Date Filed: November 02, 2026

Witness: Warren R. Boutin, Brendan J. O'Brien and Garrett J. Murray
Request from: ALLCO

Question:

(Follow-up to ALLCO-115(c) — uniformity of overhead percentages.) Subpart (c) asked whether estimated overhead percentages were applied uniformly to all applicants in each year, and if not, to describe each circumstance in which a different percentage or a waiver was applied and who approved it; the response refers to ALLCO-102 and ALLCO-003, neither of which answers it. State, for each calendar year 2017 through 2026: (a) the percentage overhead or CIAC rate stated in the Interconnection Agreements and cost estimates issued that year (if more than one, each rate and the number of agreements at each); (b) each instance in which a rate other than the standard rate, a waiver, or a cap was applied, the applicant (anonymized), the rate applied, the reason, and the approver by title; and (c) the basis on which the Company's December 2024 Final Accounting Reports for the Fisk, Plainfield, Voluntown 1240, and Bilton clusters reported CIAC of 12.00, 9.97, 10.19 and 11.00 percent and the Interconnection Agreement for INT-60394 states "CIAC - 16%," and whether those rates are the rates in (a) for the years in which those agreements and estimates issued.

Response:

CL&P objects to this request. The requested information regarding ALLCO-specific projects, as well as the overly broad, unduly burdensome, and repetitive request seeking information on overhead percentages 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 request has been previously asked and answered by the Company (see Exhs. ALLCO-003, ALLCO-102, and ALLCO-115).

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 seeks information that has already been requested in substantially similar form and serves no legitimate purpose other than to repeat discovery previously sought. Accordingly, Allco's request is unnecessarily repetitive and imposes an undue burden on the Company.

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. Accordingly, in the interest of the orderly and efficient conduct of this proceeding, Eversource respectfully requests that this objection be sustained.