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November 22, 2023

**VIA ELECTRONIC MAIL AND FEDERAL EXPRESS**

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

**Re: DOCKET 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, ET AL.**

Dear Ms. Bachman:

I am writing on behalf of my client, the City of Bridgeport, Connecticut in connection with the above referenced Petition. With this letter, I am enclosing an electronic copy of the City of Bridgeport's Application to Intervene Under CEPA § 4-177a and Conn. Gen. Stat. § 16-50n. An original and fifteen hard copies of this Application will follow via U.S. Mail.

Should you have any questions concerning this submittal, please contact me at your convenience.

Sincerely,

Lee D. Hoffman  
Enclosure

**CONNECTICUT SITING COUNCIL**

THE UNITED ILLUMINATING COMPANY : CONNECTICUT SITING COUNCIL  
(UI) APPLICATION FOR A CERTIFICATE :  
OF ENVIRONMENTAL COMPATIBILITY : DOCKET NO. 516  
AND PUBLIC NEED FOR THE FAIRFIELD :  
TO CONGRESS RAILROAD :  
TRANSMISSION LINE 115-KV REBUILD :  
PROJECT THAT CONSISTS OF THE :  
RELOCATION AND REBUILD OF ITS : NOVEMBER 22, 2023  
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.

**APPLICATION TO INTERVENE UNDER CEPA, § 4-177a AND § 16-50n**

**I. INTRODUCTION**

The City of Bridgeport, Connecticut (“Bridgeport”) hereby moves and petitions the Connecticut Siting Council to become a party intervenor in the above application (“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”). Bridgeport seeks to participate in these proceedings to prevent an unreasonable impact to its municipal interests and to the natural resources of the State including coastal and water resources. Bridgeport also wishes to participate to ensure evidence of alternative location(s), configurations and/or technology are appropriately considered by the Council.

Pursuant to Conn. Gen. Stat. § 22a-19 (“CEPA”), §16-50n and §4-177a, Bridgeport is an entity with a direct interest in the proceedings which will be specifically and substantially affected as a substantial portion of the Project that spans Bridgeport’s downtown area as well as will be placed near Bridgeport’s coastal resources along Long Island Sound.

The proposed Project consists of an extensive electric transmission line relocation and rebuild. Bridgeport therefore seeks party status in the above proceedings for the purpose of conducting cross examination of witnesses and submitting briefs and pleadings that may be relevant to the consideration of the Application, specifically the mitigation of environmental impact to coastal and water resources and protected Federal and State-protected species by the use of alternate locations, alternative technology, and substation configurations. Bridgeport understands that given the stage of the proceedings, it will not be submitting its own testimony or interrogatories, but Bridgeport believes that the testimony that has already been submitted in this Docket, as well as the interrogatory responses that have been provided, will be sufficient for the Council to render its decision.

## **II. SUBSTANTIAL INTEREST**

Bridgeport’s participation will be in the interests of justice because the Project will be built across the City of Bridgeport and has the potential to impact Bridgeport’s downtown area

as well as its coastal resources. The coastal resources are relied upon by Bridgeport's residents for recreation and enjoying nature, and both the coastal resources and downtown area provide Bridgeport with significant economic benefits. Bridgeport is concerned with the potential location of transmission equipment, including transmission lines and utility poles, and any impact to these economic and coastal resources.

The information provided to date in Docket No. 516 does not allow the City to fully understand and examine the location of the Project in relation to the City's interest in protecting the viability of its downtown and coastal resources. If the City is permitted to cross examine the witnesses in this Docket, as well as submit briefs to the Council, it will be better able to guide the Council as to the issues the City perceives as important to the City's interests. This should enable to the Council to render the best decision possible, without unduly extending the proceedings in this Docket.

Bridgeport's participation is also proper under CEPA in that the cross examination will tend to show that the proposed Project is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut and, if granted, the Project will or is likely to impair coastal resources; and is reasonably likely to cause deterioration of these resources that is unreasonable because at least one feasible alternative solution of lesser impact exists. Additionally, the Project may unreasonably impact several State and Federally listed protected species<sup>1</sup>.

<sup>1</sup> See, Application, Volume 1, Section 5.3.5

In support of this motion, Bridgeport states the following:

1. The City of Bridgeport is a Connecticut municipality with an address as follows:

The City of Bridgeport  
Joseph P. Ganim, Mayor  
999 Broad Street  
Bridgeport, CT 06604

2. Bridgeport is concerned with the potential location of transmission equipment including transmission lines and utility poles, in the downtown of Bridgeport as well as near coastal resources.
3. Bridgeport is concerned that the proposed Project is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut. As such, Bridgeport seeks to cross examine witnesses to demonstrate that the environmental impact of the Project could be reasonably mitigated by the use of alternative locations or technologies.
4. Bridgeport is concerned that the proposed project is likely to negatively impact the City's ongoing and future economic development projects by compromising development site aesthetic appeal and operational flexibility, which in turn will negatively and materially impact the City's local property tax rates and tax revenue generated.
5. Bridgeport is Connecticut's most populous City and is host to a population in which - (a) the economically disadvantaged are over-represented and (b) persons of color comprise the overwhelming majority of the total population. Bridgeport is an "environmental justice community" as that term is defined under Conn. Gen. Stat. § 22a-20a. As the Council is aware, "Bridgeport, Hartford, New Haven, and Waterbury have the highest

counts of affecting facilities of all Environmental Justice communities and collectively account for almost a quarter (23%) of all affecting facilities in Connecticut. These four cities share a larger burden of potential health risks from affecting facilities than other towns in the state.”<sup>2</sup>Although the proposed project is not an “affecting facility” as defined by section 22a-20a, Bridgeport maintains that the proposed project will have environmental justice implications and a material discriminatory impact upon residents in the lowest income categories and persons of color.

### **III. LEGAL BASIS FOR INTERVENTION**

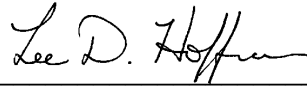
An application for intervention need only allege a colorable claim pursuant to CEPA. *Finley v. Town of Orange*, 289 Conn. 12, 35 (2008), citing *Windels v. Environmental Protection Commission*, 284 Conn. 268 (2007). CEPA clearly and in the broadest terms indicates that any legal entity may intervene, and such intervention is a “matter of right” once a verified pleading is filed complying with the statute “whether or not those allegations ultimately prove to be unfounded.” *Avalon Bay Communities v. Zoning Commission*, 87 Conn. App. 537, 543-545 (2005).

Bridgeport is entitled to participate as a § 22a-19 intervenor which allows for a right of appeal under that statute. Bridgeport’s application for intervenor status should be granted so that it may participate by presenting evidence through cross examination for the record and meaningfully assist the Siting Council in reaching a decision which minimizes impact to natural resources of the state while expanding electrical transmission infrastructure.

<sup>2</sup> See <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice-Program-Overview>.

Wherefore, Bridgeport respectfully requests that the Council grants its request for intervention and to place Bridgeport's undersigned counsel on the service list for this Docket.

THE CITY OF BRIDGEPORT CONNECTICUT



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Liana Feinn

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Its Attorneys

VERIFICATION

I, Mark T. Anastasi, being the City Attorney for the City of Bridgeport, being duly sworn, hereby verify on behalf of said entity, the City of Bridgeport, that the above application is true and accurate to the best of my knowledge and belief on this 22<sup>nd</sup> day of November 2023.

THE CITY OF BRIDGEPORT CONNECTICUT

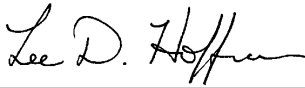


By: Mark T. Anastasi  
Its: Bridgeport City Attorney



CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was electronically mailed and/or deposited in the United States mail, first-class, postage pre-paid this 22<sup>nd</sup> day of November 2023 to the individuals on the Service List for this Docket, as of this date.



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Lee D. Hoffman, Esq.