

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

The United Illuminating Company's Application for a) Docket 433
Certificate of Environmental Compatibility and Public)
Need for the Proposed Shelton Substation at 14 Old)
Stratford Road, Shelton, CT) February 19, 2013

POST-HEARING BRIEF OF
THE UNITED ILLUMINATING COMPANY

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I. Executive Summary

The United Illuminating Company ("UI" or the "Company") requests that the Connecticut Siting Council (the "Council") issue a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a new 115/13.8 kilovolt ("115/13.8-kV") electric substation and associated facilities in the City of Shelton ("City" or "Shelton") ("the Project"). The Project will be located on approximately two acres of a six-acre UI-owned property at 14 Old Stratford Road, which is bounded to the east by State Route 8, to the south by Old Stratford Road, to the west by Pootatuck Place and to the north by the Far Mill River (the "Property"). A Connecticut Light and Power Company ("CL&P") easement, occupied by 115-kV overhead transmission lines, extends across the western portion of the property. UI proposes to develop the substation on the western portion of the Property, adjacent to the CL&P transmission line easement (the "Site"). The Project will have no substantial adverse environmental impact and is consistent with state policies concerning the

natural environment and ecological balance, public health and safety, and scenic, historic, and recreational values.

The Project is needed to serve the increase in demand for electricity that is expected to occur over the next ten years in the Greater Shelton Area (Shelton, Trumbull, Ansonia, Derby and portions of Stratford and Orange) and to eliminate a voltage collapse risk and possible rolling blackouts during contingency conditions at UI's Indian Well Substation.

The Site on Old Stratford Road presents the best opportunity to maintain the long-term reliability of the electric system while balancing environmental, aesthetic and cost considerations. The proposed site provides the following unique benefits: (1) the site is owned by UI and was previously developed for industrial purposes, minimizing the environmental impact; (2) it is located immediately under transmission lines; and (3) it is the most economically practical of all the alternative sites considered. UI has incorporated measures into all phases of the development and operation of the proposed substation in order to ensure that the environment is protected in accordance with federal, state and where practicable, local requirements and concerns.

Based on the foregoing, the Project satisfies the criteria for the issuance of a Certificate of Environmental Compatibility and Public Need.

II. Overview of the Project

A. *Site Description*

The substation will be located on the western portion of a six-acre parcel of UI property at 14 Old Stratford Road. The Property is bounded to the east by State Route

8, to the south by Old Stratford Road, to the west by Pootatuck Place and to the north by the Far Mill River. A 110-foot-wide CL&P easement, occupied by 115-kV overhead transmission lines, extends north-to-south across the western portion of the Property. UI 1 at 18.

The centerline of the easternmost transmission line is approximately 15 feet west of the western boundary of the proposed substation site. On the UI property, the existing transmission line will be re-routed into the substation by installation of four new steel monopoles. The monopoles will be similar in height to the 81-foot tall lattice tower transmission structures that support CL&P's 115-kV transmission lines. UI will establish the interconnections between the substation and the new transmission line poles by installing two new line-terminal structures (approximately 48 feet in height) within the substation. UI will convey the ownership of the two monopoles within the right of way to CL&P. UI will maintain ownership of the remaining two. UI 1, pp. 21-22, UI 7, pp. 5-6; 1/17/2013 3:00 p.m. Hearing Transcript [Tr. 1], p. 89. A map of the substation Site is included as Attachment A to UI Exhibit 7 (Pre-Filed Testimony of Charles Eves).

Most of the Property, including the proposed substation Site, is relatively level. In general, the topography has been modified by past development, including the former use of the site for industrial purposes, the associated installation of parking areas and access roads, and the subsequent activities by the former industrial owner to remediate the Property. UI 1, pp. 19-20, 32. The Far Mill River, which flows into the Housatonic River, constitutes the northern boundary of UI's property, whereas the eastern boundary of the Property is adjacent to Black Brook, a tributary to the river. *Id.*, p. 33. In addition, the substation Site encompasses a small wetland, which has formed on top of asphalt

and supports some wetland plants. Except for the small wetland, the substation Site will be situated within upland areas. *Id.* Although previously developed for industrial purposes, the proposed substation Site is characterized by a mix of mowed herbaceous and scrub-shrub vegetation that has recolonized at the Site. *Id.*, p. 36.

B. Need for the Project

The addition of the Shelton Substation is essential for creating a stronger and more reliable distribution system. The Shelton Substation is needed to serve the increase in demand for electricity that is expected to occur over the next ten years in the Greater Shelton Area. The new substation will also serve to eliminate a voltage collapse risk and possible rolling blackouts during contingency conditions at Indian Well Substation. *Id.*, p. 11. Studies by UI indicate that there will be a capacity need in the Greater Shelton Area by the 2015 summer peak. The Greater Shelton Area is projected to experience a combined load growth of nearly 37 MVA over the next ten years. Thirteen MVA will be from specific new loads and 24 MVA from the total ambient load growth of all four substations in the area. *Id.*, p. 13. UI expects to use all available capacity of the four existing substations and to transfer distribution load between these substations to the extent possible. *Id.*

UI's Indian Well Substation in Derby mainly supplies Shelton and parts of Ansonia, Orange and Derby. UI 1, Appendix G, p. 8. This substation is currently over its rating during periods of high load and will remain over its rating without the implementation of any additional load relief projects or capacity additions. *Id.*, p. 9. UI has undertaken several permanent distribution load transfer projects in the last three years from Indian Well Substation to other substations in the area, mainly Trap Falls

Substation. Additional load transfer projects have been identified in the next two years to transfer additional load from Indian Well Substation to Ansonia Substation – the only substation in the area that has adequate available capacity. Additionally, UI has identified several other temporary distribution load transfers to mitigate the risk of voltage collapse at Indian Well Substation during high load periods. However, by 2015, these distribution load transfer solutions are expected to be exhausted. Indian Well Substation cannot be relieved any further. UI 1, pp. 14-15.

Significantly, the need for the Shelton Substation was emphasized by the President of the Shelton Board of Aldermen who spoke on behalf of the Mayor at the January 17, 2013 public hearing on the Project:

The business you undertake here today is important to Shelton and the surrounding communities. Our continued economic growth is dependent upon receiving necessary electric infrastructure now and in the future. The United Illuminating Company has been an important and responsible partner in the economic vitality of this area. Their decision to invest in this substation at this time is not only necessary, but critical.

Tr. 1, p. 7.

UI considered ten alternatives, including the “no action” option, regarding the load growth and distribution capacity need in the Greater Shelton Area. The alternatives were evaluated based on economics and system performance (capacity, availability, and reliability), as well as engineering considerations. The evaluation determined that nine of the alternatives do not address the load growth in the Greater Shelton Area while allowing the existing substations in the area to remain below their firm ratings and/or to avoid a reliability risk to the system. The one alternative that does address the capacity problem in the area and is therefore a viable solution is a new

115/13.8-kV two transformer substation in the Greater Shelton Area, preferably along the Route 8 corridor. UI 1, Appendix G, p. 17.

III. Project Design Modification

The construction and operation of the Project will not directly affect any watercourses (the Far Mill River or Black Brook). However, portions of the substation will be located within the Far Mill River 1% and 0.2% annual chance floodplain boundaries. UI 1, p. 48. Based on a hydraulic analysis of the Far Mill River in the vicinity of the Property, the design of the substation is not expected to affect the flood storage capacity of the 100-year floodplain. While it is UI's standard to put a control room floor and any electrical equipment one foot above the 100-year floodplain (116'), for this Project, and in response to comments made by various members of the Council at the January 17, 2013 hearing, UI will locate the control room floor, as well as any critical electrical equipment, one foot above the 500-year FEMA floodplain elevation as is currently identified by FEMA (117.5' NAVD88). Tr 1, p. 30; UI 7, Attachment A; Tr 1, p. 92. Doing so will minimize the impacts of severe weather events on the operation of the facility.

IV. Benefits of Proposed Substation Site

A. Transmission and Distribution Considerations

The Old Stratford Road Site represents the best location for a new 115/13.8-kV substation in the Greater Shelton Area. It provides future expandability of distribution

infrastructure and represents the most cost-effective and reliable solution to address the Greater Shelton Area capacity need.

The proposed Old Stratford Road Site is a former industrial property that is very close to the forecasted load center. The size and location of the Property provides the ability to accommodate an air-insulated substation design. The Property can accommodate a two transformer substation that is expandable to three transformers. The Site is also adjacent to the existing CL&P transmission lines, which makes the transmission interconnection to the substation efficient and cost-effective. The proposed Site also offers advantages in terms of connecting the new substation to UI's existing distribution system; specifically, the distribution circuit get-away can be optimally sited within Old Stratford Road, beneath which the new distribution ductline can be located without interfering with other existing underground utilities. Since UI does not have any existing distribution lines within the portion of Old Stratford Road near the substation Site, there also are no thermal concerns. Due to the close proximity to the load center, the amount of cable and total distribution get-away cost required to interconnect to the distribution feeders is significantly reduced as compared to other locations considered for the substation. UI 1, Appendix G, pp. 31, 39.

B. Property Ownership and Beneficial Reuse

The substation will be located on property owned by UI. Tr 1, p. 45. As discussed in Section V.A below, former manufacturing facilities were removed from the Property and the Site was remediated pursuant to an agreement between the former property owner and the Connecticut Department of Energy and Environmental Protection ("DEEP"); groundwater remediation and monitoring are still ongoing. Tr. 1,

pp. 46-48. UI presently uses portions of the Property for staging equipment and vehicles used for vegetation management activities. UI 1, p. ES-1.

C. Surrounding Land Uses

The construction and subsequent operation of the substation will not impact residential, commercial, industrial, educational, governmental, institutional, or recreational land uses. UI 1, Appendix A DR6. The Project will not affect the riparian strip of deciduous forest located along the Far Mill River. UI 1, p. 50.

There are no residences in the immediate vicinity of the substation Site. The closest residence is at 26 Beard Sawmill Road, approximately 470 feet north of the Property. UI 1, p. 43. During the winter months, when the leaves are off the strip of deciduous trees along the Far Mill River, it is likely that portions of the substation will be visible from this residence. However, the views would be somewhat obstructed. Tr. 1, pp. 35-36.

No commercial or office establishments abut the Site. The nearest commercial establishments are a Dunkin' Donuts/gas station and the Hilton Garden Inn that are located on the opposite side of Pootatuck Place from the Site. UI 1, Appendix E, p. 3. Similarly, there are no industrial or manufacturing facilities near the Site. *Id.* No parks, designated recreational open spaces, or open space areas abut or are located near the Site. *Id.* pp. 31, 40. No schools or day care facilities are in the immediate vicinity of the Site. The closest facility, a Tutor Time daycare, is located in the Split Rock Plaza, approximately 0.3 mile southwest of the Site on top of the rock bluff south of Old Stratford Road *Id.*, p. 31 (footnote 10). The closest hospital is one mile northeast from the facility. *Id.*, Appendix A DR6.

V. The Project Satisfies Criteria for Issuing a Certificate

Connecticut General Statutes Section 16-50k(a) provides as follows:

Except as provided in subsection (b) of section 16-50z, no person shall exercise any right of eminent domain in contemplation of, commence the preparation of the site for, or commence the construction or supplying of a facility, or commence any modification of a facility, that may, as determined by the council, have a substantial adverse environmental effect in the state without having first obtained a certificate of environmental compatibility and public need, hereinafter referred to as a "certificate", issued with respect to such facility or modification by the Council.

In conformance with this statute, the Project will have no substantial adverse environmental impact and complies with state policies concerning the natural environment and ecological balance, public health and safety, and scenic, historic, and recreational values. The Project therefore satisfies the criteria for the issuance of a Certificate of Environmental Compatibility and Public Need.

With the exception of the filling of a small wetland that is located along the western boundary of the Site, the Project will result in no substantial adverse impact to the natural environment and ecological balance of the Site or surrounding properties. The Property's previous use for industrial purposes reinforces this conclusion.

A. Redevelopment of Brownfields Site

The Site is already heavily disturbed. *Id.*, p.ES-3, 41. The Project will present no adverse environmental impact to the natural environmental and ecological balance at the Site. The Property is a former industrial site and until the late 1990s was used by the Lord Corporation (Lord) for the manufacture of O-rings and seals. *Id.*, p. 19. During Lord's use of the Property, a majority of the Property was occupied by industrial buildings, parking and on-site access roads. *Id.*, Appendix A DR5. The Lord facilities

were removed and the Site was remediated pursuant to an agreement with the DEEP; groundwater remediation and monitoring are still ongoing. UI presently uses the Property for staging equipment and vehicles used for vegetation maintenance activities. The proposed substation Site is characterized by a mix of mowed herbaceous and scrub-shrub vegetation that has recolonized the Site. *Id.*, p. 36.

B. Noise

The Project will result in minimal noise impacts. The predicted substation sound levels are anticipated to comply with the regulatory limits specified by the City and the State, and the potential increase to the ambient sound level at the nearest noise sensitive receptors are expected to be less than perceptible. *Id.*, Appendix D.

During Project construction, temporary increases in sound levels on and in the vicinity of UI's Property will occur as a result of activities such as the operation of construction equipment and vehicles. However, because the Project is located adjacent to a commercial area, Old Stratford Road and Route 8, these temporary increases in noise will generally be consistent with other uses in the vicinity. *Id.*, p. 53.

C. Water Resources

There is one wetland in the southwestern portion of the site (approximately 7,200 square feet or 0.17 acre) that formed over old asphalt pavement remaining from a parking area for the former Lord facility. The wetland is believed to have been created over the last 10-12 years as a result of water and sediment runoff from adjacent upland areas, including from Old Stratford Road. *Id.*, pp. 33-34.

The development of the substation will unavoidably impact this wetland. UI consulted with the U.S. Army Corps of Engineers (“ACOE”) and the DEEP and determined that the wetland is subject to both federal and state jurisdiction. Accordingly, UI will submit a Category 2 permit application to the ACOE and the DEEP regarding the filling of the wetland. Tr. 1, pp. 45. 91. UI proposes to preserve the riparian strip of land (0.9-acre) along the Far Mill River as compensatory mitigation for the wetland impact. This area will include space for a small parking lot for the public, located outside of the UI property fence line, generally at the end of Pootatuck Place. The preservation of this land will also address a request from the City, the Shelton Land Conservation Trust, Trout Unlimited and the Far Mill River Association for steps to protect the Far Mill River and to provide an opportunity for public access. Letter from City of Shelton Conservation Commission dated October 10, 2012; Comments from Shelton Planning and Zoning Commission, January 10, 2013.

D. Public Health and Safety

The Project and, in particular, the electric and magnetic fields (“EMFs”) it generates, will not have any impact on public health and safety. UI 1, p. ES-5.

The record demonstrates that the EMF levels that the Project will generate are exceedingly low, and at a distance of 100 feet from the substation perimeter, the calculated EMF levels are similar to or lower than those measured or calculated for pre-construction (existing) conditions. *Id.*, p. 57. The highest calculated magnetic-field level at the perimeter of the substation fence is less than three percent of that recommended for the general public by international health-based standards and is comparable to

fields that may be found in homes near major appliances. *Id.*, p. 61, Appendix I, pp. viii, 23.

The Project will result in no significant increase in the exposures of local residents to EMF. The very low levels of EMF produced by the substation fall well within the range of values that are encountered by residents from a variety of sources today. *Id.*, Appendix I, p. 24. Such exposures, as have been reviewed by the Council and national and international health agencies have not been deemed to adversely impact public health or safety. *Id.*, p. ES-5.

The perimeter of the substation will be enclosed by an eight-foot-high fence topped with an additional one foot of three strands of barbed wire to discourage unauthorized entry and/or vandalism. Additionally, the substation entrance will be gated and located and appropriate signs will be posted alerting the general public to the presence of high-voltage facilities. *Id.*, pp. 29-30.

E. Scenic, Historic, and Recreational Values

The Project will have no impact on scenic, historic and recreational values. The Connecticut State Historic Preservation Office has indicated that there are no known and recorded historic and archaeological sites on or near the Project. *Id.*, Appendix B.

The Site is a privately-owned, fenced, former industrial property. No parks, designated recreational areas, or public open space abut or are located near the Site. *Id.*, p. 37. The entire Far Mill River, extending from Shelton's border with the Town of Monroe to the Housatonic River, was identified in the City of Shelton's 1993 Open Space Plan as a conceptual greenway corridor. The Far Mill River is one of seven such greenways recognized by the City. According to the City's Open Space Plan,

conceptual greenways are areas of special interest, within which the City may prioritize open space purchases and review proposed developments for potential impacts to the greenway. The closest designated open space parcels, as identified in the City's 2009 Open Space Plan, are located approximately 0.25 mile south of the site, along the Far Mill River south of State Route 8 (the 6.3-acre Well Spring Estates property) and a 0.9-acre parcel along Beard Sawmill Road. Other designated open space is located along the river between Bridgeport Avenue and Huntington Avenue, northwest of the proposed substation Site. *Id.*, pp. 31, 40.

Construction and operation of the substation will not impact the Far Mill River riparian area. Similarly, users of recreational facilities at Shelton schools will not be affected by construction and operation of the proposed substation. The closest school, Long Hill School, is located 0.9 mile northeast of the proposed site. *Id.*, pp. 40, 50; Appendix A, DR6.

F. Visual Assessments

Year-round views of the substation yard will be confined to locations on and within the immediate area of the Site and extend approximately 500 feet south and westward. The tops of taller structures associated with the facility may be visible from some locations farther west and northward for distances of up to approximately 1,000 feet, with the exception of the existing transmission corridor to the north, where vegetative clearings would allow direct views upward to a quarter-mile and slightly beyond. Views to the east are shielded by the elevated Route 8 corridor. From Route 8, the tallest substation structures might be seen intermittently by passing motorists in the immediate area of State Route 8 Exit 12. Similarly, the tops of the tallest of the

proposed structures (the transmission monopoles and the communications pole) may be visible above the trees and from portions of Old Stratford Road as it extends southeastward approximately 1,500 feet beyond Route 8. Views to the south are limited to portions of the parking lot at the Split Rock Plaza Center, which is separated visually by either dense tree cover or the cut of the hill itself. *Id.*, Appendix E, p. 2.

Additional areas have the potential to offer some views of the substation through the trees during "leaf-off" conditions. Most of this seasonal visibility appears limited to within approximately 1,500 feet of the proposed substation. Taller structures may be seen through the trees from up to approximately 500 feet beyond those areas where year round visibility is anticipated. *Id.*, Appendix E, p. 2; Tr. 1, pp. 34-35.

G. *Vegetation and Wildlife*

The development of the substation will have no significant adverse effects on vegetation and wildlife, and no adverse effects on fishery resources in the Far Mill River. No federal or state-listed threatened or endangered species habitat exists on the UI property. *Id.*, pp. 37-38; Appendix B

All of the existing scrub-shrub and herbaceous vegetation that currently characterizes the site will be replaced by the substation yard, and the wildlife species that presently utilize the Site will be displaced. In addition, vegetation will be affected on portions of the UI Property that will be used for substation construction staging and support. Such herbaceous or scrub-shrub vegetation will be cut or mowed as needed to allow construction staging. *Id.*, p. 49.

The development of the substation will represent a long-term conversion of two acres to industrial use, whereas the other portions of the UI Property used for

construction staging will only be affected temporarily. Such staging areas will be restored and allowed to revegetate after the completion of substation work activities.

Other herbaceous and scrub-shrub communities are present in the vicinity of the Site and can be expected to provide habitat for the displaced wildlife species. *Id.* Further, the Site was historically developed for industrial purposes (i.e., the Lord facility) and thus the wildlife habitat that does exist is relatively newly established. In addition, over the past year, UI's vegetation management contractors have been using portions of the Property for equipment and vehicle staging. As a result, while the development of the substation will represent a long-term change in on-site vegetation and wildlife, the overall effect will be minor and localized. *Id.*

VI. Mitigation Measures for the Proposed Substation

UI has incorporated measures into all phases of its development and implementation of the Project to promote protection of the environment. The proposed substation will result in the beneficial redevelopment of a former industrial "brownsfield" site and the environmental effects of the development will be localized to the Site, minor and short-term.

Before any construction activities occur, UI will prepare a Development and Management Plan ("D&M Plan"), which it will submit to the Council for approval. *Id.*, p. 23. The D&M Plan will include Construction Best Management Practices, designed to minimize or eliminate potential adverse environmental effects that may result from construction activities. *Id.*

The D&M Plan will include specific procedures and information on erosion and sedimentation control, spill prevention and control, construction staffing and hours, traffic control, and provisions for restoration and landscaping after construction of the substation. The D&M Plan will also provide contact information should questions or concerns arise during construction or operation of the facility. *Id.*

Temporary erosion and sediment controls will be deployed during the earthwork and construction phases of the Project in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, and as depicted on approved Project site plans. UI's contractor will inspect and maintain the temporary erosion and sediment control measures throughout the construction phase of the Project, removing sediment from the erosion control measures as needed on a weekly basis and within 24 hours after each storm event. Sediments will be relocated to an upland area, such that sedimentation will not occur into water resources. *Id.*, p. 24.

The construction of the substation will impact a small wetland located in the southwestern portion of the Site. UI investigated options for avoiding this wetland, but all such options would require either additional impacts to the groundwater monitoring wells on the eastern portion of the Site, or modifications to the substation ground grid. Therefore, UI will apply to the ACOE / DEEP for a permit to fill the wetland. The permit application will include a compensatory mitigation plan for preserving the riparian area along the Far Mill River, as requested by the City of Shelton and other local interest groups. The impact associated with filling this wetland will be mitigated in accordance with the conditions of permit approvals from the ACOE and the DEEP. *Id.*, p. 48.

Upon completion of construction activities, all disturbed/exposed areas on the Site that are not otherwise developed, graveled, or paved will be stabilized with topsoil and seeded with a New England conservation/wildlife mix to establish a cover of native grasses, forbs, wildflowers, and legumes that will provide both soil stability and wildlife habitat value. Erosion and sedimentation controls will remain in place until final site stabilization is achieved. *Id.*, pp. 24-25.

Additional vegetation will be planted along portions of the perimeter of the Property to mitigate views of the substation from immediately surrounding areas or to promote the aesthetics of the Site. UI will coordinate with the City regarding vegetation planting plans. Native species will be used to the extent practicable. Any plantings on or in the vicinity of the CL&P easement will be consistent with overhead transmission line right-of-way management specifications. Tr. 1, pp. 75-77, 89.

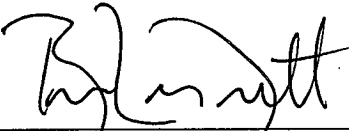
VII. Conclusion

The effects associated with the construction, operation, and maintenance of a new 115/13.8-kV electric substation and associated facilities located at 14 Old Stratford Road, Shelton, do not conflict with State policies concerning such effects and do not constitute sufficient cause to deny the Application. The Project will not result in substantial impact to the natural environment; ecological integrity and balance; forests and parks; scenic, historic, and recreational values; air and water purity; fish and wildlife; or public health and safety. The benefits of a new substation in the Greater Shelton Area far outweigh any potential disruption to the Property or surrounding area.

Therefore, UI respectfully requests that the Council issue a Certificate of Environmental Compatibility and Public Need for the Project as provided by Conn. Gen. Stat. § 16-50k.

Respectfully submitted,

THE UNITED ILLUMINATING COMPANY

By: 

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CERTIFICATION

This is to certify that on this 19th day of February, 2013, an original and twenty (20) copies of the foregoing were delivered by hand to The Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, one copy was served on all other known parties and intervenors either electronically or by depositing the same in the United States mail, first class postage prepaid on this 19th day of February, 2013 and an electronic copy was provided to the Connecticut Siting Council.

A handwritten signature in black ink, appearing to read "Bruce L. McDermott", written over a horizontal line.

Bruce L. McDermott