

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

BEST MANAGEMENT	:	PETITION NO. 754
PRACTICES FOR ELECTRIC	:	
AND MAGNETIC FIELDS	:	NOVEMBER 28, 2007

**COMMENTS OF RICHARD BLUMENTHAL, ATTORNEY
GENERAL FOR THE STATE OF CONNECTICUT**

Richard Blumenthal, Attorney General for the State of Connecticut (“Attorney General”), hereby files his Comments regarding the Connecticut Siting Council’s (“Council”) draft Electric and Magnetic Fields Best Management Practices dated November 5, 2007 (“November 2007 Draft BMP”).

I. INTRODUCTION

In this proceeding, the Council issued draft electric and magnetic field (“EMF”) best management practices for public comment on May 4, 2006, September 28, 2006 and May 22, 2007. The Council also considered a proposal that was jointly submitted by the Connecticut Light and Power Company, the United Illuminating Company and J. Robert Galvin, M.D., M.P.H., Commissioner of the State of Connecticut Department of Public Health (“DPH”) on February 1, 2007 (“Joint Filing”). The Attorney General, along with a number of other participants in this proceeding, submitted written comments with respect to each of these versions.

As the Attorney General has noted throughout this proceeding, the EMF best management practices that the Council adopts in this proceeding will likely govern the siting and construction of electric transmission lines built in Connecticut for years to come. Thus, it is critical that the Council adopt best management practices that are workable and adequately protect public health and safety.

The science regarding the health effects of EMF has not materially changed since Docket No. 272 in which the Council sited the massive Middletown to Norwalk 345 kV transmission line. The scientific evidence still demonstrates a link between EMF and childhood leukemia. See November 2007 Draft BMP, 2. During Docket No. 272, the public demanded changes to the transmission line application to protect children from the potential dangers presented by EMF. In response to that outcry, the legislature, the Council and the distribution companies heeded the advice of DPH and took significant steps to reduce EMF exposure along the 70 mile route. In contrast to the positive steps taken in that case, however, certain of the prior draft best management practices that the Council considered since that time have represented dramatic steps backward in the effort to protect Connecticut residents from the potential of adverse health effects posed by EMF.

The Council's November 2007 Draft BMP adopts a "No Cost/Low Cost" mitigation approach to EMF that is based upon California's cost allotment strategy. November 2007 Draft BMP, 4. This strategy is very similar to that which was previously proposed in the Joint Filing. The November 2007 Draft BMP represents a clear improvement over the Council's prior drafts. The Council should, however, modify it as recommended herein to protect public health and safety, particularly that of Connecticut's children. Specifically, the Council should:

- require applicants to include in their proposed design all no-cost EMF mitigation measures available;
- make explicitly clear that EMF mitigation measures shall not be limited to no-cost/low-cost measures only, but rather that all reasonable measures should be available for consideration to protect public health and safety; and

-seek to better protect the children of the State of Connecticut from the potential risks presented by EMF.

II. THE NOVEMBER 2007 DRAFT BMP

In its November 2007 Draft BMP, the Council stated that it will continue its “cautious approach to transmission line siting that has guided its Best Management Practices since 1993.” The Council then stated that under its No Cost/Low Cost policy, it will:

continue to advocate the use of effective no-cost and low-cost technologies and management techniques on a project-specific basis to reduce MF exposure to the public, when necessary, while allowing for the development of efficient and cost-effective electrical transmission projects. This approach does not imply that MF exposure will be lowered to any specific threshold or exposure limit, nor does it imply that MF mitigation will be achieved with no regard to cost.

November 2007 Draft BMP, 3.

The Council then described its No Cost/Low Cost policy as follows:

The Council directs the Applicant to initially develop a Field Management Design Plan that depicts the proposed transmission line project without regard for MF mitigation. The Applicant shall then modify the base design by adding no-cost/low-cost MF mitigation design features specifically where portions of the project are adjacent to residential areas, public or private schools, licensed child day-care facilities, licensed youth-camps, or public playgrounds.

November 2007 Draft BMP, 4. The Council then stated that no-cost/low-cost design features will be calculated at four percent of the initial Field Management Design Plan cost and clarified that the four percent guideline is neither an absolute cap nor an absolute threshold. November 2007 Draft BMP, 4. The Council made clear that this guideline should not be used to eliminate potentially effective measures that would cost more than the four percent and also should not be used to discourage the pursuit of effective measures that may cost less than four percent. November 2007 Draft BMP, 4.

The four percent guideline “should aim at a magnetic field reduction of 15 percent or more at the edge of the utility’s ROW.” November 2007 Draft BMP, 5. But, the Council pointed out that this 15 percent EMF reduction guideline is no more absolute than the four percent cost guideline. November 2007 Draft BMP, 5. Moreover:

[t]he Council will consider minor increases above the four percent guideline if justified by unique circumstances, but not as a matter of routine. Any cost increases above the four percent guideline should result in mitigation comparably above 15 percent, and the total cost should still remain relatively low.

November 2007 Draft BMP, 5.

With regard to underground transmission lines, the Council noted that special circumstances may warrant additional costs to further mitigate MF and that utilities are encouraged to determine which such circumstances exist. The Council further noted that the extra cost of placing transmission lines underground “for purposes other than EMF mitigation should be counted in the base project cost and not as part of the four percent mitigation spending.” November 2007 Draft BMP, 5.

III. DISCUSSION

The November 2007 Draft BMP represents a clear improvement over the Council’s previous versions. The Attorney General respectfully submits, however, that the Council should modify its November 2007 Draft BMP as described herein to better protect public health and safety. First, the Council should specifically require applicants to design their projects in a manner that includes all no-cost EMF mitigation measures available, such as phasing conductors in a low EMF pattern. Such no-cost measures should be explicitly required all along any proposed transmission route.

Second, the Council should make more clear that EMF mitigation measures shall not be limited to no-cost/low-cost measures only. Rather that all appropriate measures

should be available for consideration to protect public health and safety. The Attorney General agrees that the four percent guideline should not be considered an absolute cap. Circumstances associated with each individual transmission line may require that higher amounts be spent to protect public safety. For example, the Council should reduce magnetic field levels in areas where children congregate to at least 10 mG.¹ Thus, the Council's best management practices must recognize that special circumstances may require higher cost mitigation measures and that such measures cannot be ruled out by this "low cost/no cost" policy.

WHEREFORE, for the foregoing reasons, the Attorney General respectfully submits these Comments in this proceeding.

Respectfully Submitted,

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¹ Testimony provided by DPH in this proceeding has indicated that the 10 mG figure continues to be relevant when evaluating the public health impacts of EMF. Transcript 216-217 (in which DPH stated its understanding that the implementation of the no cost/low cost policy in California has generally achieved EMF reductions to such levels in that state). Given that the issue at stake is the health and well-being of children in our state, the Council should adopt a cautious approach when drafting these best management practices and defer to the opinion submitted by DPH throughout this proceeding. DPH is the Connecticut State Agency charged with protecting public health and the Council should adopt BMP's that are consistent with and reflect all of its recommendations.

Service is hereby
certified to all parties
and intervenors on this
agency's service list for
this proceeding.

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