

From: Bachman, Melanie
Sent: Monday, September 11, 2017 12:07 PM
To: Bowsza, Jason; CSC-DL Siting Council
Cc: Anderson, Stephen; Kip Kolesinskas; Trousdale, Krista E.
Subject: RE: Petition 1313

Good afternoon, Jason.

Thank you for your e-mail.

As you are aware, the evidentiary hearing session commences with verification of the petitioner's exhibits and cross examination of the petitioner by Siting Council staff and members. We have 2 hours (between 3 PM and 5 PM) to conduct this cross examination by 9 seasoned professionals (8 Council members and 1 staff member) prior to the dinner break (5 PM) and 6:30 PM public comment session. We will not continue the evidentiary hearing after the 6:30 PM public comment session on the evening of September 12th.

In the unlikely event that the cross examination of the petitioner by the Council members and staff concludes prior to 5 PM on 9/12, we will conclude the evidentiary session at that time to assure DOAg has full representation at the time DOAg commences its cross examination of the petitioner, which will likely be on October 10. However, Attorney Kosloff inquired of me whether or not his expert could be cross examined at the commencement of the hearing on 10/10 since his clients are members of the public who are paying the expert to appear. Attorney Kosloff hasn't requested this re-ordering as of yet, but I did recommend he approach the request in the same manner as Attorney Langer had done last week for the Town of Simsbury. Unless and until he submits the request, and there are no objections to it, we are planning to proceed with DOAg's cross examination of the petitioner at the commencement of the 10/10 evidentiary session.

Also, how would you prefer the Council refer to the Department of Agriculture in acronym form? DOAg? DOA?

Thanks.

Enjoy the conference.

Melanie

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From: Bowsza, Jason

Sent: Monday, September 11, 2017 11:49 AM

To: Bachman, Melanie <Melanie.Bachman@ct.gov>; CSC-DL Siting Council <Siting.Council@ct.gov>

Cc: Anderson, Stephen <Stephen.Anderson@ct.gov>; Kip Kolesinskas <kip.kolesinskas@gmail.com>;

Trousdale, Krista E. <Krista.Trousdale@ct.gov>

Subject: Petition 1313

Dear Ms. Bachman:

As you know, I am representing the Department of Agriculture in the above-referenced proceeding, but neither I nor Commissioner Reviczky is able to attend the September 12 evidentiary hearing, which is the first hearing date for the case. I see that the Town of Simsbury has asked to go last for cross-examination of the petitioner's witnesses and for presentation of the Town's own witnesses and that you have said that you will arrange the hearing program to accommodate this request. DOA has no objection to Simsbury going last; however, I am now concerned that on September 12, it is possible that DOA may be called on to question the petitioner's witnesses or, possibly, to put on DOA's own witness.

I recall that when the fact that neither I nor Commissioner Reviczky could attend on September 12 came up at the pre-hearing conference, you indicated that there was little likelihood that the September 12 evidentiary hearing would go further than presentation by the petitioner of its witnesses and questioning by the Siting Council of the petitioner's witnesses. Because there are only two and a half hours – from 3 p.m. to 5:30 p.m. – for the evidentiary hearing on that day, it was unlikely that cross-examination of the petitioner's witnesses would occur on the first day or that other parties would be called on to put on their witnesses on the first day.

I wanted to ask if there is any way to arrange the hearing program for the proceeding to insure that, in fact, the September 12 evidentiary hearing does not go beyond presentation by the petitioner of its witnesses and questioning of those witnesses by the Siting Council.

I thank you in advance for your consideration of this request.

Jason Bowsza