

STATE OF CONNECTICUT

SITING COUNCIL

<p>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.</p>	<p>DOCKET NO. 370A</p> <p>September 17, 2009</p>
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**OBJECTION OF THE CONNECTICUT LIGHT AND POWER COMPANY
TO
ADMISSION OF PROPOSED TESTIMONY OF
CITIZENS AGAINST OVERHEAD POWER LINE CONSTRUCTION**

FACTS:

A. The Council's Limited Permission to File Pre-Filed Testimony Within the Scope of the Joint Hearings

By joint order of September 1, 2009 (the "Joint Order"), the Connecticut Siting Council ("Council") and the Massachusetts Energy Facilities Siting Board ("EFSB") announced that they would hold joint evidentiary hearings in the above captioned matter and in Docket EFSB 08-2/DPU 08/105/108-106, both concerning the Greater Springfield Reliability Project ("GSRP") proposed by The Connecticut Light and Power Company

("CL&P") in Connecticut and by The Western Massachusetts Electric Company ("WMECO") in Massachusetts. In the Joint Order, the Council and the EFSB provided that:

[T]he subject matter for the joint hearings on September 22 and September 23, 2009 shall be limited to the environmental impacts, and relative costs and reliability concerns of the Northern and Southern routes, exclusive of need.

Joint Order, at 2.

A copy of the Joint Order is attached hereto as Exhibit 1.

Also on September 1, 2009, the Council issued a notice that it would "consider additional requests for permission to submit testimony...specifically related to the joint hearings at the continued evidentiary hearing scheduled for September 2, 2009," and that any such testimony would be required to be filed by September 15, 2009. (Council Notice to Parties and Intervenors, Sept. 1, 2009; copy attached hereto as Exhibit 2)

At a procedural conference prior to the commencement of the September 2, 2009 hearing in this matter, the Council resolved to accept pre-filed testimony from Citizens Against Overhead Power Line Construction (CAOPLC), **provided that** it be "limited to those items to be discussed at the hearing to be conducted with the Massachusetts Energy Facilities Siting Board" (9/02/09 Tr. At 19); that is, "the environmental impacts and relative costs and reliability concerns of the northern and southern routes, exclusive of need." (*Id.* at 15) A copy of pages 8-19 of the transcript of the proceedings of September 2, 2009, in which the CAOPLC request to submit pre-filed testimony was discussed and acted upon by the Council, is attached as Exhibit 3.

B. The Testimony Proffered by CAOPLC

The proposed testimony proffered by CAOPLC on September 15, 2009 (“CAOPLC Test.”) does not relate at all to the comparative merits of the Northern and Southern routes. It is, in its entirety, outside the scope of the Joint Hearings and beyond the scope of the Council’s permission to file additional testimony. The only route – specific proposed testimony relates to a segment of the right-of-way (“ROW”) from the North Bloomfield Substation to the Agawam Substation, which is common to both the Northern and Southern routes. In particular, it relates to a segment of this ROW in East Granby and West Suffield, Connecticut, The remainder of the testimony is not location specific. The subject matter of the proposed testimony is as follows:

Subject	Pages
Visual impacts in Newgate area of East Granby and West Suffield	4, 25-27, 30
Erosion and water run-off in West Suffield	4, 29
EMF Health Effects Generally and at the Suffield Sportsman’s Club	4, 5, 8-15
Impacts on Values of CAOPLC Members’ Properties and Suffield and East Granby Grand Lists	4,5, 28-29
Impacts on Agricultural Land in Suffield and generally	5
Unacceptability of potential underground line variations identified for CT route segments.	5,6
Inadequacy of Connecticut Siting Council process and procedure	6,7
High Voltage Direct Current (HVDC) technology -- capabilities and cost; application to entire project (without regard to specific routes)	15-25

DISCUSSION

The proffered testimony is inadmissible for many reasons. Most of it consists of testimony by a witness (Richard Legere, Executive Director of CAOPLC) without any disclosed expert qualifications with respect to highly technical subjects that require expert testimony – epidemiology, medicine, electrical engineering, power engineering, and real estate appraisal to name only a few subjects. Much of it is argument, rather than testimony. Some of it would be irrelevant to any phase of these proceedings. But **all** of it is well beyond the scope of the limited subject matter of the Joint Hearings, and for that reason it is all beyond the scope of the Council’s permission to file additional testimony.

Admission of this wide ranging, but extraneous, testimony would “hijack” the two days of joint proceedings set aside to consider the Northern vs. Southern route issues. First, the EFSB and Council would have to consider challenges related to the witness’ qualifications and the relevance of the testimony. After those rulings were made, cross examination would necessarily be extensive – but wholly irrelevant to the noticed subject matter of the joint hearings.

The Council should reject the proffered testimony and restrict its consideration to the issues for which the hearings have been noticed.

Respectfully submitted,

**THE CONNECTICUT LIGHT AND
POWER COMPANY**

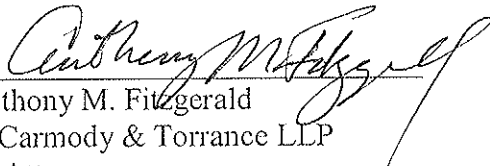
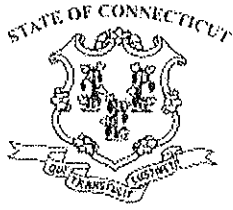
By: 
Anthony M. Fitzgerald
of Carmody & Torrance LLP
Its Attorneys
195 Church Street
New Haven, CT 06509-1950
(203) 777-5501

EXHIBIT 1



Connecticut Siting Council
 10 Franklin Square
 New Britain, CT 06051
 Phone: (860) 827-2935



The Commonwealth of Massachusetts
 ENERGY FACILITIES SITING BOARD
 One South Station
 Boston, MA 02110
 Phone: (617) 305-3525

DATE: September 1, 2009

TO: Parties & Intervenors

FROM: S. Derek Phelps, Executive Director, Connecticut Siting Council
 Stephen H. August, Presiding Officer, Massachusetts Energy Facilities Siting Board



RE: **DOCKET 370** – Consolidated proceeding pursuant to the Connecticut Energy Advisory Board (CEAB) Request for Proposal (RFP) process under C.G.S. §16a-7c. **Original application:** The Connecticut Light & Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. **Competing application:** 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.

MASSACHUSETTS ENERGY FACILITIES SITING BOARD DOCKET EFSB 08-2/DPU 08-105/08-106 - Petition of Western Massachusetts Electric Company to construct and operate new overhead 345-kV transmission facilities, two new 115-kV switching stations, modification of existing switching stations & substations, and rebuilding/re-conductoring certain existing overhead transmission lines in the towns of Agawan, Chicopee and Ludlow, and the cities of Springfield and West Springfield and extending to the municipalities of East Longmeadow, Hampden, Longmeadow and Wilbraham in the alternative route.

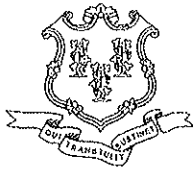
The Connecticut Siting Council (Council) and the Massachusetts Energy Facilities Siting Board (EFSB) will hold joint evidentiary hearings in the above-referenced dockets on Tuesday, September 22, 2009 at 11:00 AM and on Wednesday, September 23, 2009 at 10:00 AM at the Crowne Plaza Hotel located at 1 Bright Meadow Boulevard in Enfield, Connecticut. Directions to the Crowne Plaza Hotel can be found at: <http://www.cpenfield.com/directions.htm> The hearings will comply with the Connecticut and Massachusetts Administrative Procedures Acts.

EXHIBIT 1

The purpose of the joint hearings is to provide parties and intervenors in both dockets an opportunity to develop the record on matters common to both states' proceedings. In response to comments received from docket participants in both proceedings, the Council and the EFSB have determined that the subject matter for the joint hearings on September 22, 2009 and September 23, 2009 shall be limited to the environmental impacts, and relative costs and reliability concerns of the Northern and Southern routes, exclusive of need. The issue of need is specifically excluded based on the amount of time already devoted to this topic in previous Docket 370 evidentiary hearings held in July and August.

The Council and the EFSB invite comments from parties and intervenors as to the potential appearance of a joint panel of both applicants, CL&P and WMECO, at the joint evidentiary hearings. These comments should be submitted on or before September 11, 2009. Additionally, parties and intervenors that intend to participate in the joint hearings and conduct cross examination should notify the Council and the EFSB on or before September 11, 2009.

Finally, please also note that the Council and the EFSB will conduct an additional joint hearing session within the CT Docket 370 scheduled evidentiary hearing dates of Wednesday, October 21, 2009 and/or Thursday, October 22, 2009, at the Central Connecticut State University Institute of Technology and Business Development in New Britain, Connecticut. At the additional joint hearing, the EFSB may participate in the cross examination of witnesses scheduled in Docket 370. Further information as to this joint hearing will be forthcoming in future correspondence.



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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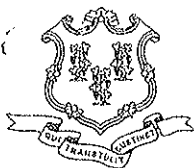
NOTICE OF SERVICE

I hereby affirm that a photocopy of this document was sent to each Party and Intervenor on the service list dated August 24, 2009 with method of service to each party and intervenor listed via either e-mail or hard-copy on September 2, 2009.

Dated: September 2, 2009

Lisa Fontaine
Custodian of Docket No. 370

EXHIBIT 2



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

DATE: September 1, 2009

TO: Parties & Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET 370** – Consolidated proceeding pursuant to the Connecticut Energy Advisory Board (CEAB) Request for Proposal (RFP) process under C.G.S. §16a-7c. **Original application:** The Connecticut Light & Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. **Competing application:** NRG Energy, Inc. application pursuant to C.G.S. §16-50l(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, Connecticut.

At its meeting held on Thursday, August 27, 2009, the Connecticut Siting Council (Council) determined that the appropriate subject matter for the joint hearings on the above-referenced docket with the Massachusetts Energy Facilities Siting Board (EFSB) shall be limited to the environmental impacts and cost and reliability concerns of the Northern and Southern routes, exclusive of need. The issue of need is specifically excluded based on the amount of time already devoted to this topic in previous evidentiary hearings held in July and August.

The Council considered and denied the request of the Office of Consumer Council dated August 20, 2009 to present its witness, Mr. Paul Chernick, at the outset of the joint hearings.

The Council also considered and accepted the request of the Town of Suffield dated August 20, 2009 to file the testimony of the First Selectman, Scott R. Lingenfelter.

The Council will consider additional requests for permission to submit testimony or interrogatories specifically related to the joint hearings at the continued evidentiary hearing scheduled for September 2, 2009. Also, please note that any party or intervenor that is granted permission and intends to submit additional testimony or additional interrogatories specifically related to the joint hearings should pre-file those materials with the Council and other docket participants by Tuesday, September 15, 2009. Adherence to this pre-file deadline is essential.

EXHIBIT 2



Additionally, the Council invites comments from parties and intervenors as to the potential appearance of a joint panel of both applicants, CL&P and WMECO, on or before September 11, 2009. The Council also requests parties and intervenors intending to participate and conduct cross examination at the joint hearings to notify the Council on or before September 11, 2009.

A verbatim transcript will be made of this hearing session and be deposited with Town/City Clerk offices within the municipalities of Bloomfield, East Granby, Enfield, Granby, Simsbury, Somers, South Windsor, Suffield, Manchester, Meriden, and Berlin for the convenience of the public.



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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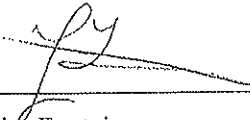
E-Mail: siting.council@ct.gov

www.ct.gov/csc

NOTICE OF SERVICE

I hereby affirm that a photocopy of this document was sent to each Party and Intervenor on the service list dated August 24, 2009 with method of service to each party and intervenor listed via either e-mail or hard-copy on September 1, 2009.

Dated: September 1, 2009



Lisa Fontaine
Custodian of Docket No. 370

EXHIBIT 3

STATE OF CONNECTICUT

SITING COUNCIL

* * * * *

THE CONNECTICUT LIGHT AND
POWER COMPANY

* SEPTEMBER 2, 2009
* 10:15 a.m.)

APPLICATION FOR CERTIFICATES OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONNECTICUT
VALLEY ELECTRIC TRANSMISSION
RELIABILITY PROJECTS WHICH CONSIST
OF (1) THE CONNECTICUT PORTION OF
THE GREATER SPRINGFIELD RELIABILITY
PROJECT THAT TRAVERSES THE
MUNICIPALITIES OF BLOOMFIELD, EAST
GRANBY AND SUFFIELD, OR POTENTIALLY
INCLUDING AN ALTERNATE PORTION THAT
TRAVERSES THE MUNICIPALITIES OF
SUFFIELD AND ENFIELD, TERMINATING
AT THE NORTH BLOOMFIELD SUBSTATION;
AND (2) THE MANCHESTER SUBSTATION
TO MEEKVILLE JUNCTION CIRCUIT
SEPARATION PROJECT IN MANCHESTER,
CONNECTICUT

* DOCKET NO. 370A

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 NO. 370B

* * * * *

BEFORE: DANIEL F. CARUSO, CHAIRMAN

BOARD MEMBERS: Colin C. Tait, Vice Chairman
Brian Golembiewski, DEP Designee
Wayne V. Estey, DPUC Designee
Edward S. Wilensky
Philip T. Ashton
James J. Murphy, Jr.
Dr. Barbara Bell

STAFF MEMBERS: S. Derek Phelps, Executive Director
Christina Walsh, Siting Analyst
Melanie Bachman, Staff Attorney

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 LLC, NRG Energy, Inc., and GE Energy Financial Services.
2 According to the statute and its requirements under 16a-
3 7c(f), the CEAB submitted an evaluation report to the
4 Council relative to the proposed CL&P project and the
5 proposals for alternatives according to and in
6 conformance with relevant infrastructure criteria
7 guidelines established pursuant to 16a-7b. Of the three
8 respondents, only NRG Energy, Inc. filed an application
9 with the Council, and that being one pursuant to statutes
10 -- Connecticut General Statute 16a-50L(a)(3), for the
11 consideration of their proposal for a 300 -- I'm sorry --
12 a 530-megawatt combined cycle generating plant in
13 Meriden. And this application was received by the
14 Council on March 19, 2009.

15 At this time, I wish to take up the
16 request by Citizens Against Overhead Power Line
17 Construction seeking permission to submit additional
18 testimony prior to the hearings of the Council and the
19 Massachusetts Energy Facilities Siting Board. Do we have
20 a motion on this request to allow this group to submit
21 additional testimony?

22 MR. PHILIP T. ASHTON: Mr. Chairman, I'd
23 be inclined to make a motion to allow the Citizens --

24 AUDIO TECHNICIAN: A microphone please.

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 MR. ASHTON: I'm sorry. I'd be inclined
2 to make the motion to allow them to submit additional
3 testimony -- is this coming forward at the combined
4 hearings, I'm sorry?

5 CHAIRMAN CARUSO: Yes. This is for
6 additional testimony before the Council and the -- our
7 combined hearing with the Massachusetts Energy Siting
8 Facilities Board.

9 MR. ASHTON: I'm not sure what relevance
10 the Mass. Board has in this matter in view of their
11 testimony. I'm -- I'm trying to sort out where the best
12 place is. Clearly it belongs before this agency --

13 CHAIRMAN CARUSO: That's right, but I
14 guess he's -- prior to that hearing -- that joint hearing
15 which we're holding --

16 MR. ASHTON: Right --

17 CHAIRMAN CARUSO: -- they want to submit
18 some extra testimony.

19 MR. ASHTON: If they submit it before the
20 hearing rather than at the hearing --

21 CHAIRMAN CARUSO: Oh, yes --

22 MR. ASHTON: Yeah, I --

23 CHAIRMAN CARUSO: Right, Mr. Phelps?
24 We're going to --

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 MR. S. DEREK PHELPS: Yes. Mr. Chairman,
2 we did -- we did lay out -- send correspondence out,
3 gosh, some -- maybe two weeks ago indicating under some
4 procedural matters that if anybody wishes to submit
5 prefiled testimony prior to either the joint hearings
6 with Massachusetts or the continuation hearings that
7 we're going to have here -- you'll recall that we set out
8 a schedule at the beginning of this proceeding and I
9 think we had a prefiled date of early July. As a proper
10 -- as a matter -- as a procedural matter, it's advisable
11 that anybody who wishes to file additional testimony in
12 this somewhat protracted proceeding, that they should
13 first ask permission from the Council. Now shortly
14 before our Council meeting last week, we received a
15 request from the Town of Suffield. You'll recall that
16 that was on the agenda. They acted on it. I believe
17 Attorney -- Mr. Ashton, I believe Attorney -- I believe
18 Attorney McGrath was actually away on vacation last week,
19 which to some degree would explain why we didn't receive
20 that in time for our Council meeting last week. I'm just
21 trying to make sure that the Council acts on these
22 requests and that they're properly acted upon by the full
23 Council.

24 MR. ASHTON: And I concur with that

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 completely. It's -- the question is -- I believe they
2 request that it --

3 MR. JAMES J. MURPHY, JR.: Well, a joint -
4 -

5 MR. ASHTON: -- to the joint meeting of
6 the Siting Council and the EFSB.

7 MR. PHELPS: What you're going to have
8 before you -- the Council acted on scope last week.
9 Without taking up the question of need, we're going to be
10 evaluating the north versus southern routes --

11 MR. ASHTON: Yeah --

12 MR. PHELPS: -- environmental and
13 operational issues. It's the Council's discretion.

14 MR. ASHTON: I would move that we accept
15 it before that joint meeting --

16 MR. PHELPS: Yes --

17 MR. ASHTON: -- and not at that joint
18 meeting.

19 MR. PHELPS: Mr. Ashton, we're going to --
20 we're going to provide a schedule whereby everybody
21 understands -- and adherence is essential I would ask --
22 that everybody get their material into the Council in
23 order for us to get it out --

24 MR. ASHTON: Right --

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 MR. PHELPS: -- to the Council members
2 through the mailings that will go out the week before.

3 MR. ASHTON: Okay. My motion stands then,
4 Mr. Chairman.

5 CHAIRMAN CARUSO: Is there a second?

6 MR. MURPHY: Second.

7 CHAIRMAN CARUSO: It's been moved and
8 seconded. Any --

9 MR. ASHTON: I --

10 CHAIRMAN CARUSO: -- further discussion?

11 MR. ASHTON: I recognize this is a
12 significant change from the deadline that we had
13 established for prefiling of testimony. It is not
14 uncommon in my experience in hearings that we bend that
15 to a degree out of shape. I -- you're not happy, but
16 that's the reality we deal with. Mr. -- Mr. Fitzgerald
17 is going to cut my liver out now -- (laughter).

18 MR. ANTHONY FITZGERALD: No, I just --

19 MR. PHELPS: Mr. Chairman.

20 CHAIRMAN CARUSO: Mr. Phelps.

21 MR. PHELPS: That concludes my remarks,
22 sir.

23 CHAIRMAN CARUSO: Thank you, Mr. Phelps.
24 It's been moved and seconded. Any further discussion?

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 This is a meeting of the Council, but since it's
2 evidentiary -- yes, please, Mr. Fitzgerald.

3 MR. FITZGERALD: Well, I -- I mean I
4 thought that there might be an opportunity for --

5 MR. ASHTON: Argument --

6 MR. FITZGERALD: -- addressing motions?

7 CHAIRMAN CARUSO: Please, go ahead.

8 MR. FITZGERALD: And my question is -- and
9 I'm just trying to figure out what's going on here -- is
10 the motion -- is the testimony in which the motion
11 relates proposed to be testimony concerning the north
12 versus south route, the subject matter of the -- of the
13 joint hearings? If that's the case, I -- I wouldn't have
14 any objection to it. It seems -- it seems that the
15 notice solicited expressions of intent. If it -- if it's
16 -- if it's not, if it's something else, I would like to
17 know what the proposed subject matter of the testimony is
18 and why it couldn't have been submitted earlier.

19 CHAIRMAN CARUSO: But from what I heard --
20 Mr. Ashton, you were requesting that whatever it is be
21 limited to -- in scope to something that was not asked
22 for in our prior schedule?

23 MR. ASHTON: I would hope that to be the
24 case. We recognize -- I'm sure Mr. Fitzgerald recognizes

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 that citizens groups that intervene in these sort of
2 dockets have a tough time getting their act together and
3 are often hard pressed by the legitimate deadlines that
4 are established --

5 A VOICE: (Indiscernible) --

6 MR. ASHTON: Yeah. I -- I feel that if we
7 separate out this testimony and the joint hearing, then I
8 will be much happier. I don't want to have this thing
9 married together at all.

10 MR. PHELPS: Mr. Chairman, if I may, sir?

11 CHAIRMAN CARUSO: Mr. Phelps.

12 MR. PHELPS: Mr. Chairman, I do think it's
13 perhaps worth noting that my efforts on behalf of the
14 Council to nail down the details of a joint hearing were
15 really only I guess successful, for lack of a better
16 word, within the last several business days. We did
17 announce these dates as tentative dates for joint
18 hearings several weeks ago, but certainly I think it has
19 to be recognized that the joint hearing effort, to the
20 extent that it eventually became successful and we laid
21 down dates and we were able to have the Council take up
22 scope and announce what that scope was, all occurred
23 within the last several weeks. And that of course lags
24 what was to be -- what was known as the prefiled date for

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 all participants that occurred back in July.

2 I would also call your attention to the
3 fact that the memo that just went out yesterday, again in
4 line with the Council's actions from last week, announces
5 that the scope of the joint hearings would be limited to
6 the environmental impacts and relative costs and
7 reliability concerns of the northern and southern routes,
8 exclusive of need, and that was worked out with the staff
9 of the Massachusetts Siting Board.

10 And finally, Mr. Chairman, I did ask that
11 Attorney McGrath be available at the table if you had any
12 questions for him, sir.

13 CHAIRMAN CARUSO: Comments?

14 MR. MATTHEW MCGRATH: I'd -- I would just
15 say that any -- any testimony that we do submit will be
16 limited to the environmental impacts and costs and
17 reliability concerns of the northern and southern routes.
18 And we will submit it by September 15th.

19 CHAIRMAN CARUSO: Mr. Fitzgerald.

20 A VOICE: That's contrary to your --

21 MR. FITZGERALD: The -- well that sounds
22 like more than a comparison of the northern and southern
23 routes, but I will -- I will take it to mean that the
24 testimony is going to be within the scope of the joint

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 hearings. And that --

2 AUDIO TECHNICIAN: You're going to have to
3 speak up.

4 MR. FITZGERALD: On that -- on that basis,
5 I -- I wouldn't object to it. I would like not to find
6 myself in the position of having to go over tilled ground
7 that really relates just to this proceeding and cross --
8 cross-examination before the joint commissions.

9 CHAIRMAN CARUSO: Counselor, is that
10 okay?

11 MR. MCGRATH: Yes. We will --

12 CHAIRMAN CARUSO: Are we all on the same
13 page?

14 MR. MCGRATH: Yes. Any testimony we
15 submit -- we understand what's of record already. And
16 anything will be only if it's beneficial to the overall
17 hearing.

18 CHAIRMAN CARUSO: Okay -- to the specific
19 topic which will be -- we will be covering in the joint
20 hearings?

21 MR. MCGRATH: Correct.

22 CHAIRMAN CARUSO: Right. Mr. Estey.

23 MR. WAYNE V. ESTEY: Mr. Chairman, I would
24 recommend to the Council that the testimony in whatever

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 form, on whatever subjects be allowed. I don't think it
2 will disrupt the orderly conduct of the proceeding in any
3 manner. The Council should be very solicitous and
4 welcoming of any comments from the citizens of
5 Connecticut and we should go out of our way to accept
6 whatever we can get from the citizens who are not often
7 parties to our proceedings. I don't think it is any
8 unfair surprise to the petitioners. They have an
9 opportunity to cross-examine the witnesses on their
10 testimony. I would not accept Mr. Fitzgerald's limited
11 objection or limited lack of objection or even require
12 that the petitioner restrain themselves from commenting
13 on any and all subjects. And I feel very strongly about
14 that.

15 CHAIRMAN CARUSO: Thank you. Mr. Ashton.

16 MR. ASHTON: Mr. Chairman, as the maker of
17 the motion --

18 AUDIO TECHNICIAN: A microphone.

19 MR. MURPHY: Please, Mr. Ashton.

20 MR. ASHTON: As making -- as the maker of
21 the motion that's lacking a second at this stage of the
22 game --

23 MR. MURPHY: It was seconded --

24 CHAIRMAN CARUSO: It was --

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 MR. ASHTON: It was seconded --

2 CHAIRMAN CARUSO: Yes --

3 MR. ASHTON: Okay.

4 CHAIRMAN CARUSO: Otherwise, we wouldn't
5 be discussing it.

6 MR. ASHTON: Alright. I empathize with
7 Mr. Estey's point of view, but I don't agree with it. I
8 think that would create a chaotic situation. I can't
9 imagine the DPUC operating under such wild west type of
10 procedural arrangements. There has to be a beginning,
11 there has to be an end. Everybody -- everybody has been
12 on notice of these hearings. If they chose not to
13 participate, so be it. If they chose to participate,
14 they have to follow reasonable rules of procedure. We
15 can't go back and bring in expert witnesses who have come
16 from god knows where every time somebody pops in a new
17 question that we don't know anything about. I think
18 that's fundamentally unfair. And I think that the agency
19 in my 30 plus years of experience -- or almost 40 years
20 of experience in dealing with it as been reasonable in
21 allowing out of time interventions, but trying to
22 progress the proceedings to a rational, reasonable, and
23 fitting conclusion without ping-ponging witnesses. And I
24 think that would be most unfortunate. So anyway, I move

HEARING RE: CONNECTICUT LIGHT & POWER
SEPTEMBER 2, 2009

1 the question.

2 CHAIRMAN CARUSO: Okay. So we have a
3 motion before us. Mr. Estey made -- offered an amendment
4 thereto by striking any limitations. Is there a second
5 to that amendment? (Pause). The Chair hearing none, the
6 amendment fails.

7 And we'll move on to the main motion
8 before us. All those in favor of accepting into the
9 record this testimony limited to those items to be
10 discussed at the hearing to be conducted with the
11 Massachusetts Energy Facilities Siting Board, please
12 signify by saying aye.

13 VOICES: Aye.

14 CHAIRMAN CARUSO: Opposed?

15 MR. ESTEY: Opposed.

16 CHAIRMAN CARUSO: And one -- how many
17 people do we have here -- (pause) -- so we have -- so
18 that's six to one. And the motion carries. Thank you.
19 So we'll get those things in before the next -- before
20 the joint hearing. Is that okay, Mr. Phelps --

21 MR. PHELPS: Thank you, Mr. Chairman --

22 CHAIRMAN CARUSO: -- are you able to send
23 out a memo --

24 MR. PHELPS: Yes, sir --

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carbere@nu.com
	<input checked="" type="checkbox"/> E-mail		Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Jeffrey Towle, Project Manager Transmission, NEEWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlejm@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Intervenor (granted on February 19, 2009) Competing Applicant as of 03/19/2009	<input checked="" type="checkbox"/> U.S. Mail	NRG Energy, Inc.	NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel -- NE 211 Carnegie Center Princeton, NJ 08540
	<input checked="" type="checkbox"/> U.S. Mail		Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 -- fax alord@murthalaw.com

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p style="text-align: center;">Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p style="text-align: center;">City of Meriden</p>	<p>Deborah L. Moore, City Attorney Meriden City Hall Department of Law 142 East Main St. Meriden, CT 06450 (203) 630-4045 (203) 630-7907 – fax dmoore@ci.meriden.ct.us</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Lawrence J. Kendzior, City Manager Meriden City Hall 142 East Main St. Meriden, CT 06450 lkendzior@ci.meriden.ct.us</p>
<p style="text-align: center;">Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> E-Mail	<p style="text-align: center;">The United Illuminating Company (UI)</p>	<p>John J. Prete The United Illuminating Company 157 Church Street, P.O. Box 1564 New Haven, CT 06506-1904 (203) 499-3701 (203) 499-3728 neews-ui@uinet.com</p>
	<input checked="" type="checkbox"/> E-Mail		<p>Linda L. Randell Senior Vice President, General Counsel and Corporate Secretary UIL Holdings Corporation 157 Church St., P.O. Box 1564 New Haven, CT 06506-0901 (203) 499-2575 (203) 499-3664 Linda.randell@uinet.com</p>
	<input checked="" type="checkbox"/> E-Mail		<p>Bruce L. McDermott Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4340 (203) 782-2889 bmcdermott@wiggin.com</p>

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted on June 4, 2009)	<input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> U.S. Mail	The Connecticut Energy Advisory Board (CEAB)	Michele S. Riverson Assistant Attorney General 10 Franklin Square New Britain, CT 06051 (860) 827-2683 Michele.riverson@po.state.ct.us CEAB c/o Gretchen Deans CERC 805 Brook Street, Bldg. 4 Rocky Hill, CT 06067 (860) 571-7147 gdeans@cerc.com
Party (granted on June 4, 2009)	<input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> U.S. Mail	Connecticut Department of Transportation	Eileen Meskill Assistant Attorney General Office of the Attorney General 55 Elm Street P.O. Box 120 Hartford, CT 06141-0120 Eileen.meskill@po.state.ct.us Thomas A. Harley, P.E. Chief Engineer Connecticut Dept. of Transportation 2800 Berlin Turnpike Newington, CT 06131
Intervenor (granted on June 4, 2009)	<input checked="" type="checkbox"/> E-mail	Farmington River Watershed Association	Eileen Fielding Farmington River Watershed Association 749 Hopmeadow Street Simsbury, CT 06070 (860) 658-4442 (860) 651-7519 fax efielding@frwa.org
Party (granted on June 4, 2009)	<input checked="" type="checkbox"/> U.S. Mail	Citizens Against Overhead Power Line Construction	Citizens Against Overhead Power Line Construction c/o Richard Legere 1204 Newgate Road West Suffield, CT 06093 (860) 668-0848 (860) 668-0848 rlegere@cox.net

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted on June 4, 2009)	<input checked="" type="checkbox"/> E- Mail	Citizens Against Overhead Power Line Construction continued...	Matthew C. McGrath Attorney at Law 4 Richmond Road West Hartford, CT 06117 (860) 878-0158 (860) 570-1203 – fax McGrath@McGrathLaw.Pro
Intervenor (granted on July 21, 2009)	<input checked="" type="checkbox"/> E- Mail <input checked="" type="checkbox"/> E- Mail	Massachusetts Municipal Wholesale Electric Company (MMWEC)	Nicholas J. Scobbo, Jr. Bruce F. Anderson Ferriter Scobbo & Rodophele, PC 125 High Street Boston, MA 02110 (617) 737-1800 ext. 234 (617) 737-1803 fax nscobbo@ferriterscobbo.com Edward Kaczinski Manager, Generation Services Massachusetts Municipal Wholesale Electric Company 327 Moody St., P.O. Box 426 Ludlow, MA 01056 banderson@ferriterscobbo.com
	<input checked="" type="checkbox"/> E-Mail	Massachusetts Energy Facilities Siting Board (MA EFSB)	Stephen August Selma Urman Presiding Officers Energy Facilities Siting Board One South Station Boston, MA 02110 (617) 305-3525 (617) 443-1116 - fax Stephen.August@state.ma.us

Date: August 24, 2009

Docket No. 370
Page 8