow the new line to be built vertically; and then the
22 11-acre right-of-way expansion option, sometimes called
23 the matching structures options, which would have
24 expanded the right-of-way sufficiently to allow the new

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1 line to be built using the same configuration as the
2 existing line.

3 So after evaluating those three design
4 options and also taking into consideration some input
5 that they received from the Connecticut Department of
6 Energy and Environmental Protection, the Corps indicated
7 to us a preference for the minimal right-of-way expansion
8 option. And because of that preference, CL&P has
9 therefore requested that the Corps grant CL&P the
10 additional rights necessary to construct that option.
11 Now obtaining a decision from the Corps to grant those
12 rights is a lengthy process with many steps, and we don't
13 expect to receive a decision from the Corps until late
14 this year. We've been at this for quite a while.
15 However we continue to believe that the Corps will most
16 likely grant us the rights that we need to construct that
17 minimal right of expansion option and that they are
18 unlikely to approve the larger 11-acre right-of-way
19 expansion.

20 MR. ASHTON: That allows them to build two
21 separate structures, the second structure being like the
22 first, or do we've got to stick everything on the same
23 right-of-way?

24 MR. CARBERRY: This is -- this is the

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1 middle of the tree options that they will permit, that's
2 a lesser expansion of the right-of-way, just enough to
3 allow the new line to be built in a vertical
4 configuration. So as you'll recall there's about -- the
5 first mile of the Mansfield Hollow crossing of the
6 existing line is delta --

7 MR. ASHTON: Yeah --

8 MR. CARBERRY: -- and adjacent to it the
9 new line would be vertical under this option. And in the
10 second section about a half mile long where the existing
11 line is H-frame, the new line would be built vertical.
12 So in other words, minimizing the right-of-way expansion
13 just enough to allow the narrowest possible new line,
14 that's what the middle right-of-way expansion option is.

15 MR. ASHTON: Thank you.

16 MR. FITZGERALD: So in light of this
17 status, what is the company asking the Council to do with
18 respect to the Mansfield Hollow portion of the route?

19 MR. CARBERRY: So -- well since the Corps
20 will likely not make its final determination about an
21 easement expansion until after the record and this
22 proceeding is closed, CL&P is asking the Council to
23 approve the construction of the new line on the proposed
24 route across the federal properties in Mansfield Hollow

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1 and deferring in its approval certificate the choice of
2 the configuration of the line, so the exact right-of-way
3 width, deferring that until the D&M plan stage.

4 MR. ASHTON: Until what --

5 MR. CARBERRY: So again deferring that
6 until the D&M plan stage. We are expecting that we would
7 have this decision from the Army Corps by that time. So
8 again, asking that they approve the general route through
9 the properties adjacent to the existing line, but
10 deferring on the actual right-of-way width expansion and
11 the design of the new line until the D&M plan.

12 MR. FITZGERALD: Now suppose the Council
13 doesn't want to do that?

14 MR. CARBERRY: Alternatively -- (laughter)
15 -- if the Council doesn't like that idea, then you could
16 -- and you want to specify a specific line configuration
17 in the decision and order, CL&P has asked that you
18 approve the minimal right-of-way expansion option since
19 that is most likely the one to be approved by the Corps.
20 Of course if you were to issue a certificate for only
21 that option and should our prediction of what they're
22 going to approve turn out to be different, we'd be in
23 trouble. We'd have different decisions and we'd have to
24 be coming back to the Council with a petition for

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1 reconsideration or an application for an amendment to the
2 certificate. We're obviously trying to avoid that and
3 the delays associated with it by the aspects that I've
4 just given you.

5 MR. FITZGERALD: Okay. Let's finish up
6 with Mr. Bullard. He filed an addendum to his prefiled
7 testimony in which he tells of encountering a copper
8 ground wire about six inches below the surface of the
9 right-of-way between poles 90 and 92 and 90 and 93. From
10 his description do you have an opinion, Mr. Carberry, as
11 to what it is he uncovered?

12 MR. CARBERRY: I -- yes, I do have an
13 opinion. He's uncovered a -- most likely a copper weld,
14 a copper clad steel wire buried beneath the line and
15 attached to one of the structures -- attached to both of
16 the structures in the span you just mentioned. We refer
17 to it as buried counterpoise. It's a form of
18 supplemental grounding. If I can explain what that's
19 for?

20 MR. FITZGERALD: No, unless somebody --
21 (laughter) -- unless somebody wants you to.

22 MR. ASHTON: The only question is what --
23 is this a continuous counterpoise in this area or is this
24 a crow's foot type of counterpoise?

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1 MR. CARBERRY: I am not sure, Mr. Ashton.
2 As you know, this line was built several years before I
3 joined the company. CL&P at one time I understood, you
4 know, had a standard of just applying what you refer to
5 as crow's foot grounding. And for the benefit of others,
6 that simply means that you generally take each pole of a
7 two-pole transmission structure and -- there's already
8 grounding on those poles, ground wires coming down the
9 pole and into the earth -- and when you determine that
10 the -- that is insufficient, it doesn't produce low
11 enough resistance, and this is associated with lightning
12 protection, then you can attach in both directions a wire
13 from each pole. Sometimes done in a pattern that may
14 looks like a crow's foot instead of two parallel in each
15 direction. So you can do this with only one wire in each
16 direction, you can do it with two wires in each
17 direction, you can do it out to a certain distance and
18 stop, or you can do it all the way from that pole to the
19 next pole.

20 So in our modern day design we take
21 measurements of the footing resistance of structures and
22 we take measurements of the resistance of the soil and we
23 use some curves that were developed years ago to
24 determine if supplemental grounding is first needed, and

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1 which would be the most effective and least expensive
2 counterpoise to add. I understood in the days, 40 years
3 ago, it might just have been a decision to just go ahead
4 and put some on anyway without going through the trouble
5 of making all those measurements.

6 COURT REPORTER: One moment please.

7 (pause - tape change)

8 MR. FITZGERALD: What is CL&P's
9 specification for installing counterpoise in agricultural
10 lands?

11 MR. CARBERRY: Well, I don't know what it
12 was then, but our specification today calls for
13 counterpoise to be buried generally at least 18 inches
14 deep everywhere where it can be buried at that depth, and
15 in agricultural lands to bury the minimum of 24 inches.

16 MR. FITZGERALD: That's -- as it happens
17 that's what Mr. Bullard as asking for, isn't it, when he
18 hit on 24 inches is the proper depth for his land --

19 MR. CARBERRY: I don't know if that's a
20 coincidence or whether he heard that from us, but at
21 least with regards to what he's asking for for the new
22 line, that is exactly the case. He's also asking that we
23 find locations in that particular span -- maybe -- I
24 think it's just that one span, where it is not at that

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1 depth and to do something about it to make it to the
2 larger depth.

3 MR. FITZGERALD: And what's your response
4 to that?

5 MR. CARBERRY: Well certainly we're going
6 to try to get -- we don't want counterpoise interfering
7 with his farming operation. It may be -- farmers do
8 occasionally dig this up on us. And we might prefer in
9 this case to simply -- if there's a section that's
10 troubling to him because it's too shallow, to cut it
11 free, to not go to the trouble of pulling it out of the
12 ground unless, you know, he has a reason to want us to
13 really do that, that might be hard to find it all and dig
14 it out -- it's 40 years old -- but -- and we might make
15 another resistance measurement of the footing and decide
16 if we need to replace that kind of -- or we put in
17 another one that's at least 24 inches deep not exactly
18 where the existing one was. So we'd find some way to get
19 it out of his way basically.

20 MR. FITZGERALD: Okay. Miss Mango, in the
21 same addendum to his testimony, Mr. Bullard pointed out
22 what he believed to be several errors in the transcript
23 of your testimony on June 5th. Did you review the
24 transcript and determine if you agree with his proposed

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1 corrections?

2 MS. MANGO: I did review the transcript
3 and I agree completely with Mr. Bullard's corrections.

4 MR. FITZGERALD: Okay. And now, Mr.
5 Carberry, moving now to Mr. Bullard's initial prefiled
6 testimony that included a copy of a CL&P document
7 entitled Transmission Right-of-Way Activities in
8 Agricultural Lands, and also a recommendation from a Mr.
9 Talmadge of the Connecticut Farm Bureau that the company
10 utilize the procedures set forth in this document in
11 consultation with the U.S.D.A. Natural Resources
12 Conservation Service and develop a soils and restoration
13 plan to protect the integrity of the productive
14 agricultural land within the project area, what is CL&P's
15 position with respect to that recommendation?

16 MR. CARBERRY: I think we'd certainly
17 accept that recommendation. The Council may ask us in
18 the D&M plan to consider providing something like that.
19 The flyer that was referred to is a company flyer that
20 was used at the open houses in the municipal consultation
21 period, so it identifies the routine practices that we
22 would normally apply. And from Mr. Bullard's previous
23 participation in this case, it sounds like he endorses
24 most of those practices. And so we'd be happy to develop

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1 a plan that puts in writing our plan to adopt those
2 practices for agricultural lands on this project --

3 MR. FITZGERALD: Now let me -- let me --

4 MR. CARBERRY: -- and consult with other
5 authorities that may have other ideas.

6 MR. FITZGERALD: Okay. Now let me focus
7 on that last piece of it where he recommends that you
8 consult with the U.S.D.A. Natural Resources Conservation
9 Services. By agreeing to a condition that requires this
10 consultation, you're not necessarily giving anybody a
11 blank check, right, you'll consult with them, but not
12 necessarily do whatever they recommend regardless of your
13 own feelings, right?

14 MR. CARBERRY: That's correct. I mean I'm
15 not anticipating that there would be anything
16 unreasonable that we would hear in such consultation, but
17 on the possibility that there was something, we'd
18 probably bring that matter to the Council and explain why
19 we chose the plan that we did.

20 MR. FITZGERALD: Alright. Okay.

21 DR. BELL: Can I ask a question -- thank
22 you, Mr. Chair.

23 Just one quick question. This morning Mr.
24 Bullard was referring to -- I don't remember his exact

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1 words, but a policy on agricultural soils. That was
2 close to his exact words. Is that -- the policy on
3 agricultural soils was something that he said that he'd
4 seen in a CL&P document. And so my question is simply
5 was that the brochure that you had in your hand just a
6 second ago or is it -- and I think it's in the record
7 here -- or is that something else -- some other document
8 that's somewhere else in your system?

9 MR. CARBERRY: Well my first reaction to
10 your question is it might be one that should be asked of
11 him, but his testimony -- his initial testimony that
12 referred to CL&P's flyer entitled Transmission Right-of-
13 Way Activities in Agricultural Lands doesn't say policy
14 on it, I don't think, but it does talk about Northeast
15 Utilities' practices. And that is the flyer that I have
16 in my hands.

17 DR. BELL: Okay. So, I -- I agree with
18 you, I should have asked him, but it didn't seem to be
19 problematic at the time, but it turns out to be a little
20 more -- it's just that you were citing a flyer -- but at
21 any rate, I -- I think it's probably that flyer. And I
22 thank you for your response.

23 MR. FITZGERALD: Well Dr. Bell, I'm pretty
24 sure that Mr. Bullard's testimony attaches a copy of the

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1 same flyer --

2 DR. BELL: Okay --

3 MR. FITZGERALD: -- he not only refers to
4 it --

5 DR. BELL: Yes --

6 MR. FITZGERALD: -- but it's attached.

7 DR. BELL: Okay. That's - that's it.

8 Thanks.

9 MR. FITZGERALD: That's all that I have.

10 CHAIRMAN STEIN: Before Mr. Ashton thinks
11 of something else -- (laughter) -- then I'm about to
12 issue a closing statement on the evidentiary hearing.

13 Before closing this hearing, the
14 Connecticut Siting Council announces that briefs and
15 proposed findings of fact may be filed with the Council
16 by any party or intervenor no later than October 1, 2012.
17 The submission of briefs or proposed findings of fact are
18 not required by the Council, rather we leave it to the
19 choice of the parties and intervenors.

20 The Council also announces that any state
21 agency wishing to submit additional comments on this
22 application, pursuant to General Statute 16-50j, are to
23 submit their comments to the Council no later than
24 September 14, 2012.

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1 Anyone who has not become a party or
2 intervenor, but who desires to make his or her views
3 known to the Council, may file written statements with
4 the Council within 30 days of today's date.

5 The Council will issue draft findings of
6 fact. And thereafter, parties and intervenors may
7 identify errors or inconsistencies between the Council's
8 draft findings of fact and the record. However, no new
9 information, no new evidence or argument, and no reply
10 briefs without our permission will be considered by the
11 Council.

12 Copies of the transcript of this hearing
13 will be filed in the Town Clerks' offices of the towns
14 traversed by the project for the convenience of the
15 public.

16 I now hereby declare this hearing
17 adjourned and thank you all for your participation and
18 have a good weekend.

19
20 (Whereupon, the hearing adjourned at 3:35
21 p.m.)

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