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Chairman

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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November 27, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

RE: **PETITION NO. 831** – Waterbury Generation LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the construction of an electric generating facility and associated transmission line tap located at 725 Bank Street, Waterbury, Connecticut.

As discussed at the pre-hearing conference held on November 26, 2007, the Council requests that the following format be used for the public hearing scheduled on January 8, 2008.

1. At least ten business days prior to the public hearing, the applicant shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to the property from a public road where the proposed facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
2. Before January 3, 2008, all parties and intervenors are encouraged to exchange and respond to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. The Council requests that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by January 3, 2008, unless otherwise noted.
4. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before January 3, 2008.
5. A public field review of the proposed site will be held on January 8, 2008 beginning at 2:00 p.m. The applicant is requested to field mark the locations of key elements of the proposed facility.
6. The applicant will fly a balloon to simulate the height of the proposed exhaust stack on January 8, 2008, between the hours of 1:00 p.m. and 3:00 p.m., weather and site conditions permitting.



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7. The 3:00 p.m., January 8, 2008 hearing session will provide the applicant, parties, and intervenors an opportunity to present exhibits and witnesses, and cross-examine positions. The applicant will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by all parties and intervenors in the order that they were made parties and intervenors. All parties and intervenors will then be allowed to present their exhibits and witness panels in the order in which they were made parties and intervenors, and be subject to cross-examination by the applicant and all other parties and intervenors. The applicant will be allowed a final rebuttal. Arguments will be entertained in writing after the close of the last hearing session.
8. The 7:00 p.m. hearing session will be first reserved for the public to make brief statements into the record. If time remains, the applicant, parties and intervenors will have an opportunity to complete their presentation and cross-examination.
9. The Council will provide an opportunity for public officials to make a statement.
10. No repetition of facts will be allowed.
11. A verbatim transcript of the hearing sessions will be made and deposited with the City of Waterbury for the convenience of the public.
12. Parties and intervenors will be allowed to submit briefs and proposed findings of facts within 15 days after the close of the hearing.
13. Members of the public will be allowed to submit public statements into the record within 15 days after the close of the hearing.
14. Deadlines for briefs, proposed findings of fact, and public statements should be considered final and extensions will not be automatically granted.
15. The Council may, at its discretion, provide for the grouping of parties and intervenors with the same interests.
16. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
18. All participants are requested to place nameplates on the table in front of each witness at the hearing.