

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 21, 2023

REPLY TO OBJECTION TO MOTION FOR CONTINUANCE

The Grouped Intervenors, 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 BRIDGEPORT 11823 LLC. (the “Grouped Intervenors”), hereby respond to the “Opposition to Motions for a Continuance filed by The United Illuminating Company (“UI”) filed on the above captioned matter (the “Application”).

As indicated in a prior submission, the Grouped Intervenors argued a Motion for Continuance should be granted as the current publication of the record of the Application on the Connecticut Siting Council (“CSC”) website indicates that certain notice requirements of the Connecticut General Statutes (“CGS”) were not followed. In their opposition, UI’s counsel cites a number of documents which counsel alleges “inform its customers” of the project. It should be noted that the original Motion for Continuance argued that there was insufficient notice to the *property owners directly impacted by the Application*. These directly affected property owners

were not provided proper notice because the content of the publications provided by UI's general and ambiguous letters to their wider customer base and the CSC did not provide a proper description of the work and the location proposed for the work under the Application. UI's counsel repeatedly refers to notices that were sent to a general list of customers instead of specific property owners, which did not detail the direct impact to these property owners. The vagueness and ambiguity in these documents provide insufficient notice as to the direct impact to these property owners. The first example cited by UI's Counsel is a letter dated July 27, 2021, from Leslie Downey, whom is listed as an outreach specialist (the "July 27 UI Letter"), attached as **Exhibit A**. The plain language of this letter reveals the deficiency in the content of the supposed "notice." The July 27 UI Letter states the project is as follows:

"To comply with stringent reliability standards issued at the federal level, we are removing our transmission lines from the Metro North Railroad catenaries and onto our own structures, which will be installed during the project, Due to physical limitations of portions of the existing structures that support UI's electrical infrastructure, new 115kV transmission lines need to be installed on new monopoles along the CTDOT railroad corridor."

UI's Counsel also refers to a document entitled "United Illuminating Railroad Power Line Upgrades Fairfield to Congress" (the "UI Project Sheet"), attached as **Exhibit B**. The UI Project Sheet contains the same vague and ambiguous language, which does not specify the entirety of the work proposed under the Application or its location. Under the "Project Purpose and Need," the UI Project Sheet states:

"As a result of age, asset deterioration, and increased mechanical loads, it was recommended that new 115kV transmission lines be installed on new monopoles along the CTDOT railroad corridor."

Then, regarding the "Project Scope" of the Application, the UI Project Sheet merely states:

- "Staking, vegetation clearing, access roads and work pad construction"
- "Installation of drilled foundation supported monopoles and conductors"

These letters cited by UI's Counsel and the notices of the public hearing for the Application are completely deficient in providing proper notice to affected property owners under Sec. 16-501 of the CGS. They state that work is to be done "along the CT DOT railroad corridor." They do not mention that UI proposes to locate monopoles directly on private property. They contain absolutely no reference that some of the work will entail the removal of monopoles will occur on private property. They do not mention that permanent easements will be required over private property to accommodate the new monopoles and transmission lines and that said easements will restrict the use and development of said easement areas and properties. They do not indicate that vegetation will need to be removed on private property. UI's counsel states that the hearing notice published for the July 25, 2023, hearing of the CSC indicated that the project included the "*relocation and rebuild*" (emphasis added) of the transmission lines. However, it is only of the transmission lines, not the existing monopoles. No language in the content of the notice indicates that existing bonnets are to be removed. As stated in the original Motion, the removal of *existing bonnets* constitutes some of the only work proposed on these private properties.

The lack of notice as to the location of the proposed work causes specific direct impacts to property owners and the Grouped Intervenors, including, but not limited to, the following:

1. The complete obstruction of public roads that provide access to private properties;
2. The removal of an existing bonnet to the north of SAS-1586 and SAS-1724, which is the only work proposed in connection with the proposed work pad that obstructs the surrounding area;
3. The removal of vegetation within a regulated area on the properties identified as SAS-1595, SAS-1596, SAS-1598, SAS 1717, SAS-1778, which will require approval of the local inland wetlands commissions;

4. The location of new monopoles P664S, P703S, P721ES, and P737N directly on private property; and
5. The obstruction of parking spaces and circulation areas on SAS-1596, SAS-1724, SAS-1778, ARN-1829 and RPS-1945 that would render those properties in violation of applicable zoning regulations and existing leases.

It should be noted that the work proposed under the Application will not only directly impact the properties of the Grouped Intervenors, it could also cause the Grouped Intervenors liable, which is why it so important that the notice of this Application should have satisfied the requirements of Sec. 16-50l of the CGS. The Applicant proposes work on the private properties of some of the Grouped Intervenors, including the installation and removal of monopoles and the removal of plantings, which is located within a regulated area overseen by the Fairfield Inland Wetlands and Watercourses Commission. If any work performed on those properties is unauthorized or not performed in accordance with obtained approvals, the property owner and property itself, not UI, would be subject to penalties and violations.

Similarly, the properties of the Grouped Intervenors are currently under a State of Connecticut Spotted Lanternfly Notice of Order of Quarantine dated May 25, 2021, issued by the Director of the Connecticut Agricultural Experiment Station (the "Quarantine Notice"). Sec. V of the Quarantine Notice states that any violation of this quarantine would subject the property owner to penalties authorized by the CGS. The Quarantine Notice further states that all plants and plant parts are considered a regulated article and must be removed and moved in accordance with the requirements of the Notice. If UI, as proposed, removed plantings from these private properties, and it was not done in accordance with the Quarantine Notice, these specific property owners would be liable.

Further, Sec. 31.2.21 of the Fairfield Zoning Regulations (the “Fairfield Zoning Regulations”) states that the lot area of a property, as calculated under the Fairfield Zoning Regulations, does not include an area covered by an “easement for above ground public utilities.” Therefore, the proposed easements under the Application will reduce the lot area of the properties on which they are located under the Fairfield Zoning Regulations. If this reduction in lot area renders these properties nonconforming as to lot area under the Fairfield Zoning Regulations, the properties will be in violation and the property owners, not UI, will be liable for the violation. The significant impairment to the future development of these properties due to reduced lot area is a whole separate issue. Similarly, if the proposed work pads under the Application obstruct parking spaces, which are required for the uses at these private properties, the property owners, not UI, will be liable for the violation. Finally, an obstruction to the circulation of these properties may not only be a violation of local zoning regulations, but also approved fire access. The property owners, not UI, would be liable for these potentially serious violations.

All the above-referenced demonstrate how the proposed work under the Application could render the affected property owners directly liable for violations of their property in relation to local and state ordinances. In addition, these property owners may also be in violation with existing leases and obligations if the work proposed under the Application was approved. The deficiency of the notice of the Application as to the location of the proposed work has serious consequences on the Grouped Intervenor and other private property owners. The notices sent relating to the Application contained no reference to new monopoles to be constructed or existing monopoles to be removed directly on private property; no reference to work pads being directly located on private property; no reference to permanent easements being located on private property; and no reference to the removal of plantings on private property. “Along the CTDOT railroad corridor”

is an inaccurate and misleading description of the area of proposed work in this Application and does not satisfy the requirements of Sec. 16-50l of the Connecticut General Statutes.

Regarding the proof of service provided to members of the legislature, the submitted materials with this Application specifically state “A copy of the Application was sent electronically.” The plain meaning of that language is that the Application was sent via electronic mail. Now, the Applicant claims it actually means that a USB device was mailed to each member of the legislature. The Applicant should provide proof of proper notice to these members of the legislature.

The Grouped Intervenorers have requested a continued evidentiary hearing be scheduled for some date during the week of January 8, 2024. UI’s counsel has acknowledged that a decision by the CSC does not have to occur until March 17, 2024, thereby demonstrating that there is ample time from the date of the continued evidentiary hearing until the deadline for a decision on the Application. The Applicant could also withdraw the Application and refile with proper notice on a subsequent application.

WHEREFORE, the Grouped Intervenorers 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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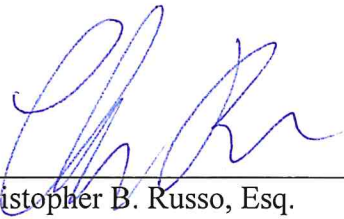
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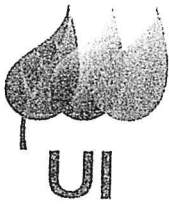
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A handwritten signature in blue ink, appearing to read "C. Russo", is positioned above a horizontal line.

Christopher B. Russo, Esq.

Exhibit A



July 27, 2021

Re: Fairfield to Congress Substation Railroad Transmission Line Upgrades

Dear neighbor,

You count on United Illuminating (UI) to provide you with the power you need, when you need it, and we take that responsibility seriously. As part of our commitment to provide safe, reliable service to all of our customers, we are updating our delivery system in our service area and your neighborhood. The goal of this effort is to improve the reliability and maintenance requirements for UI customers.

To comply with stringent reliability standards issued at the federal level, we are removing our transmission lines from the Metro North Railroad catenaries and onto our own structures, which will be installed during the project. Due to physical limitations of portions of the existing structures that support UI's electrical infrastructure, new 115kV transmission lines need to be installed on new monopoles along the CTDOT railroad corridor.

Beginning this summer UI and its subcontractors will perform occasional site visits and site investigations within and along the transmission right-of-way (ROW) in preparation for this project, and you may see them on and about the rail corridor that abuts your property. Their work will typically occur during the hours of 7 am – 6 pm Monday through Friday. These site investigations are expected to extend into the autumn and winter months and include survey and geotechnical drilling work. You may see more than one contractor and/or UI vehicle while these occasional site visits occur.

If you have any questions or concerns regarding the project, please do not hesitate to contact UI at 1-888-848-3697 or outreach@uinet.com. As the project progresses, additional information will be sent as appropriate. You can also find additional information at www.UIRailroadTLineUpgrades.com. We have also included the Project Fact Sheet in this mailing.

UI's core value is to provide safe and reliable energy for our customers. We prioritize being a good neighbor and are working collaboratively with community leaders, regulators and landowners throughout this process.

Thank you,
Leslie Downey
Outreach Specialist
Leslie.Downey@uinet.com
Outreach@uinet.com





UI

An AVANGRID Company

UNITED ILLUMINATING
Railroad Power Line Upgrades
Fairfield to Congress

CONTACT

Project Information Line: 888.848.3697

Refer to: Railroad Power Line Upgrades – Fairfield to Congress

Email: outreach@uinet.com

PROJECT OVERVIEW

Rebuild 8.1 miles (10.8 circuit miles) from the Eversource-UI demarcation point in Fairfield, CT to Congress substation in Bridgeport, CT. Relocate the transmission lines off the existing railroad catenary bonnets (overhead wire systems) and install on independent monopoles with new insulators, hardware and conductor adjacent to the railroad corridor.

PROJECT PURPOSE AND NEED

The 115kV transmission lines between Fairfield and Bridgeport are supported by the Connecticut Department of Transportation (CTDOT) owned railroad catenary structures and connected through UI owned bonnet structures. As a result of age, asset deterioration, and increased mechanical loads, it was recommended that new 115kV transmission lines be installed on new monopoles along the CTDOT railroad corridor. These upgrades will help maintain system reliability, preserve safety within and adjacent to the right-of-way, and provide technological enhancements to legacy system equipment.

PROJECT SCOPE:

- Staking, vegetation clearing, access roads and work pad construction.
- Installation of drilled foundation supported monopoles and conductors

BENEFITS TO THE REGION:

The upgrades will improve the reliability, capacity and resiliency of the transmission system, ensuring that the safe and reliable transmission of power is maintained for our customers throughout Fairfield County, in accordance with Federal reliability standards.

For more information visit uirailroadtlineupgrades.com

PROJECT LOCATION

Municipalities: Fairfield, Southport, Bridgeport
 County Impacted: Fairfield

ESTIMATED TIMETABLE *subject to change*

Engineering - Detailed Engineering: Q1 2021 to Q1 2024
 Start of Construction: Q3 2024
 In-Service Date: Q3 2029

