

CONNECTICUT SITING COUNCIL

PETITION OF UNITED	:	
ILLUMINATING COMPANY	:	DOCKET NO. 516
CERTIFICATE OF ENVIRONMENTAL	:	
COMPATABILITY AND PUBLIC NEED	:	
FOR THE FAIRFIELD TO CONGRESS	:	
RAILROAD TRANSMISSION LINE	:	
115-KV REBUILD PROJECT	:	
THAT EXTENDS	:	
FROM FAIRFIELD TO BRIDGEPORT,	:	
CONNECTICUT	:	SEPTEMBER 18, 2023

MOTION FOR CONTINUANCE

The Grouped Intervenor, 2190 POST ROAD, LLC, INVEST II, INTERNATIONAL INVESTORS, PEQUOT REALTY, LLC, 1916 POST ROAD ASSOCIATES, LLC, SF STATION STREET, LLC, MAURA J. GARYCH, AS TRUSTEE UNDER THE MAURA J. GARYCH REVOCABLE TRUST AGREEMENT DATED MAY 23, 2002, 461 BROAD STREET, LLC, METRO HOLDING COMPANY LLC, PACI RESTAURANT, SG PEQUOT 200, LLC, AND TREFZ CORP. (the “Grouped Intervenor”), hereby respectfully move for a continuance in the above captioned matter (the “Application”) on grounds that the same is reasonably necessary in order for the Grouped Intervenor to have a meaningful opportunity to prepare for the same consistent with their due process rights and due to the insufficiency of notice provided under the requirements of the Connecticut General Statutes (“CGS”). The motion for continuance is necessary and proper in this instance as the current scheduling and deadlines concerning this Application are not practical and the notice procedure for the Application was not followed correctly. Affected property owners have only recently become aware of the Application. If the United Illuminating Company (“UI”) truly provided appropriate public outreach, then affected members of the public would have been aware of the application far sooner.

In response to the reaction of Town residents and business owners concerning this Application, it is our understanding that United Illuminating has agreed to participate in a public Town meeting to answer questions and concerns as it relates to the Application. However, UI has refused to provide its consent to this Motion for Continuance. UI's participation in a public Town meeting about this Application will not provide any genuine benefit to the Grouped Intervenors who have reasonable concerns about the impacts of the Application on their properties if the current scheduling and deadlines are not extended. By the time that meeting would take place, the Grouped Intervenors would be foreclosed from having an opportunity to genuinely participate in the Application process unless the current scheduling and deadlines are extended.

In addition, the Motion for Continuance should be granted as the current publication of the record of the Application on the CSC website indicates that certain notice requirements of the CGS were not followed. These errors include, but are not limited to, the following:

1. Sec. 16-501(b)(3) of the CGS requires that each application to the CSC be accompanied by proof of service of a copy of such application to "each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located." Volume 1A Appendix F of the Application states "A copy of the Application was sent electronically, with paper copies available upon request" to State Senator Tony Hwang, State Senator Marilyn Moore, State Senator Herron Keyon Gaston, State Representative Steve Stafstrom, State Representative Antonio Felip, Representative Cristin McCarthy Vahey, Representative Jennifer Leeper, U.S. Congressman Jim Himes, U.S. Senator Richard Blumenthal, and U.S. Senator Christopher Murphy. However, said document lists only the physical mailing addresses of each one of these members of the legislature and not their electronic mailing

addresses. Therefore, no proper proof of service has been submitted in compliance with Sec. 16-501(b)(3) of the Connecticut General Statutes as it has not been shown to which electronic mailing addresses this notice was sent. Members of the legislature are a key point of contact for their constituents on an application to the Connecticut Siting Council and the CGS specifically designates them for notice. The CGS also specifically require that proof of notice be provided. The record of the Application on the CSC website does not demonstrate proper proof of notice.

2. The CSC posted a copy of the Hearing Notice for its public hearings of July 25, 2023 and August 29, 2023 (together, the "Hearing Notices") on the CSC website. Said Hearing Notices state that they were filed in accordance with Connecticut Public Act No. 22-3. However, Sec. 1(a) of said Act requires that the agenda for a meeting being conducted solely by means of electronic equipment be posted with the clerk of the Town of Fairfield and City of Bridgeport. No proof of said posting is listed on the record of this Application posted on the website of the CSC.
3. In violation of Sec. 1-225(b) of the CGS, the Connecticut Siting Council neither has posted a schedule of regular meeting schedule of the CSC nor provided proof that, if the public hearings of the CSC were scheduled on July 25, 2023, and August 29, 2023, were considered a special meeting, that notice of said hearings was posted not less than twenty-four hours prior to the time of said meetings in the office of the clerk of the Town of Fairfield and City of Bridgeport in accordance with Sec. 1-225(d).
4. The hearing notice for the CSC hearing for the July 25, 2023, hearing of the CSC states that the hearing will be on:

"an application from 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 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 along approximately 7.3 miles of the Connecticut Department of Transportation's Metro-North Railroad corridor between Sasco Creek in Fairfield and UI's existing Ash Creek, Resco, Pequonnock and Congress Street Substations, and related modifications, traversing the municipalities."

Nowhere in said notice does it state that the Applicant is proposing to remove existing bonnets. It merely states that the transmission lines *only* are to be relocated to new steel monopole structures. The content of the notice is deficient to advising the public that a substantial amount of the work proposed in the Application, which is shown on every map provided by the Applicant, is to remove the existing bonnets. On several properties owned by the Group Intervenors, the removal of the bonnet structures consists of the only work performed on or abutting those properties and, therefore, the only work that requires a proposed work pad. If the content of the hearing notice were sufficient, property owners where existing bonnets abut their properties would have sufficient knowledge that the proposed work may impact their property.

In support hereof, the Grouped Intervenors hereby request that the CSC grant this motion for continuance based upon the following:

1. The current schedule provides that:
 - a. The final deadline for exchange of interrogatories between the Applicant and Intervenor(s) (also the "Parties") is September 19, 2023.
 - b. The final deadline for pre-filed testimony, responses to interrogatories and submission of late filed exhibits is October 3, 2023.
 - c. The continued evidentiary session has been scheduled for 2:00 p.m. on October 17, 2023.

2. The Grouped Intervenor proffer the following amended scheduling and deadlines in support of this motion:

- a. The final deadline for the exchange of interrogatories between the Parties be extended to October 20, 2023.
- b. The final deadline for pre-filed testimony, responses to interrogatories and submission of late filed exhibits be extended to November 30, 2023.
- c. The continued evidentiary hearing be scheduled for some date during the week of January 8, 2024.

Counsel for the Grouped Intervenor is available to attend a remote status conference if the CSC has any questions or would like to discuss the circumstances of the requested extension. It should also be noted that Melanie A. Bachman, Esq., Staff Attorney for the CSC informed Counsel for the Grouped Intervenor that a final deadline for a decision on the Application is March 17, 2024. The proposed schedule and deadlines requested by the Group Intervenor fits within that timeline with months to spare.

WHEREFORE, the Grouped Intervenor respectfully move for this continuance in accordance with the new proposed schedule of deadlines as it relates to this Application.

Respectfully submitted,

GROUPED INTERVENORS

BY: 

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CERTIFICATE OF SERVICE

This is to certify that on the above date a true copy of the foregoing has been sent via electronic mail and U.S. Mail, first-class, postage pre-paid, to the following parties of record:

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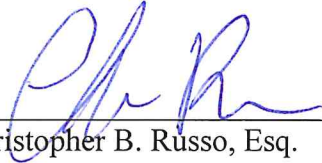
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