

BRUCE L. MCDERMOTT
203.772.7787 DIRECT TELEPHONE
860.240.5723 DIRECT FACSIMILE
BMCDERMOTT@MURTHALAW.COM

May 13, 2022

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 3 - United Illuminating Certificate of Environmental Compatibility
and Public Need for Replacement of a Portion of the Existing Derby-Shelton
115 kV Transmission Line

Dear Ms. Bachman:

Enclosed are the original and fifteen (15) copies of the Motion of The United
Illuminating Company to Reopen and Modify the Siting Council's Decision and Order in
Docket No. 3.

Should you have any questions regarding this letter, please do not hesitate to
contact me.

Very truly yours,



Bruce L. McDermott

Enclosures

cc: Mayor Dziekan, City of Derby (with enclosure)
Mayor Cassetti, City of Ansonia (with enclosure)
Mayor Lauretti, City of Shelton (with enclosure)
First Selectwoman Drugonis, Town of Seymour (with enclosure)

Murtha Cullina LLP
265 Church Street
New Haven, CT 06510
T 203.772.7700
F 203.772.7723

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Application of The United Illuminating Company : Docket No. 3
for a Certificate of Environmental Compatibility :
and Public Need to replace a portion of the :
existing Derby - Shelton 115,000 Volt Electric :
Transmission Line : May 13, 2022

MOTION OF THE UNITED ILLUMINATING COMPANY
TO REOPEN AND MODIFY DOCKET NO. 3

I. Introduction

Pursuant to Conn. Gen. Stat. § 4-181a(b), the United Illuminating Company (“UI” or the “Company”), a subsidiary of AVANGRID, Inc., respectfully moves the Connecticut Siting Council (the “Council”) to reopen Docket No. 3 and modify, based on changed conditions described herein, the January 16, 1974 Decision and Order in the docket (the “1974 Decision”). The 1974 Decision approved the replacement of approximately 2,800 feet of UI’s Derby-Shelton 115 kilovolt (“kV”) electric transmission line between the former Derby Substation and Transmission Structure No. 359 (the “Facility”), the construction of a 3,400-foot temporary wood pole transmission line and granted a Certificate of Environmental Compatibility and Public Need (“Certificate”) to the Company. Support for the Council’s reopening on the basis of changed conditions is discussed in this motion and further described in the supporting documentation listed in Part VI of the motion. The Company respectfully requests that the Council reopen the evidentiary proceeding for Docket No. 3, modify the decision to authorize the proposed changes to the Facility, and issue a Certificate.

II. Procedural Background

On March 21, 1973, the Company applied to the then Power Facility Evaluation Council for a Certificate to construct the Facility and a temporary 3,400-foot wood pole transmission line that would be needed during construction of said Facility. Findings of Fact, January 16, 1974, p. 1. On June 4, 1973, the Power Facility Evaluation Council held a public hearing in Shelton, Connecticut on the project and on October 31, 1972, made a ground inspection of the proposed relocation site. *Id.* at 1-2. In a decision dated January 16, 1974 and accompanying opinion, the Power Facility Evaluation Council granted UI's application and issued a Certificate for the construction and maintenance of the Facility, finding that the Facility will not pose an undue hazard to persons or property along the area traversed by the line and that the location of the proposed Facility will conform with applicable state and local laws and regulations. Opinion, January 16, 1974, p. 3; 1974 Decision, p. 1.

On September 29, 1976, the Company filed an application for an amendment of the Certificate issued in 1974, seeking approval of a proposed revision to the route of the electric transmission line. Docket No. 3A, Decision and Order, December 2, 1976, p. 1. On December 2, 1976, the Power Facility Evaluation Council approved the amendment to the Certificate concluding that construction of the Facility along the proposed route will not result in any material increase in any environmental impact. *Id.*

III. Statutory Authority to Reopen and Modify

In accordance with Conn. Gen. Stat. § 4-181a(b), which in pertinent part provides that, “[o]n a showing of changed conditions, the agency may reverse or modify the final

decision, at any time, at the request of any person or on the agency's own motion;" the Council has the authority to reopen Docket No. 3 and modify the 1974 Decision due to changed conditions. The Council will find changed conditions when there is "new information or facts, identification or any unknown or unforeseen events or evidence... that were not available at the time of the final decision." See Docket No. 190B, Conclusions of Law dated September 19, 2012, p. 4.

Consistent with its authority under Conn. Gen. Stat. § 4-181a(b), the Council has reopened several dockets and revised final decisions based on new facts or when circumstances not previously contemplated by the Council have arisen. See Docket No. 192, Towantic Energy, LLC Certificate of Environmental Compatibility and Public Need: Reopening pursuant to Conn. Gen. Stat. § 4-181a (b), that permits an agency to consider whether changed conditions exist, and then consider whether such changes, if any, justify reversing or modifying the Council's original decision dated June 23, 1999. See *also*, Docket No. 373A, New Cingular Wireless PCS, LLC, Decision and Order, October 7, 2010 (The Council reopened the record in the docket to consider a new proposed tower location for the approved facility); Petition No. 1350A, Staff Report, December 16, 2021 (finding that changes in the equipment make and model, and layout of the building housing the equipment constituted changed conditions that warranted reopening the petition); and Docket No. 461A, Eversource Energy, Opinion, November 9, 2017 (The Council granted the applicant's motion to reopen to consider changed conditions, public need and

alternate locations for the proposed electric substation and electric transmission circuits.).¹

As set forth in this motion, the Company satisfies the applicable standards of Conn. Gen. Stat. § 4-181a(b) for the Council to reopen the docket and modify the 1974 Decision.

IV. Proposed Changes

As discussed more fully in the exhibit referenced in Part VI of this motion, the possible effects associated with the construction, operation and maintenance of the proposed modified Facility, including effects on the natural environment and public health and safety, among others, will not be disproportionate either alone or cumulatively with other effects compared to need and will not be in conflict with the policies of the State concerning such effects.

The proposed changes to the Facility (collectively, the “Proposed Project” or the “Derby Junction to Ansonia 115-kV Transmission Line Rebuild Project”) consist of the rebuild of three existing 115-kV overhead transmission circuits located within an approximately 4.1-mile existing UI right-of-way² extending from Derby Junction in the City

¹ See *also* Docket No. 187A, Milford Power Company, LLC, Opinion, December 2, 2010 (finding that an increase in natural gas supply, improvements to the electrical transmission grid and construction of other generating facilities were changed conditions supporting removal of dual fuel requirements); Docket NT-2010, Opinion, March 17, 2011 (finding that the adoption of new industry practices regarding gas pipe cleaning constituted changed conditions warranting prohibitions and limitations on fuel pipeline/system cleanings); and Docket No. 265A, Dominion Nuclear Connecticut, Inc., Council Findings of Fact, May 2, 2013 (finding that changes in federal policy relating to the management of spent nuclear fuel and changes in Dominion Nuclear Connecticut, Inc.’s planned plant operations and management of spent fuel constituted changed conditions).

² The 4.1-mile existing UI right-of-way includes three lines arranged in a double-circuit configuration (for a total of approximately 8.2 circuit miles) in the following manner: 1560-3 Line: extends for approximately 4.1 miles, from Derby Junction to Ansonia Substation; 1808-2 Line: co-located with the 1560-3 Line for approximately 1.5 miles, from Derby Junction to Indian Well Substation; and 1594 Line: co-located with the 1560-3 Line for approximately 2.6 miles, from Indian Well Substation to Ansonia Substation.

of Shelton, across the Housatonic River to Indian Well Substation in the City of Derby, through portions of the City of Derby, to Ansonia Substation in the City of Ansonia (the “115-kV lines”). As part of the rebuild, UI will be dismantling, removing and replacing the existing 115-kV structures (which date to the original installation of the electric lines in 1924), structure foundations, conductors, insulators, and other hardware with new hardware and structures, and interconnecting the rebuilt 115-kV circuits at Derby Junction, Indian Well Substation and Ansonia Substation.

The rebuilt 115-kV lines will remain predominantly in a double-circuit configuration, but in some locations to account for line angles or right-of-way constraints, the rebuilt lines will be placed on single-circuit monopoles. Forty-one (41) new self-supporting galvanized steel monopoles (25 double-circuit monopoles, 15 single-circuit monopoles and one H-Frame structure) will be installed. The design and configuration of the new monopoles was based on the multiple angles along UI’s right-of-way, clearance considerations and line entry requirements for the Indian Well and Ansonia substations. To the extent possible, the rebuilt lines will be installed along the existing transmission line right-of-way to minimize land impacts. Where needed, temporary and permanent easements or expansions to existing easements will be procured by the Company.

UI does not propose any modifications at Derby Junction, other than to connect the rebuilt 1560-3 and 1808-2 lines to The Connecticut Light and Power Company dba Eversource Energy transmission system and to remove the existing 115-kV lines connections. At both Indian Well and Ansonia substations, the Company proposes modifications within the substation fence lines to link the rebuilt 115-kV lines to the substations, the installation of single-circuit monopoles outside each substation to

correctly align the phases of different circuits to the existing line terminal switches in each substation yard, and hardware modifications to accommodate the new and larger conductors, the new Optical Ground Wire (“OPGW”) and associated OPGW fiber splice boxes.

Construction will be sequential to ensure that at least one of the 115-kV circuits between Derby Junction and Ansonia Substation is energized at all times, and pending the Council’s authorization, it is expected to commence in 2023 with all three rebuilt 115-kV circuits in service by the end of 2024. Upon the end of construction, the Company will restore the areas temporarily affected by construction (access roads, work pads) to approximate pre-construction conditions, to the extent practical, by regrading and, as appropriate, by seeding and re-vegetating.

V. Justification for the Proposed Changes

In 2012, the Company commenced comprehensive engineering studies to assess the state of the Facility. UI inspected and analyzed the 115-kV lines along the Derby Junction - Ansonia Substation right-of-way. The results of these studies and field inspections demonstrated that the existing 115-kV lines needed to be replaced because among other things, the conductors were exhibiting reductions in tensile strength and are nearing the end of their useful life, the insulators demonstrated electrical failures, and the existing structures could not support the mechanical loading associated with new conductors, insulators, shield wire and added OPGW while adhering to applicable electrical standards and conductor clearance requirements. For this reason, the Company determined that a rebuild of the existing 115-kV lines is necessary to replace

the applicable hardware and structures with new parts in a manner that ensures the 115-kV lines meet current electrical industry standards and improve system reliability and resiliency, thereby ensuring that the safe and reliable distribution of power is maintained. In addition to improving the reliability and resiliency of the entire transmission system.

VI. Supporting Documentation

The Company has prepared and is submitting with this motion an exhibit (the “Exhibit”). The Exhibit and corresponding appendices discuss at greater length the different aspects of the Derby Junction to Ansonia 115-kV Transmission Line Rebuild Project. Specifically, the Exhibit includes:

- An overview of the Proposed Project including an explanation of why the project is necessary and how it will serve the public need for adequate and reliable service;
- The technical specifications for the Proposed Project, including estimated project costs and facility service life;
- Construction, operation and maintenance and best management procedures;
- A proposed construction schedule;
- An assessment of the existing environmental conditions, as well as the potential environmental and ecological effects, and applicable mitigation measures associated with the construction of the Proposed Project. This also includes a description of the Proposed Project’s effects on scenic, historic and recreational values;
- An assessment of the Project’s electromagnetic fields;

- Federal and state agency permits, and approvals required to construct the Proposed Project;
- A summary of UI's municipal and public outreach efforts concerning the Proposed Project;
- An analysis of the project alternatives considered, including overhead route options and a justification for adoption of the selected route; and
- Appendices that include detailed reports on biological, cultural, and visual resources, EMF, and maps that depict the Proposed Project on aerial imagery and include cross-sections of the existing and proposed structures as well as a plan and profile of the Project structures and topography.

VII. Conclusion

For all the foregoing reasons, UI respectfully requests that the Council reopen the Docket No. 3 proceeding to consider the new information provided herein and any other information the Council may deem relevant or appropriate, modify the 1974 Decision, and issue a Certificate for the Derby Junction to Ansonia 115-kV Transmission Line Rebuild Project pursuant to Conn. Gen. Stat. §16-50k.

Respectfully Submitted,

THE UNITED ILLUMINATING COMPANY



By: _____

Bruce L. McDermott

Murtha Cullina LLP

265 Church Street, 9th Floor

New Haven, CT 06510

Tel: (203) 772-7787

E-mail: bmcdermott@murthalaw.com