

CONNECTICUT SITING COUNCIL

IN RE:

THE UNITED ILLUMINATING COMPANY (UI) :
APPLICATION FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND PUBLIC : DOCKET NO. 516
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 MILES 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 : OCTOBER 13, 2023
SUBSTATIONS TRAVERSING THE :
MUNICIPALITIES OF BRIDGEPORT AND :
FAIRFIELD, CONNECTICUT :

MOTION TO AMEND CONNECTICUT SITING COUNCIL SCHEDULE

The Intervenors, SASCO CREEK NEIGHBORS ENVIRONMENTAL TRUST
INCORPORATED, STEPHEN OZYCK, KARIM MAHFOUZ, WILLIAM DANYLKO,
DAVID PARKER, 2190 POST ROAD, LLC, INVEST II and INTERNATIONAL INVESTORS
and proposed intervenors, SASCO NEIGHBORHOOD ENVIRONMENTAL TRUST
INCORPORATED, STEPHEN OZYCK, KARIM MAHFOUZ, WILLIAM DANYLKO,
DAVID PARKER, 2190 POST ROAD, LLC, INVEST II and INTERNATIONAL INVESTORS

(the “Proposed Intervenors”) hereby respectfully move for the Connecticut Siting Council (“CSC”) to amend its current schedule for the above captioned matter (the “Application”) to add the following additional deadlines and hearing date:

- 1) On or around November 10, 2023 for the final deadline for exchange of interrogatories between the Applicant and Intervenors.
- 2) On or around December 10, 2023 for the final deadline for pre-filed testimony, responses to interrogatories, and submission of late exhibits.
- 3) On or around the week of January 8, 2024 for the continued evidentiary session.

We understand and appreciate that amending the schedule as proposed above would require the CSC to also amend other deadlines set forth in the schedule for: the close of the evidentiary record, close of the public comment period and draft findings of fact.

There is overwhelming good cause to support the proposed amendment of the schedule. There is no doubt that most of the effected property owners and community in Southport, Connecticut did not become aware of the Application until a few months ago and most of them still do not understand the project’s scope and effect on the community in Southport. After recently becoming aware of this situation, the United Illuminating Company (“UI”) scheduled a public meeting on October 4, 2023 in Fairfield to provide an explanation and to answer questions regarding the project. On short notice, hundreds of residents, business and property owners attended the meeting. The consensus among those in attendance at the meeting was that UI’s representatives were evasive when responding to reasonable and straightforward questions and in many instances UI’s representatives responded that they were unable to answer the question and would need to consult with someone else at UI and report back to the community. To date, UI has still not provided those responses to the community as promised. The community at large in

Southport is still understandably confused about the scope and impact of the project as to date UI has failed to answer the many unanswered questions that were posed to it by the public.

In the last forty-five days there have been over twenty parties that have either obtained Intervenor status or have a pending petition for intervenor status. Putting aside the Town of Fairfield, many of the other Intervenors and Proposed Intervenors consist of sizable institutions or other groups that total thousands of members. It is impossible for those parties to intelligently, and effectively advocate for themselves in this Docket No. 516 with the deadlines imposed in the current schedule which provide that the parties have no further opportunity to issue interrogatories to UI and must file with the CSC all pre-file testimony by November 2, 2023. Based on the current schedule, Intervenors have less than 60 days and the Proposed Intervenors have less than 30 days to: review and analyze the entire docket filings, which total thousands of pages of documents, many of which include complex information, records and plans; find and retain appropriate expert witnesses to review the docket filings themselves, conduct research/analysis, inspect the subject properties and formulate an opinion; prepare discovery requests for UI and review/analyze the responses which have not yet been provided by UI; and then work with all of the parties and expert witnesses to prepare comprehensive pre-file testimony.

To not extend the deadlines set forth in the schedule as requested above would unfairly prejudice the Intervenors and Proposed Intervenors, especially considering that representatives of UI could not even answer many basic questions about the project at the last public meeting less than two weeks ago. We understand and appreciate that the CSC must render its decision by March 17, 2024, but we respectfully believe that the above requested amendments to the schedule will still give the CSC enough time to render its decision.

Based on the March 17, 2024 decision deadline, the Intervenors did request that UI withdraw and immediately re-file the application to re-start the statutory deadline for the CSC decision, but that request was rejected by UI. The withdrawal and re-filing of an application is a standard practice throughout administrative agencies in Connecticut to re-start the statutory deadline for the close of a public hearing or the agency's decision. Such action would allow UI to genuinely provide the community with an opportunity to offer thoughtful input and work collaboratively to find potential improvements to the proposed development that would address critical concerns.

WHEREFORE, the Intervenors and Proposed Intervenors respectfully move for an amendment of the CSC's schedule in accordance with the new proposed schedule of deadlines and an additional public hearing as it relates to this Application.

**RESPECTFULLY SUBMITTED BY:
SASCO CREEK NEIGHBORS ENVIRONMENTAL TRUST
INCORPORATED, STEPHEN OZYCK, KARIM MAHFOUZ,
WILLIAM DANYLKO, DAVID PARKER, 2190 POST ROAD,
LLC, INVEST II and INTERNATIONAL INVESTORS**

By: /s/Mario F. Coppola
Mario F. Coppola, Esq.
Matthew Studer, Esq.
Berchem Moses PC
1221 Post Road East, Suite 301
Westport, CT 065850
Telephone No.: (203) 227-9545
Emails: mcoppola@berchemmoses.com
and mstuder@berchemmoses.com
Their Attorneys

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:

Melanie Bachman, Esq., Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051
Email: melanie.bachman@ct.gov
(1 original, 15 copies, plus 1 electronic)

Bruce McDermott, Esq.
Murtha Cullina, LLP
One Century Tower
265 Church Street
New Haven, CT 06510
Email: bmcdermott@murthalaw.com

Daniel E. Casagrande, Esq.
Joseph P. Mortelliti, Esq.
Cramer & Anderson LLP
30 Main Street, Suite 204
Danbury, CT 06810
Email: dcasagrande@crameranderson.com
jmortelliti@crameranderson.com

Timothy M. Herbst, Esq.
Marino, Zabel & Schellenberg, PLLC
657 Orange Center Road
Orange, CT 06477
Email: therbst@mzslaw.com

Jonathan H. Shaefer, Esq.
Robinson + Cole LLP
280 Trumbull Street
Hartford, CT 06103
Email: jshaefer@rc.com

Christopher B. Russo, Esq.
Russo & Rizio, LLC
10 Sasco Hill Road
Fairfield, CT 06824
Email: Chris@russorizio.com

/S/Mario F. Coppola

Mario F. Coppola, Esq.

