

ANDREW W. LORD
860.240.6180 DIRECT TELEPHONE
860.240.5723 DIRECT FACSIMILE
ALORD@MURTHALAW.COM

October 8, 2009

VIA HAND DELIVERY

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

Re: Docket No. 370A: CL&P Application for the Greater Springfield Reliability Project and the Manchester to Meekville Junction Circuit Separation Project; and

Docket No. 370B: NRG Energy, Inc. Application Pursuant to C.G.S. § 16-50(a)(3) for Consideration of a 530 MW Combined Cycle Generating Plant in Meriden, Connecticut
Opposition to Striking the LEI Testimony

Dear Mr. Phelps:

At its September 17, 2009 meeting, the Connecticut Siting Council ("Council") considered a motion filed by NRG Energy, Inc. ("NRG") seeking access to certain price information included in the testimony of London Economics International LLC ("LEI"). The LEI testimony was sponsored by The Connecticut Light and Power Company ("CL&P") for the purpose of evaluating the comparative net economic costs or benefits of the Greater Springfield Reliability Project ("GSRP") and NRG's proposed generating plant in Meriden, Connecticut ("Meriden Project"). The Council deferred its decision on NRG's motion in order to receive comments from parties and intervenors as to whether or not the LEI testimony should be stricken from the record in its entirety.

NRG hereby registers its opposition to the striking of the LEI testimony. This testimony is highly relevant to the Council's determination as to whether the GSRP is the most appropriate alternative to the public need as determined by the Council. NRG, as the competing applicant, has a right to examine that evidence, and it would be poor procedure to strike the LEI testimony at this juncture for the reasons discussed by

Murtha Cullina LLP | Attorneys at Law

BOSTON

HARTFORD

MADISON

NEW HAVEN

STAMFORD

WOBURN

Mr. S. Derek Phelps
October 8, 2009
Page 2

the Office of Consumer Counsel ("OCC") in its October 6, 2009 comments, which are summarized below.

CL&P filed comments on this topic earlier today. CL&P properly concludes that the economic costs and benefits of competing projects are relevant in a proceeding of this sort and provides a comprehensive statutory analysis to support its position. CL&P goes on to posit, however, that in this case LEI's testimony regarding the net economic costs of the GSRP should remain in the record, but the LEI testimony regarding the net economic benefits of the Meriden Project should be stricken. CL&P contends that the latter testimony is of "dubious relevance" because NRG has not produced substantive evidence that the Meriden Plant could provide a reliability alternative to the GSRP. This stance is wholly inappropriate considering that (1) NRG has not even had the opportunity to present its witnesses for cross-examination, and (2) the reliability need of the GSRP has been challenged by the OCC and is a matter for determination by the Council. Furthermore, it is rather bizarre for CL&P to suggest that the Council now strike evidence that CL&P itself has placed in the record on the grounds of irrelevance. The Council should deny CL&P's request and hold the company to its filings.

The OCC also maintains that the LEI testimony is highly relevant to this proceeding and observes that it has been scrutinized in detail by Council members, staff and various docket participants during cross-examination of Ms. Frayer for a day and one half. The OCC properly recognizes that the introduction of the LEI testimony and the cross-examination of Ms. Frayer have created impressions regarding the meaning and accuracy of Ms. Frayer's conclusions, which cannot be erased by merely striking the testimony. The OCC therefore recommends that the testimony remain in the record and that the Council grant NRG's motion and its request to propound interrogatories on LEI if appropriate. NRG respectfully requests that the Council rule in this fashion.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Lord (D. Kuefeld)".

Andrew W. Lord

cc: Mr. Jonathan J. Milley (NRG)
Julie L. Friedberg, Esq. (NRG)
Service List

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carbere@nu.com
	<input checked="" type="checkbox"/> E-mail		Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Jeffrey Towle, Project Manager Transmission, NEEWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlejm@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Intervenor (granted on February 19, 2009) Competing Applicant as of 03/19/2009	<input checked="" type="checkbox"/> U.S. Mail	NRG Energy, Inc.	NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel – NE 211 Carnegie Center Princeton, NJ 08540
	<input checked="" type="checkbox"/> U.S. Mail		Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 – fax alord@murthalaw.com

