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December 22, 2004

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

Re: Docket No. 272

Dear Chairman Katz:

The Towns of Woodbridge, Milford, Orange, Cheshire, Durham and Wallingford ("Towns") renew, re-state and incorporate herein the objections to the Council's schedule asserted in the letter filed by Brian M. Stone on November 8, 2004. In addition, the Towns herein specifically object to the Council's schedule of January hearings, and most particularly to the hearings concerning the Reliability and Operability Committee's ("ROC Group") Final Report.

For five months the parties and intervenors in this docket have waited for the ROC Group to issue its Final Report as to the maximum amount of undergrounding it would support. In that time, this docket has effectively come to a halt because there has been no configuration which the Applicants have supported, and which any party could use as a base case to conduct studies. As a result, the Towns -- whose resources have been severely depleted by these extraordinary proceedings -- had no choice but to wait for the Final Report before they could begin to commission their consultants to perform studies designed to analyze alternative routes to the proposal in the application.

If the ROC Group had produced its report in a timely fashion, it is possible that there would have been enough time for discovery, independent review of the report, and presentation of alternative studies and configurations. By delaying for so long, the Applicants have placed the Towns in the untenable position of being unable to meaningfully challenge the conclusions in the Final Report. The schedule of hearings rewards the Applicants for their delay.

Pamela B. Katz, PE, Chairman

December 22, 2004

Page -2-

Now, at the eleventh hour, the ROC Group has concluded that the maximum amount of undergrounding it will support is coincidentally the exact same amount of undergrounding initially proposed by the Applicants; i.e., 24 miles. Initially, the ROC Group provided periodic updates intimating that its studies would result in the Applicants advocating substantial changes to the base case in the initial application. However, the ROC Group provided no updates in the last two months, and gave absolutely no indication to any of the parties that it would ultimately support 24 miles of undergrounding. The ROC Group also withheld from the parties specifics as to the technical improvements that would be required in order for it to support 24 underground miles. This veil of secrecy has contributed to the Towns' inability to take any actions to study and then present alternative configurations to the Council.

On December 14, 2004, KEMA, Inc. testified that the harmonics problem first raised by ISO-NE in June 2004 could be solved through the installation of C-Type Filters, STATCOMs or some combination of the two. The ROC Group now identifies a transients problem as an impediment to extending the amount of undergrounding beyond 24 miles. KEMA further testified that, given time, it could conduct studies designed to mitigate the transients problem. It is clear that only through independent expert review will there be mitigation studies designed to solve the problems which the Applicants raise.

The Towns have now been handed approximately 275 pages of the Final Report and associated studies, that have presumably been compiled by the ROC Group for many months. The Council's schedule provides virtually no right of discovery on the report, no time for expert review, and no time for meaningful cross-examination as required by Conn. Gen. Stat. § 16-50o(a). We note that the schedule would require the Towns to submit pre-filed testimony on December 28, 2004 -- just *seven days* after receiving the Final Report. While the Applicants were provided more than five months to conduct studies in the midst of this docket, the Towns are now given one week.

By waiting until December 20th to file the Final Report, the Applicants have put the Council and all parties in the unfair position of having to consider the Final Report in a matter of weeks, thereby ensuring minimal review of the Final Report and discouraging any challenge to it. As a result, instead of the Final Report serving as the beginning of a process that should require months of expert review and analysis, this case is being compressed into four weeks. The Towns are greatly concerned that the resulting schedule can lead to nothing more than a cursory review of the Final Report, rather than a meaningful analysis and consideration of alternatives. These events and the schedule of hearings have and will continue to deprive the Towns of their rights of due process and fundamental fairness.

Pamela B. Katz, PE, Chairman
December 22, 2004
Page -3-

Accordingly, the Towns request that the Siting Council take whatever steps are necessary to extend deadlines to ensure that all parties are afforded a fair opportunity to challenge the conclusions in the Final Report. Further the Towns request that the Council direct KEMA to analyze the Final Report, and to conduct studies necessary to maximize undergrounding and to permit compliance with P.A. 04-246.

Very truly yours,

David A. Ball

cc: Service List