



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

www.ct.gov/csc

August 10, 2012

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LRoberts*

RE: **DOCKET NO. 426** – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut.

By its Decision and Order dated August 9, 2012, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need to the Third Taxing District Electric Department for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

LR/RDM/laf

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

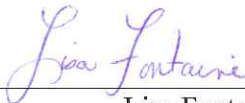
ATTEST:



Linda Roberts
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 426 has been forwarded by Certified First Class Return Receipt Requested mail, on August 10, 2012, to all parties and intervenors of record as listed on the attached service list, dated May 14, 2012.

ATTEST:



Lisa Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-mail	Third Taxing District Electric Department	Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 29 th Floor 185 Asylum Street Hartford, CT 06103 (860) 240-6180 (860) 240-6150 fax alord@murthalaw.com
	<input checked="" type="checkbox"/> E-Mail		George E. Leary, General Manager Third Taxing District Electric Dept. 2 Second Street East Norwalk, CT 06855 (203) 866-9271 manager@ttd.gov
	<input checked="" type="checkbox"/> U.S. Mail		James T. Olsen, LEP Senior Project Manager, Associate Tighe & Bond, Inc. 213 Court Street, Suite 900 Middletown, CT 06457 (860) 704-4775 (860) 805-8776 (cell)
Party (granted 5/10/12)	<input checked="" type="checkbox"/> E-mail	The Connecticut Light and Power Company (CL&P)	John R. Morissette Manager – Transmission Siting and Permitting Northeast Utilities Service Co. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 (860) 665-6933 fax morisjr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Christopher C. Swan Director Municipal Relations & Siting Northeast Utilities Service Company 9 Tindall Avenue Norwalk, CT 06851 (203) 845-3421 (203) 845-3628 swance@nu.com

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light and Power Company (CL&P) continued...	Jeffery D. Cochran, Senior Counsel Northeast Utilities Service Co. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3548 (860) 665-5504 cochrjd@nu.com

<p>DOCKET NO. 426 – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electric substation located at 6 Fitch Street, Norwalk, Connecticut.</p>	<p>} } } }</p>	<p>Connecticut Siting Council August 9, 2012</p>
---	----------------------------	---

Findings of Fact

Introduction

1. The Norwalk Third Taxing District Electric Department (TTD), in accordance with provisions of Connecticut General Statutes (CGS) Sections 16-50g et seq., and Section 16-50j-1 et seq. of the Regulations of Connecticut State Agencies, applied to the Connecticut Siting Council (Council) on April 10, 2012 for the construction, maintenance, and operation of a bulk power substation at 6 Fitch Street, Norwalk, Connecticut (refer to Attachment 1). (TTD 1, p. 2)
2. TTD operates a citizen-owned public power utility that serves approximately 3,800 customers, mostly residential, in a four-square-mile area in the East Norwalk section of Norwalk (refer to Attachment 2). (TTD 1, p. 1; TTD 3, R. 1)
3. The purpose of the proposed facility is to improve reliability and add capacity to the electric power distribution system in TTD’s service area in Norwalk. (TTD 1, p.2)
4. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on June 14, 2012, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the Norwalk City Hall, 125 East Avenue, Norwalk, Connecticut. (Transcript 1 – June 14, 2012 at 3:00 p.m. [Tr. 1], p. 3; Transcript 2 – June 14, 2012, at 7:00 p.m. [Tr. 2], p. 3)
5. The Connecticut Light and Power Company (CL&P) is a party to the proceeding. (Record)
6. The Council and its staff made an inspection of the proposed site on June 14, 2012, beginning at 2:00 p.m. (Council’s Hearing Notice dated May 10, 2012)
7. Pursuant to CGS § 16-50/(b), public notice of the filing of the application to the Council was published in The Norwalk Hour on April 6 and April 9, 2012. (TTD 2b)
8. On June 1, 2012, TTD erected a four-foot by eight-foot sign at the front of the property describing the proposed project. The sign included the Applicant’s name, type of facility proposed, the date and location of the Council’s public hearing, and contact information for the Applicant and the Council. (Tr. 1, p. 62)
9. Pursuant to CGS § 16-50/ (b), notice of the application was provided to all abutting property owners by certified mail. (TTD 2c)
10. Pursuant to CGS § 16-50/(b), TTD provided notice to all federal, state and local officials and agencies listed therein. (TTD 2a)

11. TTD provided a copy of the application to the Connecticut Energy Advisory Board (CEAB). Pursuant to CGS § 16-50l(a)(2), the project is exempt from the CEAB mandatory request for proposal process. No comment from the CEAB was received. (TTD, p. 41; Record)

State Agency Comment

12. Pursuant to CGS § 16-50j(h), on May 10 and June 15, 2012, the following State agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Agriculture, Department of Energy & Environmental Protection (DEEP), Department of Public Health, Council on Environmental Quality, Public Utilities Regulatory Authority, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation (DOT), and the Department of Emergency Services and Public Protection. (Record)
13. The Council received written comment from the DOT, but the comment did not pertain to this project. (Record)
14. No other State agencies commented on the proposal. (Record)

Municipal Consultation

15. On February 22, 2012, TTD met with and submitted a technical report to the Norwalk City Mayor, Richard Moccia, Norwalk Corporate Counsel, Robert Maslan, and Norwalk Planning Director, Michael Greene. (TTD 1, p. 37)
16. On March 8, 2012 TTD representatives met with the Norwalk Planning and Zoning Plan Review Committee to discuss the facility. (TTD 1, p. 37)
17. On March 21, 2012 TTD met with the Norwalk Zoning Commission to discuss the facility. (TTD 1, p. 37)
18. On March 23, 2012, the Planning and Zoning Commission submitted written comment to the Council indicating support for the proposed project. The Commission made several recommendations, including designing the control house as a wood frame building, modifying the landscaping, installing screening slats on the substation fence, and keeping the substation gate closed at all times except as necessary. (Record)
19. On March 26, 2012, Honorable Richard Moccia submitted written comment to the Council indicating support for the proposed project. (Record)

Project Need

20. TTD is a member of the Connecticut Municipal Electric Energy Cooperative, allowing TTD to purchase electricity from The Connecticut Light and Power Company (CL&P) for its customers. TTD maintains two 27.6-kV to 4.16-kV substations within its service area. (TTD 1, p. 1)
21. CL&P provides power to TTD at a distribution system voltage of 27.6-kV via two underground circuits (9S-45 and 9S-46 circuits) originating at CL&P's 9S substation in Norwalk. One circuit serves TTD's Rowan Street substation and the other circuit serves TTD's East Avenue substation (refer to Attachment 3). (TTD 1, pp. 1-6)

22. The two 27.6 kV CL&P circuits are over 60 years old and also supply other CL&P customers before entering TTD's service area. Ongoing maintenance and service issues associated with other CL&P customers frequently cause outages on one of the two circuits, leaving only one to supply power to TTD. The existing CL&P circuits can provide sufficient capacity to serve future load to TTD when either the 9S-45 circuit is in service or when both lines are in service, but not when the 9S-46 circuit is the only one operating. (TTD pp. 1-2, 5-6; TTD 3, R. 4)
23. The 9S-45 and the 9S-46 circuits have a capacity of 19.5 MW and 12.9 MW, respectively. (TTD 3, R. 7)
24. TTD's 2011 peak load was 16.1 MW. (Tr. 1, pp. 38-39)
25. The existing CL&P circuits have little capacity for anticipated load growth. TTD anticipates load growth of 5 MW by 2014 to serve the Waste Water Treatment Plant, a TTD customer. Additionally, a new data center will be a joint customer of TTD and CL&P. As part of the joint service agreement, TTD must also be able to provide CL&P's portion of the data center load (8 MW by 2015) in the event CL&P has an outage. TTD's anticipated load in 2016, including normal load growth, the Waste Water Treatment Plant, and the data center, with backup capability for CL&P's portion, is 36.16 MW. (TTD 3, R. 6)
26. The estimated load growth cannot be accommodated or delayed by energy efficiency or conservation and load management programs or by distributed generation. (TTD 1, pp. 8-9; TTD 3, R. 16)
27. A new substation servicing the East Norwalk area was projected in the Council's 2010-2011 Forecast of Loads and Resources. (Council Administrative Notice item # 13)
28. The existing Rowan Street substation is located on a small parcel with no room for expansion. (TTD 1, p. 8)
29. The East Avenue substation, although adjacent to the proposed site, would remain separated from the proposed substation by a fence. (TTD 1, p. 8)

Site Location

30. The 6 Fitch Street parcel consists of a 0.58-acre open lot, zoned Industrial No. 1. (TTD 1, p. 10)
31. TTD acquired the property in September 2010. Prior to the acquisition of the parcel, one other parcel on Goldstein Place was considered for a substation but abandoned due to soil conditions that would require structures on pilings. (TTD 1, pp. 10, 16; Tr. 1, pp. 24-25)
32. The parcel was used as a single-family residence that was demolished by TTD in 2010. (TTD 1, p. 10)
33. The parcel ranges in elevation from 24 to 30 feet above mean sea level. (TTD 1, p. 10)
34. Abutting property includes TTD's existing East Avenue Substation and a commercial property to the west, an auto-body repair shop and several apartments to the east, the East Norwalk train station and railway to the south, and a church and residences to the north. (TTD 1, pp. 10-11; TTD 3, R. 10)
35. The nearest residential dwelling is located 15 feet to the east, at 8 Fitch Street. This property is also an auto body repair shop (refer to Attachment 1). (TTD 3, R. 10)

36. Except for the church, all other parcels on the north side of Fitch Street are zoned residential. All properties on the south side of Fitch Street are zoned industrial. (TTD 1 bulk file, Norwalk Zoning Map)
37. CL&P's 115-kV no. 1416 transmission line is located south of the parcel, along the north side of the Metro North Railroad (refer to Attachment 1). The transmission monopoles in this area are approximately 115 feet in height. (TTD 1, p. 11, Tab B)

Proposed Substation Description

38. The proposed substation would encompass most of the parcel and would be enclosed by an eight-foot high chain link fence with one foot of barbed wire. Privacy slats would be installed on the north side of the fence, including the access gate. (TTD 1, Tab B; Tr. 1, pp. 18, 34)
39. Access to the substation would be from a new 15-foot wide, 35-foot long access drive extending from Fitch Street. The new driveway would be across the street from the existing church parking lot. (TTD 1, Tab B)
40. The fenced substation area would measure approximately 106 feet by 180 feet. (TTD 1, p. 20)
41. Substation equipment would include two 115/27.6-kV transformers, a 115-kV loop feed with a single tie breaker and associated buswork, and a 25-foot wide, 42-foot long, 19-foot high control house. (TTD 1, Tab B; Tr. 1, p. 13)
42. Two line terminal structures, up to 40-feet in height (preliminary design), would be installed at the south end of the substation. (TTD 1, Tab B; Tr. 1, p. 20)
43. The preliminary transmission line interconnection design would require the installation of two 115-foot tall angle structures that would loop CL&P's 1416 line through the substation. Additionally, an existing 115-foot transmission monopole southeast of the substation may be removed to provide adequate clearance for the new angle structure. However, CL&P is analyzing whether it is necessary to retain this existing structure as part of the interconnection. The final design would be presented within the Development and Management Plan. (TTD 1, Tab B, G; Tr. 1, p. 79)
44. CL&P would examine the possibility of installing a pole configuration where a transmission line would continue on the 1416 line rather than being looped through the substation, and two tap lines, one from each structure, would connect to the substation. This design would not require heavy angle structures thus reducing the visual profile of the connecting structures. (Tr. 1, pp. 71-77)
45. The proposed substation would be connected to the existing East Avenue substation by two underground 23.6-kV feeders. (TTD 1, p. 33)
46. The construction phase of the project is expected to take approximately 12-18 months, with a tentative in-service date of December 2013. (TTD 1, p. 6, 22)
47. Construction would generally occur from 7:00 a.m. to 5:00 p.m. Monday through Friday, except for work that needs to be scheduled at off-peak electrical demand hours such as installation of terminal structures and interconnections. (TTD 1, p. 22)

48. The nominal service life of the substation equipment is 40 years. (TTD 1, p. 7)
49. The estimated cost for the siting, design, construction of the proposed substation and interconnection is \$9,000,000. CL&P would bear the cost of the interconnection, estimated to be \$1,500,000. (TTD, 1, p. 7; Tr. 1, p. 20)

Environmental Considerations

50. TTD would grade the site and install fill to create a four-foot pitch from the south side of the site to the north. A phase one study conducted in 2010 identified no issues in relation to soil contamination. (Tr. 1, pp. 21-22, 38)
51. The site consists of an open lot with a few trees located along Fitch Street. An attempt would be made to retain a medium-sized ornamental tree located in the northeast corner of the lot, as it provides some screening from residential areas northeast of the site. (TTD 1, p. 23; Tr. 1, pp. 18-19)
52. There are no wetlands at or adjacent to the site. The nearest wetland area is 2,000 feet to the northeast. (TTD 1, pp. 11, 21)
53. The site is not located within a 100-year or 500-year flood zone. (TTD 1, p. 22)
54. The site is not within the Coastal Area Management zone, established to protect coastal resources, and site construction and operation would not adversely affect coastal resources. (TTD 1, pp. 22-23; TTD 3, R. 12)
55. Construction of the site would not increase run-off for 5, 10 and 25-year storm events. Storm water would infiltrate into the ground or be directed into a rain garden on the north side of the property. The rain garden is approximately one foot deep and would have appropriate landscape plantings within the basin. The rain garden was sized in accordance with the DEEP Storm Water Manual. (TTD 1, pp. 24-25; Tr. 1, pp. 16-17)
56. The site is an open lot, thus the project would have a minimal effect on wildlife and wildlife habitat. (TTD 1, pp. 21, 25)
57. There are no known state or federal endangered, or threatened, or species of special concern in the project area. (TTD 1, p. 21)
58. The site is not within any historic district and would have no impact on archeological or historic resources. An inquiry to the State Historic Preservation Office by TTD was not returned. (TTD 1, pp. 13-14; Tr. 1, pp. 23-24; Council Administrative Notice 4)
59. The transformers contain a mineral oil that serves as an insulator. The transformers feature a secondary containment system designed to hold 110 percent of the transformer oil capacity. Oil would collect in sumps and would be blocked from draining through the use of an Imbiber Bead containment system. Additionally, a low-oil alarm would be installed as part of the substation control system. (TTD 1, p. 28)
60. Noise levels from normal substation operations would not exceed regulatory criteria at the property line. (TTD 1, pp. 21-22; Tr. 1, pp. 25-28)

Visibility

61. The site would be most visible from Fitch Street and the abutting properties, including the commercial properties to the east and west, the church parking lot, and an abutting residence to the northeast, across Fitch Street. (TTD 1, Figure A-2)
62. Landscaping associated with the rain-garden area would mitigate views of the lower portion of the substation from Fitch Street. (TTD 1, p. 25, Tab B; Tr. 1, p. 17)
63. In addition to landscaping, the control house would be oriented along the north side of the substation to prevent direct views of substation equipment from Fitch Street. The control house would be treated to appear as a wood frame structure. (Tr. 1, pp. 13-14, 19, 33; TTD 5)
64. TTD would examine screening options (privacy slats or landscaping) along the east side of the substation abutting the auto-body repair shop. (Tr. 1, pp. 18-20)
65. The site is not within any City of Norwalk scenic area. (TTD 1, p. 13)
66. The nearest park is Mill Pond Park, approximately 0.5 mile south of the site. (TTD 1, Tab E-10)
67. Low-level lighting installed for safety and security purposes would be recessed or have manual activation to minimize visual effects at night. (TTD 1, p. 28)

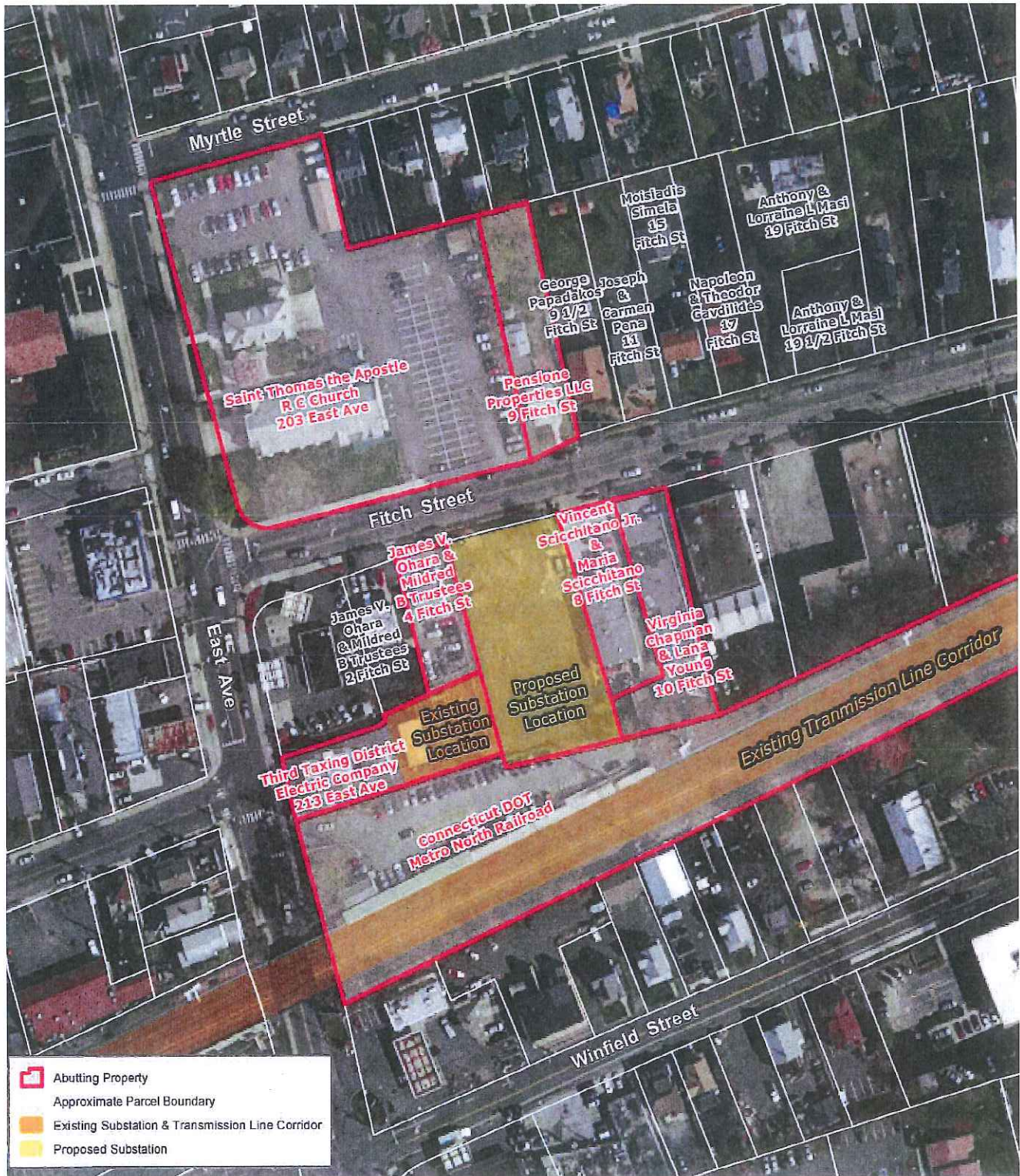
Magnetic Field Levels

68. Existing magnetic field (MF) sources in the project area are the existing 115-kV 1416 transmission line adjacent to the site and the existing underground 26.7-kV feeders west of the proposed site, with measured MF levels of 23 milliGauss (mG) and 75 mG, respectively. (TTD 1, p. 31)
69. Once the new substation is constructed, the highest calculated MF levels around it under average load conditions would be less than 82 mG at the southeast corner of the substation, where the 1416 transmission line would cross into the substation. The MF level would decrease to 20 mG approximately 23 feet outside of the substation fence. (TTD 1, p. 31; Tr. 1, pp. 45-46)
70. Under peak load conditions, the highest calculated MF level would be 186 mG in the southeast corner of the substation, decreasing to 20 mG 60 feet outside of the substation fence. These levels are consistent with other substations at points where the transmission line crosses into the substation. (TTD 1, p. 31; Tr. 1, p. 46)
71. The calculated MF level under average load conditions at the auto repair shop east of the substation would be up to 18 mG, approximately 13 mG higher than existing conditions. (TTD 1, Tab G, p. 12)

72. International health and safety agencies, including the World Health Organization, the International Agency for Research on Cancer (IARC), and the International Commission on Non-Ionizing Radiation Protection (ICNIRP), have studied the scientific evidence regarding possible health effects from MF produced by non-ionizing, low-frequency 60-Hertz alternating currents in transmission lines. Two of these agencies attempted to advise on quantitative guidelines for mG limits protective of health, but were able to do so only by extrapolation from research not directly related to health: by this method, the maximum exposure advised by the International Committee on Electromagnetic Safety (part of IARC) is 9,040 mG, and the maximum exposure advised by the ICNIRP is 833 mG. Otherwise, no quantitative exposure standards based on demonstrated health effects have been set world-wide for 60-Hertz MF, nor are there any such state or federal standards in the U.S. The existing and calculated MF levels for this project are well below these recommended exposure levels. (Council Administrative Notice Item 10; TTD 1, Tab G, pp. 18-19)

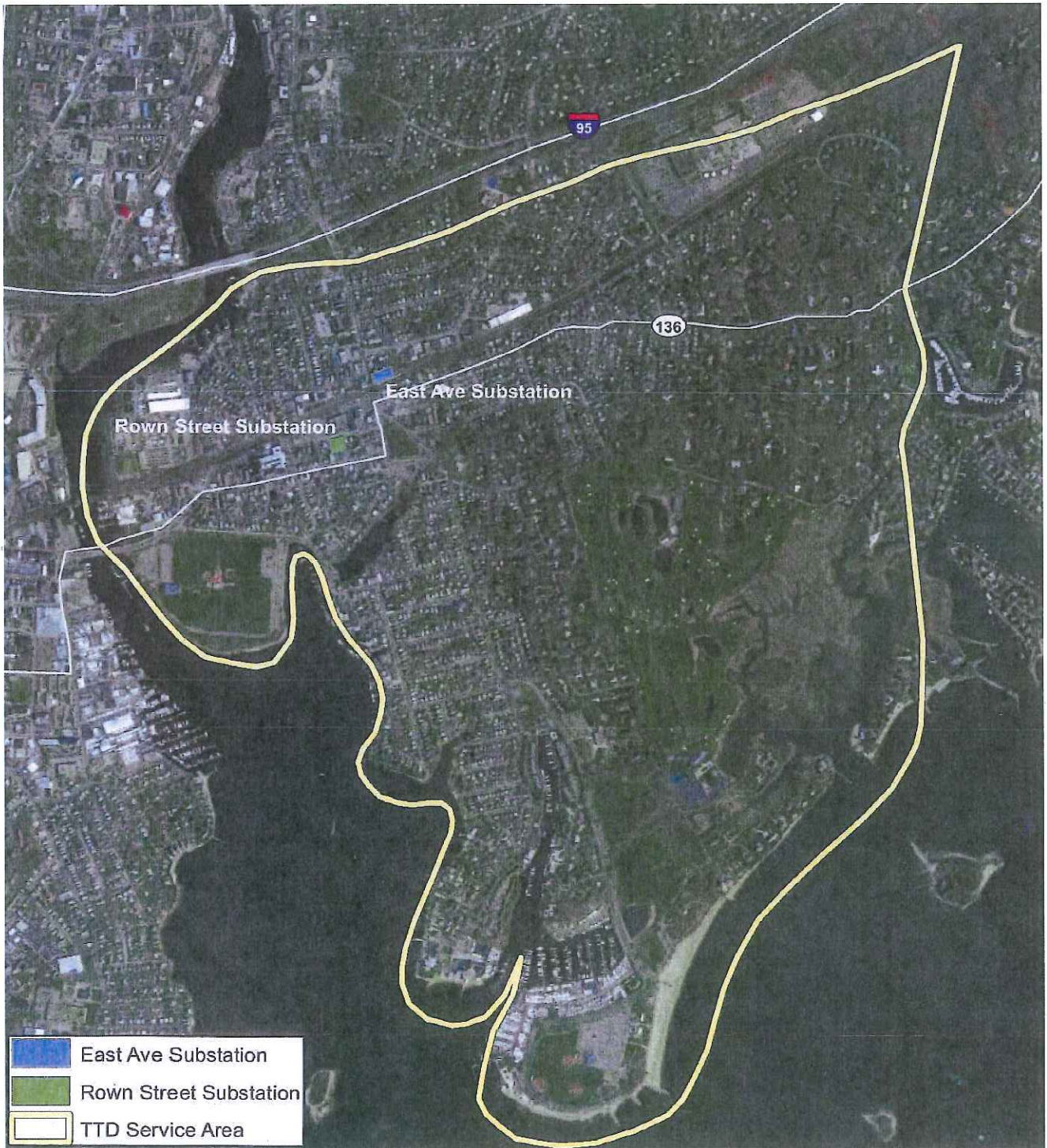
Safety and Reliability

73. Construction of the proposed substation would be performed in full compliance with the standards of the National Electrical Safety Code. (TTD 1, Tab G, p. 20)
74. In the event of equipment failure, protective relaying equipment would remove the equipment from service. (TTD 1, p. 34)
75. Reliability would be improved by utilizing a loop-through design, transformer protection devices, and redundant automatic protective relaying equipment. Protective relaying equipment would provide automatic detection of abnormal conditions. If an abnormal condition occurred, a protective trip signal would be sent to the respective circuit breakers to isolate faulted equipment. TTD plans to install redundant protective relaying schemes with continuous monitoring. (TTD 1, p. 17)
76. The substation would be remotely controlled and monitored by the Connecticut Valley Electric Exchange System Operator using digital metering systems and a Supervisory Control and Data Acquisition system. (TTD 1, pp. 17-18)
77. Appropriate signage would be posted at the substation to alert the public of a high voltage facility and the access gate locked to prevent unauthorized access. (TTD 1, p. 34)
78. TTD would meet Norwalk law enforcement and emergency response personnel to discuss substation security and emergency response issues. TTD would also establish off-duty police protection during major construction activity. (TTD 1, p. 18)
79. TTD would incorporate appropriate standards for fire protection in the design of the substation. TTD personnel and local fire responders would be trained in the proper methods of extinguishing a substation fire. (TTD 1, p. 18)
80. The proposed substation would be constructed in accordance with all applicable codes, including provisions for seismic loading, wind loading, and snow and ice loading. (TTD 1, p. 22)



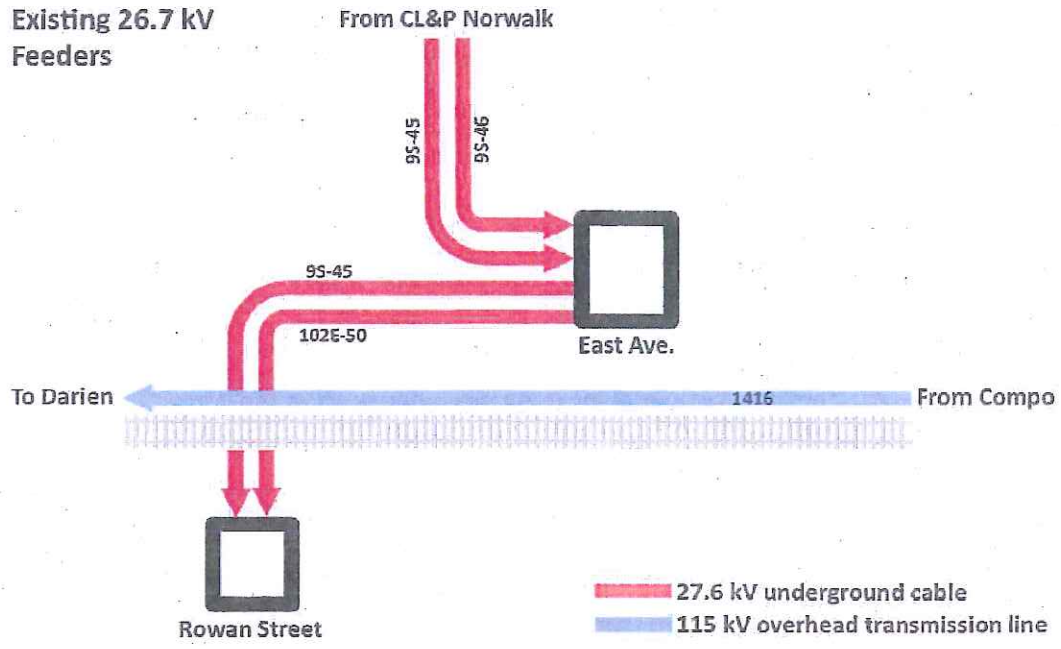
Attachment 1: Site Location at 6 Fitch Street, Norwalk. (TTD 3, R. 10)

(not to scale)

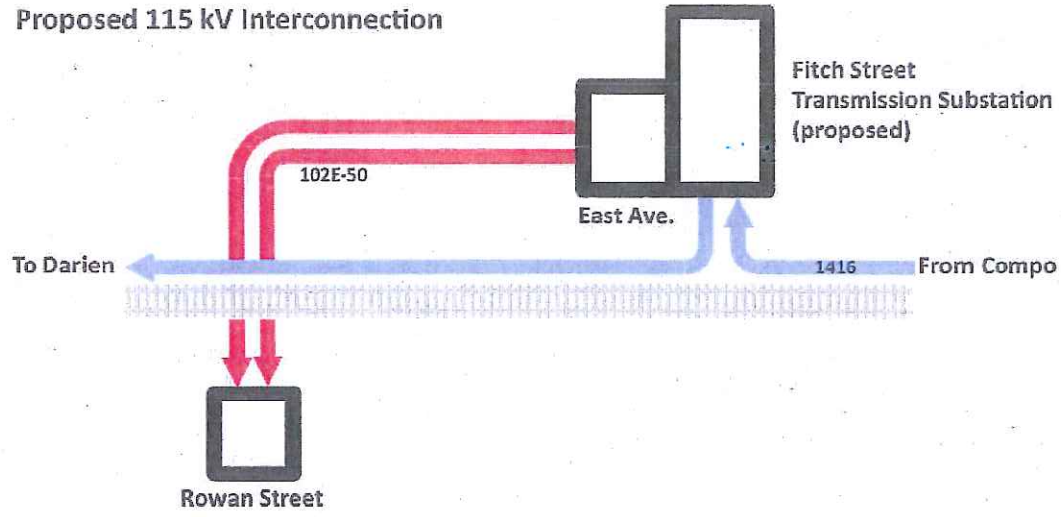


Attachment 2: TTD service area and location of existing TTD substations. (TTD 1, Tab B) (not to scale)

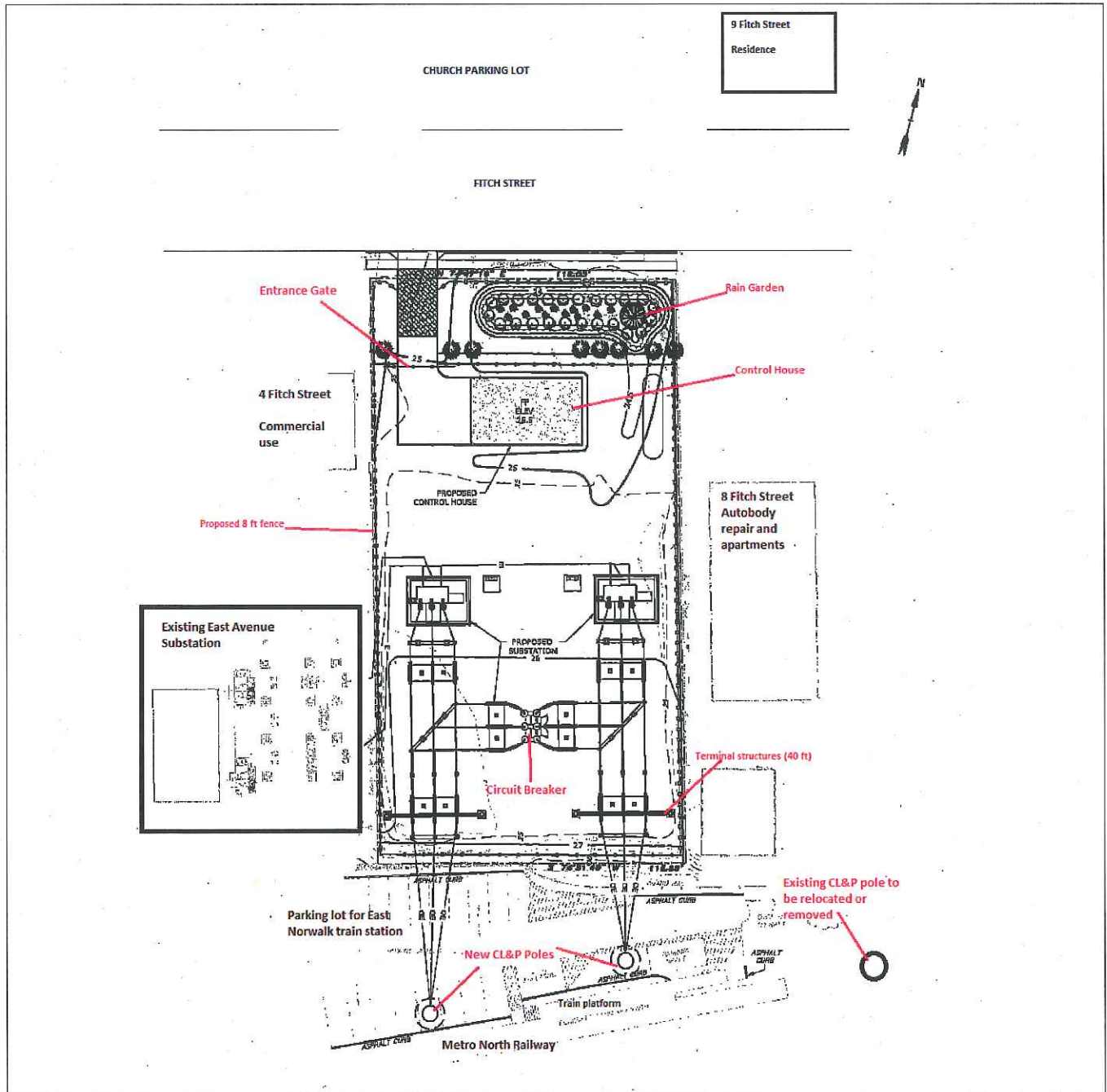
Existing 26.7 kV Feeders



Proposed 115 kV Interconnection



Attachment 3: Existing and proposed configurations of the TTD electrical interconnection. (TTD Tab G)



Attachment 4: Proposed Substation Site Plan. (TTD 1, Tab B)

(not to scale)

<p>DOCKET NO. 426 – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electric substation located at 6 Fitch Street, Norwalk, Connecticut.</p>	<p>} Connecticut } Siting } Council } August 9, 2012</p>
---	---

Opinion

On April 10, 2012, the Norwalk Third Taxing District Electric Department (TTD) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a new electric substation located at 6 Fitch Street in Norwalk, Connecticut. The purpose of the proposed facility is to improve reliability and add capacity to the TTD’s electric power distribution system in the East Norwalk area.

TTD is a citizen-owned public power utility that serves approximately 3,800 customers, mostly residential, in a four-square-mile area in East Norwalk. TTD is a member of the Connecticut Municipal Electric Energy Cooperative, allowing TTD to purchase electricity from The Connecticut Light and Power Company (CL&P) for its customers.

TTD provides power to its customers via two 27.6-kV to 4.16-kV substations it operates within its service area (Rowan Street Substation and the East Avenue Substation). CL&P supplies TTD’s substations by two 27.6-kV underground circuits originating from CL&P’s Norwalk Substation. The two CL&P circuits are over 60 years old and are frequently out of service for maintenance or other issues related to CL&P customers beyond TTD’s service area, resulting in an unreliable power supply for TTD’s customers.

In addition to causing reliability concerns, CL&P’s supply circuits do not have sufficient capacity for future load growth in TTD’s service area. Two new large TTD customers will require a significant amount of load by 2016 that cannot be met with the currently designed electric supply system. Based on existing and projected loads and the need to provide a reliable electric supply to TTD, the Council finds a need for a new substation to serve TTD’s customers.

The proposed substation is located on an industrially zoned 0.58-acre parcel on the south side of Fitch Street. Abutting properties include TTD’s existing East Avenue Substation and a commercial property to the west, a church and a residence to the north, an auto-body repair shop to the east, and the Metro-North Norwalk train station and rail line and CL&P’s transmission line right-of-way to the south.

The substation would consist of a 106-foot by 180-foot compound containing the substation equipment, associated connections and a control house. The control house would be designed to look like a wood frame building. An eight-foot high chain link fence with an additional foot of barbed wire would enclose the compound. The substation would be accessed by a short driveway from Fitch Street, across from the church parking lot.

The substation would be connected to CL&P’s no. 1415 115-kV transmission circuit south of the site, which runs along the railroad. The interconnection would require two 40-foot line terminal structures within the substation and two new 115-foot steel dead-end structures installed within the parking area at the train station. The proposed dead-end structures would be approximately the same height as the existing monopoles.

The proposed substation would be connected to the adjacent East Avenue substation by two underground 23.6-kV feeders.

The Council finds the proposed site suitable for a substation, given its location in an industrial zone, and its location adjacent to existing commercial properties, the Metro-North railway and the CL&P transmission line right-of-way. Although there are residences farther east on Fitch Street as well as apartments associated with the two abutting commercial properties, the Council finds that TTD's proposed architectural treatment of the control house and the installation of privacy slats on the access gate and the east side of the substation would reduce the visual impact of the smaller-scale substation components. Views from Fitch Street would also be mitigated by the installation of landscaping associated with a proposed rain garden located between the substation and Fitch Street. A medium-sized ornamental tree in the northeast corner of the parcel would be kept and incorporated into the landscape plan.

The larger terminal structures and CL&P poles at the rear of the substation would be consistent with existing infrastructure present along the Metro-North railway and CL&P transmission line right-of-way. In an attempt to reduce the visual impact of the dead-end structures, CL&P would examine the possibility of redesigning the interconnection so that the new monopoles would have slimmer profiles.

The substation site is an open lot interspersed with a few small trees. No wetlands are located on-site. The site is not within any known habitat of federally threatened or endangered species nor State endangered, threatened or special concern species. Development of the site would not affect any archaeological or historic resources. Proper erosion and sedimentation control measures would be established during construction to contain disturbed soils.

The existing transmission line south of the site is the main source of magnetic fields in the area. Magnetic field levels at the southeast corner of the substation, where CL&P's no. 1415 line would cross into the substation, would be 82 milliGauss (mG) under normal load conditions and 186 mG under peak load conditions. As one moves away from the substation, the magnetic field levels decline. For example, under normal load conditions, a magnetic field level of 20 mG would be attained 25 feet from the southeast corner of the substation.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance an electric substation at 6 Fitch Street in Norwalk, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the state concerning such effects, and not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of an electric substation at 6 Fitch Street in Norwalk, Connecticut.

DOCKET NO. 426 – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electric substation located at 6 Fitch Street, Norwalk, Connecticut.	} } } }	Connecticut Siting Council August 9, 2012
--	------------------	--

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a new electric substation located at 6 Fitch Street in Norwalk, Connecticut, including effects on the natural environment; ecological integrity and balance; forests and parks; scenic, historic, and recreational values; air and water purity; fish and wildlife; and public health and safety are not disproportionate either alone or cumulatively with other effects compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application. Therefore, the Council directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to the Norwalk Third Taxing District Electric Department for the construction, operation, and maintenance of a new substation.

The facility shall be constructed, operated, and maintained substantially as specified in the Council’s record in this matter, and is subject to the following conditions:

1. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the City of Norwalk for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) A final site plan showing the placement of all substation equipment, structures, and buildings within the substation perimeter, landscape plantings, access, and location of all temporary and permanent tap structures;
 - b) Erosion and sediment controls consistent with the 2002 *Connecticut Guidelines for Soil Erosion and Sediment Controls*;
 - c) Provisions for storm water management and transformer oil containment; and,
 - d) Details of The Connecticut Light and Power Company’s transmission interconnection design including considered alternatives.

2. The Certificate Holder shall comply with all future electric and magnetic field standards promulgated by State or federal regulatory agencies. Upon the establishment of any new standards, the facilities granted in this Decision and Order shall be brought into compliance with such standards as soon as practical.

3. In accordance with Section 16-50j-62 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of substation operation.

4. The Certificate Holder shall notify the Council if and when substation operations terminate.
5. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within five years of the effective date of the Decision and Order, or within five years after all appeals to this Decision and Order have been resolved.
6. Any request for extension of the time period referred to in Condition 5 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Norwalk. Any proposed modifications to this Decision and Order shall likewise be so served.
7. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
8. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
9. The Certificate Holder shall maintain the facility, substation components, landscaping, rain garden, and architectural treatments in a reasonable physical and operational condition that is consistent with this Decision and Order and the Development and Management Plan to be approved by the Council.
10. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

Norwalk Third Taxing District
Electric Department

Its Representative

Andrew W. Lord, Esq.
Murtha Cullina LLP
CityPlace I, 29th Floor
185 Asylum Street
Hartford, CT 06103

George E. Leary, General Manager
Third Taxing District Electric Dept.
2 Second Street
East Norwalk, CT 06855

James T. Olsen, LEP
Senior Project Manager, Associate
Tighe & Bond, Inc.
213 Court Street, Suite 900
Middletown, CT 06457

Party

The Connecticut Light and Power
Company

Its Representative

John R. Morissette, Manager
Transmission Siting and Permitting
Northeast Utilities Service Company
P.O. Box 270
Hartford, CT 06141-0270

Chris Swan, Director
Municipal Relations
Siting and Permitting
Northeast Utilities Service Company
9 Tindall Avenue
Norwalk, CT 06851

Jeffery D. Cochran, Sr. Counsel
Northeast Utilities Service Company
P.O. Box 270
Hartford, CT 06141-0270

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 426** – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut, and voted as follows to approve the proposed substation:

Council Members

Vote Cast

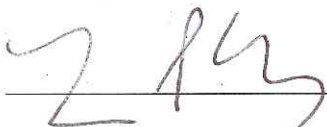


Robert Stein, Chairman

Yes


Colin C. Tait, Vice Chairman

Absent



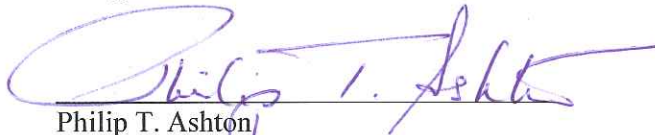
Chairman Arthur House
Designee: Larry P. Levesque

Yes



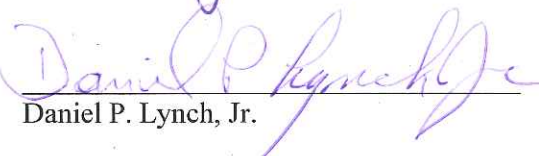
Commissioner Dan Esty
Designee: Brian Golembiewski

Yes



Philip T. Ashton

Yes

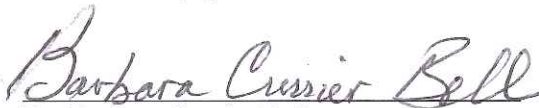


Daniel P. Lynch, Jr.

Yes

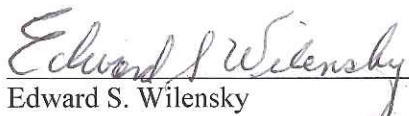
James J. Murphy, Jr.

Absent



Dr. Barbara Currier Bell

Yes



Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, August 9, 2012.



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

www.ct.gov/csc

August 10, 2012

Andrew W. Lord, Esq.
Murtha Cullina LLP
CityPlace I, 29th Floor
185 Asylum Street
Hartford, CT 06103

RE: **DOCKET NO. 426** – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut.

Dear Attorney Lord:

By its Decision and Order dated August 9, 2012, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

Linda Roberts
Executive Director

LR/RDM/laf

Enclosures (4)

c: George E. Leary, General Manager, Third Taxing District Electric Department
James T. Olsen, LEP, Senior Project Manager, Associate, Tighe & Bond, Inc.



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

www.ct.gov/csc

**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 426**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to the Third Taxing District Electric Department for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on August 9, 2012.

By order of the Council,



Robert Stein, Chairman

August 9, 2012



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

www.ct.gov/csc

August 10, 2012

The Honorable Denise L. Nappier
State Treasurer
Office of the Treasurer
55 Elm Street
Hartford, Connecticut 06106

RE: **DOCKET NO. 426** – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut.

Dear Ms. Nappier:

Pursuant to Connecticut General Statutes § 16-50(bb), please be advised that the Connecticut Siting Council (Council) has rendered a final decision in the above referenced proceeding.

The Council did not receive a request from the City of Norwalk to participate in this proceeding. Therefore, the city is **not** eligible to request funds for reimbursement of expenses.

After September 10, 2012, the unused portions of the Municipal Fund Money (\$25,000) for this docket should be returned to the applicant as stated below:

Andrew W. Lord, Esq.
Murtha Cullina LLP
CityPlace I, 29th Floor
185 Asylum Street
Hartford, CT 06103

Thank you for your attention to this matter. If I may be of further service to you in this or any other matter, I hope you will not hesitate to call upon me.

Very truly yours,

Linda Roberts
Executive Director

LR/cm

c: Robin Stein, Chairman
Parties and Intervenors



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

www.ct.gov/csc

August 10, 2012

TO: Classified/Legal Supervisor
426120614
Norwalk Hour (Daily)
346 Main Avenue
Norwalk, CT 06851

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 426** – Third Taxing District Electric Department application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LAF



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

www.ct.gov/csc

NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on August 9, 2012, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from the Third Taxing District Electric Department for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of an electrical substation located at 6 Fitch Street, Norwalk, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.