Date Filed: November 02, 2026

Witness: Counsel
Request from: ALLCO

Question:

(Follow-up to ALLCO-114 — completed projects without a final accounting.) The response restates the Company's obligation under Section 1.2 of the Guidelines and Section 5.3.2 of the form Interconnection Agreement and answers none of subparts (a) through (d). Answer them: (a) for each calendar year 2017 through 2025, the number of interconnection projects first connected to the electric power system in that year for which no final accounting report had been issued as of September 30, 2026, and the aggregate amounts collected from the interconnecting customers for those projects, stated separately for construction deposits and for percentage overhead or CIAC components; (b) the aggregate amount of those collections the Company still holds and the account(s) in which it is recorded; (c) whether the Company contends that no refunds would be due on those projects if final accountings were performed, and the basis; and (d) each reason final accountings have not been performed, the person by title responsible for deciding whether and when they are performed, and the Company's plan and schedule for clearing the backlog. If the Company contends that it cannot answer subpart (a) because, as stated in ALLCO-103, final accounting "is not tracked or maintained in PowerClerk," identify the systems in which project completion dates and final accounting dates are recorded, and state the number of completed projects (from PowerClerk permission-to-operate records) and the number of final accounting reports issued (from the system in which they are prepared) for each year, which together answer the question.

Response:

CL&P objects to this request. The requested information regarding interconnection deposits and refunds is an improper effort by ALLCO to use this rate case proceeding to obtain discovery for purposes of a lawsuit that it filed against the Company on August 10, 2026, in the United States District Court for the District of Connecticut (Civil Action No. 3:26-cv-1277), outside of and in contravention of the rules of procedure that govern discovery in that lawsuit. In addition, this overly broad, unduly burdensome, and repetitive request seeks information that is not probative of any material issue presented by 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. This discovery request seeks information on completed interconnection projects for which a final accounting has not been produced without establishing how that information bears on any disputed issue relevant to the Company′s application. 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. Similarly, "[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 seeks information on interconnection project final accountings that has no relevance to PURA's evaluation of the Company's application, generally, or its proposed revenue requirement, specifically. 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).[1] 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 and the volume of interrogatories issued, strongly weighs against devoting the parties' time and resources to discovery that does not advance the resolution of the Company's application. Requiring the Company to collect, review, and produce information that has not been shown to be material would impose unnecessary administrative burdens and divert resources from the issues PURA must resolve within the statutory timeframe. Accordingly, in the interest of the orderly and efficient conduct of this proceeding, Eversource respectfully requests that the objection be sustained.

[1] PURA has also previously ruled that interrogatories must pertain to the evidence and testimony submitted by a witness in the proceeding. See, Ruling on Motion No. 73, Docket No. 23-11-02, Application of Connecticut Natural Gas Corporation and The Southern Connecticut Gas Company to Amend Their Rate Schedules, April 3, 2024, citing, General Statutes § 4-177c(a)(2); Motion Ruling Nos. 15 and 17, Jan. 2, 2009, Docket No. 08-07-15, Petition of the Office of Consumer Counsel for Enforcement of Quality of Service Standards for The Southern New England Telephone Company d/b/a AT&T Connecticut.