

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

The United Illuminating Company Application for a : Docket No. 516  
Certificate of Environmental Compatibility and Public :  
Need for the Fairfield to Congress Railroad :  
Transmission Line 115-kV Rebuild Project : September 21, 2023

The United Illuminating Company's Opposition to Motions for a Continuance

The United Illuminating Company (“UI” or the “Company”) hereby opposes the motions of International Investors, 1916 Post Road Associates, LLC, Pequot Realty, LLC, SG Pequot 200, LLC, SF Station Street, LLC, Metro Holding Company LLC, Maura J. Garych, as Trustee under The Maura J. Garych Revocable Trust Agreement, dated May 23, 2002, Paci Restaurant, 461 Broad Street, LLC, Bridgeport 11823 LLC, Invest II and 2190 Post Road, LLC (the “Grouped Intervenor”) and the Town of Fairfield (the “Town”) for a continuance of the current schedule. The Grouped Intervenor and the Town request a continuance because they allege “affected property owners have only recently become aware of the Application” due to the Company not conducting appropriate public outreach. Grouped Intervenor Motion at 1; Town Motion at 1. The record in this docket clearly demonstrates the extensive effort made by the Company to inform the UI customers in Fairfield and Bridgeport, as well as various federal, state and municipal departments and officials, of UI’s the application in Docket No. 516. In fact, the Company has far exceeded the notice requirements set forth in the Connecticut Siting Council’s (the “Council”) statutes and regulations. Accordingly, the Council should not grant the motions of the Grouped Intervenor and the Town.

The Council's current schedule provides that the third day of evidentiary hearings is set to take place on October 17, 2023. The Grouped Intervenors and the Town have requested a continuation of the hearing until at least January 8, 2024. In other words, the request is for an 83-day delay in the proceedings. Neither the Grouped Intervenors nor the Town indicate why such a lengthy delay is justified based on the information presented. Moreover, neither the Grouped Intervenors nor the Town acknowledge that pursuant to Conn. Gen. Stat. Section 16-50p, the Council's decision on the UI application must be rendered no later than twelve months after the filing of the application. That is, the Council must decide this matter by March 17, 2024. Any decision outside of this statutory requirement would have significant downstream impacts to cost, schedule and stakeholder commitments. However, notwithstanding the foregoing, the motions themselves fail to present justification for a continuance:

1. The Town Public Meeting

The motions note that UI will be holding a public meeting in Fairfield in order to present the project to its customers. This will be the second public meeting UI has hosted in Fairfield. Application at 8-5. The motions attempt to justify a continuation of the Council's October hearing by asserting delay is needed because "[b]y the time that meeting would take place, those affected property owners would be foreclosed from having an opportunity to genuinely participate in the Application process unless the current schedule and deadlines are extended." Grouped Intervenors Motion at 2; Town Motion at 2. There is no legal requirement that UI hold a public meeting and the fact the

Company has decided to provide a town hall type educational meeting as a courtesy cannot be a reason for continuing the currently scheduled evidentiary hearing.

As discussed in Section 8-4 of the application, discussions with the Town about the project first occurred in June 2021. The municipal consultation with the Town pursuant to Conn. Gen. Stat. Section 16-501(e) took place in October 2022. Application at ES-11. The application was filed in March 2023 and the First Selectwoman and various town departments received a copy of the application. Application, Appendix F.

## 2. Public Outreach

The motions incorrectly assert that “affected property owners have only recently become aware of the Application” because UI has failed to “provide appropriate public outreach”. Grouped Intervenor’s Motion at 1; Town Motion at 1. The motions fail to provide any support of that statement. A review of the record in this proceeding, however, shows extensive efforts by the Company to inform its customers of the project – many such efforts going beyond what is required by the Council’s statutes and regulations. The outreach efforts include:

1. Mailing about the project to abutting property owners in July 2021. The mailing included contact information, a link to UI’s Railroad Project website, and a Project Fact sheet. Application at 8-5.
2. Post card mailing describing the project and inviting Project abutters to the Company’s virtual open house in January 2023. Application at 8-5.

3. Ads about the Virtual Open House and Project website were placed in the *Connecticut Post* and the *Fairfield Citizen* in January 2023. Application at 8-6.
4. A virtual open house was held in January 2023 with opportunities to make Zoom appointments to discuss the project with Company representatives. Application at 8-5.
5. The Company developed a project website. Application at 8-5.
6. A Public Informational Meeting was held at the Town's library at the request of the Town in January 2023 and notice of the meeting was mailed to customers. The Fairfield Selectwoman also included a notice about the meeting in her weekly newsletter the week prior to the meeting. Application at 8-5.
7. The Company has made various Facebook and Twitter postings about the project. Application at 8-6.
8. A bill insert, as required by Conn. Gen. Stat. 16-50l(b), was mailed in February 2023. Application at 8-5.
9. Newspaper notices of the filing of the application were made in February and March 2023, pursuant to Conn. Gen. Stat. 16-50l(b). Application, Appendix F.
10. Signs informing customers of the evidentiary hearing were posted at various locations in the Town pursuant to R.C.S.A. Section 16-50j-21. UI's Affidavit of Sign Posting, July 18, 2023.

### 3. Alleged Procedural Defects

The Grouped Intervenor note that “certain notice requirements” of the Connecticut General Statutes were not followed. First, the Grouped Intervenor allege that the application indicates that various members of the legislature received a copy of the application electronically yet, the application fails to provide an electronic mailing address for the members of the legislature and therefore “no proof of service has been submitted” in compliance with Conn. Gen. Stat. Section 16-50l(b)(3). Grouped Intervenor Motion at 3. No electronic addresses were provided in the service list because due to the size of the application, it was placed on a USB flash drive and mailed to the elected officials. Additionally, the Council should be aware that prior to the mailing of the flash drive to the elected officials, UI sent a letter to the elected officials informing them of UI’s plans to provide an electronic copy of the application rather than a hard copy and also informing the elected officials that should they desire a hard copy, UI would provide them with that instead. No elected official requested a hard copy.

The Grouped Intervenor also suggest that the Council (1) failed to post on the Council’s website proof that notice of a meeting was given to the Town, (2) failed to meet statutory notice requirements if a special meeting was held, and (3) failed to address specifically the *removal* of existing bonnets in the July 25, 2023 hearing notice even though the Council noted the project included the “*relocation and rebuild*” of existing 115-kilovolt electric transmission lines from the railroad catenary structures to new steel monopoles. Emphasis supplied. However, the Grouped Intervenor fail to show how the entities comprising the Grouped Intervenor were harmed by these alleged errors.

Additionally, there is no showing as to how these alleged procedural errors violated applicable regulatory and/or statutory notice provisions.

For the foregoing reasons, UI respectfully requests that the Council deny the Grouped Intervenor and the Town's motions for a continuance.

Respectfully Submitted,

THE UNITED ILLUMINATING COMPANY



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