

CONNECTICUT SITING COUNCIL

**In Re the Application of The Connecticut
Light and Power Company for a
Certificate of Environmental Compatibility
And Public Need for the Greater
Springfield Reliability Project and the
Application of NRG Energy Inc.**

Docket No. 370

January 15, 2010

TOWN OF SUFFIELD POST HEARING BRIEF

The Town of Suffield supports the application of NRG Energy, Inc. ("NRG") in this docket as the application which will have the least effect on the Town. The Town, however, does not have the technical capability to compare the NRG proposal against the Connecticut Light and Power Co. ("CL&P") proposal. Hence, if the NRG proposal does not fulfill the statutory criteria for a certificate of public need and the CL&P proposal does, the Town requests that the Siting Council order that CL&P bury its lines as they pass through Suffield so as to comply with the requirements of the Connecticut General Statutes.

Facts

The current CL&P 115 KV power lines through Suffield, which CL&P seeks to upgrade to 345 KV, travel along an easement secured by CL&P and its predecessors decades ago. This easement varies from 305 feet wide to 385 feet wide. Carberry/Newland Prefiled Testimony ("CN") pp 5-6. The 115 KV lines are attached to steel lattice-work towers. The proposed 345 KV lines are to be carried either on towers of an "H" frame construction or of a steel-monopole construction. CN pp 6-7. Either type of tower would be taller than the lattice towers and would be erected in addition to the lattice towers as CL&P has

testified that the lattice towers will be dedicated to a new use once the 345 KV lines are constructed. Id, CN p 8. As the clear-cut area through which the lattice towers pass does not cover the entire width of the easement, the erection of the new towers will necessitate the clear cutting of a significant amount of native trees and other undergrowth which screen the towers to some extent. CN pp 7-8 and Exhibits CN-4 and CN-5 to the prefiled testimony of Carberry/Newland. A distance of 75 feet between the lattice towers and the new 345 KV towers is proposed by CL&P. See Exhibits CN-4 and CN-5. In comparison, if the entire installation in Suffield were placed underground, the underground installation could be made only fifteen feet from the current lattice towers and then the lattice towers could be removed. Testimony of Carberry July 28, 2009 at p 226. Indeed, CL&P proposes the underground route along the easement as a viable alternative for the 345 KV lines. In Suffield, as in East Granby, the power lines pass through residential areas (Prefiled Testimony of Hon. Scott R. Lingenfelter August 17, 2009 p 1), often cutting across the back or front yards of many residences. Id.

The Law

Connecticut General Statutes § 16-50p(i) establishes a presumption that the placement of overhead power lines adjacent to residential areas is inconsistent with, among other things, a finding of public need. The Statute requires that the Council consider the technological infeasibility of burying such power lines and the effect of burial on reliability. Lastly, the Council

must look at whether the cost of burial will result in an unreasonable economic burden on Connecticut electric ratepayers.

Discussion

CL&P has provided evidence as to the technical feasibility of placing both the new 345 KV lines and the 115 KV lines below ground. The only serious reservation CL&P seems to have about such an underground installation is its cost. Placing these lines underground would address a host of statutory concerns. It would address the statutory mandate that these lines be placed underground in residential areas. Connecticut General Statutes ("CGS") § 16-50p(i). It would address the statutory mandate that the state's recreational and historic values and scenic vistas be protected. CGS § 16-50p(a)(3)(B). It would address the statutory mandate that requires minimum damage to the state's environment and ecology. Underground placement may also address concerns about electromagnetic radiation.

Given these mandates and the fact that the laws place great emphasis on preserving the values outlined above, it is clear that the cost increase of underground installation over the erection of new towers pales in comparison.

As CL&P indicated in both its response to Suffield's discovery and its evidence, the marginal cost to an average Connecticut residential ratepayer of burial of the lines through Suffield would be \$1.39 per month more than an overhead line would cost. See CL&P Answer to Suffield Interrogatory #13. While CL&P estimated the cost to underground within Suffield would be \$217,103,000 versus \$41,290,000 for an all overhead route, (See CL&P Answer

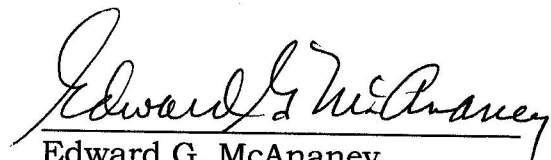
to Suffield Interrogatory #4), the small average residential bill increase of \$1.39 per month (\$16.68/year and \$834.00 over 50 years) leads one to conclude that the statutory values and requirements set forth in CGS § 16-50p(i) and elsewhere are fulfilled with an underground routing of all Greater Springfield Reliability Project ("GSRP") transmission lines through the Town of Suffield. It should be noted in appreciating this figure (\$1.39) that CL&P's response to Suffield's interrogatory #13 assumes that the cost to build the GSRP portion through Suffield underground will not be socialized through the region but, instead, localized to Connecticut. CL&P's calculation of this marginal cost (\$1.39) does assume socialization of the portion of the cost attributable to overhead construction. As CL&P noted in its response to Suffield's discovery, it amortizes various components of the GSRP over many years, the longest of which is 65 years for roads and trails. The next longest amortization period is 51.3 years for towers and fixtures. See CL&P Response to Suffield Interrogatory #11. Hence, even if the average rate payer were paying the additional monthly marginal cost of \$1.39 over the number of years needed to amortize the project almost in full, 51.3 years, the total marginal cost of undergrounding would only be \$855.68 to that ratepayer. The marginal cost of undergrounding to Connecticut ratepayers would be truly small and, in the view of the town of Suffield, does not place an "unreasonable economic burden on the ratepayers of the state". CGS § 16-50p(i).

For all of the foregoing reasons, the Town of Suffield recommends that the Siting Council conclude from the facts before it that a certificate of public

need be granted to (i) NRG Energy or, in the alternative, (ii) to CL&P to install its 345 KV power lines as proposed in its application but that those power lines and the 115 KV lines be installed underground through the Town of Suffield within the current easement and that the lattice-work towers be removed. In the event that the Siting Council orders some portion of the GSRP through Suffield to be built above ground, Suffield requests that all lines (including the 115 KV lines) be placed on one pole and that the lattice towers be removed.

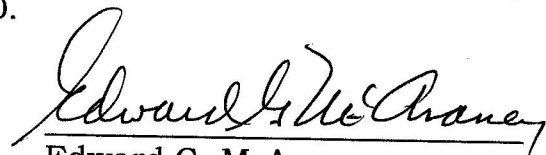
The Town of Suffield joins in the Brief of the Town of East Granby for a clear explication of the law and facts, except as that brief applies specifically to Old New-Gate Prison, Viets Tavern and Newgate Wildlife Area which are not located in Suffield.

Respectfully submitted,


Edward G. McAnaney
Town Attorney, Town of Suffield

Certification of Service

I hereby certify that a copy of the foregoing was sent to each party and intervener on the current service list by the method of service specified by that party or intervener on January 15, 2010.


Edward G. McAnaney