

DAVID A. BALL

Please Reply To Bridgeport  
E-Mail: dball@cohenandwolf.com

September 15, 2004

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

**Re: Docket No. 272**

Dear Chairman Katz:

In response to the Council's request for comments on the proposed topics for the hearings on September 28-29, the Towns of Woodbridge, Milford, Orange, and Cheshire ("Towns") respond as follows. The Towns have no objection to hearings relating to EMF mitigation and DOT preferred routes.

However, the Towns strongly urge the Council not to consider the East Shore route at the September hearings. As the Council is aware, the Towns collectively agreed to refrain from studying the East Shore route -- at the applicants' request -- to enable the applicants' consultants to perform work in connection with the Reliability and Operability Committee (the "ROC group"). Accordingly, the Towns suspended both the load flow and transients and harmonics studies that they would have performed relating to East Shore.

In light of the fact that the ROC group still has not settled on a primary route in this docket, it would be premature to consider specific routes, such as East Shore, before a primary route is proposed. Although the applicants argue that the Council can address the applicants' studies on the issue of whether a second line in the 387 corridor is needed, the Towns disagree. First, until a proposed configuration emerges from the ROC group, it will be unclear whether the studies performed to date by the applicants have any relevance at all. Second, the Towns have put their evaluation of the applicants' studies on hold, and should not be forced to spend what little remains of their resources to evaluate the applicants' studies, when there is still no primary proposal on the table. Therefore, if the Council proceeds with an East Shore hearing, it will not have the benefit of the Towns' consultants' studies, and there will necessarily have to be yet another East Shore hearing in the future. Third, given the fact that

September 15, 2004

Page 2

the Towns put their own studies on hold at the applicants' request and for the express purpose of giving the ROC group time to complete its work, it would be extremely prejudicial to the Towns (as well as inconsistent with the Towns' procedural rights) for the Council to conduct any evaluation of an East Shore route, before the ROC group submits its final report. This would deprive the Towns of fundamental fairness and a meaningful hearing on this route.

The Towns appreciate the Council's desire to move the process forward, however it is the Towns' position that holding a hearing on the East Shore route in September will be an unwise expenditure of time and financial resources. Through no fault of the Towns, we are currently in a state where there is no primary route before the Council, and no base case off of which the Towns can perform studies to examine any alternative route, including East Shore. The Towns have spent enormous amounts of money responding to an application that is now in the process of change. It would be unfair to conduct an evidentiary hearing on the East Shore route at this point in the proceedings, when the Towns have been unable to conduct any of their own studies and do not even know whether they can advocate for the East Shore route as an alternative. As a result, there is no question that even if East Shore is considered in these September hearings, the Council will be required to hold another evidentiary hearing in the future on the same topic, thereby causing the Towns to have their experts and counsel prepare for multiple hearings on the same issue. It would make much more sense to have one hearing on this topic at a future date, when all parties are on an equal footing.

We strongly request that the Council allow the ROC group to complete its work, and to then allow the Towns the time that will be needed to determine what alternatives, if any, they intend to support, rather than considering routes such as East Shore in a vacuum.

Very truly yours,

David A. Ball

cc: Service List