

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**NORTHEAST UTILITIES SERVICE
COMPANY APPLICATION TO THE
CONNECTICUT SITING COUNCIL
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
("CERTIFICATE") FOR THE CONSTRUCTION
OF A NEW 345-KV ELECTRIC TRANSMISSION
LINE FACILITY AND ASSOCIATED
FACILITIES BETWEEN SCOVILL ROCK
SWITCHING STATION IN MIDDLETOWN
AND NORWALK SUBSTATION IN
NORWALK, INCLUDING THE
RECONSTRUCTION OF PORTIONS OF
EXISTING 115-KV AND 345-KV ELECTRIC
TRANSMISSION LINES, THE CONSTRUCTION
OF BESECK SWITCHING STATION IN
WALLINGFORD, EAST DEVON SUBSTATION
IN MILFORD, AND SINGER SUBSTATION
IN BRIDGEPORT, MODIFICATIONS AT
SCOVILL ROCK SWITCHING STATION
AND NORWALK SUBSTATION, AND
THE RECONFIGURATION OF CERTAIN
INTERCONNECTION**

DOCKET NO. 272

DECEMBER 23, 2003

MOTION TO COMPEL RESPONSES TO INTERROGATORIES

The Town of Durham and the Town of Wallingford (collectively, the "Towns"), each a party to the above-captioned proceeding, hereby move that the Connecticut Siting Council (the "Council") issue a scheduling order compelling The Connecticut Light and Power Company ("CL&P") and The United Illuminating Company ("UI") to timely respond to the Towns' First Set of Interrogatories (the "Town Interrogatories").

Reference is made to two (2) letters from the undersigned on behalf of the Towns of Durham and Wallingford (the “Towns”) to the Siting Council (“Council”) in this matter dated November 10, 2003 and December 9, 2003. In each of those letters the Towns expressed their concerns regarding the failure of CL&P and UI to timely respond to the Town Interrogatories.¹

In the Towns’ first letter dated November 10, 2003, the Towns requested that the Council: (1) establish a date certain for CL&P and UI to respond to the Town Interrogatories; and (2) direct CL&P and UI to immediately provide responses to those Town Interrogatories for which they have the relevant information (“Scheduling Order”). Approximately one month later, on December 9, 2003 with still no discovery responses forthcoming from CL&P and UI, the Towns renewed in writing their request for the Scheduling Order and further requested that “...the Council’s schedule in this proceeding contain sufficient flexibility to accommodate a potential extension of time to prepare the Towns’ testimony in the event that the Companies’ continuing delay in responding to the Town Interrogatories necessitates the same.”

CL&P and UI have not to date expressly objected to the issuance of the requested Scheduling Order, and the Council has to date neither acknowledged nor issued the requested Scheduling Order, notwithstanding the lack of any formal objection thereto.

¹ CL&P and UI are sometimes collectively referred to herein as the Companies.

On December 12, 2003, the Towns received thirteen (13) purported CL&P responses to the fifty-eight (58) outstanding Town Interrogatories; no further CL&P responses have been received to the date hereof.² UI has yet to respond to any of the outstanding Town Interrogatories. The purported responses received to date are completely inadequate and/or unresponsive for the following reasons:

1. Town Interrogatories D-W-001 through D-W-004 merely restated questions that the Town of Durham previously asked CL&P in May and early June of 2003 but which have not been answered. The single previously-asked question that CL&P purportedly did respond to; i.e., D-W-003 (which was submitted to CL&P on June 12, 2003), inquired of CL&P regarding its evaluation of an underground route along Maiden Lane through Durham. Parts (b) and (d) of Town Interrogatory D-W-003 specifically requested CL&P to provide “documents” related to its evaluation of this alternate route. CL&P’s response, however, merely provides a brief narrative discussion but none of the requested documents.³

² In a letter to the undersigned dated 12/05/03, CL&P Counsel stated that answers to “approximately half of the fifty-eight (58) interrogatories [will be provided] next week, with most of the remaining responses to come during the following week.” The Towns note that CL&P and U.I. are not complying with their own schedule for interrogatory responses, which the Towns view as inadequate in any event.

³ In this and other responses, CL&P and UI state their objection to the “scope of the term ‘Document’” as contained in the Town Interrogatories, without bothering to disclose of the nature of their objection.

2. Interrogatory D-W-046 (b) requested CL&P to provide information detailing the “installation cost, the operating costs and maintenance costs of devices and/or technologies available to control transmission line impedance so as to variably increase or decrease such impedance as desirable.” CL&P solely provided its approximate installation cost for these devices; it provided no information on the operating or maintenance costs.

A direct consequence of the Companies’: (1) refusal to respond to the Town Interrogatories (without the benefit of a Council ruling sustaining any objection thereto), and (2) calculated inadequacy of the responses provided to date, is that the Towns are being denied an adequate opportunity to review the Companies’ Application in this proceeding.

For all of the foregoing reasons, the Towns again respectfully request that the Council issue (and enforce as necessary) the requested Scheduling Order. The Towns additionally hereby reserve any and all claims of prejudice previously expressed to the Council resulting from the Companies’ failure to timely provide adequate responses to the Town Interrogatories to date.

Respectfully Submitted

TOWN OF DURHAM
TOWN OF WALLINGFORD

By

Peter G. Boucher
Alan P. Curto, of
Halloran & Sage LLP
One Goodwin Square
225 Asylum Street
Hartford, CT 06103
Juris No. 26105
Its Attorneys

cc: Docket 217 Service List
495737.1(HSFP)