

DAVID A. BALL

Please Reply To Bridgeport
E-Mail: dball@cohenandwolf.com

January 11, 2024

Via e-mail and Federal Express

Attorney Melanie Bachman
Executive Director
Connecticut Siting Council
Ten 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.

Post-Hearing Brief and Proposed Findings of Fact of the Town of Fairfield

Dear Attorney Bachman:

Enclosed please find an original and fifteen copies of the following documents from the Town of Fairfield:

- Post-Hearing Brief
- Proposed Findings of Fact

Very truly yours,



David A. Ball

cc: Service List

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 }
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Connecticut Department of Transportation's Metro-North }
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Sasco Creek in Fairfield and UI's Congress Street Substation }
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way to facilitate interconnection of the rebuilt 115-kV }
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Pequonnock and Congress Street Substations traversing the }
municipalities of Bridgeport and Fairfield, Connecticut. }

Connecticut
Siting
Council

January 11, 2024

Post-Hearing Brief of the Town of Fairfield

TOWN OF FAIRFIELD

By: 

David A. Ball, Esq.
David Dobin, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
Tel. (203) 368-0211
Fax (203) 394-9901
dball@cohenandwolf.com
ddobin@cohenandwolf.com

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I. Introduction and Summary

Following six days of evidentiary hearings, it is clear that UI failed to meet its burden of establishing any public need for its proposed project (the “Project”).

UI claims that the Project is designed only to replace infrastructure it claims to be old and aging, and UI admits that it does not project any need for additional electrical capacity in the foreseeable future. Indeed, UI admits that its Project is not proposed to address “reliability concerns.” Nonetheless, motivated by a desire for profit and not by any actual need, UI’s proposal is designed to allow the transmission of significantly more electricity than is needed, based on any load projections – today or into the future. As a result, UI’s proposal involves the construction of taller monopoles, and the unprecedented seizure of more than 19 acres of easements over private property in sensitive historic areas to accommodate an overly wide right of way. If approved, this Project will cause devastating impacts to the environment and precious religious, cultural, historic and scenic resources in the Town of Fairfield and throughout the proposed route.

Coupled with UI’s profit-driven overdesign of its Project, UI has also failed to satisfy its statutory obligation to adequately consider (or permit the Council to consider) alternatives that would have dramatically fewer adverse effects on the environment and local resources. In fact, the record demonstrates that UI failed to undertake proper and customary due diligence and – in a transparent effort to make its proposed Project appear more palatable to the Council – understated the cost of the Project and downplayed the environmental effects it would impose. At the same time, UI artificially inflated the costs associated with more appropriate alternatives (such as ungrounding) in an obvious attempt to paint them as prohibitively expensive.

Given these concerns, the Council should not allow itself to be misled by UI's tactics. If the Council finds that there is an imperative and pressing need to remove the existing transmission lines off the railroad catenary structures, UI should be required to modify its proposal to match (and not exceed) the existing capacity of the transmission lines being relocated and to bury its lines underground beneath public roads. Indeed, UI's admissions make clear that it did not seriously consider such underground options, and it even ruled out the possibility of installing its transmission lines under Route 1/Post Road in Fairfield; all without conducting the most basic minimal analyses required to assess the feasibility of underground alternatives. Alternatively, after conducting a proper analysis, UI should be forced to examine building shorter and correctly-sized overhead monopoles, with smaller, lighter and more efficient conductors, which in turn would not necessitate the taking of any private property. Because UI failed to meaningfully consider these industry standard alternatives (as required by PUESA) that would limit adverse environmental impacts and eliminate or minimize the need for expanded easements and takings of private property – including in historic areas – this Application must be denied.

II. Argument

a. The statutory standard

UI's Application is governed by the Public Utilities and Environmental Standards Act ("PUESA") codified in Chapter 277A of the Connecticut General Statutes. See Conn. Gen. Stat. §§ 16-50g, et seq. Specifically, Conn. Gen. Stat. § 16-50k(a) provides that "no person shall exercise any right of eminent domain in contemplation of, commence the preparation of the site for, commence the construction or supplying of a facility, or commence any modification of a facility, that may, as determined by the council, have a substantial adverse environmental effect

in the state without having first obtained a certificate of environmental compatibility and public need.” Id. UI’s Application seeks approval for the relocation of its 115-kilovolt (kV) electric transmission line, which is a “facility” within the meaning of Conn. Gen. Stat. § 16-50i(a)(1).

PUESA is an environmental protection statute that was enacted to ensure that Connecticut’s environmental, scenic, and historic resources are given paramount importance in siting decisions. This is particularly the case when considering large projects such as the transmission lines which are the subject of this docket.

Indeed, in the first section of PUESA, the Connecticut Legislature made clear that “transmission lines for electricity and fuels...have had a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment, the ecological, scenic, historic and recreational values of the state.” Conn. Gen. Stat. § 16-50g. Moreover, the Legislature expressly stated that the purposes of PUESA “are to provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the *need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values.*” Id. (emphasis added).

Consistent with PUESA’s clear purpose, the applicant for a certificate of environmental compatibility and public need (a “Certificate”) bears the burden of providing sufficient evidence for the Council to find and determine a “public need” for the proposed project, the “nature of the probable environmental impact of the facility . . . including a specification of every significant adverse effect,” and “why the adverse effects . . . are not sufficient reason to deny the application.” Conn. Gen. Stat. § 16-50p(a)(3)(A)-(C). In addition, the Council can only issue a

Certificate for a transmission line if it finds “that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility” and “are consistent with the purposes of” PUESA. Conn. Gen. Stat. § 16-50p(a)(3)(D).

UI has utterly failed to demonstrate the public need for this Project, which proposes a massive upgrade over the existing transmission lines despite the absence of any need for additional capacity at any time in the foreseeable future. And, respectfully, the only way in which this Project could be approved is by completely ignoring the adverse effects of the facility, which would result in an unacceptable taking of more than 19 acres of permanent easements on private property. Any such approval will violate the clear statutory requirements set forth in PUESA.

b. UI has failed to establish a “public need” for its Project.

“[A] public need exists for an energy facility if such facility is *necessary* for the reliability of the electric power supply of the state.” Conn. Gen. Stat. § 16-50p(h) (emphasis added). The term “necessary” implies the minimum amount required to achieve a certain purpose or fulfill a specific requirement, without excess or surplus. See Stack v. Hartford Distributors, Inc., No. CV166073691S, 2017 WL 3176028, at *1 (Conn. Super. Ct. June 20, 2017) (holding that undefined term “necessary” is construed in light of its “common usage” and that the term means “[something] that cannot be done without: that must be done or had: absolutely required: essential, indispensable...”) (quoting Webster's Third New International Dictionary); see also Black's Law Dictionary Black's Law Dictionary 1028 (10th ed. 2014)).

Consistent with this common usage, the Council has historically denied Certificate applications where the applicant failed to establish the public need for the project, and where adverse environmental effects outweighed the need claimed by the applicant. See, e.g., Decision

and Order dated May 13, 2016, Connecticut Siting Council Docket No. 461¹ (denying application where applicant failed to establish “public need” and where environmentally invasive proposal was not proven to be necessary for the reliability of the electric supply of the state); Opinion dated March 28, 2001, Connecticut Siting Council Docket 197² (denying application where applicant failed to establish “public need” because environmentally invasive transmission line “would at best provide only incremental benefits to Connecticut and the region, that may not be realized for several years”). Significantly, in Dockets 461 and 197 the Council was *not* confronted with a proposal to take an unprecedented 19+ acres of permanent easements over private property (including over a town historic district), which renders the impacts in this docket far more harmful than the proposed projects in which the Council previously denied applications for a Certificate.

Unlike the many transmission line dockets that are required to meet growing demand for electricity, UI admits that this Project is not about increased demand or load capacity. (UI 20³, A-SCNET-1-20: UI “does not anticipate a significant load increase in Connecticut or the region in the next 10 years”; UI 20, A-SCNET-1-21: “project need is based on an asset condition and not load capacity”; Tr. 6⁴, p. 104:7-19; Tr. 6, p. 130:23-25; Tr. 6, p. 131:11-12). Indeed, UI has gone so far as to claim that information relating to the voltages and capacities of its proposed transmission lines are *not relevant* to its claim for need because such information is “related to reliability concerns.” (UI 20, A-SCNET-1-16 through A-SCNET-1-19) (emphasis added).

¹ Available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Docket_461/461DecisionPackage051316pdf.pdf.

² Available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/Decisions/Docket-197---Opinion

³ “UI 20” refers to Applicant’s Responses to SCNET Interrogatories and Requests for Production, Set One, dated November 2, 2023.

⁴ “Tr. 6” refers to Transcript 6, November 28, 2023 2:00 PM.

Instead, the sole asserted basis of need for UI’s proposal to “remove” and “rebuild” its existing 115-kV transmission lines that are currently situated on “bonnets” on top of railroad catenary structures, is the condition of those structures. (UI 1⁵, p. 1-1). UI claims that this Project is nothing more than a “replacement” project to address the condition of the structures. (UI 1, p. ES-2: describing project need to “replace legacy electric system equipment”). This claim is demonstrably false since, in fact, UI is proposing a massive upgrade to the electrical capacity of these lines. Because UI admits there is no need to upgrade its capacity to transmit electricity, and because its Project is designed to do just that, UI’s proposal is best characterized as a solution looking for a problem – at the expense of the Town of Fairfield and its precious environmental and cultural resources. Accordingly, the Application should be denied.

1. UI has not established that the existing condition of the railroad catenary structures necessitates removal of the transmission lines.

UI has not adequately proven that the existing condition of the catenary structures demands removal of the transmission lines from those structures. Instead, UI, in its pursuit of the Certificate, has presented a false narrative and engaged in a strategy of amplifying fears which are, upon careful examination, unsubstantiated by the record. Indeed, in the public hearing session in this case, UI’s representative told members of the public that the catenaries are “deteriorated to the point where they’re unsafe.” (Tr. 2⁶, p. 136:10-18). However, UI’s Application does not even go that far and the evidence in the record described below demonstrates that that is not the case. UI’s tactic not only undermines the integrity of the application process but also misleads the Council by presenting a skewed view of the potential risk if this Project is not approved.

⁵ “UI 1” refers to Application for a Certificate of Environmental Compatibility and Public Need filed by The United Illuminating Company, received March 17, 2023, Volume 1.

⁶ “Tr. 2” refers to Transcript 2, July 25, 2023 6:00 PM.

First, UI's overstated assertions relating to the catenary structures exhibiting "age-related" physical limitations are belied by the evidence. UI's assessment is based entirely on a study conducted in 2018, which has never been updated. (UI 1, p. 1-14; UI 3⁷, A-CSC-5; UI 3, A-CSC-6; UI 20, A-SCNET-1-30; Docket 508, Exhibit CSC-12-1; UI 20, A-SCNET-1-28(B)). Indeed, UI admits it is not aware of and does not possess a structural analysis, study or plan of the existing transmission lines on the railroad catenary structures conducted by a third party within the last three (3) years. (UI 20, A-SCNET-1-31). Moreover, throughout its Application, UI misleadingly states that the railroad catenary structures on which the existing transmission lines are affixed are "more than 100 years old," (see, e.g., UI 1, pp. ES-2, 1-1, 1-4) while admitting that of the structures it is removing, 95% are "wide flange" structures built no earlier than 1992 (UI 20, A-SCNET-1-33; Docket 508, Ex. CSC-12-1, p. 4).

Second, contrary to UI's claim of a supposed need to remove the transmission lines off of the catenary structures, UI admits that CT DOT has never demanded or requested that UI do so. (UI 20, A-SCNET-1-26). Nor has FERC, NERC, PURA, or any other regulatory body that is charged with maintaining the reliability of electric service using the catenary structures. (UI 20, A-SCNET-1-23, A-SCNET-1-24, A-SCNET-1-25). Indeed, there is no evidence in the record that CT DOT ruled out the option of maintaining UI's transmission lines on the existing structures, and certainly CT DOT and Amtrak would never allow its hundreds of thousands of train passengers to run the risk of physical harm if those structures were in any need of upgrading.

Third, even after UI's Project is complete, there will still be eight (8) bonnets (catenary structures) remaining on which UI's transmission lines will be attached. (UI 1, p. ES-3).

⁷ "UI 3" refers to Applicant's Responses to Council Interrogatories, Set One, dated May 31, 2023.

Clearly, if there were a legitimate need to address the “asset condition” of the catenary structures, UI’s plan would not be to continue to utilize eight of them to support its transmission lines.

Fourth, even after UI’s Project is complete, Eversource will also continue to utilize the catenary structures to support its overhead power lines within the Eversource service territory south all the way to the Norwalk River. (Tr. 1⁸, p. 58:14-21; Tr. 3⁹, p. 106:5-8). If the “asset condition” of the catenary structures is such that they can no longer support UI’s transmission lines, and cannot be reinforced as needed, then surely Eversource would also be applying to remove its transmission lines from the catenary structures – but Eversource has not filed any such application.

2. The true purpose of UI’s Project is to allow for additional transmission capacity, even though UI admits no such upgrade is necessary; the result is taller poles, larger foundations, and unacceptable adverse environmental effects, easements and takings of private property.

Even if it is found that the condition of the catenary structures demands removal of the existing 115-kV transmission lines, the Council should nonetheless conclude that UI has failed to establish a public need for UI’s proposed Project. UI claims that its transmission lines do not need to be “upgraded” to handle increased load and admits it does not forecast increased demand for electricity. (UI 20, A-SCNET-1-20: UI “does not anticipate a significant load increase in Connecticut or the region in the next 10 years”; UI 20, A-SCNET-1-21: “project need is based on an asset condition and not load capacity”; Tr. 6, p. 104:7-19; Tr. 6, p. 130:23-25; Tr. 6, p. 131:11-12). Paradoxically, however, contrary to its assertions that this is merely a “replacement” project, UI has designed its Project specifically to allow it to transmit vastly more electricity than

⁸ “Tr. 1” refers to Transcript 1, July 25, 2023 2:00 PM.

⁹ “Tr. 3” refers to Transcript 3, August 29, 2023 2:00 PM.

is currently being delivered or projected to be needed. To accommodate this upgrade, the proposed Project requires taller poles, and larger and deeper foundations with larger diameters, necessitating a wider right of way that will cause unacceptable adverse environmental effects and takings of private property.

UI's existing transmission lines consist of 1590 kcmil aluminum conductor steel reinforced (ACSR) "Lapwing" conductors. (UI 12, A-CSC-80). UI's proposed transmission lines will consist of 1590 kcmil aluminum conductor steel supported (ACSS) "Lapwing" conductors. (UI 1, p. 2-13). It is undisputed that the new 1590 ACSS conductors can operate at higher temperatures (and thus provide more capacity) than the existing 1590 ACSR conductors. (Tr. 6, p. 129:16-20; UI 12, A-CSC-83). Indeed, whereas the existing conductors have an ampacity rating of 1354 amperes at 75 degrees Celsius, the proposed new conductors have an ampacity rating of 2560 amperes at 200 degrees Celsius, which equates to a significant transmission upgrade equivalent to an approximate increase of 90% in ampacity. (Tr. 7¹⁰, p. 186:4-23). Accordingly, the proposed 1590 ACSS conductors are not a mere "replacement" for the current conductors, but a significant upgrade – despite UI's admission that there is no need for increased electrical capacity. Indeed, on cross examination, UI's witness admitted: "I am not aware of any UI needs for the full capacity of . . . 1590 ACSS conductor." (Tr. 3, p. 97:8-12).

In addition to proposing the 1590 ACSS conductors that provide more capacity than necessary, UI went even further and designed its overhead monopoles to meet the "clearance requirements" for an as-yet-unplanned future upgrade to the even larger and heavier 2156 kcmil ACSS "Bluebird" conductors. (UI 1, p. 2-13; Tr. 6, p. 130:9-14). The 2156 ACSS Bluebird conductors have an ampacity rating of 3130 amperes, representing even more capacity over and

¹⁰ "Tr. 7" refers to Transcript 7, December 12, 2023 2:00 PM.

above the upgrade to the 1590 ACSS conductors. (Tr. 7, p. 190:3-24; A-CSC-34). UI admits that “[t]here are no current or immediate future plans to” upgrade to these larger conductors. (UI 3, A-CSC-33; Tr. 5¹¹, p. 98:14-15).¹² However, designing the monopoles to accommodate these larger and heavier conductors even further increases the need to expand UI’s right of way and take more private property.

These two design choices (i.e., using 1590 ACSS Lapwing conductors and designing the poles to accommodate the even larger 2156 ACSS Bluebird conductors) could only be justified if there was a need to meet growing demand for electrical capacity. UI, however, admits that no such growing demand exists now or in the foreseeable future. Because these conductors are heavier, wider in diameter, and require taller monopoles with wider foundations, these design choices result directly in the Project’s devastating adverse environmental effects as well as the need for unprecedented easements and takings of private property to accommodate a wider right of way. (Tr. 7, pp. 188:20-190:2).

With regard to the proposed new 1590 ACSS conductors, the record demonstrates that they have a much lower breaking strength than the existing 1590 ACSR conductors. (Tr. 7, pp. 186:24-188:11). As a result, less tension can be placed on the new conductors, which requires increasing the maximum allowable sag (or droop) of the conductors and necessitates the construction of taller poles to ensure the conductors do not dip below their required elevations above the ground. (*Id.*). Indeed, UI admits that the pole heights are based upon maximum sag, which is dependent upon the diameter of the wire installed on the poles (Tr. 5, p. 97:12-17; Tr. 6,

¹¹ “Tr. 5” refers to Transcript 5, November 16, 2023 2:00 PM.

¹² UI claims that designing its Project to handle a future upgrade is justified because reconductoring the lines later will be achievable at an “inconsequential” cost. First, there is no evidence in the record that such cost will be “inconsequential.” Second, it is improper for UI to impose the devastating adverse environmental effects described in the record by making this design choice based only on the *possibility* that there might be a load increase in the future – when none is projected.

pp. 122:24-123:13), that increased sag requires higher poles (Tr. 6, p. 121:10-14), that heavier conductors cause greater sag (Tr. 6, p. 122:18-23), and that heavier wires require deeper foundations (Tr. 5, p. 97:18-20). UI also concedes that this design choice is the reason why the widths of its proposed permanent easements “cannot be reduced” (UI 21¹³, A-SCNET 2-31) and that the size of the easements are defined by the “facilities.” (Tr. 4¹⁴, p. 115:3-4).

UI admits that there are smaller and lighter conductors with the same ampacity as the 1590 ACSS conductors being proposed by UI. (Tr. 6, pp. 124:23-125:4). UI, however, admits that it did not consider these so-called “high temp, low sag” conductors. (Tr. 6, p. 129:2-4). Most importantly, the record establishes that UI did not consider the use of conductors that would truly make this a “replacement” project as UI contends. Indeed, UI admits it has not done any study to analyze exactly how low the poles could go with a different conductor that is actually based on actual need. (Tr. 6, pp. 133:20-134:4).

One of those different conductors that UI could have considered, but did not, is the “Peacock” conductor. This conductor carries the same level of ampacity as the 1590 ACSR conductors currently affixed to the catenary structures – 1379 amperes – but is much lighter and has a smaller diameter than UI’s proposed conductors, and can be strung more tightly between poles, thereby eliminating the need for the taller poles and larger foundations UI has proposed. (Tr. 7, p. 193:2-14). Similarly, UI admits it did not model ACSS trapezoidal conductors with smaller diameters and greater ampacity that would be capable of handling increased tension and can be constructed using shorter poles, smaller foundations and fewer takings of private property. (Tr. 7, p. 193:17-24; UI 20, A-SCNET-1-29).

¹³ “UI 21” refers to Applicant’s Responses to SCNET Interrogatories and Requests for Production, Set Two, dated November 2, 2023.

¹⁴ “Tr. 4” refers to Transcript 4, October 17, 2023 2:00 PM.

UI claims that the need for the Project is only to “remove” and “rebuild” its existing 115-kV transmission lines and is not required to deliver greater ampacity to meet any projected load growth. Unfortunately, contrary to these claims, the proposed Project would represent massive overbuilding in order to upgrade transmission capacity for a need that does not exist today or into the future, with unacceptable adverse impacts in the Town of Fairfield. It is undisputed that even if the Project is approved, the additional capacity provided by UI’s lines would be useless in the State of Connecticut because the Eversource portion of the transmission lines to which they connect do not have the capacity to handle that same level of ampacity. (UI 12¹⁵, A-CSC-83: “the existing Eversource conductor would constrain the overall rating until the Eversource side of the line is reconducted.”). Moreover, UI’s witness conceded on cross-examination that even though Eversource’s lines do not have the same ampacity, “[t]here are no concerns with having the existing [Eversource] 1272 and UI’s 1590 conductors in terms of UI’s needs.” (Tr. 3, p. 97:2-4). Eversource has not sought approval to upgrade its portion of the transmission lines on the catenary structures and UI’s witnesses have not provided any evidence that Eversource intends to do so; and that fact further demonstrates the point (repeatedly conceded by UI) that there is no need for additional electrical capacity.

For all of the foregoing reasons, there is no “public need” for UI’s proposed Project as it is not necessary for the reliability of the electric supply of the State and the Council should deny UI’s Application.

c. UI has failed to provide sufficient information for a proper evaluation of its proposed Project and it failed to adequately consider alternatives.

In order to obtain a Certificate, PUESA imposes on UI strict statutory obligations to provide significant details relating to its proposed transmission lines and to undertake a rigorous

¹⁵ “UI 12” refers to Applicant’s Responses to Council Interrogatories, Set Three, dated August 22, 2023.

examination of overhead and underground alternatives. Thus, Conn. Gen. Stat. § 16-50l(a)(1)(A) requires an applicant to include a description of estimated costs, overhead and underground cable and conductor sizes and specifications, and “initial and ultimate voltages and capacities.” Moreover, Conn. Gen. Stat. § 16-50l(a)(1)(D) requires an applicant to include “a justification for adoption of the route or site selected, including comparison with alternative routes or sites which are environmentally, technically and economically practical.” Further, Conn. Gen. Stat. § 16-50l(a)(1)(F) requires an applicant to include “a justification for overhead portions, if any, including life-cycle cost studies comparing overhead alternatives with underground alternatives, and the [environment, ecology, and scenic, historic and recreational values] effects ... of undergrounding.”

The record, however, establishes that UI has failed to satisfy its statutory obligations.

1. UI failed to provide a comprehensive and realistic cost estimate for its Project.

UI has significantly understated the cost of its proposed Project, presenting a superficial and inadequately researched cost analysis that creates a misleading impression of its affordability.

UI estimates the total cost of its Project as \$255 million. (UI 1, p. 2-17). Of that amount, UI has allocated approximately \$30 million to the acquisition of 19.25 acres of private property for permanent easements and 10 acres for temporary easements. (Compare UI 3, A-CSC-10, reciting a figure of \$32.2 million with UI 23, A-Fairfield-16, reciting a figure of \$30 million). UI, however, failed to provide any support for this cost estimate such as reports from any appraiser. To the contrary, UI conceded that it derived its estimate using a “high-level estimate per acre” (Tr. 1, p. 25:2-15), omitted legal and appraisal costs (Tr. 6, p. 167:10-18), did not offer the testimony of any appraiser (Tr. 5, p. 80:20-22), and did not consider any site-

specific details that would be relevant to the cost of acquiring such easements, such as whether condemnation proceedings will be required or whether applicable zoning regulations would render certain properties nonconforming. (Tr. 5, p. 76:9-13; Tr. 5, pp. 79:13-80:1; Tr. 6, p. 33:10-19; Tr. 6, p. 40:10-12). The latter situation could potentially trigger Conn. Gen. Stat. § 48-24, requiring UI to obtain variances for affected properties and/or require UI to pay fair market value for those property interests.

The record contains overwhelming evidence demonstrating the unreliability of UI's estimate. The Town of Fairfield presented the testimony of Peter Vimini, an expert appraiser. Mr. Vimini testified that UI's estimate did not meet the standards expected of an appraiser, failed to take into account "the strong performance of the real estate market in Fairfield," and presented an estimate that is "woefully deficient." (Fairfield 8¹⁶, Vimini Test., p. 6). Moreover, Mr. Vimini – the only expert appraisal witness to appear in this docket – opined that the actual cost of acquiring easements is probably three to five times higher than UI's estimate – or between \$90 million and \$150 million. (Tr. 7, pp. 233-234).

UI's failure to provide a comprehensive and realistic cost estimate undermines the credibility of its Application. Most importantly, however, its transparent effort to "low-ball" the cost of its Project constitutes a failure to comply with its statutory obligation to provide a description of the estimated costs of the Project and to justify its preferred Project in comparison to alternatives.

2. UI did not meaningfully consider overhead alternatives.

The discussion above in section II.b.2 explains how UI never evaluated alternative overhead conductors that are commonly employed in the industry and would be narrowly

¹⁶ "Fairfield 8" refers to Town of Fairfield Pre-filed Testimony of Peter Vimini, dated November 2, 2023, a corrected version of which is being filed in this docket.

tailored to the need to remove its existing 115-kV transmission lines from railroad catenary structures, while eliminating or minimizing the need for expanded easements and takings of private property. In addition to failing to consider these less intrusive options, the record also establishes other alternatives that UI could have considered but failed to do so.

For example, UI admits that longer spans between poles typically requires taller poles (Tr. 1, p. 59:9-12), and that as span length increases, conductor blowout increases and the need for larger easements to account for that blowout is required. (Tr. 1, pp. 60:24-61:3). However, none of the alternatives described in the Application or anywhere else in this docket involved the evaluation of the direct burying of shorter poles, in closer distance to each other, within the Metro-North Railroad right-of-way in the same longitudinal plane as the catenary structures. (UI 1, Application, § 9). Like the use of smaller and lighter overhead conductors, this alternative would avoid expanded easements and takings of private property. The record, however, is devoid of any evidence that UI considered this alternative.

By failing to consider these overhead alternatives, UI has violated PUESA.

3. UI did not meaningfully consider underground alternatives.

UI claims it considered underground alternatives and concluded that its proposed overhead design is the most cost-effective and appropriate to address the need to remove and rebuild its existing transmission lines. The record, however, demonstrates that UI's evaluation of underground alternatives is fatally flawed, and therefore its Application should be denied.

i. UI ignores the benefits of burying the transmission lines beneath public roads.

It is undisputed that there are significant benefits to siting transmission lines underground, compared to overhead, including the following:

- Overhead lines pose significant outage and safety risks caused by fire and weather conditions such as ice and wind, which are mitigated by underground lines, as admitted by UI's witnesses. (Tr. 6, p. 82:12-21; Tr. 6, p. 83:7-11; Fairfield 10, Awad Test., p. 9).
- Underground lines have lower fault rates. (Fairfield 10, Awad Test., p. 9).
- Because public roads are already environmentally disturbed, there is less environmental impact with an underground line buried under a road. (Fairfield 10, Awad Test., p. 9).
- As compared to overhead lines, underground lines impose no adverse impact on visibility. (UI 21, A-SCNET-2-26; Tr. 6, p. 85:7-11).
- Underground lines avoid the need for extensive tree clearing compared to overhead lines. (Fairfield 10, Awad Test., p. 9).
- Underground lines limit the impact on neighboring property values. (Fairfield 10, Awad Test., p. 9).
- Underground lines can reduce EMF exposure. (CSC 24¹⁷, Electric and Magnetic Field Best Management Practices, p. 9: "certain inherent features of an underground design can reduce EMF"; Tr. 6, pp. 88:23-89:4; Tr. 6, p. 174:6-17).

In addition, the undisputed evidence in the record demonstrates that underground transmission lines are cheaper to operate and maintain. According to the Council's most recent Life Cycle Costs report, overhead lines cost \$29,636 per circuit-mile to maintain, while underground lines cost \$22,937 per circuit-mile to maintain (CSC 28¹⁸, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, pp. 7, 12). UI admits this is accurate. (Tr. 6, p. 88:5-10). This fact is a required part of the statutory analysis under PUESA, and favors the undergrounding of the transmission lines in this docket. Conn. Gen. Stat. § 16-50p(a)(3)(D).

It is undisputed that that there are also significant site-specific benefits to constructing transmission lines underground in Fairfield. These include avoiding the following adverse effects of the Project:

¹⁷ "CSC 24" refers to CONNECTICUT SITING COUNCIL, Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut, December 14, 2007, revised February 20, 2014, available at https://portal.ct.gov/-/media/CSC/EMF_BMP/EMFBMP121407pdf.pdf.

¹⁸ "CSC 28" refers to CONNECTICUT SITING COUNCIL, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreport s.pdf.

- Acquiring (or using eminent domain to take) over 19 acres of permanent easements on private property. (Fairfield 10¹⁹, Awad Test., Report, p. 2).
- The devastating impacts on historic areas – including the Southport Historic District – that were described in the record. (Tr. 6, pp. 90:19-91:3).
- The health and noise concerns that arise from removing the vegetation barrier between the railroad and neighboring built-up area.
- The limitations inherent in constructing the proposed overhead line in the existing MetroNorth corridor, including the requirement to have a flagger and the risk of shutting down all transmission line circuits to do work on the lines or in the event of a derailment. (Tr. 1, pp. 41:25-42:5: “There are going to be transmission outages that we need to make in order to install and construct the facilities”; Tr. 6, pp. 92:6-95:11; Tr. 6, pp. 96:22-97:11; Tr. 6, pp. 98:8-99:19; UI 3, A-CSC-27; UI 3, A-CSC-28).

UI ignored all of these benefits of siting the transmission lines underground (of which it is well aware) and, even worse, admitted it had “not studied the full complexity and design of the underground solution outside of conceptualizing a route.” (Tr. 6, p. 95:6-8). Indeed, in an apparent effort to downplay the benefits of underground routes, on cross examination, UI admitted that they did not “fully review[] the route for the underground to understand how much tree clearing would be needed” (Tr. 6, pp. 86:23-87:1), did not conduct any underground “surveys” to determine whether potential underground routes under roads would be appropriate (Tr. 6, p. 86:9-10), and did not do “the detailed design for the underground route” or the “engineering due diligence to understand” what easements would be needed for its underground alternative. (Tr. 6, pp. 89:24-90:9).

Moreover, UI attempted to conceal its failure to meaningfully consider underground alternatives by asserting that interrogatories seeking information on what steps it took to do so were “not relevant.” (See, e.g., UI 20, A-SCNET-1-34; UI 20, A-SCNET-1-36; UI 20, SCNET-1-38).

¹⁹ “Fairfield 10” refers to Town of Fairfield Pre-filed Testimony of Refat Awad, dated November 9, 2023.

In every respect, these admitted failures constitute a violation of PUESA. Together with UI's other failures as described below, this Application must be denied.

ii. UI failed to meaningfully consider the sole underground alternative it rejected.

In its Application, UI describes a single underground route as an alternative to its overhead scheme.²⁰ UI's presentation of the costs of this underground option, however, are grossly inflated and not supported by the record.

First, UI's outrageous assertion that the cost of its underground alternative is over \$100 million per mile stands in stark contrast to the average underground construction cost per mile of approximately \$21 million set forth in the Council's latest Life Cycle Costs report. (CSC 28, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, p. 10). UI's *only* explanation for this cost disparity is that the figures cited in the report are for a single-cable per phase, and the underground alternative it considered involves two cables per phase. (UI 1, p. 9-5; Tr. 5, pp. 118:20-119:9). This explanation, however, demonstrates why UI's cost estimate must be *rejected*.

As described above in section II.b.2, UI designed its proposed overhead transmission lines to have the capacity to carry more than double the ampacity of what is necessary to meet current and projected electrical load. When evaluating its underground alternative, UI similarly only considered a design with transmission lines having far more capacity to carry electricity than it needs.

The existing overhead transmission lines consist of 1590 ACSR conductors, which have the capacity to carry 1354 amperes of electricity at 75 degrees Celsius. (Tr. 7, p. 186:4-23). In

²⁰ In Late Filed Exhibit 2-5, UI submitted a cost estimate of an underground alternative west of Ash Creek substation to the connection point with Eversource's transmission line using the same route as that set forth in the Application. (See Tr. 4, pp. 79:17-80:2; Tr. 4, pp. 88:9-89:4).

its underground alternative, instead of modeling a route that would match the existing capacity, UI instead only considered the use of *two* 3500 kcmil XLPE cables, in order to achieve the higher ampacity of its proposed new 1590 ACSS conductors. (Tr. 6, pp. 106:18-107:6; UI 16²¹, Sazanowicz Test., pp. 4, 10). UI admits that a “single underground 3,500 kcmil cable would not only meet the current ampacity but exceed it.” (Tr. 6, pp. 109:23-110:5; see also Tr. 7, p. 200:3-17: explaining that a single 3,500²² kcmil underground cable has the capacity to carry 1600 amperes). UI’s underground alternative, however, assumed two cables per phase, meaning that it would have the capacity to carry at least 3200 amperes of electricity, which is more than **250%** of the ampacity of the current overhead conductors – even though UI admits there is no projected need for increased capacity. UI never modeled a single cable per phase underground alternative. (Tr. 6, pp. 110:21-111:1).

UI further admitted throughout this docket that modeling two cables per phase, rather than a single cable per phase, materially increases the estimated costs of an underground alternative, and if a single cable per phase had been analyzed, the cost estimate would have been less. (Tr. 6, p. 111:2-13; Tr. 6, pp. 168:20-169:9). Inconsistently, however, UI also concedes that reliability concerns and electrical demand are not the basis of need for its Project and that it does not project an increase in demand for the next decade or more. (See section II.b, supra). Proposing two underground cables per phase, with approximately 1600 amperes of capacity each, would provide far greater ampacity than UI needs now or into the future, rendering its inflated cost estimate irrelevant.

²¹ “UI 16” refers to Applicant’s Pre-filed Testimony of MeeNa Sazanowicz, dated October 3, 2023.

²² The transcript of Mr. Awad’s testimony on this page contains a typo, incorrectly reciting that he was referring to a “5500” rather than a 3,500 kcmil copper conductor.

Second, UI's cost estimate of an underground alternative is also unreliable because it assumed an unreasonably long construction schedule of ten years. In fact, the largest component of UI's \$1 billion estimate of an all-underground alternative was the line item for AFUDC (or Allowance for Funds Used During Construction). (UI 16, Sazanowicz Test., p. 3). It is undisputed that this figure is directly correlated to the length of time it takes to complete construction and that a design of one cable per phase would be quicker, resulting in lower AFUDC. (Tr. 6, p. 112:15-25). UI admits that the underground alternative it considered would result in progress of only 40 feet per day. (UI 16, Sazanowicz Test., p. 7). UI fails to explain why construction would go so slowly, however, and the only electrical engineers in this docket who are qualified as experts – with a combined century of experience in the field of underground transmission line design and construction (SCNET 24²³, Orton Test., p. 2; Fairfield 10, Awad Test., p. 2) – testified that that is an unreasonably slow pace of construction and not typical at all. (Tr. 7, pp. 91:22-92:12; Tr. 7, p. 208:2-21). By increasing the number of excavation crews (which is industry standard), the underground line could be constructed at a pace of at least 500 feet per day, which would significantly shorten the time for construction and reduce UI's cost of AFUDC. (Tr. 7, p. 92:9-22; Tr. 7, p. 208:2-21). The Town's expert witness, Ray Awad, testified that the entire underground construction project should be completed in three years. (Tr. 7, p. 208:2-21).

Third, Messrs. Awad and Orton both provided cost estimates that were significantly lower than that offered by UI. Mr. Awad provided an estimate of no more than approximately \$200 million. (Fairfield 10, Awad Test., p. 7). Mr. Orton provided an estimate of no more than approximately \$182 million. (SCNET 24, Orton Test., p. 5).

²³ "SCNET 24" refers to Pre-filed Testimony of Harold Orton, P. Eng. (British Columbia), dated November 9, 2023.

Fourth, UI's artificially inflated cost estimate is reflective of UI's lack of expertise in building transmission lines underground, and the citizens of Fairfield should not be penalized for the inadequacy of the utility company's expertise. UI asserts that in evaluating underground alternatives, it "took into consideration its historical experience in building and operating underground transmission lines in southern Connecticut." (UI 1, p. 9-5; see also Tr. 5, pp. 122:24-123:3: testifying that cost estimates for the underground alternative were "[b]ased on engineering experience and costs from previous" projects). That historical experience is extremely limited. Indeed, the sole UI witness who testified about undergrounding has barely any experience (Tr. 5, pp. 142:23-144:23) and by UI's own admission is *not* an expert (Tr. 5, p. 144:7-8). Moreover, the Siting Council's latest Life Cycle Report explains that – except for a 500-foot underground line currently being built in Bridgeport – UI has not constructed any underground transmission lines in Connecticut since 2017. (CSC 28, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, p. 11; Tr. 5, pp. 102:25-103:5).

Moreover, UI's witnesses testified they did not know the answer to basic questions about building transmission lines underground, including those relating to the lower fault rates of underground lines versus overhead lines (Tr. 6, p. 83:17-20), the cost of operating and maintaining underground lines versus overhead lines (Tr. 6, p. 87:2-6), and general information relating to the layout of underground transmission lines under public roads in other cities in the United States comparable to the urban areas of Fairfield (Tr. 6, p. 117:2-13).

Rather than rejecting viable underground alternatives based on cost estimates that have no basis in reality, UI should be required to bring in the necessary expertise to underground its lines and to avoid the calamity of the impacts of this Project.

Without undertaking any meaningful analysis of undergrounding its transmission lines (or utilizing experienced and knowledgeable resources), UI summarily rejected that possibility. UI's presentation of unreliable cost estimates – together with its baseless assertions of confidentiality to hide details as to how it arrived at those estimates (see, e.g., Tr. 5, pp. 134:8-137:1) – is a cynical and transparent attempt to avoid presenting a meaningful alternative to the Siting Council. PUESA requires more of UI, and this obvious gamesmanship must be rejected.

iii. UI failed to meaningfully consider an underground alternative under the Post Road.

In its Application, UI admits that it did not consider burying the lines under the Post Road (Route 1) in Fairfield:

UI determined that an underground 115-kV cable system could not be located in the immediate vicinity of these 345-kV cables, due to the potential for mutual heating that could adversely affect the ratings on one or both of the transmission lines. To avoid potential mutual heating issues, the 345-kV and 115-kV cables would have to be separated by an estimated 10-12 feet.

In the general Project area, the 345-kV cables are situated beneath U.S. Route 1 (Post Road) and Fairfield Avenue, among other roads. UI concluded that none of the roads along the 345-kV cable route are wide enough to allow the required separation between the transmission lines.

(UI 1, p. 9-7).

This “potential for mutual heating” presents another example of UI engaging in the most superficial consideration of alternatives, while amplifying fears which are, upon careful examination, unsubstantiated by the evidence. UI's Application does not explain why there is a potential for “mutual heating issues” nor does it identify any code, rule or other standard requiring the separation of 345-kV and 115-kV lines by at least 10-12 feet. These two sentences represent the entirety of UI's rationale for rejecting this alternative and, in discovery, UI attempted to conceal the fact that it undertook no scientific analysis by asserting a baseless

relevancy objection to an interrogatory asking it to identify any temperature readings recorded in the vicinity of the 345-kV line. (UI 20, A-SCNET-1-38).

On cross examination, however, UI conceded that its rejection of an underground alternative under the Post Road was based solely on a “basic rule of thumb” arbitrarily manufactured by its non-expert witness, and that it did not conduct even a cursory review of the feasibility of an underground route under the Post Road which considered the heat generated by the existing and future underground lines. (Tr. 6, p. 115:13-22). UI further admitted that a “formal ampacity study with all of the mutual heating underground infrastructure would have to be commenced to understand what the separation will be” (Tr. 6, pp. 115:23-116:6), but that it never actually performed any such study or analysis. (Tr. 6, p. 116:7-18).

Indeed, the unrefuted evidence in the record demonstrates that the failure to conduct such an analysis violates standard industry practice, and that there is no rule requiring predetermined separation of an estimated 10-12 feet as UI alleges. (Tr. 7, pp. 54:20-55:19; Tr. 7, pp. 203:13-205:11). Indeed, the undisputed evidence in the record is that placing multiple transmission lines underground beneath the same road regularly occurs in cities around the world. (Tr. 7, pp. 54:20-55:2). Moreover, UI did not even identify where in the Post Road the 345-kV line is situated, whether there would be any impact at all by siting its 115-kV cables on the other side of the road, details relating to techniques that can be employed to ensure adequate ampacity for both lines, or any other information that would allow the Council to assess the feasibility of this alternative.

It cannot be disputed that there are significant benefits to an underground route beneath the Post Road as compared to the underground route UI claims it considered. These include avoiding horizontal directional drilling at the water crossings across Southport Harbor and near

the Ash Creek Substation (thus reducing costs and the time needed to obtain U.S. Army Corps of Engineers approval), and a route along the Post Road would be shorter. (Tr. 7, pp. 206:10-207:24). But UI never even identified the obvious cost savings associated with an underground siting beneath the Post Road. (Tr. 6, pp. 118:12-119:4: admitting that it did not look at whether it can avoid using horizontal directional drilling by attaching lines to a bridge across Southport Harbor). This summary rejection of the most obvious viable underground alternative is a blatant violation of PUESA and requires the denial of this Application.

d. UI's motive for overbuilding beyond any needed capacity is obvious – this Project is solely about its desire to make profit.

UI's purported "replacement" Project is nothing of the sort. UI could have proposed a project designed to match the same level of capacity as the current overhead conductors if it merely sought to "remove" and "rebuild" its existing transmission lines. Instead, UI has proposed a massive upgrade in capacity together with unacceptably taller poles, larger foundations, and a resulting need for easements that would cause an unprecedented taking of 19+ acres of private property for permanent easements in Fairfield alone, and devastating impacts on environmental, scenic, and historic resources. There is only one explanation for this proposed overbuilding: a desperate attempt in the face of financial difficulties to bolster profits by any means. Indeed, UI recently declared in filings with PURA seeking an interim rate increase that "there is a very real risk that [UI] will not be able to raise either equity or debt capital in the marketplace due to . . . lack of sufficient revenues" and that it faces the potential for "substantial and material deterioration of [its] financial condition." (See PURA Docket No. 22-08-08, November 30, 2023 Motion to Reopen filed by UI²⁴).

²⁴ Available at <https://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/252e6a3750561b3885258a780059>

When cross-examined on the fact that the proposed overhead poles would be designed to accommodate the larger and heavier 2156 ACSS Bluebird conductors – even though there is no projected need for that level of ampacity – UI’s witness, Zach Logan, admitted that the company’s real motivation for seeking approval of this Project is to be able to transmit electricity outside of the state. Specifically, UI’s witness testified that “the reason for [the additional capacity] is where we’re an interconnected system in the ISO New England and we interface with New York to the south, if we were not to do that, we would become the limiting factor in that interface and we would inhibit load to be shared amongst New England and New York’s region.” (Tr. 6, p. 109:8-14).

In other words, UI admits that despite no projected increase in demand in Connecticut, it is seeking approval to build transmission lines with additional capacity for the sole purpose of “wheeling” electricity outside of the state and collecting the associated revenue. Mr. Awad, having listened to Mr. Logan’s testimony, explained that having higher capacity allows for “wheeling,” which he explained as “being able to transport energy from your network to the neighboring networks, or one or more networks, and that’s very lucrative ... you are paid for transporting energy from A to B.” (Tr. 7, pp. 192:16-193:1).

This Project, as designed, will not benefit residents and ratepayers of Connecticut and in fact will have the opposite effect in light of the disastrous impacts the Project will have on environmental, scenic, and historic resources in the State. As a public service company, UI should be considering not just its shareholders, but the residents of this State as well. The fact that UI claims this is merely a “replacement” project, while simultaneously proposing a massive

upgrade in capacity to try to bolster its own profits on the backs of Connecticut's ratepayers, must be stopped. It is essential that this Application be denied.

e. UI's project would result in unprecedented harm to the Town of Fairfield

The Town of Fairfield incorporates the Post-Hearing Brief filed by SCNET and the arguments set forth therein as if fully set forth herein.

III. Conclusion

For the foregoing reasons, UI's Application should be denied.

Respectfully submitted,

TOWN OF FAIRFIELD

By: 

David A. Ball, Esq.
David Dobin, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
Tel. (203) 368-0211
Fax (203) 394-9901
dball@cohenandwolf.com
ddobin@cohenandwolf.com

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail on this 11th day of January, 2024, to the following:

Bruce McDermott, Esq.
Murtha Cullina LLP
One Century Tower
265 Church Street, 9th Floor
New Haven, CT 06510
Tel: (203) 772-7787
bmcdermott@murthalaw.com

Daniel E. Casagrande, Esq.
Joseph P. Mortelliti, Esq.
Cramer & Anderson LLP
30 Main Street, Suite 204
Danbury, CT 06810
Tel: (203) 744-1234
dcasagrande@crameranderson.com
jmortelliti@crameranderson.com

Mario F. Coppola, Esq.
Matthew L. Studer, Esq.
Berchem, Moses & Devlin, PC
1221 Post Road East
Westport, CT 06880
Tel: (203) 227-9545
mcoppola@berchemmoses.com
mstuder@berchemmoses.com

David W. Bogan, Esq.
Day Pitney LLP
Goodwin Square
225 Asylum Street
Hartford, CT 06103
Tel: (860) 275-0187
dbogan@daypitney.com

Christopher B. Russo, Esq.
Russo & Rizio, LLC
10 Sasco Hill Road
Fairfield, CT 06824
Tel: (203) 254-7579
chris@russorizio.com

Thompson M. Mayes, Esq.
Chief Legal Officer and General Counsel
The Nation Trust for Historic Preservation
600 14th Street NW, Suite 500
Washington, DC 20005
Tel: (202) 588-6000
tmayes@savingplaces.org

Jonathan H. Schaefer, Esq.
Robinson + Cole LLP
280 Trumbull Street
Hartford, CT 06103
Tel: (860) 275-8349
jschaefer@rc.com

Lee D. Hoffman, Esq.
Jean Perry Phillips, Esq.
Liana Feinn, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103
lhoffman@pullcom.com
jphillips@pullcom.com
lfeinn@pullcom.com



David A. Ball

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. }

Connecticut
Siting
Council

January 11, 2024

Proposed Findings of Fact of the Town of Fairfield

The Town of Fairfield (“Town”) submits the following proposed findings of fact in this proceeding.

I. UI has failed to establish a “public need” for its Project.

A. UI has not established that the existing condition of the railroad catenary structures necessitates removal of the transmission lines.

1. UI admits that this Project is not about increased demand or load capacity. (UI 20, A-SCNET-1-20).

2. UI “does not anticipate a significant load increase in Connecticut or the region in the next 10 years.” (UI 20¹, A-SCNET-1-21).

3. According to UI, the “project need is based on an asset condition and not load capacity.” (Tr. 6², p. 104:7-19; Tr. 6, p. 130:23-25; Tr. 6, p. 131:11-12).

¹ “UI 20” refers to Applicant’s Responses to SCNET Interrogatories and Requests for Production, Set One, dated November 2, 2023.

² “Tr. 6” refers to Transcript 6, November 28, 2023 2:00 PM.

4. UI claims that information relating to the voltages and capacities of its proposed transmission lines are *not relevant* to its claim for need because such information is “related to reliability concerns.” (UI 20, A-SCNET-1-16 through A-SCNET-1-19) (emphasis added).

5. The sole asserted basis of need for UI’s proposal to “remove” and “rebuild” its existing 115-kV transmission lines that are currently situated on “bonnets” on top of railroad catenary structures, is the condition of those structures. (UI 1³, p. 1-1).

6. UI claims that this Project is nothing more than a “replacement” project to address the condition of the structures. (UI 1, p. ES-2: describing project need to “replace legacy electric system equipment”).

7. In fact, UI is proposing a massive upgrade to the electrical capacity of these lines. (Fairfield PFOF⁴ ¶¶ 17-19, 21-22).

8. UI’s assessment that the catenary structures exhibiting “age-related” physical limitations is based entirely on a study conducted in 2018, which has never been updated. (UI 1, p. 1-14; UI 3⁵, A-CSC-5; UI 3, A-CSC-6; UI 20, A-SCNET-1-30; Docket 508, Exhibit CSC-12-1; UI 20, A-SCNET-1-28(B)).

9. UI admits it is not aware of and does not possess a structural analysis, study or plan of the existing transmission lines on the railroad catenary structures conducted by a third party within the last three (3) years. (UI 20, A-SCNET-1-31).

³ “UI 1” refers to Application for a Certificate of Environmental Compatibility and Public Need filed by The United Illuminating Company, received March 17, 2023, Volume 1.

⁴ “Fairfield PFOF” refers to the Town of Fairfield Proposed Findings of Fact.

⁵ “UI 3” refers to Applicant’s Responses to Council Interrogatories, Set One, dated May 31, 2023.

10. Throughout its Application, UI states that the railroad catenary structures on which the existing transmission lines are affixed are “more than 100 years old,” (see, e.g., UI 1, pp. ES-2, 1-1, 1-4) while admitting that of the structures it is removing, 95% are “wide flange” structures built no earlier than 1992. (UI 20, A-SCNET-1-33; Docket 508, Ex. CSC-12-1, p. 4).

11. Contrary to UI’s claim of a supposed need to remove the transmission lines off of the catenary structures, UI admits that CT DOT has never demanded or requested that UI do so. (UI 20, A-SCNET-1-26).

12. Neither FERC, NERC, PURA, nor any other regulatory body that is charged with maintaining the reliability of electric service using the catenary structures has ever demanded or requested that UI remove the transmission lines off of the catenary structures. (UI 20, A-SCNET-1-23, A-SCNET-1-24, A-SCNET-1-25).

13. Even after UI’s Project is complete, there will still be eight (8) bonnets (catenary structures) remaining on which UI’s transmission lines will be attached. (UI 1, p. ES-3).

14. Even after UI’s Project is complete, Eversource will also continue to utilize the catenary structures to support its overhead power lines within the Eversource service territory south all the way to the Norwalk River. (Tr. 1⁶, p. 58:14-21; Tr. 3⁷, p. 106:5-8).

B. The true purpose of UI’s Project is to allow for additional transmission capacity, even though UI admits no such upgrade is necessary; the result is taller poles, larger foundations, and unacceptable adverse environmental effects, easements and takings of private property.

15. UI claims that its transmission lines do not need to be “upgraded” to handle increased load and admits it does not forecast increased demand for electricity. (UI 20, A-SCNET-1-20: UI “does not anticipate a significant load increase in Connecticut or the region in

⁶ “Tr. 1” refers to Transcript 1, July 25, 2023 2:00 PM.

⁷ “Tr. 3” refers to Transcript 3, August 29, 2023 2:00 PM.

the next 10 years”; UI 20, A-SCNET-1-21: “project need is based on an asset condition and not load capacity”; Tr. 6, p. 104:7-19; Tr. 6, p. 130:23-25; Tr. 6, p. 131:11-12).

16. Contrary to its assertions that this is merely a “replacement” project, UI has designed its Project specifically to allow it to transmit vastly more electricity than is currently being delivered or projected to be needed. To accommodate this upgrade, the proposed Project requires taller poles, and larger and deeper foundations with larger diameters, necessitating a wider right of way that will cause unacceptable adverse environmental effects and takings of private property. (Fairfield PFOF ¶¶ 15, 17-33)

17. UI’s existing transmission lines consist of 1590 kcmil aluminum conductor steel reinforced (ACSR) “Lapwing” conductors. (UI 12⁸, A-CSC-80). UI’s proposed transmission lines will consist of 1590 kcmil aluminum conductor steel supported (ACSS) “Lapwing” conductors. (UI 1, p. 2-13).

18. It is undisputed that the new 1590 ACSS conductors can operate at higher temperatures (and thus provide more capacity) than the existing 1590 ACSR conductors. (Tr. 6, p. 129:16-20; UI 12, A-CSC-83).

19. Whereas the existing conductors have an ampacity rating of 1354 amperes at 75 degrees Celsius, the proposed new conductors have an ampacity rating of 2560 amperes at 200 degrees Celsius, which equates to a significant transmission upgrade equivalent to an approximate increase of 90% in ampacity. (Tr. 7⁹, p. 186:4-23).

⁸ “UI 12” refers to Applicant’s Responses to Council Interrogatories, Set Three, dated August 22, 2023.

⁹ “Tr. 7” refers to Transcript 7, December 12, 2023 2:00 PM.

20. The proposed 1590 ACSS conductors are not a mere “replacement” for the current conductors, but a significant upgrade – despite UI’s admission that there is no need for increased electrical capacity. On cross examination, UI’s witness admitted: “I am not aware of any UI needs for the full capacity of . . . 1590 ACSS conductor.” (Tr. 3, p. 97:8-12).

21. In addition to proposing the 1590 ACSS conductors that provide more capacity than necessary, UI went even further and designed its overhead monopoles to meet the “clearance requirements” for an as-yet-unplanned future upgrade to the even larger and heavier 2156 kcmil ACSS “Bluebird” conductors. (UI 1, p. 2-13; Tr. 6, p. 130:9-14).

22. The 2156 ACSS Bluebird conductors have an ampacity rating of 3130 amperes, representing even more capacity over and above the upgrade to the 1590 ACSS conductors. (Tr. 7, p. 190:3-24; A-CSC-34).

23. UI admits that “[t]here are no current or immediate future plans to” upgrade to these larger conductors. (UI 3, A-CSC-33; Tr. 5¹⁰, p. 98:14-15). However, designing the monopoles to accommodate these larger and heavier conductors even further increases the need to expand UI’s right of way and take more private property.

24. Because these conductors are heavier, wider in diameter, and require taller monopoles with wider foundations, these design choices result directly in the Project’s adverse environmental effects as well as unprecedented takings of private property to accommodate a wider right of way. (Tr. 7, pp. 188:20-190:2).

25. The 1590 ACSS conductors have a much lower breaking strength than the existing 1590 ACSR conductors. (Tr. 7, pp. 186:24-188:11). As a result, less tension can be placed on the new conductors, which requires increasing the maximum allowable sag (or droop)

¹⁰ “Tr. 5” refers to Transcript 5, November 16, 2023 2:00 PM.

of the conductors, and necessitates the construction of taller poles to ensure the conductors do not dip below their required elevations above the ground. (Id.).

26. UI admits that the pole heights are based upon maximum sag, which is dependent upon the diameter of the wire installed on the poles (Tr. 5, p. 97:12-17; Tr. 6, pp. 122:24-123:13), that increased sag requires higher poles (Tr. 6, p. 121:10-14), that heavier conductors cause greater sag (Tr. 6, p. 122:18-23), and that heavier wires require deeper foundations (Tr. 5, p. 97:18-20). UI also concedes that this design choice is the reason why the widths of its proposed permanent easements “cannot be reduced” (UI 21¹¹, A-SCNET 2-31) and that the size of the easements are defined by the “facilities.” (Tr. 4¹², p. 115:3-4).

27. UI admits that there are smaller and lighter overhead conductors with the same ampacity as the 1590 ACSS conductors being proposed by UI. (Tr. 6, pp. 124:23-125:4). UI, however, admits that it did not consider these so-called “high temp, low sag” conductors. (Tr. 6, p. 129:2-4).

28. The record establishes that UI did not consider the use of conductors that would truly make this a “replacement” project as UI contends. Indeed, UI admits it has not done any study to analyze exactly how low the poles could go with a different conductor that is actually based on current need. (Tr. 6, pp. 133:20-134:4).

29. One of those different conductors that UI could have considered, but did not, is the “Peacock” conductor. This conductor carries the same level of ampacity as the 1590 ACSR conductors currently affixed to the catenary structures – 1379 amperes – but is much lighter and has a smaller diameter than UI’s proposed conductors, and can be strung more tightly between

¹¹ “UI 21” refers to Applicant’s Responses to SCNET Interrogatories and Requests for Production, Set Two, dated November 2, 2023.

¹² “Tr. 4” refers to Transcript 4, October 17, 2023 2:00 PM.

poles, thereby eliminating the need for the taller poles and larger foundations UI has proposed. (Tr. 7, p. 193:2-14).

30. UI admits it did not model ACSS trapezoidal conductors with smaller diameters and greater ampacity that would be capable of handling increased tension and can be constructed using shorter poles, smaller foundations and fewer takings of private property. (Tr. 7, p. 193:17-24; UI 20, A-SCNET-1-29).

31. It is undisputed that even if the Project is approved, the additional capacity provided by UI's lines would be useless in the State of Connecticut because the Eversource portion of the transmission lines to which they connect do not have the capacity to handle that same level of ampacity. (UI 12, A-CSC-83: "the existing Eversource conductor would constrain the overall rating until the Eversource side of the line is reconductored.").

32. UI's witness conceded on cross-examination that even though Eversource's lines do not have the same ampacity, "[t]here are no concerns with having the existing [Eversource] 1272 and UI's 1590 conductors in terms of UI's needs." (Tr. 3, p. 97:2-4).

33. Eversource has not sought approval to upgrade its portion of the transmission lines on the catenary structures and UI's witnesses did not provide any evidence that Eversource intends to do so.

II. UI has failed to provide sufficient information for a proper evaluation of its proposed Project and it failed to adequately consider alternatives.

A. UI failed to provide a comprehensive and realistic cost estimate for its Project.

34. UI estimates the total cost of its Project as \$255 million. (UI 1, p. 2-17).

35. Of that amount, UI has allocated approximately \$30 million to the acquisition of 19.25 acres of private property for permanent easements and 10 acres for temporary easements. (Compare UI 3, A-CSC-10, reciting a figure of \$32.2 million with UI 23¹³, A-Fairfield-16, reciting a figure of \$30 million).

36. UI failed to provide any support for this cost estimate such as reports from any appraiser. To the contrary, UI conceded that it derived its estimate using a “high-level estimate per acre” (Tr. 1, p. 25:2-15), omitted legal and appraisal costs (Tr. 6, p. 167:10-18), did not offer the testimony of any appraiser (Tr. 5, p. 80:20-22), and did not consider any site-specific details that would be relevant to the cost of acquiring such easements, such as whether condemnation proceedings will be required or whether applicable zoning regulations would render certain properties nonconforming. (Tr. 5, p. 76:9-13; Tr. 5, pp. 79:13-80:1; Tr. 6, p. 33:10-19; Tr. 6, p. 40:10-12).

37. The Town of Fairfield’s expert appraiser, Peter Vimini, testified that UI’s estimate did not meet the standards expected of an appraiser, failed to take into account “the strong performance of the real estate market in Fairfield,” and presented an estimate that is “woefully deficient.” (Fairfield 8¹⁴, Vimini Test., p. 6).

¹³ “UI 23” refers to Applicant’s Responses to the Town of Fairfield Interrogatories and Requests for Production, Set One, dated November 2, 2023.

¹⁴ “Fairfield 8” refers to Town of Fairfield Pre-filed Testimony of Peter Vimini, dated November 2, 2023, a corrected version of which is being filed in this docket..

38. Mr. Vimini is the only expert appraisal witness to testify in this docket.

39. Mr. Vimini opined that the actual cost of acquiring easements is probably three to five times higher than UI's estimate – or between \$90 million and \$150 million. (Tr. 7, pp. 233-234).

B. UI did not meaningfully consider overhead alternatives.

40. UI admits that longer spans between poles typically requires taller poles (Tr. 1, p. 59:9-12), and that as span length increases, conductor blowout increases and the need for larger easements to account for that blowout is required. (Tr. 1, pp. 60:24-61:3).

41. None of the alternatives described in the Application or anywhere else in this docket involved the evaluation of the direct burying of shorter poles, in closer distance to each other, within the Metro-North Railroad right-of-way in the same longitudinal plane as the catenary structures. (UI 1, Application, § 9). This alternative, which UI did not consider, would avoid expanded easements and takings of private property.

C. UI did not meaningfully consider underground alternatives.

i. UI ignores the benefits of burying the transmission lines beneath public roads.

42. It is undisputed that there are significant benefits to siting transmission lines underground, compared to overhead, including the following:

- Overhead lines pose significant outage and safety risks caused by fire and weather conditions such as ice and wind, which are mitigated by underground lines, as admitted by UI's witnesses. (Tr. 6, p. 82:12-21; Tr. 6, p. 83:7-11; Fairfield 10¹⁵, Awad Test., p. 9).
- Underground lines have lower fault rates. (Fairfield 10, Awad Test., p. 9).
- Because public roads are already environmentally disturbed, there is less environmental impact with an underground line buried under a road. (Fairfield 10, Awad Test., p. 9).
- As compared to overhead lines, underground lines impose no adverse impact on visibility. (UI 21, A-SCNET-2-26; Tr. 6, p. 85:7-11).

¹⁵ "Fairfield 10" refers to Town of Fairfield Pre-filed Testimony of Refat Awad, dated November 9, 2023.

- Underground lines avoid the need for extensive tree clearing compared to overhead lines. (Fairfield 10, Awad Test., p. 9).
- Underground lines limit the impact on neighboring property values. (Fairfield 10, Awad Test., p. 9).
- Underground lines can reduce EMF exposure. (CSC 24¹⁶, Electric and Magnetic Field Best Management Practices, p. 9: “certain inherent features of an underground design can reduce EMF”; Tr. 6, pp. 88:23-89:4; Tr. 6, p. 174:6-17).

43. Underground transmission lines are cheaper to operate and maintain. According to the Council’s most recent Life Cycle Costs report, overhead lines cost \$29,636 per circuit-mile to maintain, while underground lines cost \$22,937 per circuit-mile to maintain (CSC 28¹⁷, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, pp. 7, 12). UI admits this is accurate. (Tr. 6, p. 88:5-10).

44. It is undisputed that that there are also significant site-specific benefits to constructing transmission lines underground in Fairfield. These include avoiding the following adverse effects of the Project:

- Acquiring (or using eminent domain to take) over 19 acres of permanent easements on private property. (Fairfield 10, Awad Test., Report, p. 2).
- The impacts on historic areas – including the Southport Historic District – that were described in the record. (Tr. 6, pp. 90:19-91:3).
- The health and noise concerns that arise from removing the vegetation barrier between the railroad and neighboring built-up area.
- The limitations inherent in constructing the proposed overhead line in the existing MetroNorth corridor, including the requirement to have a flagger and the risk of shutting down all transmission line circuits to do work on the lines or in the event of a derailment. (Tr. 1, pp. 41:25-42:5: “There are going to be transmission outages that we need to make in order to install and construct the facilities”; Tr. 6, pp. 92:6-95:11; Tr. 6, pp. 96:22-97:11; Tr. 6, pp. 98:8-99:19).

¹⁶ “CSC 24” refers to CONNECTICUT SITING COUNCIL, Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut, December 14, 2007, revised February 20, 2014, available at https://portal.ct.gov/-/media/CSC/EMF_BMP/EMFBMP121407pdf.pdf

¹⁷ “CSC 28” refers to CONNECTICUT SITING COUNCIL, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreports.pdf.

45. UI admitted it had “not studied the full complexity and design of the underground solution outside of conceptualizing a route.” (Tr. 6, p. 95:6-8).

46. UI admitted that it did not “fully review[] the route for the underground to understand how much tree clearing would be needed” (Tr. 6, pp. 86:23-87:1), did not conduct any underground “surveys” to determine whether potential underground routes under roads would be appropriate (Tr. 6, p. 86:9-10), and did not do “the detailed design for the underground route” or the “engineering due diligence to understand” what easements would be needed for its underground alternative. (Tr. 6, pp. 89:24-90:9).

47. UI asserted that interrogatories seeking information on what steps it took to do so were “not relevant.” (See, e.g., UI 20, A-SCNET-1-34; UI 20, A-SCNET-1-36; UI 20, SCNET-1-38).

ii. UI failed to meaningfully consider the sole underground alternative it rejected.

48. UI’s assertion that the cost of its underground alternative is over \$100 million per mile stands in stark contrast to the average underground construction cost per mile of approximately \$21 million set forth in the Council’s latest Life Cycle Costs report. (CSC 28, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, p. 10).

49. UI’s *only* explanation for this cost disparity is that the figures cited in the report are for a single-cable per phase, and the underground alternative it considered involves two cables per phase. (UI 1, p. 9-5; Tr. 5, pp. 118:20-119:9).

50. As with its proposed overhead Project, when evaluating its underground alternative, UI only considered a design with transmission lines having far more capacity to carry electricity than it needs. (Fairfield PFOF ¶¶ 51-55).

51. Instead of modeling a route that would match the existing capacity of its overhead lines (1354 amperes of electricity at 75 degrees Celsius), UI instead only considered the use of *two* 3500 kcmil XLPE cables, in order to achieve the higher ampacity of its proposed new 1590 ACSS conductors. (Tr. 6, pp. 106:18-107:6; UI 16¹⁸, Sazanowicz Test., pp. 4, 10).

52. UI admits that a “single underground 3,500 kcmil cable would not only meet the current ampacity but exceed it.” (Tr. 6, pp. 109:23-110:5; see also Tr. 7, p. 200:3-17: explaining that a single 3,500 kcmil underground cable has the capacity to carry 1600 amperes).

53. UI’s underground alternative, however, assumed two cables per phase, meaning that it would have the capacity to carry at least 3200 amperes of electricity, which is more than *250%* of the ampacity of the current overhead conductors – even though UI admits there is no projected need for increased capacity. UI never modeled a single cable per phase underground alternative. (Tr. 6, pp. 110:21-111:1).

54. UI further admitted throughout this docket that modeling two cables per phase, rather than a single cable per phase, materially increases the estimated costs of an underground alternative, and if a single cable per phase had been analyzed, the cost estimate would have been less. (Tr. 6, p. 111:2-13; Tr. 6, pp. 168:20-169:9).

55. Proposing two underground cables per phase, with approximately 1600 amperes of capacity each, would provide far greater ampacity than UI needs now or into the future. (Fairfield PFOF ¶¶ 2-4, 15, 20, 22, 31-32, 51-54).

56. UI’s cost estimate of an underground alternative is also unreliable because it assumed an unreasonably long construction schedule of ten years. (Fairfield PFOF ¶¶ 58-62).

¹⁸ “UI 16” refers to Applicant’s Pre-filed Testimony of MeeNa Sazanowicz, dated October 3, 2023.

57. The largest component of UI's \$1 billion estimate of an all-underground alternative was the line item for AFUDC (or Allowance for Funds Used During Construction). (UI 16, Sazanowicz Test., p. 3). It is undisputed that this figure is directly correlated to the length of time it takes to complete construction and that a design of one cable per phase would be quicker, resulting in lower AFUDC. (Tr. 6, p. 112:15-25).

58. UI admits that the underground alternative it considered would result in progress of only 40 feet per day. (UI 16, Sazanowicz Test., p. 7).

59. The only electrical engineers in this docket who are qualified as experts – with a combined century of experience in the field of underground transmission line design and construction (SCNET 24¹⁹, Orton Test., p. 2; Fairfield 10, Awad Test., p. 2) – testified that that is an unreasonably slow pace of construction and not typical at all. (Tr. 7, pp. 91:22-92:12; Tr. 7, p. 208:2-21).

60. By increasing the number of excavation crews (which is industry standard), the underground line could be constructed at a pace of at least 500 feet per day, which would significantly shorten the time for construction and reduce UI's cost of AFUDC. (Tr. 7, p. 92:9-22; Tr. 7, p. 208:2-21).

61. The Town's expert witness, Ray Awad, testified that the entire underground construction project should be completed in three years. (Tr. 7, p. 208:2-21).

62. Messrs. Awad and Orton both provided cost estimates that were significantly lower than that offered by UI. Mr. Awad provided an estimate of no more than approximately \$200 million. (Fairfield 10, Awad Test., p. 7). Mr. Orton provided an estimate of no more than approximately \$182 million. (SCNET 24, Orton Test., p. 5).

¹⁹ "SCNET 24" refers to Pre-filed Testimony of Harold Orton, P. Eng. (British Columbia), dated November 9, 2023.

63. UI asserts that in evaluating underground alternatives, it “took into consideration its historical experience in building and operating underground transmission lines in southern Connecticut.” (UI 1, p. 9-5; see also Tr. 5, pp. 122:24-123:3: testifying that cost estimates for the underground alternative were “[b]ased on engineering experience and costs from previous” projects).

64. That historical experience is extremely limited. The sole UI witness who testified about undergrounding has barely any experience (Tr. 5, pp. 142:23-144:23) and by UI’s own admission is *not* an expert. (Tr. 5, p. 144:7-8).

65. The Siting Council’s latest Life Cycle Report explains that – except for a 500-foot underground line currently being built in Bridgeport – UI has not constructed any underground transmission lines in Connecticut since 2017. (CSC 28, 2022 Analysis of Life-cycle Costs of Electric Transmission Lines, p. 11; Tr. 5, pp. 102:25-103:5).

66. UI’s witnesses testified they did not know the answer to basic questions about building transmission lines underground, including those relating to the lower fault rates of underground lines versus overhead lines (Tr. 6, p. 83:17-20), the cost of operating and maintaining underground lines versus overhead lines (Tr. 6, p. 87:2-6), and general information relating to the layout of underground transmission lines under public roads in other cities in the United States comparable to the urban areas of Fairfield. (Tr. 6, p. 117:2-13).

67. UI’s underground cost estimates are not reliable.

iii. UI failed to meaningfully consider an underground alternative under the Post Road.

68. In its Application, UI admits that it did not consider burying the lines under the Post Road (Route 1) in Fairfield:

UI determined that an underground 115-kV cable system could not be located in the immediate vicinity of these 345-kV cables, due to the potential for mutual heating that could adversely affect the ratings on one or both of the transmission lines. To avoid potential mutual heating issues, the 345-kV and 115-kV cables would have to be separated by an estimated 10-12 feet.

In the general Project area, the 345-kV cables are situated beneath U.S. Route 1 (Post Road) and Fairfield Avenue, among other roads. UI concluded that none of the roads along the 345-kV cable route are wide enough to allow the required separation between the transmission lines.

69. UI conceded that its rejection of an underground alternative under the Post Road was based solely on a “basic rule of thumb,” and that it did not conduct even a cursory review of the feasibility of an underground route under the Post Road which considered the heat generated by the existing and future underground lines. (Tr. 6, p. 115:13-22).

70. UI further admitted that a “formal ampacity study with all of the mutual heating underground infrastructure would have to be commenced to understand what the separation will be” (Tr. 6, pp. 115:23-116:6), but that it never actually performed any such study or analysis. (Tr. 6, p. 116:7-18).

71. UI’s failure to conduct such an analysis violates standard industry practice, and there is no rule requiring predetermined separation of an estimated 10-12 feet as UI alleges. (Tr. 7, pp. 54:20-55:19; Tr. 7, pp. 203:13-205:11).

72. Placing multiple transmission lines underground beneath the same road regularly occurs in cities around the world. (Tr. 7, pp. 54:20-55:2).

73. UI did not even identify where in the Post Road the 345-kV line is situated, whether there would be any impact at all by siting its 115-kV cables on the other side of the road, details relating to techniques that can be employed to ensure adequate ampacity for both lines, or any other information that would allow the Council to assess the feasibility of this alternative.

74. There are significant benefits to an underground route beneath the Post Road as compared to the underground route UI claims it considered. These include avoiding horizontal directional drilling at the water crossings across Southport Harbor and near the Ash Creek Substation (thus reducing costs and the time needed to obtain U.S. Army Corps of Engineers approval), and a route along the Post Road would be shorter. (Tr. 7, pp. 206:10-207:24).

75. UI never identified the cost savings associated with an underground siting beneath the Post Road. (Tr. 6, pp. 118:12-119:4: admitting that it did not look at whether it can avoid using horizontal directional drilling by attaching lines to a bridge across Southport Harbor).

III. UI's motive for overbuilding beyond any needed capacity is obvious – this Project is solely about its desire to make profit.

76. UI recently declared in filings with PURA seeking an interim rate increase that “there is a very real risk that [UI] will not be able to raise either equity or debt capital in the marketplace due to . . . lack of sufficient revenues” and that it faces the potential for “substantial and material deterioration of [its] financial condition.” (See PURA Docket No. 22-08-08, November 30, 2023 Motion to Reopen filed by UI²⁰).

²⁰ Available at [https://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/252e6a3750561b3885258a7800593c25/\\$FILE/2.%2023-11-XX%20UI%20Application%20for%20Interim%20Rate%20Relief%20\(11.30.2023%20FINAL\).pdf](https://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/252e6a3750561b3885258a7800593c25/$FILE/2.%2023-11-XX%20UI%20Application%20for%20Interim%20Rate%20Relief%20(11.30.2023%20FINAL).pdf)

77. UI's witness, Zach Logan, admitted that the company's real motivation for seeking approval of this Project – proposing taller overhead poles and larger foundations to accommodate the larger and heavier 2156 ACSS Bluebird conductors, even though there is no projected need for that level of ampacity – is to be able to transmit electricity outside of the state. He testified that “the reason for [the additional capacity] is where we're an interconnected system in the ISO New England and we interface with New York to the south, if we were not to do that, we would become the limiting factor in that interface and we would inhibit load to be shared amongst New England and New York's region.” (Tr. 6, p. 109:8-14).

78. Mr. Awad, having listened to Mr. Logan's testimony, explained that having higher capacity allows for “wheeling,” which he explained as “being able to transport energy from your network to the neighboring networks, or one or more networks, and that's very very lucrative ... you are paid for transporting energy from A to B.” (Tr. 7, pp. 192:16-193:1).

79. This Project, as designed, will not benefit residents and ratepayers of Connecticut and in fact will have the opposite effect in light of the adverse impacts the Project will have on environmental, scenic, and historic resources in the State.

IV. UI's Project would result in unprecedented harm to the Town of Fairfield

The Town of Fairfield incorporates the Proposed Findings of Fact filed by SCNET as if fully set forth herein.

Respectfully submitted,

TOWN OF FAIRFIELD

By: 

David A. Ball, Esq.
David Dobin, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
Tel. (203) 368-0211
Fax (203) 394-9901
dball@cohenandwolf.com
ddobin@cohenandwolf.com

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail on this 11th day of January, 2024, to the following:

Bruce McDermott, Esq.
Murtha Cullina LLP
One Century Tower
265 Church Street, 9th Floor
New Haven, CT 06510
Tel: (203) 772-7787
bmcdermott@murthalaw.com

Daniel E. Casagrande, Esq.
Joseph P. Mortelliti, Esq.
Cramer & Anderson LLP
30 Main Street, Suite 204
Danbury, CT 06810
Tel: (203) 744-1234
dcasagrande@crameranderson.com
jmortelliti@crameranderson.com

Mario F. Coppola, Esq.
Matthew L. Studer, Esq.
Berchem, Moses & Devlin, PC
1221 Post Road East
Westport, CT 06880
Tel: (203) 227-9545
mcoppola@berchemmoses.com
mstuder@berchemmoses.com


David W. Bogan, Esq.
Day Pitney LLP
Goodwin Square
225 Asylum Street
Hartford, CT 06103
Tel: (860) 275-0187
dbogan@daypitney.com

Christopher B. Russo, Esq.
Russo & Rizio, LLC
10 Sasco Hill Road
Fairfield, CT 06824
Tel: (203) 254-7579
chris@russorizio.com

Thompson M. Mayes, Esq.
Chief Legal Officer and General Counsel
The Nation Trust for Historic Preservation
600 14th Street NW, Suite 500
Washington, DC 20005
Tel: (202) 588-6000
tmayes@savingplaces.org

Jonathan H. Schaefer, Esq.
Robinson + Cole LLP
280 Trumbull Street
Hartford, CT 06103
Tel: (860) 275-8349
jschaefer@rc.com

Lee D. Hoffman, Esq.
Jean Perry Phillips, Esq.
Liana Feinn, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103
lhoffman@pullcom.com
jphillips@pullcom.com
lfeinn@pullcom.com



David A. Ball