

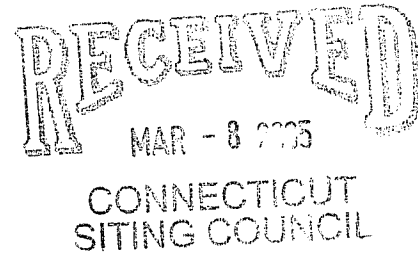
## State of Connecticut

RICHARD BLUMENTHAL  
ATTORNEY GENERAL



Hartford

March 8, 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:

This proceeding will have profound and lasting importance to our entire state. Its outcome will have huge, historic impacts on our economic and energy future, our environment and the health and safety of our citizens. The issue of electric and magnetic fields (“EMF”), as well as other health and environmental effects, have rightly been raised as a major consideration of these proceedings.

I was alarmed when I learned that the Council, in a letter to certain legislators dated January 10, 2005, stated that:

[t]he Council conducted a publicly held meeting to discuss the revisions to this report on December 21, 2004. The Council received verbal remarks from the energy industry and their requests have been included. After discussion, the Council acted to adopt this updated version.

This language could be construed as an admission by the Council that it received “ex parte” communications which are prohibited by law. Pursuant to Conn. Gen. Stat. § 4-181(a):

Unless required for the disposition of ex parte matters authorized by law, no hearing officer or member of an agency who, in a contested case, is to render a final decision or

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to make a proposed final decision shall communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or, in connection with any issue of law, with any party or the party's representative, without notice and opportunity for all parties to participate.

In addition, pursuant to § 4-181(c):

Unless required for the disposition of ex parte matters authorized by law, no party or intervenor in a contested case, no other agency, and no person who has a direct or indirect interest in the outcome of the case, shall communicate, directly or indirectly, in connection with any issue in that case, with a hearing officer or any member of the agency, or with any employee or agent of the agency assigned to assist the hearing officer or members of the agency in such case, without notice and opportunity for all parties to participate in the communication.

The receipt of "verbal remarks from the energy industry" regarding the EMF issue during this case may contravene § 4-181(a), which prohibits the Council from having direct or indirect communications in connection with any issue of fact with any person or party without notice and opportunity for all parties to participate. Clearly, EMFs are an issue of fact in Docket 272. The Council's January 10 letter also raises the question of whether there were violations of § 4-181(c), which prohibits the Council from having direct or indirect communications with any party or intervenor in the case without notice and opportunity for all parties to participate.

Under these circumstances, I request that the Council immediately and publicly disclose the specific nature of the communications that are referred to in the Council's January 10 letter concerning the Revised Electric and Magnetic Field Best Management Practices dated December 21, 2004 ("Revised EMF BMP"). Please identify who supplied those communications, when and where they were given and received, and by whom they were received. Please also discuss whether the Council gave any notice and opportunity for all parties to this case to participate in those communications.

I also respectfully request that KEMA provide a further written explanation of why it ultimately reversed its position on the question of whether additional undergrounding is possible in this case. I realize that KEMA addressed this issue orally at the February 14, 2005 technical session and at the February 17, 2005 hearing. Suggestions made regarding possible ex parte communications require additional review and explanation.

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I thank you in advance for your prompt attention to this request.

Very truly yours,



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cc: Service list