

STATE OF CONNECTICUT

SITING COUNCIL

Re: The Connecticut Light and Power Company and) Docket 272
The United Illuminating Company Application for a)
Certificate of Environmental Compatibility and)
Public Need for the Construction of a New 345-kV)
Electric Transmission Line and Associated Facilities)
Between Scovill Rock Switching Station in)
Middletown and Norwalk Substation in Norwalk,)
Connecticut Including the Reconstruction of)
Portions of Existing 115-kV and 345-kV Electric)
Transmission Lines, the Construction of the 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 Interconnections) March 15, 2004

OPPOSITION TO THE TOWNS' MOTION TO COMPEL DISCOVERY RESPONSES
AND TO RESCHEDULE CERTAIN DEADLINES AND HEARINGS

The Connecticut Light and Power Company (“CL&P”) and The United Illuminating Company (“UI”) (collectively “the Companies”) respectfully request that the Connecticut Siting Council (the “Council”) deny the requests of sixteen municipalities¹ as set forth in the March 5, 2003 Motion to Compel Discovery Responses and to Reschedule Certain Deadlines and Hearings (the “Motion”). The Motion is replete with generalities and fails to specify any prejudice to the Towns from the Companies’ actions and must therefore be denied.

¹ The sixteen municipalities are Bethany, Cheshire, Durham, Easton, Fairfield, Hamden, Middlefield, Milford, North Haven, Norwalk, Orange, Wallingford, Weston, Westport, Wilton and Woodbridge (collectively, the “Towns”). While Attorney Boucher only represents the towns of Durham and Wallingford, he nevertheless has filed the Motion on behalf of all sixteen municipalities. Attorney Boucher has failed to provide the Council and the parties and intervenors with a notice of appearance or otherwise offered proof that he has the permission of the fourteen municipalities he does not represent to file motions on the behalf of those municipalities.

The First Set of Town Interrogatories

The Towns have submitted three sets of Interrogatories to the Companies. The Companies received the first set of interrogatories on January 28, 2004. This set of interrogatories contained thirty-two questions, many with multiple parts, and the Companies have provided the Towns with responses to all but one of the interrogatories. While the Towns allege that the Companies' responses to the interrogatories are "almost completely inadequate", the Towns have not described why the responses are inadequate, nor has counsel for the Towns called or written the attorneys representing the Companies to explain why additional information is needed or to obtain additional information.

The memorandum from Synapse Energy Economics, Inc. ("Synapse") that is attached to the Motion attempts to fault the Companies for not providing data used in connection with the General Electric ("GE") harmonic studies. It is important to note that the GE studies concern operability issues associated with the use of underground cable; the GE studies are not relevant to the need or EMF issues to be addressed during the March hearings. As indicated in the Companies' responses to the interrogatories, the information sought by the Towns is proprietary to GE and the Companies are not in a position to provide that information to the Towns. Moreover, when GE raised this issue regarding proprietary information, the Towns' attorney in connection with the interrogatories, Peter Boucher, was provided with the name of the GE attorney so that GE's concerns could be addressed. Most importantly, following numerous conversations with GE, an agreement has been reached between GE, the Companies and the Towns that

will allow the Towns' expert to perform his own analyses using the GE model, with the assistance of GE personnel.

The Companies have filed responses to all but one of the interrogatories contained in the first set of interrogatories, and the Companies have made arrangements with GE for the Towns' expert to use GE's proprietary data. Accordingly, with nearly one month before the anticipated deadline for the filing of pre-filed testimony related to the topics to be covered in the April hearings (that are over a month away), the Towns have failed to establish any prejudice to them by the current hearing schedule.

The Second and Third Set of Town Interrogatories

While the Towns correctly state that the Towns' second set of interrogatories contains eleven interrogatories, it fails to mention that including the various multiple sub-parts, the Towns have actually posed approximately 75 interrogatories relating to technical EMF issues. The Towns should have fully and fairly described the extent of the interrogatories.

The Companies have dedicated significant personnel resources both within and outside of the Companies to answer the Towns' interrogatories, and the Companies have endeavored to answer each interrogatory as accurately as possible and as fully as is reasonable and required by the applicable statutes governing discovery in administrative proceedings. However, the Council and other parties and intervenors in this Docket have

also propounded interrogatories on the Companies.² As of the date of this filing, the Companies have provided the Council and all parties and intervenors with responses to 198 of a total of 233 interrogatories directed to the Companies. Additionally, the Companies are routinely answering questions from organizations and individuals (including elected officials) that have not been incorporated in formal data requests as part of these proceedings.

The Towns' second set of interrogatories asked the Companies to provide responses to the approximately 75 EMF-related questions in fourteen days. Having been in possession of the Companies' Application for approximately four months, the Towns elected to wait to propound their interrogatories and then established a deadline for responses the Towns should have realized was unreasonable and not obtainable. The Towns now seek to use their delay in serving the interrogatories and their self-determined deadline for responses to approximately 75 interrogatories to their benefit. The Towns have failed to demonstrate how the Towns' ability to participate in the March hearing regarding EMF or the April hearings regarding undergrounding has been impacted.

Finally, the Towns suggest that any delay by the Companies in responding to the Towns' first set of interrogatories will ultimately mean that Towns will need to prepare for the April and May hearings at the same time. It is not clear to the Companies how the Towns reach this conclusion, why this is the fault of the Companies, or how this relates to the timeliness of interrogatory responses. All of the parties and intervenors in this

² The Council's first set of interrogatories contains questions regarding both EMF and undergrounding and the Council asked the Companies to provide responses by March 17, 2004.

proceeding are similarly situated. Just as the Companies are attempting to prepare for the March hearings, to finalize pre-file EMF testimony for the March hearings, to respond to interrogatories related to the March and April hearings, and to prepare testimony for the April and May hearings, the Towns may need to do more than one thing at a time in order to meet the Council's schedule. In any event, the Towns have failed to set forth any plausible grounds for the requested relief.

CONCLUSION

For the foregoing reasons, there is no basis for the Towns' Motion. UI and CL&P respectfully request the Council deny the Motion and proceed with the currently contemplated schedule.

Respectfully submitted,

THE UNITED ILLUMINATING
COMPANY

By: 
Linda L. Randell
of Wiggin and Dana LLP
Its Attorneys
One Century Tower
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832

THE CONNECTICUT LIGHT AND
POWER COMPANY

By: 
Brian T. Henebry
of Carmody & Torrance LLP
Its Attorneys
PO Box 1110
50 Leavenworth St
Waterbury, Connecticut 06721-1110

CERTIFICATION

This is to certify that on this 15th day of March, 2004, the original and twenty (20) copies of the foregoing was delivered by hand to the Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051, and one (1) copy was mailed, postage prepaid, on this 15th day of March, 2004, to all other known parties and intervenors. Additionally, an electronic copy of the foregoing was provided to the Connecticut Siting Council and all other known parties and intervenors.



Linda L. Randell

\\10705\1209\455098.1

SERVICE LIST

Docket: 272

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

Mr. Bruce Johnson
Office of Consumer Counsel
10 Franklin Square
New Britain, CT 06051

Atty. Anthony M. Fitzgerald
Carmody & Torrance
195 Church Street, 18th Fl.
P. O. Box 1950
New Haven, CT 06509-1950

Atty. Linda L. Randell
Wiggin and Dana
One Century Tower-P.O. Box 1832
New Haven, CT 06510

The Honorable Robert W. Megna
State Representative
40 Foxon Hill Rd. #54
New Haven, CT 06513

The Honorable Al Adinolfi
State Representative
235 Sorghum Mill Dr.
Cheshire, CT 06410

Atty. Peter G. Boucher
Halloran and Sage
One Goodwin Sq., 225 Asylum
Hartford, CT 06103-4303

Mr. Louis S. Ciccarello
Corporation Counsel
City of Norwalk
P. O. Box 798
Norwalk, CT 06856-0798

Ms. Leigh Grant
Norwalk Assoc. of Silvermine
Homeowners
99 Comstock Hill Road
Norwalk, CT 06850

Mr. Eric Knapp
Branse & Willis LLC
41-C New London Turnpike
Glen Lochen East
Glastonbury, CT 06033-2038

Atty. Julie Donaldson Kohler
Hurwitz & Sagarin LLC
147 North Broad St.
Milford, CT 06460

Mr. Ira W. Bloom
Town of Westport
27 Imperial Ave.
Westport, CT 06880

The Honorable Mary G. Fritz
State Rep. - 90th District
43 Grove St.
Yalesville, CT 06492

Ms. Melanie J. Howlett
Assistant City Attorney
City of Bridgeport
999 Broad Street
Bridgeport, CT 06604

Ms. Trish Bradley
Mr. Ed Schwartz
Communities for Responsible Energy
45 Ironwood Lane
Durham, CT 06422

Atty. Michael C. Wertheimer
Office of the Attorney General
Ten Franklin Square
New Britain, CT 06051

Atty. Lawrence J. Golden
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103-3702

Mr. Anthony M. MacLeod
Whitman Breed Abbott & Morgan LLC
100 Field Point Road
Greenwich, CT 06830

Mr. Arthur W. Gruhn
Department of Transportation
P.O. Box 317546
Newington, CT 06131-7546

The Honorable Kenneth A. Flatto
First Selectman
725 Old Post Rd.
Fairfield, CT 06824

The Honorable Raymond Kalinowski
State Rep. - 100th District
P.O. Box 391
Durham, CT 06422

The Honorable Themis Klarides
State Representative-114th District
23 East St.
Derby, CT 06418

Atty. David A. Ball
Cohen and Wolf P.C.
1115 Broad Street, P.O. Box 1821
Bridgeport, CT 06601-1821

Atty. Monte E. Frank
Cohen and Wolf P.C.
158 Deer Hill Avenue
Danbury, CT 06810

Mr. Mitchell R. Goldblatt
First Selectman
Town of Orange
617 Orange Center Road
Orange, CT 06477-2499

Atty. Andrew Lord
Murtha Cullina LLP
CityPlace I, 185 Asylum Street
Hartford, CT 06103-3469

Ms. Deborah Moore
Meriden City Hall
142 East Main St.
Meriden, CT 06450

Atty. Janice Small
Town Attorney
Wallingford Town Hall

Ms. MaryAnn Boord
First Selectwoman
Durham Town Hall

Atty. Joaquina Borges King
Asst. Town Attorney
Hamden Government Center

45 South Main Street
Wallingford, CT 06492

Atty. Richard J. Buturla
Bercham, Moses & Devlin
75 Broad St.
Milford,, CT 06460

Atty. Bruce L. McDermott
Wiggin & Dana LLP
One Century Tower
New Haven, CT 06508-1832

The Honorable Derrylyn Gorski
First Selectman
Bethany Town Hall
40 Peck Rd.
Bethany, CT 06524

Atty. David J. Monz
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church St.
New Haven, CT 06510

30 Townhouse Rd.
Durham, CT 06422

Mr. Robert E. Earley
Staff Attorney
Conn. Business & Industry Association
350 Church Street
Hartford, CT 06103-1900

Atty. David A. Reif
Atty. Jane K. Warren
Atty. Joel B. Casey
McCarter & English, LLP
CityPlace I
Hartford,, CT 06103

Mr. William J. Kupinse Jr
First Selectman
Town of Easton
P. O. Box 61
Easton, CT 06612

2700 Dixwell Ave.
Hamden, CT 06518

Atty. Brian T. Henebry
Carmody & Torrance
50 Leavenworth Street
P. O. Box 1110
Waterbury, CT 06721-1110

Atty. Timothy P. Lynch
Deputy City Attorney
City Attorney's Office
245 deKoven Drive, P.O. Box 1300
Middletown, CT 06457-1300

The Honorable William A. Aniskovich
State Senate
15 Grove Avenue
Branford, CT 06405