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March 3, 2008

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

RE: PETITION NO. 831 Waterbury Generation LLC Petition for a Declaratory Ruling
No Certificate of Environmental Compatibility and Public Need is Required for
the Construction of an Electric Generating Facility and Associated Transmission
Line Tap Located at 725 Bank Street, Waterbury, Connecticut

Dear Chairman Caruso:

Enclosed please find Proposed Findings of Fact on behalf of The Connecticut
Light and Power Company in the above-referenced Petition.

Very truly yours,



Robert S. Golden, Jr.

Copy to Service List

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

WATERBURY GENERATION LLC PETITION	:
FOR A DECLARATORY RULING NO	:
CERTIFICATE OF ENVIRONMENTAL	: PETITION NO. 831
COMPATIBILITY AND PUBLIC NEED IS	:
REQUIRED FOR THE CONSTRUCTION OF AN	:
ELECTRIC GENERATING FACILITY AND	:
ASSOCIATED TRANSMISSION LINE TAP	: MARCH 3, 2008
LOCATED AT 725 BANK STREET,	:
WATERBURY, CONNECTICUT.	:
	:

Proposed Findings of Fact

Transmission

1. Any transmission interconnection to the Baldwin Street substation from the proposed site of the plant will have to cross public streets and thus will have to be owned and operated by CL&P, which is the franchised electric utility in Waterbury. (CL&P 1, p.1)
2. As eventual owner of this interconnection, CL&P needs to be assured that the interconnection to CL&P's transmission system conforms to all appropriate engineering practices and corporate policies. (CL&P 1, p. 1 - 2)
3. The Petitioner has included modifications to the Baldwin Street Substation to accomplish the transmission interconnection as part of its Petition (Waterbury Generation LLC 1, p.1: Waterbury Generation LLC 15, response 25)
4. The substation work within the Baldwin Street Substation, primarily the installation of a new breaker, switch, buswork and associated equipment, is part of this petition, because it is an integral part of the transmission interconnection line. (CL&P 1, p. 2: Waterbury Generation LLC 15, response 25)

5. The installation of a breaker within the existing fenced area of the Baldwin Street Substation is necessary to complete the connection of the interconnecting transmission line. (CL&P 1, p.2)
6. The installation will not cause any disturbance to parts of the property that are not already disturbed. (CL&P 1, p. 2)
7. The installation and operation of a breaker and associated equipment will not contribute to noise or air emissions in this highly industrialized part of the City of Waterbury that borders Route 8. (CL&P 1, p. 2)
8. Petitioner is planning to construct a 15-kV interconnection to CL&P's transmission line. Most of the new construction will be along a railroad right of way ("ROW") owned by the Connecticut Department of Transportation ("CDOT") and managed by the Metro-North Commuter Railroad ("Metro-North") (CL&P 1, p. 2)
9. CL&P and affiliated Northeast Utilities system companies have experienced numerous problems in the past with constructing and maintaining transmission facilities within a railroad ROW because of physical constraints presented by typical railroad facilities and restrictions in typical railroad agreements which are not acceptable to CL&P. (CL&P 1, p. 3)
10. Facility interconnection must meet the required standards and corporate policies of CL&P. (CL&P 1, p. 3-4)
11. CL&P needs to confirm that any transmission line can be installed along the railroad ROW consistent with applicable safety and reliability requirements and that the terms of the agreement permitting the line to be built and maintained will be acceptable to CL&P. (CL&P 1, p. 3 - 4)

12. There are a number of technical issues that need to be resolved when designing and constructing a transmission interconnection along a ROW, such as property rights issues, clearances between existing facilities, engineering, construction, operations and maintenance considerations unique to railroads. (CL&P 1, p. 3)
13. Before a transmission facility can be constructed it needs to meet the Institute of Electrical and Electronic Engineers (IEEE), ANSI C2 National Electrical Safety Code 2007 edition, Conn. Gen Stat. § 16-243 and RCSA § 16-11-137-139, Independent System Operator-New England, Occupational Safety and Health Administration, railroad worker safety practices, and CL&P standards. (CL&P 1, p. 3)
14. Other items of concern in a railroad ROW agreement include:
 - The duration of the agreement and reasonable extension and termination provisions which protect the long-term interests of CL&P.
 - Liability for the cost of License fees, flagman protection and other services.
 - Liability for transmission line repair and replacement costs or costs to modify railroad facilities because of the existence of the transmission facilities.
 - Liability for transmission line relocation including land rights to provide for future change in railroad facility location, height or grade.
 - Removal costs upon the end or early termination of the agreement.
 - Transferability of the agreement to CL&P.
 - Ensuring that there is enough space to quickly and safely access, inspect, construct and maintain the transmission line, and determining whether lateral access rights will be required from other landowners.
 - Ensuring that there is enough clearance to vegetation growing or which may grow outside the railroad corridor, or that additional rights be obtained to trim such vegetation.
 - Resolving any existing environmental issues.

- Determining what rights the Railroad will retain for future expansion or modernization of the Railroad facilities.
 - Determining who is responsible to acquire additional transmission rights for displaced facilities resulting from future expansion by the Railroad.
 - Determining what rights the Railroad has granted to other parties which, if exercised, could force a relocation of the transmission line.
 - Determining if the agreement can be recorded, and will transfer with the fee to subsequent purchasers or assigns. (CL&P 1, p. 4).
15. CL&P has not yet agreed with the Petitioner regarding terms it would require in any agreement or license for a ROW. (CL&P 1, p. 5)
16. The Petitioner is willing to design and construct the transmission interconnection subject to CL&P's approval. (Waterbury Generation LLP. 1, p. 6)
17. The Petitioner has yet to enter into any agreements with CDOT/MetroNorth specific to the location of the ROW and design of the line. (CL&P 1, p. 5: Tr. 2 (Feb.1, 2008) p. 38 – 39)
18. The Petitioner should provide the Council with a certification from CL&P stating that CL&P is satisfied (as determined by CL&P in its sole discretion) regarding the following conditions in subsections (i)-(v) below:
- (i) That the transmission line design and studies of potential electric effects on railroad facilities to be completed by the Petitioner's qualified consultant, by CL&P's consultant, or by CL&P employees, comply with applicable engineering, safety and other related laws, rules, regulations, standards and practices.
 - (ii) That the Petitioner has demonstrated to CL&P's satisfaction that the Petitioner has acquired all rights necessary to enable CL&P to access, construct, operate, repair, replace and maintain the transmission line.

- (iii) That there are no underlying encumbrances, environmental impairments or other obstacles to the construction and maintenance of the transmission line.
- (iv) That all such necessary rights are assignable to CL&P.
- (v) That the Petitioner has undertaken, by agreement satisfactory to CL&P, to indemnify and protect CL&P against any expenses resulting from the exercise by the property owner of any right to require relocation of the line. (CL&P 1, p. 5 - 6)