Date Filed: November 02, 2026

Witness: Counsel
Request from: ALLCO

Question:

(The 20 MW substation threshold and the Level III transmission study requirement.) On October 24, 2024 the Company's project manager stated: "Any generator greater than 1 MW connected to a substation with 20 MW of DER on line and in the queue is required by ISO-NE to conduct a Level III transmission study. In this case this project is fed from Campville 14R substation with 62 MW of DER on line and in the queue, therefore a Level III transmission study is required," and on November 5, 2024 that "[t]here is currently 43.5MW in queue and 18.7 on line"; Exhibit A to the System Impact Study Agreement dated September 18, 2024 states "Bulk substation DER online & in Queue 18.5 MW / 38.4 MW." ISO New England's Participant Support group stated on November 13, 2024 that the Transmission Owner "provides information to the ISO on the generator(s) requesting interconnection … and the ISO determines the electrical proximity and need for/level of analysis based on that information." State: (a) the ISO-NE Planning Procedure, Tariff section, or other written authority, by section and effective date, on which the Company relies for the 20 MW threshold and for treating the sum of "on line and in the queue" distributed generation as the measure against that threshold, and produce it; (b) for each Spencer Hill Application, the date on which the Company submitted a Generator Notification Form, Proposed Plan Application, PP5 notice, or other information to ISO-NE, what was submitted, the date and content of each ISO-NE response, and specifically whether ISO-NE — as distinct from the Company — determined that a Level III analysis was required, and on what date; (c) whether the Company's practice is to make the Level III determination itself before submitting any notice to ISO-NE, and if so since when, under what written procedure, and whether that practice has been reviewed by the Authority; (d) reconcile the 62 MW, 56.9 MW (18.5 + 38.4), and 62.2 MW (18.7 + 43.5) figures the Company gave within six weeks, and state the date as of which each was measured; (e) in native format, each distributed generation project over 1 MW "on line" or "in the queue" at the Campville 14R substation as of October 24, 2024 and as of the date of response (applicant identities other than Allco may be anonymized), with its nameplate capacity, application date, PowerClerk status, whether it was required to undergo a Level III transmission study, the dates that study began and ended, and whether it has been interconnected; and (f) for each year 2020 through 2025, the number of applications over 1 MW that the Company determined required a Level III transmission study, the number that have completed that study, the average and median elapsed time from determination to study completion, and the number that withdrew while awaiting the study.

Response:

Eversource objects to this request. The requested information regarding timelines associated with a specific interconnection application, as well as an overly broad, unduly burdensome, and repetitive request concerning other third-party interconnection applications, is not probative of any material or disputed issue relevant to the Company's application in this proceeding, which PURA is conducting as a general distribution rate proceeding pursuant to Conn. Gen. Stat. § 16-19, to amend the Company's base-rate schedules. Absent such a connection, the requested information is not reasonably calculated to advance the evidentiary record upon which PURA must base its decision.

The purpose of discovery is to provide PURA, the parties, and intervenors with access to relevant, probative information necessary to develop a complete and accurate record -- not to allow repetitive or irrelevant requests that divert time and resources from that objective. By statute, administrative agencies must exclude "irrelevant, immaterial or unduly repetitious evidence." Conn. Gen. Stat. § 4-178(1); see also Conn. Agencies Regs. § 16-1-38(a). Connecticut judicial precedent explains that evidence is relevant only if it has a tendency to establish the existence of a material fact. United Technologies Corp. v Commission on Human Rights & Opportunities, 72 Conn. App. 212, 229 (2002). Discovery must advance the efficiency of the proceeding and provide the factual foundation upon which an agency decision may rely. Therefore, a party is required to produce discovery documents only if they are "material and necessary to [an] action." Dotson v. Hartford Roman Catholic Diocesan Corp., No. CV106012742S, 2011 WL 1021745, (Conn. Super. Ct. Feb. 17, 2011) (citing, Berger v. Cuomo, 230 Conn. 1, 7 (1994)); see also Conn. Gen. Stat. § 4-177c(a)(1) (permitting discovery of "relevant and material records, papers and documents[.]").

Additionally, discovery "does not afford an open invitation to delve into [CL&P's] affairs". J. Pub. Co. v. Hartford Courant Co., 261 Conn. 673, 681 (2002). Allco "must be able to demonstrate good faith as well as probable cause that the information sought is both material and necessary" to this rate case. Id. Practice Book § 13-2, which defines the scope of discovery, provides in relevant part that a party may only seek discovery of nonprivileged information that is "material to the subject matter involved in the pending action . . . ." "It is axiomatic that [e]vidence is admissible only to prove material facts, that is to say, those facts directly in issue or those probative of matters in issue; ***evidence offered to prove other facts is immaterial***." Salmon v. Dept. of Public Health & Addiction Services, 259 Conn. 288, 316 (2002) (internal quotation marks omitted; emphasis added.)

Further, discovery may not be used to conduct an unrestricted search for information. As the Connecticut Supreme Court has explained, a party "should not be allowed to indulge a hope that a thorough ransacking of any information and material which . . . [CL&P] may possess would turn up evidence helpful to [his] case". J. Pub. Co. v. Hartford Courant Co., 261 Conn. at 681. Simiarly, "[i]nterrogatories should not be used to . . . permit a party to go on a fishing expedition."

Mfr.'s Advert., Inc. v. Pancoast, 4 Conn. Cir. Ct. 668, 670 (1967) (internal quotation marks omitted).

Here, Allco's request pertaining to interconnection applications is not relevant to PURA's evaluation of either the Company's application as a whole or its proposed revenue requirement. Thus, the information requested in this interrogatory is not relevant or material to the Company's rate application as it does not advance the factual foundation upon which PURA's decision will rely. Office of Consumer Counsel v. Department of Public Utility Control, 44 Conn. Supp. 21, 26-27 (1994). As the information is irrelevant and immaterial, this discovery must be excluded. See General Statutes § 4-178(1); see also Conn. Agencies Regs. § 16-1-38(a).

In addition, the statutory 350-day timeframe for issuing a final decision on the Company's application, coupled with the volume of interrogatories issued, strongly weighs against devoting the time and resources of the parties and PURA to discovery that does not advance the resolution of this proceeding. Requiring the Company to collect, review, and produce information that has not been shown to be material or relevant would impose unnecessary administrative burdens and divert resources from the important issues PURA must evaluate and resolve within the statutory timeframe. Accordingly, in the interest of the orderly and efficient conduct of this proceeding, Eversource respectfully requests that this objection be sustained.