

CONNECTICUT SITING COUNCIL

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|---|---|-------------------------|
| APPLICATION OF THE UNITED |) | DOCKET NO. 516 |
| ILLUMINATING COMPANY (UI) TO THE |) | |
| CONNECTICUT SITING COUNCIL FOR A |) | |
| CERTIFICATE OF ENVIRONMENTAL |) | OCTOBER 12, 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 THE PEQUOT LIBRARY ASSOCIATION 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, the PEQUOT LIBRARY ASSOCIATION, a Connecticut non-stock, non-profit, corporation located at 720 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 Intervenors are as follows:

Pequot Library:

c/o Mario Coppola, Esq.
Matthew Studer, Esq.
Berchem Moses, PC
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2. The Proposed Intervenor is a community public library that was founded in 1889 and consists of over four hundred (400) members and on average welcomes over forty-five thousand (45,000) visitors throughout the year. The Proposed Intervenor’s mission is to enrich lives by serving the cultural, educational, and intellectual needs of the entire community. The library collects, preserves, and makes accessible a collection of rare books, manuscripts, and archives; provides public library services; organizes engaging programs about history, literature,

and the arts; curates Special Collections exhibitions; and hosts community-wide gatherings in a historic setting. The services and programming provided by the Proposed Intervenor extends far beyond most traditional lending libraries. The Proposed Intervenor's library building was designed by noted American architect Robert H. Robertson and opened to the public in 1894. The Proposed Intervenor's property is listed on the National Register of Historic Places.

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").

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 and the general character and harmony of the surrounding neighborhood. 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 affect its staff, volunteers, members and other visitors who visit the library or attending programming at Proposed Intervenor's 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, 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, 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.”

“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).

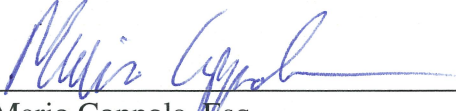
“Section 22a-19(a) makes intervention a matter of right once a verified pleading is filed complying with the statute, whether or not those allegations ultimately prove to be unfounded.” Avalon Bay Communities, Inc., 87 Conn. App. at 543; *see also*, Polymer Resources, Ltd. V. Keeney, 23 Conn. App. 340, 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:
THE PEQUOT LIBRARY ASSOCIATION**

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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, Coke Anne Wilcox, being the President of the PEQUOT LIBRARY ASSOCIATION, being duly sworn, hereby verify on behalf of said entity, the Pequot Library Association, that the above application is true and accurate to the best of my knowledge and belief.

PEQUOT LIBRARY ASSOCIATION

Coke Anne Wilcox

By: Coke Anne Wilcox
Its: President

Sworn and subscribed before me this 12th day of October, 2023.

Mario F. Coppola

Name: Mario F. Coppola, Esq.
Commissioner of Superior Court /
Notary Public / My Commission Expires:

CERTIFICATE OF SERVICE

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

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