

October 8, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: DOCKET NO. 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.

Dear Mr. Phelps:

On September 17, 2009, the Connecticut Siting Council (“Council”) considered NRG Energy Inc.’s (“NRG”) Motion for Access to London Economics International LLC’s (“LEI”) Model Price data and decided to defer its decision on NRG’s motion for thirty days “in order to receive comments from parties and intervenors on whether or not the LEI testimony shall be stricken in its entirety.” See Council Notice, Docket 370, dated September 24, 2009. NRG’s motion grew out of its August 13, 2009 cross-examination of Ms. Julia Frayer of LEI and its request at that time that LEI provide in this proceeding certain information regarding the analysis that LEI presented in this case.

The Connecticut Light and Power Company (“CL&P”) objected to NRG’s request. See CL&P Response dated August 31, 2009. On the other hand, the Office of Consumer Counsel (“OCC”) and the Connecticut Energy Advisory Board (“CEAB”) supported NRG’s request. See OCC Comments dated September 1, 2009; CEAB Comments dated September 2, 2009. Subsequently, certain participants in this proceeding submitted comments concerning the appropriate protective order that should accompany

any disclosure of the information sought by NRG. See CL&P Comments dated September 11, 2009 and OCC Comments dated September 24, 2009.

Richard Blumenthal, Attorney General for the State of Connecticut (“Attorney General”), will not object to any Council decision to strike this testimony from the record. In the event that the Council does not strike this testimony from the record, however, the Attorney General supports the OCC’s position that the Council should grant NRG’s motion. Moreover, should the Council choose to issue a protective order or adopt a non-disclosure agreement with regard to information related to the LEI testimony, the Council should do so only as necessary and appropriate under Conn. Gen. Stat. § 1-210, which creates a strong presumption in favor of maintaining access to public records except as provided otherwise by federal or state statute.

Sincerely,

RICHARD BLUMENTHAL
ATTORNEY GENERAL

By: _____

Michael C. Wertheimer
Assistant Attorney General
Attorney General’s Office
10 Franklin Square
New Britain, CT 06051
Tel: (860) 827-2603
Fax: (860) 827-2893

cc: Service list