

# CARMODY & TORRANCE LLP

Attorneys at Law

50 Leavenworth Street  
Post Office Box 1110  
Waterbury, Connecticut  
06721-1110

Telephone: 203 573-1200  
Facsimile: 203 575-2600  
www.carmodylaw.com

Robert S. Golden Jr.  
Of-Counsel

Direct: 203-575-2630  
rgolden@carmodylaw.com

June 25, 2007

Daniel F. Caruso, Chairman  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

RE: **DOCKET NO. 326** - The Connecticut Light and Power Company application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a proposed substation located at Stepstone Hill Road, Guilford, Connecticut.

Dear Chairman Caruso:

In connection with Docket No. 326, enclosed please find 20 copies of CL&P's Comments on the Connecticut Siting Council's Draft Findings of Fact. A copy will also be filed electronically.

Very truly yours,



Robert S. Golden, Jr.

cc: Service List

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p><b>Applicant</b></p>	<p>The Connecticut Light and Power Company (CL&amp;P)</p>	<p>Robert E. Carberry, Manager Transmission Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 (860) 665-6717 fax <a href="mailto:carbere@nu.com">carbere@nu.com</a></p> <p>Kathleen A. Shea, Esq. Northeast Utilities Service Company, Legal Dept. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2396 <a href="mailto:sheaka@nu.com">sheaka@nu.com</a></p> <p>Helen Wong, Project Manager Transmission Project Management Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2464 (860) 665-6550 fax <a href="mailto:wonghh@nu.com">wonghh@nu.com</a></p> <p>Anthony M. Fitzgerald, Esq. Robert S. Golden, Esq. Marianne Barbino Dubuque, Esq. Carmody &amp; Torrance LLP P.O. Box 1110 Waterbury, CT 06721-1110 (203) 573-1200 <a href="mailto:afitzgerald@carmodylaw.com">afitzgerald@carmodylaw.com</a> <a href="mailto:rgolden@carmodylaw.com">rgolden@carmodylaw.com</a> <a href="mailto:mdubuque@carmodylaw.com">mdubuque@carmodylaw.com</a></p>
<p><b>Party (Granted 04/24/07)</b></p>	<p>Russi T. Suntoke 10 Stepstone Hill Road Guilford, CT 06437 (203) 453-3426 <a href="mailto:russisuntoke@hotmail.com">russisuntoke@hotmail.com</a></p>	

## Comments on CSC's Draft Findings of Fact

### RECOMMENDED REVISIONS TO CSC'S DRAFT FINDINGS OF FACT:

1. Number 5 should be revised as follows:

5. A sign containing the Council's requested information was placed at the entrance of the site. The Council and its staff made an inspection of the proposed substation site on April 24, 2007, beginning at 2:30 p.m. (Council's Hearing Notice dated April 11, 2007; Tr. 1, p. 21)

Note: CSC requires that a sign be posted at the site before the public hearing. At the hearing this issue was raised by the Council at Tr. 1 p. 21.

2. Number 9 should be revised as follows:

9. On or about November 28, 2005, October 5, 2006, CL&P sent copies of its application Municipal Consultation Filing to the Connecticut Energy Advisory Board (CEAB) and responded to their interrogatories on November 29, 2006. (CL&P 1, Vol. 1, Exh 2, App. 4H).

Note: As currently written, Council's Number 9 states an incorrect date, and the application, though not required to be filed with the CEAB, was served on CEAB as a courtesy on December 15, 2006. (CL&P 1, Vol. 1, Exh 1) CGS §16-50I(e) requires that the applicant file the Municipal Consultation Filing with the CEAB.

3. Number 21 should be revised as follows:

21. The Town P&Z held a public meeting on September 12, 2006. The Town P&Z unanimously approved CL&P's location approval application on September 20, 2006, and later modified the approval to remove land-use restrictions: on October 26 2006. The approval was subject to the following conditions:

a~~1~~) Plans for storm water management ~~must~~ be reviewed by the Town Engineer prior to commencement of construction of this facility.

b~~2~~) No hazardous materials as defined by Guilford's Groundwater Protection District regulations shall be stored at ~~the~~this site.

e~~3~~) CL&P ~~shall~~will conform to Guilford's noise ordinance.

d) ~~CL&P shall otherwise maintain the existing foliage to insure visual and noise screening.~~

e~~4~~) ~~Prior to the~~ That prior to removal of trees as part of this construction, the Town Tree Warden ~~shall~~ be notified to coordinate a site visit.

5) CL&P will otherwise maintain the existing foliage to insure visual and noise screening.

~~f6)~~ No lights will be visible except for maintenance and emergency lighting. ~~(However, low-[But, (the Town) understand(s) the need to use low-level lighting that would already be in place may be used should]if vandalism should become a problem.)]~~

7) That Guilford's Fire Marshall review construction plans for the facility prior to commencement of construction.

~~f8)~~ CL&P will agree to all conditions of the Inland Wetlands Commission.

~~g9)~~ The access road will be curved to minimize visual impacts on Stepstone Hill RoadRd. ~~([No further curvature or modification from what is planned is required.]~~

Note: As currently written, Council's Number 21 does not accurately reflect the language of the P&Z letter dated October 26, 2006.

4. Number 22 should be revised as follows:

22. CL&P is willing to meet the Town P&Z conditions, but believes condition ~~e)~~5 requires clarification. Notwithstanding, CL&P is willing to maintain the visual buffer. (Tr. 1, p. 26)

Note: As currently written, Council's Number 22 incorrectly states that CL&P requires clarification on number 4 above. However, according to Mr. Bowes' testimony the condition requiring clarification is number 5. *See* Tr. 1, p. 26.

5. Number 49 should be revised as follows:

49. New pole #4988 (which replaces existing pole #5901) would be located approximately 40 feet east of the existing structure #5901. (CL&P 1, Vol. I, p. F-2)

Note: As currently written Council's Number 49 does not recognize the fact that pole #5901 will be removed.

6. Number 69 should be revised as follows:

69. CTDEP notes that the proposed activities will not affect the Virginia Snakeroot and the Featherfoil. Featherfoil occurs in a shallow pool within Wetland 6 located in the northern portion of the property. CTDEP notes that, prior to construction, the locations of the two plants be flagged to prevent any inadvertent impacts. (CL&P 1, Vol. I, p. Appendix E)

Note: This revision clarifies the location of the Featherfoil as being at a point on the property where it will not be disturbed.

7. Number 82 should be revised as follows:

82. ~~Each transformer would~~All transformers will have its own secondary containment, consisting of an underlying and surrounding polyvinyl-lined sump, ~~capable of holding~~designed to hold 110 percent of the transformer's oil capacity. ~~In addition, a transformers' capacities and using the~~ Imbiber Beads Drain Protection System ~~will be installed in a secondary containment structure~~®. (CL&P 6, M. Libertine, p. 425)

Note: This is the more accurate description of CL&P's proposal because the final design of the sump systems will be presented in the Development and Management Plan. Smaller distribution transformers often share a single containment system. See CL&P 1, Vol. 1, p. J-2.

8. Number 109 should be revised as follows:

109. The proposed substation would have fire protection consisting of: ~~a firewall between the power transformers;~~ fire extinguishers, smoke and heat detectors installed in the relay and control enclosure; and remote equipment monitoring. Specifically, fire and smoke detection would activate an alarm at CONVEX so appropriate action can be taken. (CL&P 44, ~~7~~, K. Bowes, ~~ppp. 49-2023~~; CL&P 1, Vol. 1, ~~pp 1, p. 49, 50~~J-2)

Note: This substation will not have a firewall between the power transformers. In addition, the Council's record citations are inaccurate and should be revised accordingly.

#### **SUGGESTED ADDITIONAL FINDINGS OF FACT:**

1. A new Finding of Fact should be added after Number 37 that reads:

The development would be consistent with local zoning regulations (substations are an allowed use in a Residential Zone by special permit). (CL&P 1, Vol. 1, p. I-4)

Note: There should be a Finding of Fact stating that the substation complies with local zoning regulations.

2. A new Finding of Fact should be added after Number 68 that reads:

Land activities within the Pinewood Wellfield Aquifer Protection Zone are regulated by both the DEP and the Town of Guilford to protect the quality of the groundwater. Substations and other utility electrical equipment are not included in the definition of regulated facilities under the DEP regulations. (CL&P 1, Vol. 1, pp. H-10, K-6)

Note: This Finding of Fact recognizes that substations are not a prohibited use in an Aquifer Protection Zone.

3. A new Finding of Fact should be added after Number 68 that reads:

Under § 273-92, Groundwater Protection District, of the Town of Guilford's Zoning Regulations, substations and other utility electrical equipment are not identified as a prohibited land use or special permit land use within a Groundwater Protection Zone. (CL&P 1, Vol. 1, pp. H-10, K-6)

Note: This Finding of Fact recognizes that substations are not a prohibited use in an Aquifer Protection Zone.

4. A new Finding of Fact should be added after Number 72 that reads:

There are no direct or indirect impacts on wetlands from the construction of the proposed substation facilities or the proposed reconstructed driveway. (CL&P 6, M. Libertine p. 4)

Note: This Finding of Fact should be added to address concerns regarding the development's effect on the wetlands.

5. A new Finding of Fact should be added after Number 72 that reads:

There are no direct or indirect impacts to wetlands from the installation of the proposed two (2) new poles connecting the existing 115-kV transmission line to the substation or the removal of existing poles. (CL&P 6, M. Libertine p. 5)

Note: This Finding of Fact should be added to address concerns regarding the development's effect on the wetlands.

6. A new Finding of Fact should be added after Number 72 that reads:

The access drive is designed to make maximum use of an existing woods road on the property to minimize the need to clear vegetated land. (CL&P 6, M. Libertine pp. 13-14)

Note: This finding should be added to describe the design goals for driveway construction as noted in Tr. 1, p. 53-55.

7. A new Finding of Fact should be added after Number 76 that reads:

There are no recreational areas directly abutting or within 0.5 miles of the property. (CL&P 1, Vol. 1, p. H-3)

Note: This finding should be added to address Council's Guidelines for Electric Substation Facility Sections H(6) and I. See Tr. 1, p. 36.

## EDITORIAL REVISIONS TO CSC'S DRAFT FINDINGS OF FACT:

### 1. Number 19 should be revised as follows:

19. CL&P notified the Town of Guilford of the proposal on October 5, 2006 by sending a technical report to the First Selectman, Carl A. Balestracci, Jr. CL&P filed a ~~locationalsubstation location~~ approval application with the Guilford Inland Wetlands Commission (Town IWC) and Planning and Zoning Commission (Town P&Z) on July 6, 2006. (CL&P 1, Vol. I, p. Q-2)

### 2. Number 20 should be revised as follows:

20. The Town IWC held its walk meeting on August 2, 2006. CL&P received ~~locationalsubstation location~~ approval ~~without~~with conditions on September 6, 2006. (CL&P 1, Vol. II, App. G)

### 3. Number 25 should be revised as follows:

25. The purpose of the proposed substation is to address the need for additional distribution system capacity and reliability in Guilford and adjacent towns. (CL&P 1, Vol. I, p. A-1)

### 4. Number 33 should be revised as follows:

33. ~~To ensure that the proposed substation location was a~~In order to find the most viable site for the substation, CL&P reviewed and evaluated a total of four sites: the proposed substation site (Site 1); farm property east of Little Meadow Road in Guilford (Site 2); CL&P-owned property located west of Warpas Road in Madison (Site 3); and Orchard property north of the New England Road in Guilford (Site 4). (CL&P 1, Vol. I, p. I-1 through I-6)

### 5. Number 42 should be revised as follows:

42. The proposed project would be located on a 38-acre property located off of Stepstone Hill Road in Guilford. This project would include the construction of a new 115-kV to 13.8-kV electric substation, reconstruction of a ~~the~~ existing unimproved dirt access drive, ~~an~~and construction of two new transmission poles on the substation property to connect to the existing 115-kV circuit #1508. (CL&P 1, Vol. I, pp. F-1 and F-3; CL&P 7, K. Bowes, p. 20)

### 6. Number 56 should be revised as follows:

56. The proposed substation does not currently require a backup generator for substation service power. However, this could change in the future if reliability requirements change and a generator becomes necessary at this substation. CL&P would apply to the Council with a petition should a backup generator become necessary. (Tr. 1, pp. 76-77)

### 7. Number 63 should be revised as follows:

63. The estimated costs for the siting, design, and construction of the proposed substation and supporting infrastructure totals \$8,466,000. This includes \$4,466,000 allocated to transmission costs and ~~\$4,000,000~~\$4,000,000 to distribution costs. (CL&P 1, Vol. I, p. F-3)

8. Number 65 should be revised as follows:

65. Route 77 abuts the western portion of the subject property and carries the scenic designation for approximately 11.5 miles through Guilford from the Durham Town Line southward to Water Street. North Madison Road is a locally designated scenic road located approximately 0.32 miles east of the site and spans roughly 1.6 miles in a northeasterly direction from Nut Plain Road to Twin Bridge Road. Approximately 1.9 miles southwest of the site, Moose Hill Road is also a scenic road. (CL&P 1, Vol. 1, p. H-11)

9. Number 71 should be revised as follows:

71. Limited site work associated with the proposed gravel driveway would occur within the 100-foot upland review areas. Minor disturbances within these areas are necessary to establish the new driveway and install a culvert to avoid future surface water ponding along the driveway and washout of the gravel. The nearest construction activities would encroach within the outer 20 feet of the upland review areas, resulting in earthwork no closer than 80 feet from wetlands. (CL&P 6, M. Libertine, p. 4)

10. Number 79 should be revised as follows:

79. CL&P has no plans to store fuels or hazardous materials at the substation. However, in the event an emergency generator for substation service power is needed in the future, it would likely be fueled by propane. (CL&P 5, Response 2)

11. Number 106 should be revised as follows:

106. Reliability would be maintained by transformer protection devices and redundant automatic protective relaying equipment. Protective relaying equipment would provide automatic detection of abnormal conditions. When an abnormal condition occurs, a protective trip signal would be sent to the respective circuit breaker(s) to isolate faulted equipment. CL&P plans to install redundant protective relaying schemes with continuous monitoring. Protective relaying equipment along with a Supervisory Control and Data Acquisition (SCADA) system which allows for monitoring and remote control of the equipment by the Connecticut Valley Electric Exchange (CONVEX) would be maintained by CL&P. (CL&P 7, K. Bowes, p. 22)

12. Number 111 should be revised as follows:

111. CL&P operates more than 200 substations in Connecticut. There has not been a catastrophic transformer fire in at least the past 23 years. It is a rare event when a transformer fails and even more rare for a transformer to fail and catch fire. (Tr. 2, p. 18)

13. Number 112 should be deleted in its entirety because it is duplicative of Number 109.