



Lee D. Hoffman
90 State House Square
Hartford, CT 06103-3702
p 860 424 4315
f 860 424 4370
lhoffman@pullcom.com
www.pullcom.com

January 11, 2024

VIA ELECTRONIC MAIL AND U.S. MAIL

Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **DOCKET NO. 516 – THE UNITED ILLUMINATING COMPANY (UI) APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE FAIRFIELD TO CONGRESS RAILROAD TRANSMISSION LINE 115-KV REBUILD PROJECT THAT CONSISTS OF THE RELOCATION AND REBUILD OF ITS EXISTING 115-KILOVOLT (KV) ELECTRIC TRANSMISSION LINES FROM THE RAILROAD CATENARY STRUCTURES TO NEW STEEL MONOPOLE STRUCTURES AND RELATED MODIFICATIONS ALONG APPROXIMATELY 7.3 MILES OF THE CONNECTICUT DEPARTMENT OF TRANSPORTATION’S METRO-NORTH RAILROAD CORRIDOR BETWEEN STRUCTURE B648S LOCATED EAST OF SASCO CREEK IN FAIRFIELD AND UI’S CONGRESS STREET SUBSTATION IN BRIDGEPORT, AND THE REBUILD OF TWO EXISTING 115-KV TRANSMISSION LINES ALONG 0.23 MILE OF EXISTING UI RIGHT-OF-WAY TO FACILITATE INTERCONNECTION OF THE REBUILT 115-KV ELECTRIC TRANSMISSION LINES AT UI’S EXISTING ASH CREEK, RESCO, PEQUONNOCK AND CONGRESS STREET SUBSTATIONS TRAVERSING THE MUNICIPALITIES OF BRIDGEPORT AND FAIRFIELD, CONNECTICUT.**

.

Dear Ms. Bachman:

I am writing on behalf of my client, The City of Bridgeport, in connection with the above-referenced Docket. With this letter, I am enclosing the original and fifteen copies of the Brief In Opposition of Application Approval.

Should you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been submitted to all parties on the Docket’s Service List as of this date.

Sincerely,

Lee D. Hoffman
Enclosure

CONNECTICUT SITING COUNCIL

THE UNITED ILLUMINATING COMPANY	:	CONNECTICUT SITING
(UI) APPLICATION FOR A CERTIFICATE	:	COUNCIL
OF ENVIRONMENTAL COMPATIBILITY	:	
AND PUBLIC NEED FOR THE FAIRFIELD	:	DOCKET NO. 516
TO CONGRESS RAILROAD	:	
TRANSMISSION LINE 115-KV REBUILD	:	
PROJECT THAT CONSISTS OF THE	:	
RELOCATION AND REBUILD OF ITS	:	
EXISTING 115- KILOVOLT (KV) ELECTRIC	:	JANUARY 11, 2023
TRANSMISSION LINES FROM THE	:	
RAILROAD CATENARY STRUCTURES TO	:	
NEW STEEL MONOPOLE STRUCTURES	:	
AND RELATED MODIFICATIONS ALONG	:	
APPROXIMATELY 7.3 MILES OF THE	:	
CONNECTICUT DEPARTMENT OF	:	
TRANSPORTATION’S METRO-NORTH	:	
RAILROAD CORRIDOR BETWEEN	:	
STRUCTURE B648S LOCATED EAST OF	:	
SASCO CREEK IN FAIRFIELD AND UI’S	:	
CONGRESS STREET SUBSTATION IN	:	
BRIDGEPORT, AND THE REBUILD OF	:	
TWO EXISTING 115-KV TRANSMISSION	:	
LINES ALONG 0.23 MILE OF EXISTING UI	:	
RIGHT-OF-WAY TO FACILITATE	:	
INTERCONNECTION OF THE REBUILT	:	
115-KV ELECTRIC TRANSMISSION LINES	:	
AT UI’S EXISTING ASH CREEK, RESCO,	:	
PEQUONNOCK AND CONGRESS STREET	:	
SUBSTATIONS TRAVERSING THE	:	
MUNICIPALITIES OF BRIDGEPORT AND	:	
FAIRFIELD, CONNECTICUT.	:	

Brief In Opposition of Application Approval

I. Introduction

The City of Bridgeport (“City”) hereby moves the Connecticut Siting Council (“Council”) to deny without prejudice the Application by The United Illuminating Company (“UI”), for a Certificate of Environmental Compatibility and Public Need for the Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project (“Project”). UI intends to remove existing 115-kV lines

located along the 157 CT-DOT-owned railroad catenary structures and rebuild transmission lines on 102 new double or single circuit monopoles aligned parallel to the Metro-North Railroad tracks and where possible within the CT DOT-owned railroad corridor. *Application for Certificate*, vol. 1 at pp. ES-1. UI claims the Project is part of UI's long-term plan for relocating its transmission facilities off the railroad in Fairfield and New Haven and that the Project would replace legacy electric equipment and upgrade existing lines. *Id.* UI, however, in designing the Project has failed to demonstrate a public need for this Project, that the Project will not have a significant adverse effect on the environment, and that there are not cost-effective and environmentally sustainable alternatives to the proposed Project.

The Project as designed is rife with engineering, environmental, financial, and community issues as will be discussed further herein. Through the testimony provided in the hearings in this Docket, the intervenor parties' experts, many of which possess over fifty years' worth of experience in their respective industries, demonstrated that at best, UI failed to consider the issues above when designing this Project. At worst, UI designed this Project in a way that was solely motivated by profit, which would result in Connecticut ratepayers overpaying for said Project and many of those ratepayers located within the affected communities would overpay and suffer significant visual, historical and environmental impacts associated with the Project. For these reasons, it would be best for the Council to allow UI to "go back to the drawing board" and redress all of these issues in a subsequent Certificate application.

II. The Council's Two Main Areas of Focus For Approving Certificates Under its Enabling Statute Are Public Need and Environmental Compatibility.

Pursuant to Conn. Gen. Stat. § 16-50l(a)(1), a Certificate applicant must provide among other items: "a statement and full explanation of why the proposed transmission line... is necessary and how the facility conforms to a long-range plan for expansion of the electric power grid serving

the state and interconnected utility systems, that will serve the public need for adequate, reliable and economic service”; “a justification for adoption of the route... including comparison with alternative routes or sites which are environmentally, technically and economically practical”; “a description of the effect of the proposed transmission line... on the environment, ecology, and scenic, historic and recreational values; and “a justification for overhead portions, if any, including life-cycle cost studies comparing overhead alternatives with underground alternatives[.]” Conn. Gen. Stat. § 16-50l.

Thus, the Project must be compatible with a variety of environmental factors, and the Council must consider a broad variety of potential environmental impacts, including, but not limited to: ecological, scenic, historical, visual, coastal and recreational effects. UI has failed to sufficiently provide this information, however, and its Application is devoid of a showing of public need and environmental compatibility, including any justification for the construction of these lines at this time, much less overhead, as opposed to underground, construction.

III. UI Has Not Demonstrated a Public Need for the Project.

The Project is a replacement by UI’s own admission in its application. *Application*, at ES-1). As such, UI does not need an expansion at this time. UI does not expect the need for an expansion for approximately ten years, and there is thus no need for additional lines to accommodate a larger load. *Continued Evidentiary Hearing Transcript, 11/16/23*, at pp. 98-9. But if only a replacement is necessary, the Project is overly-large, as UI is attempting to enlarge the wires to carry a larger load. “[I]f the project was really for replacement, there’s no need for increase in loads... [this is] definitely not [a replacement] because what they are proposing is much bigger than what’s existing right now.” *Final Evidentiary Hearing Transcript, 12/12/23*, at pp. 185.

Getting into the technical underpinnings of the need for this project, there are major issues with UI's proposal to use higher ampacity cables to carry this higher load. As an initial matter, the proposed cable replacement possesses a lower mechanical strength which can create issues with tension between the poles. Related to this issue is the fact that these cables heat up to 200 degrees Celsius and will thus create a "huge sag" which then creates clearance issues. The sag-induced clearance issues cause a need for higher poles, which impacts visibility. Moreover, the higher poles require therefore deeper and larger foundations. *Id.* at pp. 187-89. This in turn creates more need to acquire easements over private property. *Id.* Smaller conductors could be used which would result in less pole height and thus less sag, but UI failed to investigate this option at all. *Id.* at pp. 193.

Rather than filling a public need, it seems UI has a profit motivation for enlarging the wires, as higher transmission capacity allows for wheeling which is very lucrative. *Id.* at pp. 192. In fact, UI has been quite rigid in its analysis despite the lack of public need, as UI's team has stated on record that even if private easements would cause a parcel to become non-compliant with local zoning regulations, UI will not consider revising its design plans. *11/16/23*, at pp. 83. UI is also willing to impact historical properties (*12/12/23*, at pp. 99-102), drastically reduce a property's best and highest use (*12/12/23*, at pp. 108), and significantly impact a church, including its buildable area, the area where it hosts community events including volunteer events, its preschool and children's play area, and therefore its preschool enrollment which could ultimately result in a forced closure of the church due to financial loss. *12/12/23*, at pp. 114-20.

UI has failed to demonstrate a public need for this contemplated expansion of its capacity, and because any alleged replacement need is not imminent (by UI's own admission), UI has ample

time to develop a better proposal that will cause far less impact to the community or the environment. The Council should order UI to develop that better proposal.

IV. UI's Project Will Have An Undue Impact On Environmental Resources.

a. UI has failed to adequately consider and mitigate the Project's impact on visual and historical resources.

UI's Project will have a significant impact on visual resources; replacing existing structures will not. FERC's guidelines advocate the prioritization of using existing right of ways in order to avoid or minimize existing land uses and environmental resources, and UI claims that it has tried to comply with this objective. *Continued Evidentiary Hearing Transcript, 08/29/23*, at pp. 22-3. UI has not truly done so, however, as it did not discuss the visual and other impacts of its proposed Project locations with affected property owners before submitting its Application, even when the cost of moving a proposed pole off of a privately owned property would be negligible. *Id.* at pp. 27-30, 54.

In addition to the general visual impacts the Project will have, the Project, as proposed will have a significant impact on certain state and nationally recognized historical structures. The State Historic Preservation Office's ("SHPO") report concerning the Project states there will be an adverse effect on viewshed and additional consultation between UI and SHPO is necessary. *Hearing Transcript 2 p.m., 07/25/23*, at pp. 33; *Continued Evidentiary Hearing Transcript, 11/16/23*, at pp. 28. UI considered, but then rejected, a hybrid overhead-undergrounding option whereby UI could have largely avoided such impacts. *12/12/23*, at pp. 195-96. As of the close of evidence in this Docket, UI had not conducted any additional correspondence with SHPO regarding potential mitigation of these adverse effects on historic districts. *11/28/23*, at pp. 172.

UI's Phase 1A Report discussing historical impacts also omitted several expected impacts to historical resources. UI conceded that the entire railroad corridor is historically sensitive

(08/29/23, at pp. 79), but failed to perform any consultations with local colleges or universities, local museums, or the Bridgeport or Fairfield local historical commissions. 11/16/23, at pp. 34-5. This presents a major flaw in the historical impact analysis, as the University of Connecticut is the primary repository for the State Historic Preservation records and the local commission in Southport predates the National Register District used in the report, and the local commission possesses “much more accurate up-to-date records on where the historic resources are by address[.]” 12/12/23, at pp. 209-10. Rather than listing and considering in the report over twenty historic properties in the Southport District, all of which are either on the National Register or are eligible for the National Register, UI’s team listed the Southport District as only a single resource. 11/16/23, at pp. 50-1; 12/12/23, at pp. 242.

Historic resources in Bridgeport were given similarly short shrift by UI’s process. UI’s failure to properly characterize historic resources in Bridgeport resulted in the glaring omission of meaningful consideration for many of Bridgeport’s prominent historic resources. These resources include, but are not limited to: the Walters A.M.E. Zion Church in Little Liberia, which represents a “very very architecturally important part of Connecticut” and the Mary and Eliza Freeman Houses – both of which were a part of an early settlement area of free people of color from the early 19th century. 12/12/23, at pp. 217-19, 242-45. In addition, the Barnum Museum and the many historical buildings from “New Liberia” have significant cultural ramifications, given the Museum’s importance to the City of Bridgeport and the paucity of historic places on the National Register with minority ownership. *Id.*

UI’s Application has other failings on this front. Monticello, for example, is a National Historical Landmark (“NHL”) which has three, potentially four, NHLs within it, and which is comparable in status to the highest level of national recognition of federally owned historic

properties. 12/12/23, at pp. 220. The imposition of Project structures in front of such resources would thus be akin to putting a power line in front of Mount Rushmore as it affects the public's view and enjoyment of these cultural resources. *Id.*

Further still, UI's report failed to recognize the substantial impact of the Project on the Pequot Library as the proposed easement would permanently remove all vegetation over a large portion of the property, thereby subjecting library visitors to the noise and visual disturbances of trains and will subject the historical library itself to dust and dirt from trains. *Id.* at 100-01.

b. UI has failed to adequately consider and mitigate the Project's impact on coastal and aquatic resources.

This relocation Project requires the disturbance of multiple acres of wetlands including permanent tree-clearing in some areas and the installation of twenty-six monopoles. 07/25/23, at pp. 76-80; 84-5. The Council noted that UI had not even used the correct definition of wetlands in its Application, which should have identified poles within the 100-year and 500-year flood elevations as impacts to wetlands. *Id.*; 10/17/23, at pp. 102-3. The Council also took issue with the fact that the Application stated that soil samples for this Project were taken by hand, yet some test pits five feet below surface had water, and that it was therefore not clear whether UI dug down far enough to have obtained a meaningful analysis. 08/29/23, at pp. 87-8. Put simply, the Council, through its questions and cross examination, demonstrated its unease with the wetland characterization that UI proffered to the Council. The Council should follow through on its concerns regarding these issues and have UI submit an Application that properly characterizes the wetlands in the area.

UI casually states that for this Project to be completed, a total of 26 new monopoles will need to be located in FEMA-designated 100-year flood plains, and nine new monopoles will need to be located in 500-year floodplains. *Application*, p. 3-18; *see also* Table 6-3.

Table 6-3: Proposed Monopoles in 100- and 500-Year Flood Zones

Volume 2 Mapsheet No. (100/400 scale)	Floodplain Watershed	Proposed Structure Number	Within 100-year or 500-year Flood Zone	Monopole Foundations: Estimated Impact Volume (CF)*
2/1	Sasco Creek/Mill River	P654S	100-year	103
10/3	Ash Creek	P695S	500-year	20
10/3	Ash Creek	P696S	500-year	9
11/3	Ash Creek	P698S	100-year	12
11/3	Ash Creek	P699S	100-year	149
11/3	Ash Creek	P700S	100-year	93
11/3	Ash Creek	P701S	100-year	75
12/3	Ash Creek	P703S	100-year	26
12/4	Ash Creek	P704S	100-year	78
12/4	Ash Creek	P706S	100-year	105
13/4	Ash Creek	P708S	100-year	274
13/4	Ash Creek	P710S	500-year	10
14/4	Ash Creek	P712S	500-year	26
14/4	Ash Creek	P713ES-1	100-year	125
14/4	Ash Creek	P713ES-2	100-year	131
15/4	Ash Creek	P714WS-3 OPGW only	500-year	1
15/4	Ash Creek	P714WS-2	100-year	132
15/4	Ash Creek	P714WS-1	100-year	176
18/5	Ash Creek	P730S	100-year	107
19/5	Ash Creek	P733S	100-year	117
19/5	Ash Creek	P736NN	500-year	0**
20/5	Ash Creek	P737S	500-year	213
20/5	Ash Creek	P738N	500-year	134
20/5	Ash Creek	P739N	500-year	32
23/6	Cedar Creek Harbor	P749S	100-year	99
23/6	Cedar Creek Harbor	P750S	100-year	53
23/6	Cedar Creek Harbor	P751S	100-year	16
24/6	Cedar Creek Harbor	P752S	100-year	71
24/6	Cedar Creek Harbor	P752N	100-year	88
26/7	Pequonnock River	P762S	100-year	306
26/7	Pequonnock River	P762N	100-year	246
26/7	Pequonnock River	P765AS	100-year	335
28/7	Pequonnock River	P779S	100-year	417
29/7	Pequonnock River	P783S	100-year	472
29/7	Pequonnock River	P783N	100-year	277

100-year floodplain

*Impact volume (cubic feet [CF]) pending final engineering design of structure foundations.

**Proposed Structures P736NN, P737N and P775AS are currently located where the existing ground elevation equals the FEMA 100-year floodplain elevation.

These thirty-five new monopoles in floodplain areas will have a temporary impact to the flood storage capacity in the area, as well as a permanent impact. UI has admitted to that permanent impact to flood storage capacity and has admitted that there has been no correspondence between UI and the Connecticut Department of Energy and Environmental Protection (“DEEP”) as to whether mitigation measures are required for the 4,100 cubic feet of lost flood storage capacity the Project would cause. *08/29/23*, at pp. 89. No mitigation measures have been proposed by UI as the UI team believes the total displacement insignificant as compared to the overall floodplains and their storage capacity.

In spite of the insistence of insignificance by UI, however, the Council astutely noted that even if the impact is insignificant to the Project as a whole, it may not be insignificant to adjacent properties. *10/17/23*, at pp. 103. Indeed, one need only look at Item I.C.91. from the Council’s December 12, 203 Hearing Program, *United States Geological Survey, National Map Viewer*, which is available at: <https://apps.nationalmap.gov/viewer/> to see the potential impacts. By selecting the FEMA National Flood Hazard layer in the viewer tool, the Council can readily ascertain that the localized flood impacts will be real and remain unaddressed by UI.

The intervenors’ experts built on the Council’s warranted concerns and testified that rebuilding on the north side of the tracks, where wetlands have already been disturbed, would of course, reduce adverse impacts to wetlands as opposed to disturbing undisturbed areas to the south as the Project currently anticipates. *12/12/23*, at pp. 159. UI also failed to consider any alternative routes that would have avoided being within coastal boundaries, thus potentially eliminating impacts to wetlands altogether. *11/28/23*, at pp. 140. Put simply, The Council and the intervenors demonstrated that UI has not sufficiently considered wetland impacts for the Project. The Council

should make UI go back and do its analysis correctly before it grants and approval for this Application.

c. UI has not performed sufficient environmental testing on the soil and groundwater to ascertain what potential contamination will be present and/or disturbed as a result of its Project.

As for soil borings, UI provided little to no information regarding any levels of contamination found and the depths where such contamination was found. *12/12/23*, at pp. 237. The depth issue is of particular importance since contamination is a three-dimensional problem, and UI will have to dig up significant amounts of dirt in order to properly situate its pole foundations. UI provided similarly scanty information regarding the potential for impacts to the fish and wildlife that depend on the wetlands that will be impacted by this Project. *Id.* Yet at least one property had groundwater contamination with hexavalent chromium beneath it that the proposed monopole installations could release if drilling disturbed an underwater plume. *See*, Superior Plating Company Pre-filed Testimony of Robert Lamonica, 11/02/23; *12/12/23*, at pp. 257-59. There is thus a possibility that contaminated soils could enter waterways and seriously harm the waters and aquatic life and even spread to new areas including downstream to Long Island Sound. *12/12/23*, at pp. 238. This is just one area that came to light during the evidentiary hearings, but UI has not undertaken sufficient testing to categorically state that understands the potentials for subsurface contamination impacts as a result of its Project. More study is therefore needed before approval should be granted.

d. UI has ignored the fact that Bridgeport is an environmental justice community pursuant to Conn. Gen. Stat. § 22a-20a.

Admittedly, Conn. Gen. Stat. § 22a-20a, the state's environmental justice statute, does not apply to power lines, however, that does not mean that the Council should not consider the environmental justice implications of UI's proposed project. The City of Bridgeport has borne a

disproportionate share of environmental harms over the years, and these past injustices should be considered by the Council. As explained above, this Project will have substantial adverse impacts on the City's historical and environmental resources, yet the Project does not even bring an increase in capacity of clean energy to the communities the Project will impact. *07/25/23*, at pp. 47-8. Worse still, the Project may stifle commercial development in this community due to the proposed easements over private property. See, e.g., *10/17/23*, at pp. 40-2. These impacts should be considered by the Council as it evaluates UI's Application.

V. UI Has Incorrectly Considered a Number of Financial Factors Leading to Over-Inflated Cost Estimates.

There is ample evidence in the record that UI has significantly over-estimated the costs for underground alternatives and under-estimated costs associated with its own Project design. The proposed power lines are over-designed for a "replacement" project. Either UI is building this Project as an expansion or UI is causing this Project to be far more expensive than it needs to be.

The proposed Project is not a straight "replacement" because UI is increasing the ampacity of the cables, as it proposes to upgrade the overhead cables from ACSR to ACSS. *11/28/23*, at pp. 108-09. Despite UI's team claiming that the Project is not about increasing load, the current ACSR cables carry 1354 amps, whereas the proposed ACSS cables carry almost double the ampacity at 2560 amps. Thus, the ACSS conductors can carry 90% more electricity than the current ACSR lines. *Id.*; *12/12/23*, at pp. 186. Because this is more an expansion than a replacement, alternatives such as undergrounding the entire Project, or replacing existing structures in current right of ways become less expensive in comparison to new construction.

In terms of underground alternatives for this Project, UI's life cycle report submission table does not detail or justify the costs of the cables. *Id.* at pp. 67-8. Specifically, UI did not include in its estimates, and refused to give at the hearing a cost breakdown of any line items associated with

duct bank installations, engineering, or any other costs associated with undergrounding the Project. *11/28/23*, at pp. 134-36. However, the Town of Fairfield's expert, Mr. Awad, with over fifty years of industry experience and who was responsible for the undergrounding of transmission lines for Hydro-Quebec, the second largest utility in North America, stated, "I've never seen any project with 9 miles... that would cost one billion dollars. On the New York to Montreal which is... 347 miles... it cost \$7 billion... about 40 something [miles] times your project... I believe there's a big mistake somewhere in the evaluation." *12/12/23*, at pp. 155-56, 163. One such mistake arose where UI estimated 141 million dollars for engineering, an "astronomical figure" as one could "hire all the consultants in the State" and not spend that much. *12/12/23*, at pp. 154.

Another financial cost estimate error arose because UI contemplated two cable circuits for this estimate, but as there is no anticipated load increase, there is no need for two cables per phase at this time, which, of course, increases the cost as opposed to using a single cable per phase. *12/12/23*, at pp. 200; *11/28/23*, at pp. 104, 110-11. Had UI wanted to prepare for any future needs, it could have constructed a large enough duct bank to accommodate two cables in the future when the load increase is in fact necessary without incurring the cost of installing the two cables now. *12/12/23*, at pp. 201. Yet UI failed to model an underground cable with a single cable per phase which would have reduced the cost estimate and would have further reduced construction times, thereby substantially reducing the Allowed Funds Used During Construction ("AFUDC"), which was the highest single line component of the overall underground cost estimate. *11/28/23*, at pp. 110-13; *12/12/23*, at pp. 176.

UI nevertheless claimed its proposed double circuit underground design was not feasible as it required ten to twelve feet distance between underground cables to prevent mutual heating of the cables, but undergrounding may be more feasible than UI let on as one can "go close to a 345-

kV cable provided there's a thermal study done... or even install other cables in the same duct so long as the thermal study is conducted, as it is quite possible to install a 115-kV cable in exactly the same duct as the 345-kV cable if the thermal study supports it. *12/12/23*, at pp. 54-5. *See also, Id.* at pp. 203-05 (“you cannot decide the minimum distance [necessary to prevent mutual heating]... before you do your thermal analysis” and “[the second cable] could even be next to it and there's no mutual effect.”) Rather than perform any such analysis, however, UI decided to presuppose its desired outcome and disregarded the potential of using various public rights of way for undergrounding. Among other things, UI failed to consider whether proceeding with undergrounding would avoid the need for horizontal directional drilling, and further failed to conduct an analysis that could involve undergrounding in Bridgeport only. *11/28/23*, at pp. 115-19, 145.

UI also significantly overestimated the time it would take it would take for the undergrounding of the Project. UI estimated that it could only accomplish 40 feet per day of undergrounding, which not only flies in the face of UI's prior undergrounding activities, it disregards testimony that 600 feet of line installation per day was a more likely estimate. *12/12/23*, at pp. 92, 208. This would not only reduce costs further, it would also mean that the Project could be completed in less than three years. *Id.* Undergrounding also avoids a large amount of tree clearing that is otherwise anticipated for the proposed overhead lines, and far less operation and maintenance costs than the overhead option. *11/28/23*, at pp. 86-8. Undergrounding further avoids certain construction obstacles such as required clearances and shutdowns on the railway and the potential catastrophic impacts and outages associated with any future train derailments. *11/28/23*, at pp. 94-5. Undergrounding will also avoid water crossings which reduces costs and eliminates regulatory delays associated with obtaining U.S. Army Corps of Engineers approvals. *12/12/23*, at

pp. 206-07. The undergrounding of the Project is nowhere near as burdensome as UI purports it to be. The Council should give a far more serious examination of the benefits of undergrounding this Project than UI did in preparing its Application.

UI also drastically undervalued the costs of obtaining its permanent easements, and an expert witness valued the costs of these easements at three to five times UI's anticipated estimate. *12/12/23*, at pp. 149-150. This is because UI relied upon the property revaluation process, which does not consider the stand-alone appraisal values, which are far more accurate. *12/12/23*, at pp. 227-29. Moreover, 2020 property values were used, however, the time of acquisition would be four years later, and property values have skyrocketed since then. *Id.* UI has also failed to include potential costs for takings of private property in the event a variance is not granted for lots upon which the necessary easements cause the lots to be non-conforming with local zoning regulations, which under Connecticut law, requires the taking of the entire parcel. *11/28/23*, at pp. 39-40, 45. Undergrounding the Project, however, negates the costs associated with the permanent taking of over 19 acres of private property, while preserving historical and environmental resources and the costs of any mitigation measures which shall be required by SHPO and/or DEEP. *12/12/23*, at pp. 90-1, 149-50.

In total, UI's claims an anticipated expense for an underground installation at a cost of over a billion dollars, yet when all of the relevant factors discussed above are considered, SCNET's expert stated it would come out to about a third of that figure. *12/12/23*, at pp. 93. Due to the vast number of errors and omissions of important cost considerations in UI's alternatives analysis, it would be prudent for the Council to order UI to reevaluate its projected costs and the cost of undergrounding before it selected an above-ground approach for the Project.

VI. UI is Not Under Time Pressure to Complete this Project Immediately.

As there is no immediate need for this Project, the Council has the luxury of allowing itself the time necessary to ensure that the public need and environmental impacts associated with this Application are properly balanced. Where UI's Application has clearly identifiable holes, the Council has the time to order UI to be more fulsome in its explanations. Currently, there are too many inconsistencies and holes in UI's proffered information about the proposed Project to allow approval of this Application.

In August 2022, the Council approved a rebuild of a transmission line proposed by UI in Docket No. 508 because UI had proven a public need for the project as it was necessary for the reliability of the electric power supply of the state, the interests of the electric system economy and reliability, and it conformed to a long-range state resiliency plan. Docket No. 508, *Council's Final Decision Documents 08/19/22, Opinion*, at 8.

Unlike in the present docket, in Docket No. 508, UI had demonstrated an age-related need to rebuild certain 115-kV lines as the ISO-New England Regional System Plan Asset Condition List identified that project due to the physical deterioration of the catenaries and bonnets to which the lines were attached. *Id.* at 1-2. UI had rejected alternatives based upon the need for acquisition of additional permanent easements to rebuild the lines. *Id.* Additionally, the application included a Phase 1A and Phase 1B Survey and UI had met with SHPO to discuss how it would mitigate visual impacts to historic resources. *Id.* at 6. UI also consulted with the affected Town of Milford regarding mitigation. *Id.* at 7.

Most importantly, however, in Docket No. 508, the Council approved an alternative option that would implement such mitigation measures. *Id.* at 8. The Council also found that the

environmental impacts of the proposed project could be sufficiently mitigated and did not overcome the public need for the facility. *Id.* at 9.

The present docket, however, presents a very different scenario, as there is no demonstrated public need for this Project as detailed above, and the Project causes significant environmental impacts, for which UI has not proposed any mitigation measures. Over 19 acres of private easements must be obtained for the Project as designed. There has been no further consultation with SHPO or the affected municipalities regarding mitigation, no Phase 1B report to evaluate historic resources and the Phase 1A was wholly insufficient as it omitted several prominent resources. Finally, far more monopole installations will disturb wetlands in the present docket, when these impacts could be largely avoided if the alternatives analysis is performed accurately and adopted. If the Council is inclined to approve UI's Application, the City of Bridgeport would respectfully request that the Council should look to the mitigation requirements it provided for in Docket No. 508 for similar mitigation requirements to be made in this Docket.

VII. Conclusion

As the Council is well aware, it has a variety of factors it must consider pursuant to section 16-50p of the General Statutes. In particular, however, the City would ask that the Council pay attention to the requirements of section 16-50p(a)(3)(B), which requires the Council to find and determine "the nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public health and safety, (iv) scenic, historic and recreational values, (v) agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish,

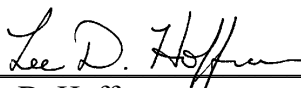
aquaculture and wildlife.” UI simply hasn’t provided the Council with sufficient information to allow it to make the determination it needs to under the law. UI also hasn’t presented sufficient evidence of a public need for this Project, as is required under section 16-50p(a)(3)(A).

As UI has not demonstrated a public need for this Project nor a justification for the environmental impacts the Project will cause, the City respectfully asserts that the best route of action is for the Council to consider this a “first draft” of UI’s proposal, deny the Application without prejudice, and allow UI to come back with a more refined, carefully crafted proposal that will adhere to the statutory requirements of Conn. Gen. Stat. § 16-50l(a)(1). In the alternative, if the Council is so inclined to approve the Application, the City asserts that it should do so only with significant mitigation measures, as the Council has done before, to ensure that any impacts caused by the Project are minimized.

The City thanks the Council for its patience and care in which it has conducted the deliberations in this matter thus far, and thanks the Council in advance for its consideration of these weighty matters as it reaches its conclusions.

Respectfully submitted,

THE CITY OF BRIDGEPORT

By 

Lee D. Hoffman
Liana Feinn
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
860-424-4300 (p)
860-424-4370 (f)
lhoffman@pullcom.com
lfeinn@pullcom.com
Its Attorneys