

CONNECTICUT SITING COUNCIL

WATERBURY GENERATION , LLC
Petition for a Declaratory
Ruling No Certificate of
Environmental Compatability
and Public Need is Required
for the Construction of an
Electric Generating Facility
and Associated Line Tap lo-
cated @ 725 Bank Street,
Waterbury, CT

ORIGINAL

March 14, 2008

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INTERVENORS' REPLY BRIEF

CONNECTICUT
SITING COUNCIL

The Intervenors', the Waterbury Neighborhood Groups,
acting through counsel of record hereby make and submit a
REPLY BRIEF to issues raised by C.L.&P. and WATGEN in their
respective REPLY BRIEFS of March 11, 2008 and March 12, 2008.

The reply briefs referred to above have raised a CRITICAL
ISSUE of Jurisdiction and Mandatory Statutory Inquiry and De-
termination.

C.L.&P. has asserted that in the absence of a condition
attached to any approval (which intervenors argue is a "license"
as defined by the U.A.P.A. - Uniform Administrative Procedure
Act) granted by this Council to the Petitioner that this Coun-
cil CANNOT make the assurance that the proposed electric trans-
mission line interconnection will NOT have a substantial adverse
environmental impact (effect).

C.L.&P. has further asserted that the Council has the jur-
isdiction to attach such condition to its approval (license).

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WATGEN in its reply has disputed the jurisdiction of this Council to attach such a condition to any approval (license). WATGEN has further disputed C.L.&P.'s assertions with regard to environmental impact (effect) and has done so in part by making reference to matters NOT a part of the RECORD in these proceedings.

The Intervenors understand the statements submitted by C.L.&P. to specifically raise the statutory issue of Section 16-50i.(e) and Section 16-50k.(a) each of which mandates as a subject of inquiry and ultimately a question of FACT to be determined by this council that what has been proposed by the petitioner and what is presently within the EVIDENTIARY RECORD affords this Council the ability to FIND THAT this "transmission line tap" (G.S.C. Sec. 16-50i.(e)) DOES NOT HAVE A SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT. Further, that as an intergal part of the facility, this determination would permit the Council to approve by declaratory ruling this petition because the Council has NOT found a substantial adverse environmental effect (G.S.C. Section 16-50K.(a)).

This dispute has only now arisen through the vehicle of these Reply Briefs, which the Council by its action of March 13, 2008 has accepted for its consideration.

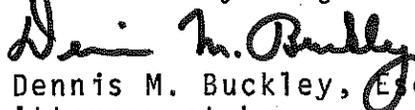
The Interveors have NOT been permitted the RIGHT TO CROSS-EXAMINE either the Petitioner or the Intervenor C.L.&P. on this factual and legal dispute.

The Intervenors further submit that the Council should be afforded the opportunity to examine either or both the Petitioner or the Intervenor as to their respective disputed assertions; as well as, their reasoning on the issue of jurisdiction of the Council to attach a condition in matters involving by at least one (1) entity's claim a risk of "substantial adverse environmental impact".

The Intervenors have raised previously the issue of whether this EVIDENTIARY RECORD is complete (See, Intervenors' Brief & Proposed Findings of Fact) and IT IS THE POSITION OF THE INTERVENORS that the issues now raised demonstrate that further inquiry needs to be made by the Council and with right of cross-examination by among the participants in this proceeding.

In the absence of further clarification of this issue, it may well appear that a mandatory statutory inquiry has been "expedited" by failure to complete essential review of factual claims in dispute between two (2) participants - ultimately needed to make the "project" work.

The Intervenors
The Waterbury Neighborhood Groups


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CERTIFICATION:

This is to certify that a copy of the foregoing was mailed, first class delivery, postage prepaid, to all persons on interest and of record; to wit:

(a) Petitioner: Joey Lee Miranda
Kenneth C. Baldwin
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280 Trumbull Street
Hartford, CT 06103-3597

(b) Intervenor: Connecticut Light & Power Company

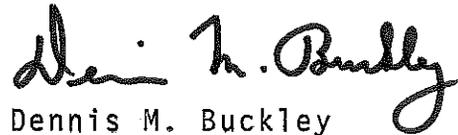
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(c) Intervenor: Naugatuck Valley Project

Steven Schrag
26 Ludlow Street
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on the 14th day of March, 2008.



Dennis M. Buckley
Commissioner of the
Superior Court/Juris #007045