

STATE OF CONNECTICUT

SITING COUNCIL

Docket 370A: The Connecticut Light and Power Company application for a Certificate of Environmental Compatibility and Public Need for (1) The Greater Springfield Reliability Project consisting of a new 345-kV electric transmission line and associated facilities from the North Bloomfield Substation in Bloomfield to the Connecticut/Massachusetts border, together with associated improvements to the North Bloomfield Substation, and potentially including portions of a new 345-kV electric transmission line between Ludlow and Agawam, Massachusetts that would be located in the Towns of Suffield and Enfield, Connecticut; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut.

Docket 370B: NRG Energy, Inc. application pursuant to C.G.S. § 16-50/(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, Connecticut

DOCKET 370

November 4, 2009

MEMORANDUM OF LAW IN SUPPORT OF THE APPLICANT'S OBJECTION TO PORTIONS OF THE TESTIMONY SUBMITTED BY RICHARD LEGERE

The Connecticut Light & Power Company, Inc., (“CL&P” or “Applicant”), hereby objects to the proposed, pre-filed testimony of Richard Legere, ARM, on behalf of Citizens Against Overhead Power Line Construction, (“CAOPLC”). As explained in greater detail below, much of Mr. Legere’s testimony is scientific and/or technical and requires certain qualifications to competently testify; qualifications which Mr. Legere does not possess. In addition to proffering unqualified expert opinion testimony, Mr. Legere attempts to testify on various subjects based solely on irrelevant and unreliable hearsay of which he does not possess personal knowledge and which is not properly before the Council. Finally, while the CAOPLC may properly express their concerns regarding the proposed transmission lines, at various points throughout his testimony, Mr. Legere bases his testimony on unproven hypothetical facts or multiple levels of hearsay, and, in some cases, on unfair and prejudicial innuendo. For these reasons, and the reasons set forth below, CL&P objects to the testimony submitted by CAOPLC.¹

I. INTRODUCTION

On October 30, 2009, the CAOPLC submitted proposed testimony of Richard Legere to the Connecticut Siting Council (herein after the “Council”) for consideration in the hearings on Docket 370. The CAOPLC is a “grassroots advocacy group” purporting to represent as yet unidentified citizens of Suffield and East Granby who have concerns over the proposed installation of transmission lines in the area. The group is claimed to be comprised of approximately 100 families in the area and was formed shortly after CL&P informed the

¹ Attached hereto is a document titled “Objection to Portions of the Testimony of Richard Legere.” In this document, CL&P addresses the specific objectionable portions of Mr. Legere’s testimony. Attached to that document is a highlighted version of the proposed testimony clearly showing which portions are objected to and why.

surrounding towns that a new transmission line was being proposed. While it claims not to be a NIMBY (not in my backyard) group, the CAOPLC expresses, as it is entitled to do, numerous local concerns with respect to the portion of the Greater Springfield Reliability Project proposed to be located in Suffield and East Granby. However, CAOPLC does not limit its testimony to expressions of local concerns. Rather, through its “Executive Director,” Richard Legere, CAOPLC seeks to introduce extensive substantive testimony on scientific, medical, and technical subjects, as well as multiple hearsay and irrelevant innuendo.

To be clear, CL&P does not object to the group coming before the Council and expressing its concerns. However, the testimony of Richard Legere submitted by the CAOPLC’s is objectionable on a number of grounds.

II. SUMMARY OF PROFERRED TESTIMONY

Mr. Legere concedes that much of his testimony is based on “excerpts from articles published in scientific journals.” Testimony at p. 7, lines 176-78. At one point, he unequivocally recognizes that he has no expert credentials to enable him to present expert testimony concerning electric transmission lines. See id. at p. 4, lines 47-50. He then backtracks, and lays out what he asserts to be his relevant professional and educational experience. He has a degree in poetry and writing, he completed some evening MBA classes at the University of Puget Sound in Seattle, and he has worked in the insurance industry as an associate in risk management for a number of years. He feels that these experiences have taught him to think analytically in a manner that is both relevant, and beneficial, to his testimony and to this panel’s task in Docket 370. See, id., pp. 406.

The CAOPLC details a number of concerns throughout Mr. Legere’s testimony. These concerns range from the potential health effects of EMF exposure, and visual pollution from

transmission towers, to environmental concerns such a diminished property values and erosion and water runoff problems. See Testimony at p. 8, lines 238-283. To this end however, Mr. Legere’s testimony consists of parading various articles, studies, reports and opinions before the panel: none of which are his own and none of which are admissible.

After briefly discussing the CAOPLC’s concerns, Mr. Legere’s testimony turns to specific subjects. It begins with testimony rejecting, in large part on supposed technical grounds both CL&P’s proposed overhead line and the potential underground variations CL&P has identified. See Testimony at p. 10, lines 328-339.

EMF Exposure and Radiation

Next, Mr. Legere’s testimony turns to the subject of the potential health effects of transmission line electric and magnetic fields. As illustrated by the record in Docket 272, of which the Council has taken notice (Council Admin. Notice Item 45), and by the Council’s two and a half year Best Management Practices proceeding culminating in the adoption of the revised 2007 Best Management Practices (Council Admin. Notice Item 3), publications in this field are vast in number and highly variable in quality. Accordingly, their evaluation requires the assistance of experts such as Dr. Valberg, whom the Council retained as its consultant in the BMP proceeding, and such as Dr. Repacholi and Dr. Bailey, who testified as witnesses in that proceeding. Mr. Legere is not such an expert.

Mr. Legere readily concedes that there is no consensus regarding the truth or the extent of any such negative health effects from EMF. Testimony at p. 11, line 348. Despite this concession, Mr. Legere attempts to take the Council on a journey through various pieces of literature concerning EMF exposure. He focuses on the suggested link to childhood leukemia, of which the Council is well aware; and then quotes, en masse, from the “Bioinitiative Report”

concerning EMF, (see id. at p. 11, fn 3), and even attempts to compare EMF to such toxic chemicals as arsenic, asbestos, and mercury in an attempt to persuade the Council that the CAOPLC's concerns are well founded. Id. at p. 12.

The testimony then shifts to the specific concerns of the CAOPLC regarding EMF exposure and CL&P's treatment of the potential threats that EMFs pose. Testimony at p. 13, line 407-463. He claims that there has been a great deal of testimony in prior proceedings concerned with reducing EMF levels at the edge of the right of way; yet, Mr. Legere laments nothing has been done in order to achieve results. Id. at line 412-13. He testifies that CL&P's representations about the reductions at the edge of the right of way are meaningless because of the mix of dense suburban and residential development as well as agriculture in the same area. He feels that this mix creates a situation where citizens pass under the lines often enough that the numbers at the edge of the right of way become irrelevant, and therefore, the citizens' concerns are not being addressed. Id. at lines 415-424.

After detailing the specific concerns the citizens have related to CL&P's attempts to reduce EMF at the edge of the right of way, Mr. Legere explains his opinion that CL&P is not doing enough to recognize the risks of EMF exposure. He rests this proposition on a British newspaper article report of a link between children with a gene mutation and leukemia. He appears to testify that, in light of this article, CL&P is not doing enough to stay at the forefront of EMF testing and awareness. Testimony at p. 15, line 496. Mr. Legere feels that because of the possibilities discussed in the British article, CL&P has an obligation to do more. In support of this position, Mr. Legere focuses on CL&P's discovery responses in this Docket which demonstrate that there is no credible study or report detailing the health risks of EMF at any level. Id. at lines 505-514.

The submitted testimony then jumps to a conflated analysis of the “dose/response” curve. See Testimony at p. 16. Mr. Legere tries to draw the analogy that, like speed in a car, the more EMF exposure or the higher the EMF level, the greater the chance of harm. In a discovery response, CL&P responded to his dose/response hypothesis that it is unsupported by reliable data. Id. at line 536-546. However, Mr. Legere seems intent on testifying that his theory is correct.

Mr. Legere attempts to take the Council through the scientific field of toxicology, exposure levels, gene mutations and Toxicogenomics. See Testimony at pp. 17-21. Much of this material is excerpted from various websites such as Wikipedia. Mr. Legere testifies that the scientific principles described demonstrate that there is a trigger or an allergic reaction in the body when a toxin is introduced. The levels of exposure of that toxin can then be measured to determine the organisms’ tolerance and/or reaction to that toxin. He attempts to link these principles to EMF exposure. However, he fails to do so and concedes that it is “difficult to isolate out and remove any micro macro environmental effects from an analysis of EMF’s.” Testimony at p. 19, lines 671-672.

HVDC Technology

Most of pages 21 through 31 of Mr. Legere’s proposed testimony concerns High Voltage Direct Current (“HVDC”) technology. In these pages, again, he merely takes excerpts from various sources and combines them into a summary of the technology. Included in this summary are contentions that CL&P should have given more consideration to using HVDC. One of his principal contentions is that HVDC does not produce EMF. Testimony at p. 21, lines 776-77. *Compare*, e.g., Dr. Valberg’s report to the Council in its Best Management Practices Docket: “EMF can be slowly varying or steady (often called ‘DC’ fields”), or can vary in time (often

called “AC fields”)². Mr. Legere wonders why this technology is not being used more given its advantages. Testimony at p. 21 lines 779-789.

Mr. Legere then turns to the specifics of HVDC. He starts by outlining the costs, the advantages, and the technology in an attempt to convince the Council that this technology needs to be looked at as a feasible, realistic alternative to overhead transmission. In further support of HVDC, Mr. Legere cites material posted on the Web site of “the Swiss electronics giant,” ABB. See id. at p. 24 lines 863-892. The goal of this portion of testimony is to have the Council approve retaining an independent engineering firm to undertake independent studies to determine the technical feasibility of HVDC technology, the appropriate use of the technology, and a comparative study of HVDC and 345 kV transmission technology. Id. at 26 lines 934-944. Mr. Legere ignores that the Council, with expert assistance, evaluated the potential of HVDC technology for applications similar to that of the GSRP at length and in detail in Docket 272 (the Record of which is part of this proceeding). The Council concluded in that Docket:

DC Transmission Technology. High Voltage Direct Current (HVDC) is an alternative transmission technology to the standard alternating current technology used in the United States and throughout the world. HVDC is typically used to move energy from one region to another where synchronous operation is problematic, where an integrated electric network does not exist or from a generator to a load center. Voltage source converter HVDC is able to mitigate instantaneous pickup and injection of undesired harmonic resonances, the primary issues that determine the amount of transmission cable that can be installed underground. Installations of this size have not been constructed, and they cannot automatically adjust power flow in a contingency event, which adversely affects system reliability. The Council will therefore dismiss HVDC technology.

Docket 272, Opinion, pp. 10, 11 (April 7, 2005)

The final portion of Mr. Legere’s testimony has to do with various property considerations that CAOPLC wants the Council to address. Specifically, there are three main

² Petition No. 754: *Current Status of Scientific Research, Consensus, and Regulation Regarding Potential Health Effects of Power-Line Electric and Magnetic Fields (EMF)*, prepared by Gradient Corporation for the Connecticut Siting Council, January 2006

considerations: (1) visual pollution from transmission towers; (2) diminished property values; and, (3) environmental impacts due to erosion and water runoff. For the most part, the bulk of Mr. Legere's testimony regarding the first two points can be addressed together. His basic proposition consists of two photos of the same house. One has transmission towers, the other doesn't. He then asks, "Which house would you rather buy?" His rhetorical question is meant to demonstrate that there is a certain unattractive quality to the transmission towers at issue, and also that the presence of such towers negatively impacts property values. See Testimony pp. 38-43. If these pictures depicted transmission structures similar to those proposed to be used in this project in conditions similar to those of this right-of-way and adjoining homes, they could be relevant – not to a valuation issue, but to the visual impact issue. But there is no such showing. Further, Mr. Legere proposes testimony on the statistical models which attempt to show the correlation between high voltage power lines and home values. In support of this testimony, Mr. Legere cites a study by James Chalmers and Scott Roehr, which he wrongly characterizes as indicating a diminution in value of homes near power lines. See id. at p. 35, line 1306-1323. (As Mr. Legere recognizes, CL&P responded to one of his Interrogatories by identifying Mr. Chalmers as an expert economist and appraiser whom it intended to call as a rebuttal witness on the subject of the impact of proximity to a 345-kV transmission line on residential market values, should some other party succeed in introducing valuation impact testimony, which CL&P considered outside the scope of this proceeding.) See, Testimony, at 36; CL&P Ex. 23 , Responses to CAOPLC DR CAOPLC-01-Q-CAOPLC-002, d. 7/24/09.

Finally, Mr. Legere makes a few passing remarks about the potential environmental impact of overhead transmission lines. The bulk of this testimony is a plea to preserve the National Heritage Trail and the Metacomet trail. He fails, however, to demonstrate how, if at all,

CL&P's proposed plan would compromise these trails. Additionally, Mr. Legere testifies that CAOPLC is concerned about water runoff and erosion around Phelps Road. This testimony is again, a plea for underground placement of lines because the construction process is "less invasive, less land need[s][sic] to be cleared and there is of course the very big benefit the HVDC power lines do not emit EMF radiation." Testimony at p. 34, line 1280-81.

Final Comments

In conclusion, Mr. Legere reminds the panel that he is merely a layperson in this matter. He voices a concern over the EMF studies being relied on. In an attempt to support his position that the studies are flawed, he provides pictures of himself using a device to measure EMF levels of everyday household items. His photographs purport to demonstrate discrepancies between the studies relied on and the measurements he took. However, the key to this section of his testimony is to reiterate that both he and CAOPLC have concerns regarding CL&P's proposed project and he wishes for those concerns to be heard or addressed.

III. LAW AND ARGUMENT

As a matter of law, many sections of Mr. Legere's proposed testimony are objectionable and should be disregarded by the Council.

A. Legal Standard

Pursuant to General Statute § 4-178, any evidence may be received by the Council, but the Council, "shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence." Therefore, while the Council has broad discretion in admitting evidence in a hearing, that evidence must be relevant and material to the proceeding.

Additionally, when dealing with scientific or technical matters, the Council may admit evidence based on its "experience, technical competence and specialized knowledge." C.G.S. §

4-178 (8). However, while no formal rules exist pertaining to the qualifications required for a witness to testify on a scientific or technical subject, most courts find that even in administrative proceedings, the witness must show that he or she has specialized knowledge in order to competently testify on the subject. See, e.g., Horner v. Commonwealth et. al., 105 Pa. Cmwlth 59, 64-65 (1987)(finding that if the topic is deemed to be scientific, then the witness must be qualified as an expert to testify on that topic); see also Chao v. Gunite Corp., 442 F.3d 550, 559 (7th Cir. 2006)(finding that an administrative body must find that the witness has "specialized knowledge" in order to give an opinion on the subject in question.). Mr. Legere does not meet the requisite standard of being qualified to competently testify on the subjects contained in his testimony. Further, the formal rules of evidence do not apply with full force in these proceedings, the Council is required to exclude evidence which is fundamentally unreliable. See Hultman v. Dept. of Social Services, 47 Conn. Supp. 228 (2000) (Hearsay evidence may be admitted, but only as long as it is reliable and probative.).

B. The Witness Has Failed To Demonstrate That He Is Competent Or Qualified To Testify On Scientific, Technical, Or Specialized Subjects.

Evidence pertaining to EMF exposure and radiation is beyond the common knowledge and comprehension of lay witnesses and factfinders; and thus requires qualified expert testimony. See U.S. v. 87.98 Acres of Land More or Less in the County of Merced, 530 F.3d 899, 907-08 (9th Cir. 2008)(holding that the exclusion of testimony regarding property damages and health effects of EMF was proper because the witness was a non-expert). Here, similarly, Mr. Legere concedes that he is not an expert in the field of EMF and that he is not providing testimony as an expert in this proceeding. See Testimony at p. 4, lines 47-50. Yet in virtually the same breath he claims to be an expert on the very subject when he says, "I can confidently and expertly say to the CSC that research papers from the applicant saying EMF animal studies

provide no casual or statistical link to disease are of minimal value and credibility and the CSC should not use them as evidence.” Id. at p. 6, line 161-163.

Mr. Legere then goes one step further in his submitted testimony and places in front of the Council a number of articles, studies, reports, and opinion, all concerning the science behind EMF and the potential for adverse health effects from exposure to EMF. However, it is fair to say that both the science behind EMF and the science linking, or not linking, EMF to adverse health effects is beyond the everyday knowledge of the Council. Therefore, expert testimony is required, and Mr. Legere is not qualified to present any evidence or information on the subject.

Mr. Legere has a Bachelor of Arts in poetry and writing; a degree he feels is relevant and helpful to these evidentiary hearings. Testimony at p. 5, line 91. He has taken a few MBA evening classes of an undisclosed subject matter. He has spent the bulk of his professional career in the insurance industry as an associate in risk management. The only scientific background he has is the few science classes he took at college, a research assistant credit on a publication, and a self proclaimed interest in molecular biology. See Testimony at p. 5, line 85, p. 6, line 118, line 141-154. None of this qualifies Mr. Legere to present evidence to the Council regarding exposure or the health effects of EMF. To the extent that he purports to give expert testimony on a scientific subject, it constitutes inadmissible lay witness opinion testimony on a subject requiring expert qualifications. As a result, Mr. Legere’s testimony deserves no credit.

At one point, Mr. Legere states unequivocally that he does not purport to testify as an expert. See Testimony at p. 4, lines 47-50. If that is the case, then all of the information that Mr. Legere provides on a scientific or technical matter must be disregarded. In essence, all of Mr. Legere’s testimony is based on material he has read. For example, he quotes extensively from the “Bioinitiative Report,” and proclaims it to be credible in the field of EMF research. See

Testimony p. 11, fn 3. There is no showing that this report is an official government document or even an authoritative scientific publication, which means this report cannot properly be administratively noticed. Indeed, the principal author of the “Bioinitiative Report” is Cindy Sage, whose proffered testimony was negated because of her lack of qualifications in U.S. v. 87.98 Acres, supra, 530 F. 3d at 899. In addition, Mr. Legere had nothing to do with its creation or the studies that it purports to rely on.³ Therefore, Mr. Legere cannot answer any questions in response to his support of this document because (a) he lacks the scientific background to discuss it and (b) he lacks the personal knowledge of what studies were undertaken in the preparation of this report. Therefore, any testimony concerning the science behind EMF must be excluded.

A witness must be qualified in order to competently testify concerning electrical engineering and technology. See New London Federal Savings Bank v. Tucciarone, 48 Conn. App. 89, 92 (1998). Therefore, in this case, Mr. Legere is also incompetent to provide testimony regarding HVDC electric transmission technology. Again, Mr. Legere admits that he is not an engineer and therefore cannot opine when he says, “[i]t is offered, not as expert testimony because I have said that I am not an engineer, but as informational materials...” See Testimony at p. 21, line 775-76. Thus, for the reasons discussed above, the panel must disregard this portion of Mr. Legere’s testimony as well.

Testimony regarding diminution in value of real property of lay witnesses, and even expert testimony that relies in substantial respects upon the opinions of others it is not admissible or probative. Maier v. Commonwealth, 291 Mass. 343, 348 197 N.E. 73 (1935). See also Greiner v. New Bedford, 4 Mass. App. Ct. 152, 155, 344 N.E.2d 215 (1976), Pacific Ins. Co. of N.Y. v. Martin, 242 Ark. 621, 414 S.W.2d 594 (1967). See, Goldfisher v. Connecticut Siting

³ Similar evidentiary principles such as lack of foundation, lack of personal knowledge, and unreliability will also be addressed in the section objecting to this Testimony as being irrelevant and improper hearsay.

Council, 95 Conn. App. 193, 199 (2006) (testimony of plaintiff's neighbor that she would have offered less for her home had she known about plans for nearby cell tower and testimony by expert appraiser that relied on report of a non-testifying expert failed to establish diminution in value of plaintiff's property to support aggrievement claim.) Mr. Legere is not a real estate appraiser. Mr. Legere has also not demonstrated that he is qualified in statistics. Further, there is no testimony that he is qualified to give an opinion on what a particular piece of property is worth nor is there any evidence that he is qualified to testify regarding the alleged diminished property values due to the presence of transmission lines. Indeed, Mr. Legere's "expertise" in the real estate property value context consists of looking at two pictures, one with transmission lines, and one without, and asking, "which house would you prefer to buy?" This is not evidence. Testimony at p. 39, line 1496-97.

Mr. Legere has not provided any foundation, methodology or qualifications to demonstrate that he has ever made a real estate appraisal or valuation. Instead, he relies on a study by James Chalmers and Scott Roehr, purporting to show a diminution in value of homes near power lines. See Testimony at p. 35, lines 1306-1323. Reliance on opinions of third parties in formulating an opinion of property value renders the opinion inadmissible. Maier v. Commonwealth, 291 Mass. 343, 348 197 N.E. 73 (1935). See also Greiner v. New Bedford, 4 Mass. App. Ct. 152, 155, 344 N.E.2d 215 (1976), Pacific Ins. Co. of N.Y. v. Martin, 242 Ark. 621, 414 S.W.2d 594 (1967); see generally Goldfisher v. Connecticut Siting Council, 95 Conn. App. 193, 199 (2006). Again, as with the other subject matters which were technical, scientific, or required specialized knowledge, Mr. Legere, himself, has done nothing; no analyses, no studies and no research. Instead, he relies on reports and studies from third parties and forwards those in front of the Council veiled in a cloak of reliability. They are not reliable and this

testimony should not be admitted. For these reasons, and for the reasons discussed throughout this Memorandum, CL&P objects to Mr. Legere's testimony and respectfully asks that the Council disregard it.

C. **Much Of The Proposed Testimony Rests Solely On Irrelevant Unreliable Hearsay And Is Therefore Inadmissible**

Most of the information contained in Mr. Legere's proposed testimony is hearsay and comes almost exclusively from third party sources. The admission of this type of evidence would present a number of problems in these proceedings.

First, the sources which Mr. Legere cites in his testimony are not self-authenticating. To compound this, Mr. Legere has no personal knowledge of any of the reports, studies, articles or opinions he cites, making a proper foundation impossible.

Furthermore, because none of the authors of the works cited by Mr. Legere are appearing in these proceedings, there is absolutely no chance for cross examination on the subject matter. Specifically, the Council could not question the methodology of a particular study or the information contained in a report or article. The most striking example of the hearsay problem present throughout Mr. Legere's testimony comes on page 30. There, in praising the benefits of HVDC technology, he cites a report on a website that the CT Woodland Coalition sent to its members, describing testimony given before the Council concerning HVDC applications. He does so notwithstanding that the Council has taken notice of the Record of that proceeding, so that he could properly refer to the testimony itself, rather than a third party's impression of it. Moreover, he cites this hearsay report as something the Council should rely on, notwithstanding that the Council has already evaluated and rejected that very testimony, as made clear by the excerpt from its Docket 272 Opinion quoted above, and related Findings of Fact in Docket 272. *See, Docket 272, pp. 14-18, Findings of Fact 105 – 163.*

D. Some of Mr. Legere's Testimony Should Be Stricken as Irrelevant Hearsay and Innuendo that is Unfairly Prejudicial

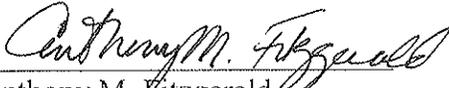
At page 34 of his testimony, Mr. Legere, with a smug circumlocution worthy of the late Senator Joseph McCarthy, strains to find a reason to assert that "one of CL&P's panel of experts" (whom he leaves unnamed in order to be "polite and respectful") was "personally indicted by the federal government" in connection with "work that was done on a prior energy project;" and that although the court dismissed the charges against the consultant, the consultant was not "found by a court to be innocent." While some might look forward to cross examining Mr. Legere with respect to this and other improper contentions in his pre-filed testimony, it is better to eliminate it as an issue by striking the testimony.

IV. CONCLUSION

The incompetent, prejudicial and unfair nature of much of Mr. Legere's testimony dictates that it should be excluded. The Council may accept CAOPLC's expressions of concern and consider them for what they are worth, but may not accept most of Mr. Legere's proposed testimony as substantive evidence. He is admittedly not an expert on EMF, HVDC, or property valuation. Those subjects require qualified expert witnesses to assist the Council, and Mr. Legere is not such an expert. The testimony of Mr. Legere to which CL&P has objected in its' Objection to Portions of the Testimony of Richard Legere is hearsay, is unreliable, and is unfairly prejudicial. The Council should exclude this evidence rather than open up the record to cross examination and rebuttal on these subjects.

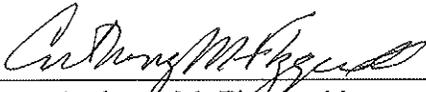
Respectfully submitted,

**THE CONNECTICUT LIGHT AND POWER
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CERTIFICATION

This is to certify that a copy of the foregoing has been served on this 4th day of November, 2009 upon all parties and intervenors as referenced in the Connecticut Siting Council's Service List dated October 20, 2009.


Anthony M. Fitzgerald