

August 13, 2004

Via Hand Delivery

Ms. Pamela Katz, P. E.
Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 272 – Comments of the Towns of Durham and Wallingford Concerning the Joint Letter of the Attorney General and Certain Municipalities in this Proceeding.

Dear Ms. Katz:

The Town of Durham and the Town of Wallingford (collectively, the “Towns”) hereby provide their comments concerning the joint letter from the Attorney General of the State of Connecticut and certain municipalities to the Council in this proceeding dated August 12, 2004 (the “Joint Letter”). The Towns agree with and concur with the Joint Letter insofar as it seeks procedural relief (in the form of additional time to conduct discovery and additional hearings) in order to properly evaluate any new proposal submitted by the Applicants in this proceeding on August 16, 2004 (the “New Proposal”).¹

However, the Towns believe that the best way “to protect the procedural rights of the Parties” and “to help maintain public confidence in the integrity of the process and ultimate outcome of this proceeding,” as urged in the Joint Letter (Joint Letter at page 4), is for the Council to reopen its approval of Phase I in Docket 217 and review the entire 345 kV “Loop” proposed for Southwest Connecticut in a single consolidated proceeding. This specific relief has been requested by the Towns in a motion filed on July 23, 2004 in this proceeding and in Docket 217 (the “Towns’ Motion”). The Towns’ Motion is currently pending before the Council.

¹/As discussed in the Joint Letter, it is anticipated that the Reliability and Operability working group (composed of representatives of ISO-NE and the Applicants The Connecticut Light and Power Company and The United Illuminating Company) will submit a new transmission proposal to the Council on or before August 16, 2004, designed to both address ISO-NE’s reliability concerns regarding the Applicants’ original proposal in this proceeding and maximize the amount of undergrounding available.

Ms. Pamela Katz
Chairman
Connecticut Siting Council
August 13, 2004
Page 2

Recent and ongoing events in this proceeding continue to add justification for the Towns' Motion. For example, it is clear from the weekly conference calls conducted by the Reliability and Operability working group that the modified version of Configuration X approved by the Council in Docket 217 is a major cause of the ongoing reliability issues concerning Phase II. It is also clear that the Towns have been specifically and adversely impacted by Phase I, in the form of increased levels of EMF compared to current levels, before any EMF effects of Phase II are even considered. Finally, it is now abundantly clear that the Council's approval of Phase I is operating to deny the Towns the intended benefits of the presumption in favor of undergrounding set forth in Public Act 04-246.

For all of the above reasons, the Towns wish to express their support for the procedural relief requested in the Joint Letter, with the additional request that such relief be accorded to the parties in a consolidated proceeding, as requested in the Towns' Motion.

THE TOWN OF DURHAM
AND THE
TOWN OF WALLINGFORD

BY _____
Peter G. Boucher

PGB/pab
cc: Docket No. 272 service list