

January 5, 2016

**VIA E-MAIL AND HAND DELIVERY**

Attorney Melanie Bachman  
Acting Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

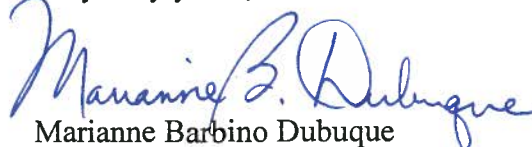
Re: **DOCKET NO. 461** - Eversource Energy Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 115-kilovolt (kV) bulk substation located at 290 Railroad Avenue, Greenwich, Connecticut, and two 115-kV underground transmission circuits extending approximately 2.3 miles between the proposed substation and the existing Cos Cob Substation, Greenwich, Connecticut, and related substation improvements.

Dear Attorney Bachman:

In connection with the above-referenced Docket No. 461, enclosed please find an original plus fifteen (15) copies of the following documents:

1. Third Supplemental Direct Testimony – Testimony of Kenneth B. Bowes;
2. Objection to the Office of Consumer Counsel’s December 21, 2015 Motion; and
3. Motion to Exclude Cross-Examination of Applicant on Issues of Real Property Ownership.

Very truly yours,

  
Marianne Barbino Dubuque

MBD/mkw  
Enclosures

cc: Service List dated October 2, 2015 attached (with enclosures)

{W2628132}

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

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	<input checked="" type="checkbox"/> E-Mail	Eversource Energy	<p>Jacqueline Gardell Project Manager Eversource Energy 56 Prospect Street Hartford, CT 06103 <a href="mailto:jacqueline.gardell@eversource.com">jacqueline.gardell@eversource.com</a></p> <p>John Morissette Project Manager-Transmission Siting-CT Eversource Energy 56 Prospect Street Hartford, CT 06103 <a href="mailto:john.morissette@eversource.com">john.morissette@eversource.com</a></p> <p>Jeffery Cochran, Esq. Senior Counsel, Legal Department Eversource Energy 107 Selden Street Berlin, CT 06037 <a href="mailto:jeffery.cochran@eversource.com">jeffery.cochran@eversource.com</a></p> <p>Marianne Barbino Dubuque Carmody Torrance Sandak &amp; Hennessey LLP 50 Leavenworth Street Waterbury, CT 06702 <a href="mailto:mdubuque@carmodylaw.com">mdubuque@carmodylaw.com</a></p>
<b>Party Approved on July 23, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Office of Consumer Counsel	<p>Lauren Henault Bidra, Esq. Staff Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 <a href="mailto:Lauren.bidra@ct.gov">Lauren.bidra@ct.gov</a></p> <p>Joseph A. Rosenthal, Esq. Principal Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 <a href="mailto:joseph.rosenthal@ct.gov">joseph.rosenthal@ct.gov</a></p>

			Margaret Bain Associate Rate Specialist Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 <a href="mailto:Margaret.bain@ct.gov">Margaret.bain@ct.gov</a>
<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Parker Stacy 1 Kinsman Lane Greenwich, CT 06830 <a href="mailto:pstacy@optonline.net">pstacy@optonline.net</a>	
<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Pet Pantry Super Discount Stores LLC	Mark L. Bergamo, Esq. Edward L. Marcus, Esq. The Marcus Law Firm 275 Branford Road North Branford, CT 06471 <a href="mailto:mbergamo@marcuslawfirm.com">mbergamo@marcuslawfirm.com</a> <a href="mailto:emarcus@marcuslawfirm.com">emarcus@marcuslawfirm.com</a>
<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Field Point Estate Townhouses, Inc.	Carissa Depetris Dwight Ueda Field Point Estate Townhouses 172 Field Point Road, #10 Greenwich, CT 06830 <a href="mailto:carissa.depetris@gmail.com">carissa.depetris@gmail.com</a> <a href="mailto:d_ueda@yahoo.com">d_ueda@yahoo.com</a>
<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Christine Edwards 111 Bible Street Cos Cob, CT 06807 <a href="mailto:SeeEdwards@aol.com">SeeEdwards@aol.com</a>	
<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Richard Granoff, AIA, LEED AP Granoff Architects 30 West Putnam Avenue Greenwich, CT 06830 <a href="mailto:rg@granoffarchitects.com">rg@granoffarchitects.com</a>	

<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Anthony Crudele Bella Nonna Restaurant & Pizzeria 280 Railroad Avenue Greenwich, CT 06830 <a href="mailto:bellanonnagreenwich@gmail.com">bellanonnagreenwich@gmail.com</a>	
<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Cecilia H. Morgan 3 Kinsman Lane Greenwich, CT 06830 <a href="mailto:cecimorgan@aol.com">cecimorgan@aol.com</a>	
<b>Intervenor Approved on September 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Dr. Danielle Luzzo Greenwich Chiropractic & Nutrition 282 Railroad Avenue Greenwich, CT 06830 <a href="mailto:drdanielleluzzo@gmail.com">drdanielleluzzo@gmail.com</a>	
<b>Intervenor Approved on September 17, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Joel Paul Berger 4208 Bell Boulevard Flushing, NY 11361 <a href="mailto:communityrealty@msn.com">communityrealty@msn.com</a>	
<b>Intervenor Approved on October 1, 2015</b>	<input checked="" type="checkbox"/> E-Mail	Meg Glass 9 Bolling Place Greenwich, CT 06830 <a href="mailto:glass50@hotmail.com">glass50@hotmail.com</a>	

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

**DOCKET NO. 461 – EVERSOURCE ENERGY : DOCKET NO. 461**  
**APPLICATION FOR A CERTIFICATE OF : :**  
**ENVIRONMENTAL COMPATIBILITY AND : :**  
**PUBLIC NEED FOR THE CONSTRUCTION, : :**  
**MAINTENANCE, AND OPERATION OF A 115- : :**  
**KILOVOLT (KV) BULK SUBSTATION LOCATED : :**  
**AT 290 RAILROAD AVENUE, GREENWICH, : :**  
**CONNECTICUT, AND TWO 115-KV : :**  
**UNDERGROUND TRANSMISSION CIRCUITS : :**  
**EXTENDING APPROXIMATELY 2.3 MILES : :**  
**BETWEEN THE PROPOSED SUBSTATION AND : :**  
**THE EXISTING COS COB SUBSTATION, : :**  
**GREENWICH, CONNECTICUT, AND RELATED : :**  
**SUBSTATION IMPROVEMENTS : JANUARY 5, 2016**

**MOTION TO EXCLUDE CROSS-EXAMINATION**  
**OF APPLICANT ON ISSUES OF REAL PROPERTY OWNERSHIP**

For the reasons set forth below, The Connecticut Light and Power Company, doing business as Eversource Energy (“Eversource”), hereby moves that the Connecticut Siting Council (“Council”) exclude any cross-examination in this Docket on issues of the ownership of real property located at 290 Railroad Avenue, Greenwich, Connecticut or any other properties.

During the cross-examination of Eversource’s witness panel by counsel for the Intervenor, Pet Pantry Super Discount Stores LLC (“Pet Pantry”), Pet Pantry’s counsel indicated his intention to cross-examine Eversource’s witness panel concerning real property ownership interests, including fee, tenancy and sub-tenancy interests. Eversource objected to such cross-examination, which objections the Council has sustained. In an effort to avoid further objections by Eversource and the time associated with such additional attempts to cross-examine on these topics and Eversource’s future objections to the same, Eversource is submitting this motion

based on the following four (4) factors:

1. Ownership information is not required under Connecticut law;
2. The only ownership information properly placed in evidence is the information provided by Eversource in the Application and in testimony, all of which has been sworn to as true and accurate by Eversource's witness panel;
3. The determination of any claimed competing interests in real property is outside the jurisdiction of any administrative agency; and
4. Any attempt to focus the attention of the Council and parties and other intervenors in this Docket, as well as the public, on ownership interests would delay the Council's proper consideration of the statutory factors for decision-making, be prejudicial to Eversource and unfairly benefit Pet Pantry.

## DISCUSSION

### 1. The Requirements under PUESA

The statutory framework for the Council's decision-making in Docket 461 is set forth in the relevant provisions of the Public Utility Environmental Standards Act, Connecticut General Statutes, Chapter 277a ("PUESA"). Significantly, Section 16-50g of PUESA provides, in relevant part:

The purposes of this chapter are: To provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values; to provide environmental quality standards and criteria for the location, design, construction and operation of facilities for the furnishing of public utility services at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state; to encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment and other

values described above; to promote energy security; to promote the sharing of towers for fair consideration wherever technically, legally, environmentally and economically feasible to avoid the unnecessary proliferation of towers in the state particularly where installation of such towers would adversely impact class I and II watershed lands, and aquifers; to require annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning to implement the foregoing purposes.

The focus of PUESA is on balancing potential environmental effects with the needs of the community at large for public service company projects. It is not at all focused on who owns or claims an interest in specific property because the Legislature recognized the importance of such projects for essential services to the residents and businesses in the State of Connecticut.

Moreover, to carry out its responsibilities under PUESA, the Council has adopted comprehensive Application Guides that set forth requirements for all applicants. Significantly, those Guides require comprehensive information about a proposed project. Ownership information for the properties included in the proposed project is not required, other than a butter information for notice purposes.

## 2. Evidence in the Record of this Docket

Eversource's June 2015 Application for a Certificate of Environmental Compatibility and Public Need contains statements regarding its interest in real property located at 290 Railroad Avenue, Greenwich, the proposed site for this project. The accuracy of that information is uncontroverted, and is the only information of record pertaining to Eversource's interest in the proposed site. Allowance of cross-examination on this issue is unnecessary and wasteful of the parties', other intervenors', the public's and the Council's, time.

### 3. Absence of Authority to Decide Matters of Ownership

Further, the Council lacks the authority to determine issues of title or interests in real property. “It is well settled that [an administrative agency] cannot decide issues of title or ownership in real property.” *Cybulski v. Planning & Zoning Comm’n of Town of Enfield*, 43 Conn. App. 105, 110 (1996); *see also Beckish v. Manafort*, 175 Conn. 415, 422 n. 7 (1978) (affirming state building code standards committee’s decision to sustain a town building official’s rejection of the plaintiff’s application for permit and noting “it is generally true that [an administrative agency] . . . may not conclusively determine the title or ownership of real property”). The appropriate means by which to settle title or claim an interest in real property is through a judicial authority in a quiet title action pursuant to General Statutes § 47-31. *See Cybulski*, 43 Conn. App. at 110.

### 4. Prejudice to Eversource and its Customers and Unfair Benefit to Pet Pantry

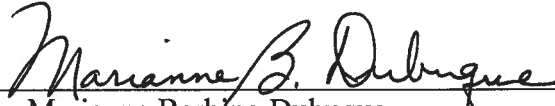
The Record contains evidence from Eversource as to the critical need for the Greenwich Substation and Line Project. There is no other evidence in the Record that contradicts such need. Allowing cross-examination on issues that are not required under Connecticut law or relevant to the Council’s decision-making under PUESA as to whether to issue a Certificate of Environmental Compatibility and Public Need would only serve Pet Pantry’s interests in delaying this proceeding and prejudice Eversource, as well as the residents and businesses in Greenwich for which this project is designed to provide reliable electric service.

For the reasons set forth above, Eversource moves that the Council exclude any cross-examination in this Docket on issues of the ownership of real property located at 290 Railroad Avenue, Greenwich, Connecticut or any other properties.



Respectfully submitted,

THE CONNECTICUT LIGHT AND POWER COMPANY  
DOING BUSINESS AS EVERSOURCE ENERGY

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