

July 10, 2017

Attorney Melanie Bachman
Acting Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: DOCKET NO. 461A – Greenwich Substation and Line Project

Dear Attorney Bachman:

On behalf of Eversource Energy, I enclose an original and fifteen copies of *Supplemental Direct Testimony of Kenneth B. Bowes*, d. July 10, 2017.

Very truly yours,



Anthony M. Fitzgerald

AMF/kas
Enc.
cc(w/enc): Service List dated June 15, 2017

{N5377187}

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	Eversource Energy	<p>Kathleen Shanley Manager-Transmission Siting Eversource Energy 56 Prospect Street Hartford, CT 06103 kathleen.shanley@eversource.com</p> <p>Raymond Gagnon Director – Transmission Projects Eversource Energy 56 Prospect Street Hartford, CT 06103 Raymond.gagnon@eversource.com</p> <p>Jeffery Cochran, Esq. Senior Counsel, Legal Department Eversource Energy 107 Selden Street Berlin, CT 06037 jeffery.cochran@eversource.com</p> <p>Marianne Barbino Dubuque Carmody Torrance Sandak & Hennessey LLP 50 Leavenworth Street Waterbury, CT 06702 mdubuque@carmodylaw.com</p> <p>Anthony M. Fitzgerald, Esq. Carmody Torrance Sandak & Hennessey LLP 195 Church Street New Haven, CT 06509 afitzgerald@carmodylaw.com</p>
Party Approved on July 23, 2015	<input checked="" type="checkbox"/> E-Mail	Office of Consumer Counsel	<p>Lauren Henault Bidra, Esq. Staff Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Lauren.bidra@ct.gov</p>

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party Approved on July 23, 2015	<input checked="" type="checkbox"/> E-Mail	Office of Consumer Counsel continued	Joseph A. Rosenthal, Esq. Principal Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Joseph.rosenthal@ct.gov
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Parker Stacy 1 Kinsman Lane Greenwich, CT 06830 pstacy@optonline.net	
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Pet Pantry Super Discount Stores LLC	Mark L. Bergamo, Esq. Edward L. Marcus, Esq. The Marcus Law Firm 275 Branford Road North Branford, CT 06471 mbergamo@marcuslawfirm.com emarcus@marcuslawfirm.com
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Field Point Estate Townhouses, Inc.	Carissa Depetris Dwight Ueda Field Point Estate Townhouses 172 Field Point Road, #10 Greenwich, CT 06830 carissa.depetris@gmail.com d_ueda@yahoo.com
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Christine Edwards 111 Bible Street Cos Cob, CT 06807 SeeEdwards@aol.com	
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Richard Granoff, AIA, LEED AP Granoff Architects 30 West Putnam Avenue Greenwich, CT 06830 rg@granoffarchitects.com	

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Grouped Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Anthony Crudele Bella Nonna Restaurant & Pizzeria 280 Railroad Avenue Greenwich, CT 06830 bellanonnagreenwich@gmail.com	
Intervenor Approved on September 1, 2015	<input checked="" type="checkbox"/> E-Mail	Cecilia H. Morgan 3 Kinsman Lane Greenwich, CT 06830 cecimorgan@aol.com	
Grouped Intervenor Approved on September 17, 2015	<input checked="" type="checkbox"/> E-Mail	Joel Paul Berger 4208 Bell Boulevard Flushing, NY 11361 communityrealtv@msn.com	
Grouped Intervenor Approved on October 1, 2015	<input checked="" type="checkbox"/> E-Mail	Meg Glass 9 Bolling Place Greenwich, CT 06830 glass50@hotmail.com	
Party Approved on January 12, 2016	<input checked="" type="checkbox"/> E-Mail	The Honorable Peter J. Tesei First Selectman Town of Greenwich 101 Field Point Road Greenwich, CT 06830 ptesci@greenwichct.org	David A. Ball, Esq. David E. Dobin, Esq. Cohen and Wolf, P.C. P.O. Box 1821 Bridgeport, CT 06601 dball@cohenandwolf.com ddobin@cohenandwolf.com (203) 368-0211 (203) 394-9901 – fax
Intervenor Approved on May 25, 2017	<input checked="" type="checkbox"/> E-Mail	Morningside Circle Association	P. Jude Collins, President Morningside Circle Association 67 Circle Drive Greenwich, CT 06830 (203) 918-1076 Mail@morningsidecircle.org

CONNECTICUT SITING COUNCIL

Eversource Energy Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 115-kilovolt (kV) bulk substation located at 290 Railroad Avenue, Greenwich, Connecticut, and two 115-kV underground transmission circuits extending approximately 2.3 miles between the proposed substation and the existing Cos Cob Substation, Greenwich, Connecticut, and related substation improvements.	DOCKET NO. 461A July 10, 2017
---	--------------------------------------

SUPPLEMENTAL DIRECT TESTIMONY OF KENNETH B. BOWES

1 **Q. Mr. Bowes, what is the purpose of this supplemental testimony?**

2 A. The purpose of this testimony is to advise the Council, parties, and intervenors of
3 a significant development that affects the feasibility of the Proposed Modified Project (PMP).

4 **Q. What is that development?**

5 A. On Friday, July 7, 2017, Eversource received from the Assistant Rail
6 Administrator of the Bureau of Public Transportation of the Connecticut Department of
7 Transportation (ConnDOT) a letter informing us that ConnDOT will not grant a license to co-
8 locate the overhead segment of the PMP in the Metro-North Railroad (MNR) right-of-way
9 (ROW). A copy of that letter is attached as Exhibit A to this testimony. Without such a license,
10 Eversource cannot construct the PMP and therefore must withdraw its request for approval of
11 that project and ask the Council to issue a Certificate for the Alternate Modified Project (AMP),
12 with such variations and modifications as the Council determines are consistent with the balance
13 it is required to strike of cost, reliability, and environmental effects.

1 **Q. Please summarize Eversource’s interaction with ConnDOT that culminated**
2 **in this letter.**

3 A. Prior to filing our original application for approval of the GSLP, Eversource
4 consulted ConnDOT about the potential co-location of a section of overhead line with the MNR
5 or I-95 ROWs. Based on ConnDOT’s response that such co-location was “undesirable”
6 Eversource did not propose such a route (*See*, the Application in Docket 461, pp. H-18 – H-20,
7 ConnDOT Jan. 23, 2015 letter in Appendix E, *Agency Correspondence* and Docket 461, Finding
8 of Fact (FOF) #287.). In the course of that original proceeding, the Council recommended that
9 Eversource re-examine the potential of co-locating with the MNR ROW, specifically for the
10 route designated the “Hybrid Alternative.” (Dkt. 461 FOF # 287). In response to that directive,
11 Eversource representatives met with representatives of ConnDOT on November 15, 2015. Based
12 on ConnDOT’s advice at that meeting, Eversource thereafter reported to the Council that co-
13 location in the MNR ROW appeared to be feasible, and we expended considerable effort during
14 the proceeding in developing the Hybrid Alternative. After the Council denied our initial
15 application “without prejudice,” we had a series of further meetings with ConnDOT personnel
16 for the purpose of working out technical issues of co-location and developing the detailed plans
17 and specifications that would be required to support an application for a license to occupy the
18 MNR ROW. The first of these meetings was on October 14, 2016 and the most recent was on
19 April 27, 2017. At the conclusion of the April meeting, we understood that all co-location issues
20 had been resolved so that a license would be forthcoming when applied for, so we completed a
21 petition for reconsideration with a request to reopen Dkt. 461 (Request to Reopen) and filed it on
22 May 5 of this year.

1 After we filed our Request to Reopen, we received a call from ConnDOT Rails informing
2 us that ConnDOT would oppose our proposed use of the MNR ROW. We asked for, and were
3 granted, an audience with the senior official who had made this decision so that we could
4 understand its basis and hopefully obtain its reconsideration. That meeting occurred on June 14,
5 2017. In the course of the meeting, that senior official stated forcefully that, regardless of the
6 impression Eversource had from its interactions with ConnDOT personnel, a license to occupy
7 the MNR ROW would be inconsistent with ConnDOT's needs and policies. We asked for
8 confirmation of that position in writing. As noted previously, we received such a confirmation
9 on July 7, 2017, and it is attached to this testimony.

10 **Q. In light of ConnDOT's determination not to grant a license to occupy the**
11 **MNR ROW, is construction and operation of the PMP feasible?**

12 A. No, it is not. I understand that there is no practical way to appeal from or overrule
13 this decision. And even if there were, it would be imprudent to try to force ConnDOT to accept
14 the line against its will when its close co-operation would be needed for construction and
15 maintenance of the line. For instance, we were advised by the managers with whom we had our
16 technical meetings that in order to construct the line, we would have to obtain track outages that
17 would be available only for two hour periods during the early morning hours. In our June
18 meeting, we were advised that the Department's own needs for use and maintenance of the tracks
19 were such that no outages for our construction effort could be provided.

20 **Q. What does Eversource propose to do in light of its inability to proceed with**
21 **the PMP?**

22 A. We intend to ask the Council to issue a Certificate for the AMP, with variations
23 consistent with those that have been identified in Exhibit B to the Motion to Reopen and

1 discussed in my prior testimony. We have begun discussions with the Town of Greenwich in an
2 effort to narrow our differences concerning the design and construction of the AMP. Eversource
3 will advise the Council of the specifics of the outcome of those discussions and our proposed
4 variations to the AMP in further pre-filed testimony, hopefully on or before the present July 18,
5 2017 deadline for submitting testimony.

6 **Q. Does this conclude your testimony?**

7 A. Yes.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

EXHIBIT A



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

July 5, 2017

Mr. Ken Bowes, Vice President
Transmission Performance
Eversource Energy
107 Selden Street
Berlin, CT 06037

Dear Mr. Bowes:

Subject: Greenwich Substation and Line Project
Connecticut Siting Council--Docket 461A

The Department of Transportation (Department) recently met with representatives of The Connecticut Light & Power Company (CL&P), dba Eversource Energy, to discuss Eversource's intention to apply for a license to construct, install, and maintain an overhead transmission line route within the New Haven Line (NHL) railroad right-of-way in connection with the Greenwich Substation and Line Project.

The Department has considered the information your team presented at that meeting, as well as the extensive technical data that CL&P reviewed with Department staff at a series of meetings from November 2015 through April 2017. That material has enabled a full evaluation of CL&P's proposed methods and locations and CL&P's proposal for avoiding conflicts between the construction and operation of its facilities and the paramount railroad use of the right-of-way. It has been determined that CL&P's proposal will cause immediate and irreparable harm to NHL commuter rail service operation. Therefore, the Department cannot approve CL&P's request to construct and maintain facilities in the NHL right-of-way.

Based upon the information presented by CL&P, current capacity and ongoing Department rail projects, the impacts to NHL Service would be substantial based upon the following factors:

1. The Department has significantly ramped-up its investment in renewing the aging rail infrastructure on the NHL. Currently, there are a number major initiatives in progress including: complete replacement of the signal system, installation of federally mandated Positive Train Control, replacement of the wayside power substations, and replacement of the moveable bridges at the Norwalk, Housatonic, Saugatuck, and Mianus Rivers. Some of these initiatives, such as the moveable bridge program and the signal replacement program, will extend decades into the future. These major initiatives are in addition to the normal yearly programs, such as track and structure renewal and daily track, signal, and electric traction inspections that are necessary to safely operate the railroad. The Department and Metro-North Railroad (MNR) are currently struggling to coordinate the track outages

necessary to support these projects while maintaining rail service. This is particularly true in the section of track from Stamford to the New York State Line, which is the most congested section of railroad in the country. For this reason, the Department cannot support any additional work that is not central to its mission of providing safe and reliable rail service to its customers. Doing so would jeopardize our ability to maintain the rail infrastructure to safe standards.

2. Along with track outage requirements, the Department is struggling with the other resources necessary to maintain and re-capitalize the railroad, particularly manpower. In response to the demands placed on the railroad by the ramp-up in rail-related construction, the Department was required to fund additional training costs so that MNR could hire additional linemen and flagmen. These workers are in short supply and will be dedicated to supporting the projects described above. MNR has no available manpower to support a power transmission project. Reallocating manpower away from projects that support the railroad's core mission has a direct effect on the quality of service and level of safety that the Department and MNR provides to its customers.

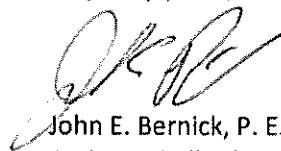
3. Efforts to collocate power transmission lines on railroad catenary and other structures have failed. Not only are these installations burdensome on both the railroad and the utility company, but they have been proven to cause physical damage to the railroad structures. For these reasons, United Illuminating is currently relocating its lines off of the Devon Bridge over the Housatonic River.

4. Increased ridership on the NHL is forcing MNR to operate at maximum capacity. The limiting factor to increasing capacity on the NHL is the railroad infrastructure in lower Fairfield County, particularly the section of track through Stamford to the New York State Line. This limiting factor was identified by the December 2016 Federal Railroad Administration final Tier 1 Environmental Assessment for the future of the Northeast Corridor. The Department is obligated to protect its rail right-of-way to support future expansion of service, which will likely mean additional track and passing sidings in lower Fairfield County. Allowing a non-rail related occupancy in this right-of-way would hinder future expansion of the line, curtail the growth of Connecticut's economy, and be inconsistent with federal legislation which protects railroads for the purposes of providing interstate commerce.

The Department appreciates CL&P's efforts to work with Department staff in order to develop an acceptable plan for locating its facilities in the state-owned rail right-of-way. However, for the reasons stated above, the Department cannot approve CL&P's request. CL&P should pursue its alternate route option outside of the state-owned NHL rail corridor.

If you require any further information regarding this matter, please contact me at (860) 594-2801.

Very truly yours,



John E. Bernick, P. E.
Assistant Rail Administrator
Bureau of Public Transportation

cc: Anthony M. Fitzgerald, Esq., Partner, Carmody, Torrance, Sandak, Hennessey LLP