



OCC Victorious in Appellate Court Decision Regarding Interstate Reliability Project

On June 16, 2015, in [Richard Civie, et al. v. Connecticut Siting Council, et al.](#), the Connecticut Appellate Court affirmed the New Britain Superior Court's judgment dismissing an administrative appeal of the Plaintiffs, Richard Civie and Victor Civie. The Plaintiffs appealed a Connecticut Siting Council decision approving the Connecticut portion of the Interstate Reliability Project (Project), which includes new overhead 345-kV electric transmission lines extending approximately 36.8 miles from Lebanon to Thompson. In addition to the Connecticut Siting Council, the Office of Consumer Counsel (OCC) and Eversource Energy (formerly the Connecticut Light and Power Company) are intervening defendants. In this appeal, OCC advocated for the interests of Connecticut ratepayers, whose interests are directly affected by this matter in both the rates that they will be charged for the capital and operating costs of the Project as well as in the maintenance of reliable electric service throughout the State.

The Plaintiffs own property in Mansfield which is crossed by an easement in favor of Eversource for existing 345-kV transmission lines and on which the Project's new transmission line would be constructed. On appeal, the Plaintiffs contended that the Superior Court erred in finding that they had not established a colorable claim of direct, cognizable loss sufficient to show aggrievement in their claimed loss of their ability to continue to use their 300 foot right of way to harvest timber in the easement area. In affirming the Superior Court's decision, the Appellate Court found that the Plaintiffs were not aggrieved, and thus do not have standing, because the existing easement explicitly allows the construction of the new transmission line and the Plaintiffs failed to prove a specific legal detriment.

This appellate court victory is significant for Connecticut ratepayers because on the merits the Plaintiffs argued that the Siting Council should have approved an underground variation for the Project on their property which the Siting Council rejected given that it would add an excess cost of \$59.6 million above the overhead configuration, among other adverse environmental factors, which would likely be borne by all Connecticut ratepayers.