

March 4, 2016

VIA E-MAIL AND FEDERAL EXPRESS

Attorney Melanie Bachman
Acting Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: **DOCKET NO. 461** - Eversource Energy Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 115-kilovolt (kV) bulk substation located at 290 Railroad Avenue, Greenwich, Connecticut, and two 115-kV underground transmission circuits extending approximately 2.3 miles between the proposed substation and the existing Cos Cob Substation, Greenwich, Connecticut, and related substation improvements.

Dear Attorney Bachman:

In connection with the above-referenced Docket No. 461, enclosed please find an original plus fifteen (15) copies of the following documents:

1. Objection to Intervenor's Request for Administrative Notice; and
2. Objection to Intervenor's List of Items for Administrative Notice.

Very truly yours,


Marianne Barbino Dubuque

MBD/mkw
Enclosures

cc: Service List dated February 1, 2016 attached (with enclosures)

{W2658543}

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-Mail	Eversource Energy	<p>Jacqueline Gardell Project Manager Eversource Energy 56 Prospect Street Hartford, CT 06103 jacqueline.gardell@eversource.com</p> <p>John Morissette Project Manager-Transmission Siting-CT Eversource Energy 56 Prospect Street Hartford, CT 06103 john.morissette@eversource.com</p> <p>Jeffery Cochran, Esq. Senior Counsel, Legal Department Eversource Energy 107 Selden Street Berlin, CT 06037 jeffery.cochran@eversource.com</p> <p>Marianne Barbino Dubuque Carmody Torrance Sandak & Hennessey LLP 50 Leavenworth Street Waterbury, CT 06702 mdubuque@carmodylaw.com</p>
Party Approved on July 23, 2015	<input checked="" type="checkbox"/> E-Mail	Office of Consumer Counsel	<p>Lauren Henault Bidra, Esq. Staff Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Lauren.bidra@ct.gov</p> <p>Joseph A. Rosenthal, Esq. Principal Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Joseph.rosenthal@ct.gov</p>

			Margaret Bain Associate Rate Specialist Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Margaret.bain@ct.gov
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Parker Stacy 1 Kinsman Lane Greenwich, CT 06830 pstacy@optonline.net	
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Pet Pantry Super Discount Stores LLC	Mark L. Bergamo, Esq. Edward L. Marcus, Esq. The Marcus Law Firm 275 Branford Road North Branford, CT 06471 mbergamo@marcuslawfirm.com emarcus@marcuslawfirm.com
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Field Point Estate Townhouses, Inc.	Carissa Depetris Dwight Ueda Field Point Estate Townhouses 172 Field Point Road, #10 Greenwich, CT 06830 carissa.depetris@gmail.com d_ueda@yahoo.com
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Christine Edwards 111 Bible Street Cos Cob, CT 06807 SeeEdwards@aol.com	
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Richard Granoff, AIA, LEED AP Granoff Architects 30 West Putnam Avenue Greenwich, CT 06830 rg@granoffarchitects.com	

Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Anthony Crudele Bella Nonna Restaurant & Pizzeria 280 Railroad Avenue Greenwich, CT 06830 bellanonnagreenwich@gmail.com	
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Cecilia H. Morgan 3 Kinsman Lane Greenwich, CT 06830 cecimorgan@aol.com	
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Dr. Danielle Luzzo Greenwich Chiropractic & Nutrition 282 Railroad Avenue Greenwich, CT 06830 drdanielleluzzo@gmail.com	
Intervenor Approved on September 17, 2015	<input checked="" type="checkbox"/> E-Mail	Joel Paul Berger 4208 Bell Boulevard Flushing, NY 11361 communityrealty@msn.com	
Intervenor Approved on October 1, 2015	<input checked="" type="checkbox"/> E-Mail	Meg Glass 9 Bolling Place Greenwich, CT 06830 glass50@hotmail.com	
Party Approved on January 12, 2016	<input checked="" type="checkbox"/> E-Mail	The Honorable Peter J. Tesei First Selectman Town of Greenwich 101 Field Point Road Greenwich, CT 06830 ptesei@greenwichct.org	Julie D. Kohler, Esq. David A. Ball, Esq. Cohen and Wolf, P.C. P.O. Box 1821 Bridgeport, CT 06601 jkohler@cohenandwolf.com dball@cohenandwolf.com

STATE OF CONNECTICUT

SITING COUNCIL

DOCKET NO. 461 – EVERSOURCE ENERGY : **DOCKET NO. 461**
APPLICATION FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND :
PUBLIC NEED FOR THE CONSTRUCTION, :
MAINTENANCE, AND OPERATION OF A 115- :
KILOVOLT (KV) BULK SUBSTATION LOCATED :
AT 290 RAILROAD AVENUE, GREENWICH, :
CONNECTICUT, AND TWO 115-KV :
UNDERGROUND TRANSMISSION CIRCUITS :
EXTENDING APPROXIMATELY 2.3 MILES :
BETWEEN THE PROPOSED SUBSTATION AND :
THE EXISTING COS COB SUBSTATION, :
GREENWICH, CONNECTICUT, AND RELATED :
SUBSTATION IMPROVEMENTS : MARCH 4, 2016

OBJECTION TO INTERVENOR’S LIST OF ITEMS
FOR ADMINISTRATIVE NOTICE

For the reasons set forth below, The Connecticut Light and Power Company, doing business as Eversource Energy (“Eversource”), hereby objects to Intervenor Field Point Estate Townhouses’ List of Items for Administrative Notice stated on the Council’s hearing program dated February 23, 2016, as Items 1-9 of VI. A. These items were originally attached to Set II of Intervenor’s Interrogatories dated September 22, 2015, as Exhibits 1-9.

The basis for this Objection is as follows:

1. Item 1 has already been made part of the Record; and
2. The doctrine of administrative notice does not apply to Items 2-9.

DISCUSSION

1. **Gabor Mezei, M.D., Ph.D.’s Curriculum Vitae has already been made a part of the Record.**

Dr. Mezei’s resume, including Page 1, is already listed as part of the record for this proceeding as Exhibit 10(i). Because Dr. Mezei’s full resume is already a part of the record, it is unnecessary for the Council to take administrative notice of Page 1.

2. **The doctrine of administrative notice does not apply to Items 2-9 submitted by Intervenor.**

Section 4-178(6) of Connecticut’s Uniform Administrative Procedure Act states that “notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency’s specialized knowledge.” The doctrine of judicial notice applies equally to administrative agencies in the form of administrative notice. *Town of West Hartford v. Freedom of Information Com’n*, 218 Conn. 256 (1991). Such notice is typically taken of matters “which come to knowledge of men generally in course of ordinary experience or life,” or are generally accepted as true and “capable of unquestionable demonstration.” *Id.*

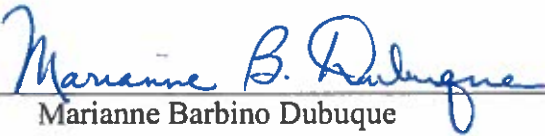
Items 2-9 have already been addressed by Eversource in its answers to Intervenor’s interrogatories. See Exhibit 23, Q-FPET-003 (addressing Items 3 and 4), Q-FPET-004 (addressing Items 2, 5, and 6), Q-FPET-005 (addressing Items 7 and 8) and Q-FPET-006 (addressing Item 9). Eversource’s responses have made clear its belief that these items are not scientific and thus do not qualify as reliable or “capable of unquestionable demonstration”. To the contrary, Eversource’s responses demonstrate that most of the items at issue have been heavily criticized by various scientific agencies for the methods undertaken to reach their conclusions.

Because Items 2-9 are more properly categorized as evidence, subject to cross-examination by the Council and other interested parties in this proceeding, it is Eversource's position that it is improper for the Council to take administrative notice of the materials.

For the reasons set forth above, Eversource objects to Intervenor's List of Items for Administrative Notice.

Respectfully submitted,

THE CONNECTICUT LIGHT AND POWER COMPANY
DOING BUSINESS AS EVERSOURCE ENERGY

By: 
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Its Attorneys
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