

**CONNECTICUT SITING COUNCIL**

**APPLICATION OF THE UNITED ) DOCKET NO. 516**  
**ILLUMINATING COMPANY (UI) TO THE )**  
**CONNECTICUT SITING COUNCIL FOR A )**  
**CERTIFICATE OF ENVIRONMENTAL ) NOVEMBER 9, 2023**  
**COMPATIBILITY AND PUBLIC NEED FOR )**  
**THE CONSTRUCTION MAINTENANCE )**  
**AND OPERATION OF A FAIRFIELD TO )**  
**CONGRESS RAILROAD TRANSMISSION )**  
**LINE 115-kV REBUILD PROJECT ALONG )**  
**APPROXIMATELY 7.3 MILES OF THE )**  
**CONNECTICUT DEPARTMENT OF )**  
**TRANSPORTATION’S METRO-NORTH )**  
**CORRIDOR BETWEEN STRUCTURE B648S )**  
**LOCATED AT THE END OF SASCO CREEK )**  
**IN FAIRFIELD AND UI’S CONGRESS )**  
**STREET SUBSTATION IN BRIDGEPORT, CT)**

**APPLICATION OF JACQUELYN THUNFORS TO INTERVENE UNDER C.G.S. §§**  
**22a-19, 4-177a, 16-50g AND 16-50n**

Pursuant to Connecticut General Statutes §§ 22a-19, 4-177a, 16-50g and 16-50n, JACQUELYN THUNFORS, an individual residing at 92 Pequot Avenue, Southport, Connecticut (hereinafter the “Proposed Intervenor”) hereby moves and petitions the Connecticut Siting Council (hereinafter the “Council”) to be a party intervenor in the above application by The United Illuminating Company (hereinafter “UI”) for a certificate of Environmental Compatibility and Public Need for the construction, rehabilitation and maintenance of a 115-kV transmission line 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, Connecticut (hereinafter the "Sasco Creek Site"), together with 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 (hereinafter, the "A-R-P-C Site") (hereinafter, collectively referred to as the "Project"). The Proposed Intervenor represents that its participation is in the interests of justice and the environment and that its participation will not impair the orderly conduct of the proceeding.

In support of this request, the Proposed Intervenor states the following:

1. The names and address of the Proposed Intervenor are as follows:

Jacquelyn Thunfors:

c/o Christopher B. Russo, Esq.  
Russo & Rizio, LLC  
10 Sasco Hill Road  
Fairfield, CT 06824  
P: (203)528-0590  
Email: [chris@russorizio.com](mailto:chris@russorizio.com)  
Her Attorneys

2. The Proposed Intervenor (age 95) is the owner of 92 Pequot Avenue, Southport, Connecticut ("92 Pequot"). 92 Pequot is the oldest of six historic residences located on Pequot Avenue Extension known collectively as the Bulkley-Alvord Northrop Houses. The Bulkley-Alvord Northrop Houses are potentially eligible for nomination to the National Register of Historic Places ("NRHP"). The Proposed Intervenor has owned, restored and respectfully preserved 92 Pequot for approximately forty (40) years.

3. The Proposed Intervenor has concerns for the public need to relocate and

Construct 115-kV electric transmission lines along the Sasco Creek Site, as well as the rebuild of two (20 115-kV transmission lines along the A-R-P-C Site. (Unless referenced specifically, the Sasco Creek Site and A-R-P-C Site shall be collectively referred to as the “Project Area”). The Project Area consists of approximately 7.3 acres of land, together with another 0.23 mile section of UI right of way designation. The electric transmission lines which UI proposes in the Application consists of several 100-foot plus self-supporting monopole towers (hereinafter the “Towers”). The pole proposed to be placed at the corner of Mrs. Thunfor’s property (P665BS) will be 125’ high, and completely in the viewshed from her residence.

4. The construction and existence of UI’s Towers will have a severe negative impact on this very sensitive environmental area, public water sources, inland wetlands, scenic vistas, neighboring property values, the Southport Historic District, the Bulkley-Alvord Northrop Houses, and the general character and harmony of the surrounding neighborhood. The easement proposed by UI will take a strip of Mrs. Thunfor’s property up to 21’ in depth along the north side of her parcel, and that easement will extend over approximately 1/3 of her home, rendering both the property and her home non-confirming with respect to Zoning and likely subject to a complete taking. Pursuant to C.G.S. §§ 22a-19, 16-50n, 16-50g and 4-177a, the Proposed Intervenor has a direct interest in the proceedings which will specifically and substantially, as well as directly and indirectly, affect her historic property which is located within the Project area. The Proposed Intervenor seeks to intervene in the above proceedings for the purpose of submitting testimony, briefs and other evidence relevant to the Connecticut Siting Council’s consideration of Docket 516.

4. The Applicant, UI, admits in its Application that the Project will result in negative effects and impact on air quality, noise and lighting, negative visual impacts on cultural and

historic resources, as well as have a temporary negative impact on the operations of numerous organizations, businesses and residents during the construction of the Project.

5. UI's Towers fail to meet the requirements of local regulations of the Town of Fairfield, including the Town Plan of Conservation and Development, in a way which fundamentally harms the general welfare of the community.

6. The Proposed Intervenor hereby presents this verified pleading, pursuant to C.G.S. § 22a-19, for the purpose of asserting that evidence and testimony shall be presented in order to demonstrate that the activity proposed by UI for the Project Area is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut because, if granted, UI Towers will unreasonably impact inland wetlands, public water sources, historic and cultural resources, including but not limited to the Southport Historic District, neighboring property values and the visual quality of the environment in a residential area.

7. The Proposed Intervenor seeks to present evidence and testimony that will demonstrate that the severe environmental impact from UI's Towers could be reasonably mitigated by the use of alternate locations and/or alternative design options for the Project.

8. The Proposed Intervenor seeks to present evidence and testimony that will demonstrate that there are reasonable and prudent alternatives to the UI Towers, such as other electric transmission equipment and technology, which UI could implement in the area of the Project to achieve its reasonable coverage needs instead of the construction and maintenance of the proposed Towers.

9. The Proposed Intervenor seeks to present evidence and testimony that will demonstrate that pursuant to C.G.S. § 16-50g, any need for adequate and reliable public utility

service that will be fulfilled by the UI Towers will be significantly outweighed by the need to protect the environment and ecology of the State and to minimize damage to scenic, historic, recreational and property values.

10. The Connecticut Siting Council should be aware of the statutory requirements that apply to interventions pursuant to C.G.S. § 22a-19, also known as the Connecticut Environmental Protection Act (hereinafter "EPA"). Section 22a-19(a) provides that any person "may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state." Section 22a-19(b) provides that the Connecticut Siting Council "shall consider the alleged unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct shall be authorized or approved which does, or is reasonably likely to, have such effect as long as, considering all relevant surrounding circumstances and facts, there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare." Section 22a-19a provides, in pertinent part, that "[t]he provisions of section 22a-15 to 22a-19, inclusive, shall be applicable to the unreasonable destruction of historic structures and landmarks of the state, which shall be those properties (1) listed or under consideration for listing as individual units on the National Register of Historic Places (16 USC 470a, as amended) or (2) which are a part of a district listed or under consideration for listing on said national register and which have been determined by the State Historic Preservation Board to contribute to the historic significance of such district."

“The purpose of the EPA is to give private citizens a voice in ensuring that the air, water and other natural resources of the state remain protected, preserved and enhanced, and to provide them with an adequate remedy to protect the air, water and other natural resources from unreasonable pollution, impairment or destruction.” (Internal quotation marks and citations omitted); Avalon Bay Communities, Inc. v. Coning Commission of the Town of Stratford, 87 Conn. App. 537, 547 (2005); *see also*, Branhaven Plaza, LLC v. Inland Wetlands Commission of Town of Branford, 251 Conn. 269, 276 (1999). The Connecticut Courts have consistently held that a plaintiff seeking to assert a claim under C.G.S. § 22a-19 merely needs to articulate a colorable claim of unreasonable pollution, impairment or destruction of the environment. Finley v. Inland Wetlands Commission of Town of Orange, 289 Conn. 12, 35 (2008); Windels v. Environmental Protection Commission, 284 Conn. 268, 289-90 (2007). “Statutes such as the EPA are remedial in nature and should be liberally construed to accomplish their purpose.” Avalon Bay Communities, Inc., 87 Conn. App. at 548; *see also*, Keeney v. Fairfield Resources, Inc., 41 Conn App. 120, 132-33 (1996).

“Section 22a-19(a) makes intervention a matter of right once a verified pleading is filed complying with the statute, whether or not those allegations ultimately prove to be unfounded.” Avalon Bay Communities, Inc., 87 Conn. App. at 543; *see also*, Polymer Resources, Ltd. V. Keeney, 23 Conn. App. 340, 348-49 (1993) (“[Section] 22a-19[a] compels a trial court to permit intervention in an administrative proceeding or judicial review of such a proceeding by a party seeking to raise environmental issues upon the filing of a verified complaint. The statute is therefore not discretionary.”). The one who files a verified pleading under § 22a-19 becomes a party to the administrative proceeding upon doing so and that person then has statutory standing

to appeal for the limited purpose of raising environmental issues. Mystic Marinelife Aquarium v. Gill, 175 Conn. 483, 490 (1978).

Upon the filing of the verified pleading and approval by the Council, the Proposed Intervenor shall become a party with statutory standing to appeal, and that right to appeal is independent of any other party. Mystic Marinelife Aquarium, 175 Conn. at 499-500. Even the denial of an application to intervene under § 22a-19 may be appealed by filing an original appeal for improper denial of intervenor status. CT Post Limited Partnership v. New Haven City Planning Commission, Conn. Sup. 2000 WL 1161131 (July 21, 2000, Downey, J.).

For the above stated reasons, the Proposed Intervenor respectfully requests that its application for intervenor status, pursuant to C.G.S. §§ 22a-19, 16-50n and 4-177a, be granted by this Honorable Council.

**RESPECTFULLY SUBMITTED BY:  
JACQUELYN THUNFORS**

BY: 

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His Attorneys

**PLEASE ENTER THE APPEARANCE OF:**

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**FOR THE PROPOSED INTERVENOR**

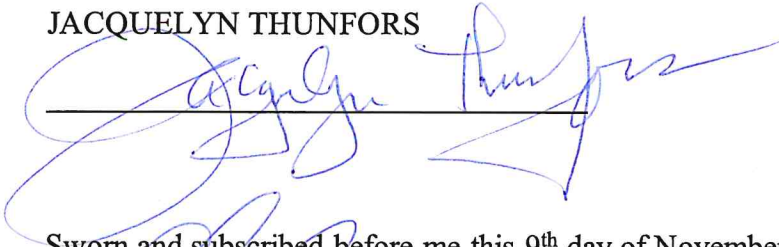
**The Proposed Intervenor request copies of all filings made in the course of this Petition to date and from this date forward via regular U.S. Mail or electronic transmission.**



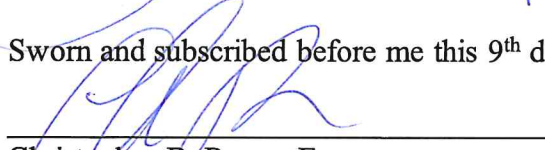
**VERIFICATION**

I, JACQUELYN THUNFORS, being duly sworn, do depose and say that the above application is true and accurate to the best of my knowledge and belief.

JACQUELYN THUNFORS

A handwritten signature in blue ink, appearing to read "Jacquelyn Thunfors", is written over a horizontal line.

Sworn and subscribed before me this 9<sup>th</sup> day of November, 2023.


A handwritten signature in blue ink, appearing to read "Christopher B. Russo", is written over a horizontal line.

Christopher B. Russo, Esq.  
Commissioner of Superior Court

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing was electronically mailed and/or deposited in the United States mail, first-class, postage pre-paid this 9th day of November, 2023 to the individuals on the Service List for this Docket, as of November 9, 2023. The original and fifteen copies (plus one electronic copy) of the foregoing was electronically mailed and/or deposited in the United States mail, first-class, postage-paid this 9<sup>th</sup> day of November, 2023 to:

Melanie Bachman, Esq., Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
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(1 original, 15 copies, plus 1 electronic)



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Christopher B. Russo, Esq.