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July 2, 2007

Daniel F. Caruso, Chairman  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

RE: **DOCKET NO. 326** - The Connecticut Light and Power Company application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a proposed substation located at Stepstone Hill Road, Guilford, Connecticut.

Dear Chairman Caruso:

On June 26, 2007, Mr. Russi T. Suntoke filed "Inconsistencies And Material Omissions Between Council's Draft Findings Of Fact And The Record" where he proposes three amendments to the Connecticut Siting Council's ("Council") Staffs' draft Findings of Fact. Of the three proposed findings of fact that Mr. Suntoke commented on in his proposed filing, statements (2) and (3) are not from testimony or any other evidence in the record – rather they were interjections he made in his questions to witnesses. The Connecticut Light & Power Company ("CL&P") would like to take this opportunity to remind the Council that statements posed as a part of a question cannot be the basis of a finding of fact.<sup>1</sup>

In his proposed statement (2), addressing Finding of Fact Number 111, Mr. Suntoke asks the Council to add to the finding remarks Mr. Suntoke made about an alleged substation incident in Orange, New Jersey (among other examples) that he mentioned in posing a question – a question from which he did not receive confirmation from the witness. In fact Mr. Suntoke never posed a question regarding any incidents but only asked about fire suppression. He posed a long question but ultimately asked " ... could you please tell us a little bit about that suppression equipment that you installed on that transformer? What kind is it? Do you know?" (Tr. 2, p. 17)

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<sup>1</sup> Earlier in the proceedings Mr. Suntoke similarly attempted, through the filing of his brief, to submit evidence not presented at the Connecticut Siting Council's hearing, which resulted in CL&P's objection. See, Objection to Brief Filed by Russi T. Suntoke, dated June 5, 2007 and filed by CL&P in this docket.

In Mr. Suntoke's statement (3), addressing Finding of Fact Number 113, he asks the Council to find as a fact that there exists a non-flammable transformer liquid. There was no confirmation by the witness of the existence of such a fluid. The question was asked of the witness if he had heard of such a liquid and the witness said: "I was not aware of that." (Tr. 2 p. 19). The Record, therefore, does not contain any evidence of the existence of such a liquid, or if such a liquid exists that it is suitable for applications in large substation power transformers.

Mr. Suntoke had the opportunity to submit pre-filed testimony about any relevant subject, a process that was carefully explained to him in the pre-hearing conference, but he chose not to do so. Neither did he ask to present testimony at the hearing. An examiner cannot testify in cross-examination and hide facts in a question. Administrative proceedings are not held to the same formality as a trial in the Superior Court but are held to a standard of basic fairness to preserve party's constitutional rights.

Very truly yours,

  
Robert S. Golden, Jr. / RS

Service List

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p><b>Applicant</b></p>	<p>The Connecticut Light and Power Company (CL&amp;P)</p>	<p>Robert E. Carberry, Manager Transmission Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 (860) 665-6717 fax <a href="mailto:carbere@nu.com">carbere@nu.com</a></p> <p>Kathleen A. Shea, Esq. Northeast Utilities Service Company, Legal Dept. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2396 <a href="mailto:sheaka@nu.com">sheaka@nu.com</a></p> <p>Helen Wong, Project Manager Transmission Project Management Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2464 (860) 665-6550 fax <a href="mailto:wonghh@nu.com">wonghh@nu.com</a></p> <p>Anthony M. Fitzgerald, Esq. Robert S. Golden, Esq. Marianne Barbino Dubuque, Esq. Carmody &amp; Torrance LLP P.O. Box 1110 Waterbury, CT 06721-1110 (203) 573-1200 <a href="mailto:afitzgerald@carmodylaw.com">afitzgerald@carmodylaw.com</a> <a href="mailto:rgolden@carmodylaw.com">rgolden@carmodylaw.com</a> <a href="mailto:mdubuque@carmodylaw.com">mdubuque@carmodylaw.com</a></p>
<p><b>Party (Granted 04/24/07)</b></p>	<p>Russi T. Suntoke 10 Stepstone Hill Road Guilford, CT 06437 (203) 453-3426 <a href="mailto:russisuntoke@hotmail.com">russisuntoke@hotmail.com</a></p>	