



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### PETITION 237

Connecticut Light and Power Electrical Substations  
July 25, 1989

The Connecticut Light and Power Company (CL&P) is requesting a determination from the Council that Connecticut General Statutes (CGS) Section 16-50z does not apply to an electrical substation which is a facility under CGS Section 16-50i(a)(4).

In support of this request, CL&P submitted to the Council a Memorandum in support of the petition on June 21, 1989. The Memorandum contends that the term "transmission facility" as used in CGS Section 16-50z does not include an electric substation, and subsequently seeks a declaratory ruling from the Council to that end.

CGS Section 16-50z(a) states:

"No person engaged in the transmission of electric power or fuel in the state shall acquire real property in contemplation of a possible future transmission facility, other than a facility for which the council has issued a certificate or one which the council has found will have no substantial adverse environmental effect, except as provided in the regulations adopted by the Council."

The regulations adopted by the Council under the Regulations of Connecticut State Agencies (RSA) Section 16-50z-1 states:

"Any person engaged in the transmission of electric power or fuel, as defined in Section 16-50i, intending to acquire real property in contemplation of a possible future transmission facility...shall, prior to entering any binding commitment therefor, file with the Council a statement of intent to acquire such property."

The term "transmission facility" is not defined in CGS Section 15-50g to Section 16-50z, nor in the Council's regulations. However, CGS Section 16-50i(a)(1) defines a "facility" as "An electrical transmission line of a design capacity of sixty-nine kilovolts or more, including associated equipment...."

CL&P submits that:

a) Electric substations are not specifically labeled or described by the term "transmission" in the definition of "facility" in CGS Section 16-50i(a) which states that a facility is:

"any electric substation or switchyard designed to change or regulate the voltage of electricity at 69 kilovolts or more or to connect two or more electric circuits at such voltage, which substation or switchyard may have a substantial adverse environmental effect...";

b) Substations are different from electric and gas transmission lines in that substations occupy a relatively small, discrete parcel of property rather than an elongated section of property which could run for many miles. Also, advance acquisition of substation sites is similar to acquisition of generating plants, which involves discrete parcels of land, rather than elongated sections. Acquisition of land for generating plants does not require prior Council approval;

c) The repeated references in CGS Section 16-50z to "rights-of-way" and "transmission routes" displays that the General Assembly was concerned about situations involving electric and gas transmission lines, not substations; and

d) Approval by the Council is required prior to site preparation or construction of an electric substation, and a utility cannot exercise eminent domain to acquire property for a facility without Council approval under CGS Section 16-50k. Therefore, from the perspective of public policy, there is no need for the Council to review a substation site at the time of purchase.

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