



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

October 13, 2023

Mario F. Coppola, Esq.
Matthew L. Studer, Esq.
Berchem Moses, PC
1221 Post Road East
Westport, CT 06880
mcoppola@berchemoses.com
mstuder@berchemoses.com

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.
Request for Intervenor and CEPA Intervenor Status.

Dear Attorney Coppola and Attorney Studer:

The Connecticut Siting Council (Council) is in receipt of your letter of October 10, 2023, requesting Intervenor status under Connecticut General Statutes (C.G.S.) § 4-177a and § 16-50n and CEPA Intervenor status under C.G.S. § 22a-19, for Southport Congregational Church in Docket No. 516.

The Council does not have a meeting scheduled at which this matter could be taken up as an order of business before the October 17, 2023 hearing date for this matter. Therefore, your request will be taken up as an order of business during the 2:00 p.m. evidentiary session of the hearing on Tuesday, October 17, 2023 via Zoom remote conferencing. Copies of the application are available at the Bridgeport City Clerk and Fairfield Town Clerk’s Offices. All documents filed to date are available at the Council’s office or on our website.

Enclosed please find the Council’s Information Guide to Party and Intervenor Status, the October 17, 2023 Continuation of the Evidentiary Hearing Session Memorandum, and the revised schedule dated September 28, 2023.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie A. Bachman
Executive Director

MB/MP/laf

Enclosures

c: Service List, dated October 3, 2023



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CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Matters" page on the Council website. Parties and intervenors will receive documents via e-mail. If a party or intervenor prefer to have hard copies of documents via regular mail, they must notify the Council in writing. Also, documents filed with the Council must contain one original, 15 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on (date)." Signature and printed name of the sender.

Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office or by telephone. All parties and intervenors are requested to attend or participate. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.
- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.
- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing

questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.

- D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Transportation. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.
- E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.
- F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:
1. Opening Statement from the Council Chairman
 2. Administrative Notice Items of the Council
 3. **Applicant’s Appearance**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of the Applicant by:
 - i. Council
 - ii. Party
 - iii. Intervenor

4. **Appearance by Party**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of Party by:
 - i. Council
 - ii. Applicant
 - iii. Intervenor
5. **Appearance by Intervenor**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of Intervenor by:
 - i. Council
 - ii. Applicant
 - iii. Party
6. **Oral Limited Appearance Statements/Public Comment Session**
 - this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
 - members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements
7. **Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

G. Post-Hearing Procedure: At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

1. **30 Day Written Limited Appearance/Public Comment Period:** Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.
2. **Post Hearing Brief and Proposed Findings of Fact Schedule:** Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.

- 3. Draft Findings of Fact Issued by Council:** The Council will issue draft findings of fact from the record to be issued as part of the final decision. Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.
- 4. Final Decision:** The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.



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VIA ELECTRONIC MAIL

August 30, 2023

TO: Service List, dated August 29, 2023

FROM: Melanie Bachman, Executive Director *NAB*

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.

Motions

1. **Sasco Creek Neighborhood Environmental Trust Incorporated, Stephen Ozyck, Andrea Ozyck, Karim Mahfouz, William Danylko, and David Parker Request for Intervenor and CEPA Intervenor Status.**

The request was granted.

2. **Requests for Intervenor and CEPA Intervenor Status and an Additional Evidentiary Hearing from the following entities:**

- 2190 Post Road, LLC
- Invest II
- International Investors
- Pequot Realty, LLC
- 1916 Post Road Associates, LLC
- SF Station Street, LLC
- Maura J. Garych
- Metro Holding Company LLC
- SG Pequot 200, LLC
- 516 Paci Restaurant
- 461 Broad Street, LLC
- Bridgeport 11823 LLC

The requests were granted and pursuant to Connecticut General Statutes §16-50n(c), the Council grouped the 12 entities on the basis of similar interests and common counsel.

3. Fairfield Station Lofts, LLC Request for Intervenor Status and CEPA Intervenor Status and an Additional Evidentiary Hearing.

The requests were granted.

4. Town of Fairfield Request for Party Status and an Additional Evidentiary Hearing.

The requests were granted.

Continuation of Evidentiary Hearing

The Connecticut Siting Council (Council) shall continue the evidentiary hearing for the above-referenced proceeding on **Tuesday, October 17, 2023**, via Zoom conferencing, beginning at **2:00 p.m.** A copy of the Instructions for Public Access to the Continued Evidentiary Hearing is attached.

The hearing shall commence with the continued appearance of the BJ's Wholesale Club (BWC) for cross examination by Sasco Creek Neighborhood Environmental Trust Incorporated (SCNET), the Grouped Intervenor/CEPA Intervenor (LLCs), Fairfield Station Lofts (FSL), and the Town of Fairfield (Town), followed by cross examination on the new BWC exhibits by the Council and United Illuminating Company (UI).

The hearing shall proceed with cross examination of UI by SCNET, the Grouped LLCs, FSL, and the Town, followed by cross examination on the new UI exhibits by the Council and BWC.

Appearances by the new parties and intervenors for cross examination by all parties and intervenors and the Council will commence immediately thereafter in the order by which the requests were granted by the Council during the August 29, 2023 evidentiary hearing session.

UI Late-Filed Exhibits

During the August 29, 2023 evidentiary hearing session, the Council requested UI submit the following information as late-filed exhibits:

1. Referencing UI's response to Council interrogatory 14, in the cost table, Alternative 6 – all underground through streets alternative is 9.14 miles long with transmission costs of approximately \$977M. Docket 508, Findings of Fact Figure 15, Cost Table, Option G, an all-underground through streets alternative had a comparable length of about 9.5 miles, with transmission costs of approximately \$290M. Please explain the discrepancy;
2. Identify any procedure(s) to privately fund portions of a transmission project. Any ISO-NE links to guidelines related to customer or privately funded transmission projects versus pool transmission facility projects could be included;

3. Provide a drawing for Structure P724S that depicts its location, including the locations of the work pads, the aerial easement and the pole installation easement:
 - a. In the application;
 - b. In Configurations 2-1 and 2-2;
 - c. In Configurations 2-3 and 2-4; and
 - d. In relation to the BWC easement.
4. Provide the wetland testing/investigation protocols including but not limited to, hand auger depth(s); and
5. Provide the cost data in a format similar to the Cost Data Table in response to Council interrogatory 14 for the following:
 - a) A double-circuit overhead structure alternative from Structure 648S to Ash Creek; and
 - b) An all-underground alternative from Structure 648S to Ash Creek.

During the August 29, 2023 evidentiary hearing session, the Applicant requested BWC submit the following information as late-filed exhibits:

BJ's Wholesale Club, Inc. (BWC) Late-Filed Exhibits

1. Referencing BWC Pre-Filed Testimony dated August 22, 2023, include the location of the future gas station on Exhibit B (or similar) drawing; and
2. Provide a 90-day truck delivery log for the Fairfield BWC store. A Motion for Protective Order related to confidential/proprietary information may be included if necessary.

The Council requests these late-filed exhibits be submitted to the Council before the close of business on **October 3, 2023**.

To save the time and expense of the parties, intervenors and the public, and to conclude this proceeding in a timely fashion, the Council requests that all parties and intervenors submit interrogatories to the Applicant and other parties and intervenors on or before **September 19, 2023**.

Interrogatory responses and pre-filed testimony, as well as any supplemental information requested of the Applicant and/or other parties and intervenors during the August 29, 2023 hearing, should be submitted to the Council on or before **October 3, 2023**.

Any request for an extension of time to submit pre-filed testimony and responses to interrogatories shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

If you have any questions about Council procedures, please do not hesitate to contact me at the Council office at 860-827-2935.

Thank you.

MAB/MP/laf

Enclosures: Schedule, dated August 30, 2023
 Instructions for Public Access to Docket No. 516 Remote Continued Evidentiary Hearing
 Session

c: Council Members
 BCT Reporting LLC
 Pryme Tyme



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REVISED SCHEDULE

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.

Application received	03/17/2023
Completeness review	04/13/2023
Council Interrogatories	
• Set-One Filed	05/10/2023
• Set-One responses due	05/31/2023
Pre-hearing conference via Zoom remote conferencing - 11:00 a.m.	06/28/2023
Council Interrogatories	
• Set-Two Filed	07/11/2023
• Set-Two responses due	07/18/2023
Deadline for Exchange of Interrogatories between Parties and Intervenors	07/11/2023
Deadline for Pre-filed testimony and responses to interrogatories	07/18/2023
Deadline to request Party/Intervenor status	07/18/2023
Public Hearing 2:00 p.m. evidentiary session and 6:30 p.m. public comment session via Zoom remote conferencing	07/25/2023
Council Interrogatories	
• Set-Three Filed	08/01/2023
• Set-Three responses due	08/22/2023
Deadline for Exchange of Interrogatories between Parties and Intervenors	08/15/2023
Deadline for Pre-filed testimony, responses to interrogatories and submission of late filed exhibits	08/22/2023
Continued Evidentiary Session 2:00 p.m. via Zoom remote conferencing	08/29/2023
Final Deadline for Exchange of Interrogatories between Parties and Intervenors	09/19/2023
Final Deadline for Pre-filed testimony, responses to interrogatories and submission of late filed exhibits	10/03/2023
Continued Evidentiary Session 2:00 p.m. via Zoom remote conferencing (<i>refer to Hearing Information section on Docket 516 project webpage for Zoom remote conferencing log in/call in</i>)	10/17/2023
Close of Evidentiary Record	10/17/2023

Close of Public Comment Period	11/16/2023
Draft Findings of Fact	12/07/2023
Draft Findings of Fact, Opinion & Decision & Order	12/21/2023
Deadline for Decision	03/17/2024

Siting Analyst: Michael Perrone



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Instructions for Public Access to Docket No. 516 Remote Continued Evidentiary Hearing Session – October 17, 2023 – 2 PM

PLEASE NOTE:

- Interested persons may join the continued evidentiary session to listen, but **no public comments will be received** during the continued evidentiary session. Public comments may be submitted to the Council by email at siting.council@ct.gov or by regular mail.
- Any person may be removed from the remote continued evidentiary session at the discretion of the Council.
- All participants are requested to mute sound notifications on their computer, smartphone or tablet. Telephones are often equipped with a “do not disturb” feature for the dial-in option.

Access to Continued Evidentiary Hearing Session

1. Attendees can join by clicking (or entering) the following link:
<https://us06web.zoom.us/j/88292110950?pwd=UDJvNEVjNzYyKzRFbHJSSE1kWFHUT09>
from a computer, smartphone, or tablet. No prior software download is required.
Meeting ID: 882 9211 0950 and Passcode: JRiX5x
2. For audio-only participation, attendees can join by dialing in at **1 (929) 205 6099 (not toll free)** and then enter the **Meeting ID 882 9211 0950 and Passcode: 252367** from a telephone.
3. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
4. **No public comments will be received during the continued evidentiary hearing session.**



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REVISED SCHEDULE

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Application received	03/17/2023
Completeness review	04/13/2023
Council Interrogatories <ul style="list-style-type: none">• Set-One Filed• Set-One responses due	05/10/2023 05/31/2023
Pre-hearing conference via Zoom remote conferencing - 11:00 a.m.	06/28/2023
Council Interrogatories <ul style="list-style-type: none">• Set-Two Filed• Set-Two responses due	07/11/2023 07/18/2023
Deadline for Exchange of Interrogatories between Parties and Intervenors	07/11/2023
Deadline for Pre-filed testimony and responses to interrogatories	07/18/2023
Deadline to request Party/Intervenor status	07/18/2023
Public Hearing 2:00 p.m. evidentiary session and 6:30 p.m. public comment session via Zoom remote conferencing	07/25/2023
Council Interrogatories <ul style="list-style-type: none">• Set-Three Filed• Set-Three responses due	08/01/2023 08/22/2023
Deadline for Exchange of Interrogatories between Parties and Intervenors	08/15/2023
Deadline for Pre-filed testimony, responses to interrogatories and submission of late filed exhibits	08/22/2023
Continued Evidentiary Session 2:00 p.m. via Zoom remote conferencing	08/29/2023
Final Deadline for Exchange of Interrogatories between Parties and Intervenors	09/19/2023
Final Deadline for Pre-filed testimony, responses to interrogatories and submission of late filed exhibits	10/03/2023
Continued Evidentiary Session 2:00 p.m. via Zoom remote conferencing (<i>refer to Hearing Information section on Docket 516 project webpage for Zoom remote conferencing log in/call in</i>)	10/17/2023

Final Extended Deadline for Exchange of Interrogatories between Parties and Intervenors	10/12/2023
Final Extended Deadline for Pre-filed testimony, responses to interrogatories and submission of late filed exhibits	11/02/2023
Continued Evidentiary Session 2:00 p.m. via Zoom remote conferencing (<i>refer to Hearing Information section on Docket 516 project webpage for Zoom remote conferencing log in/call in</i>)	11/16/2023
Close of Evidentiary Record	11/16/2023
Close of Public Comment Period	12/16/2023
Draft Findings of Fact	12/21/2023
Draft Findings of Fact, Opinion & Decision & Order	01/04/2024
Deadline for Decision	03/17/2024

Siting Analyst: Michael Perrone