

March 2, 2005

Pamela B. Katz  
Chairman  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: Docket No. 272 – Connecticut Light and Power Company and United Illuminating Company Application for a New 345-kV Electric Transmission Line Between Scovill Rock Switching Station in Middletown and Norwalk Substation in Norwalk**

Dear Chairman Katz:

Richard Blumenthal, Attorney General for the State of Connecticut, hereby submits this letter concerning the decision schedule issued by the Connecticut Siting Council (“Council”) in the above-referenced proceeding on February 22, 2005. In that schedule, the Council states that parties and intervenors must submit their proposed findings of fact and briefs on March 11 and 16, 2005, respectively, and that that Council will meet to review its findings of fact on March 23, 2005. The schedule further provides that on March 28, 2005, parties and intervenors may submit comments, clarifications and exceptions to the Council’s findings of fact and that on March 31, 2005, they may present oral arguments. There is no indication on the schedule that the Council intends to issue a draft decision in this proceeding. Consequently, it appears that the sole subject of the written exceptions and oral argument will be the Council’s draft findings of fact.

The Attorney General respectfully requests that the Council reconsider the decision schedule to provide for the issuance of a draft decision that can be commented upon by parties and intervenors in both written exceptions and oral argument. Written exceptions and oral argument will necessarily be of limited value to the Council if it is confined only to draft findings of fact. For example, on February 17, 2005, the Council invited parties and intervenors to address a number of specific issues in their briefs. The issuance of a draft decision, which provides how the Council preliminarily determined to address those issues, would greatly facilitate the debate and discussion that written exceptions and oral argument will provide. This concept is clearly recognized by the Uniform Administrative Procedures Act, codified at Conn. Gen. Stat. § 4-179(a), which provides that:

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[w]hen, in an agency proceeding, a majority of the members of the agency who are to render the final decision have not heard the matter or read the record, the decision, if adverse to a party, shall not be rendered until a proposed final decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the members of the agency who are to render the final decision.

(Emphasis added).

Thank you for your careful consideration of this request.

Very truly yours,

RICHARD BLUMENTHAL  
ATTORNEY GENERAL

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