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January 4, 2008

TO: Electric Transmission, Distribution, and Generating Companies

FROM: S. Derek Phelps, Executive Director 

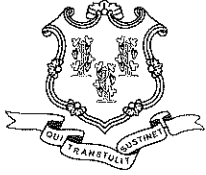
RE: **PETITION NO. 811 - Reconsideration of Issues Decided in Petition No. 344.**

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At a public meeting held on December 14, 2007, the Connecticut Siting Council (Council) considered and affirmed its declaratory ruling in Pet. No. 344 that work at voltages less than 69-kV is not within the Council's jurisdiction. As stated in its written decision, the Council clarifies this ruling that if newly-installed equipment causes a "significant change or alteration in the general physical characteristics" of a substation within the Council's jurisdiction, such a change would be a modification to a facility, as defined in Conn. Gen. Stat. § 16-50i (d), and within the Council's jurisdiction. Enclosed is a copy of the Council's decision in this matter.



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### STATE OF CONNECTICUT SITING COUNCIL DECISION – PETITION NO. 811

On November 15, 1995, the State of Connecticut Siting Council (“Council”) decided Petition No. 344, in which the Council stated that it did not have jurisdiction over one 23 to 27.6 kV, 29-MVA transformer with associated structures and two 23-kV feeder positions with associated circuit breakers, switches and steel structures at an existing Connecticut Light and Power (CL&P) substation. The Council stated, “Under the Public Utility Environmental Standards Act, the Council has jurisdiction over the siting of electric transmission lines of a design capacity of 69 kV or more and electric substations designed to change or regulate the voltage of electricity at 69 kV or more (Conn. Gen. Stat. § 16-50i (a)(1) and (4)). Since the proposed additional equipment at this existing substation is below the 69 kV threshold, the Council does not have jurisdiction over the proposed equipment.”

The decision issued in Petition No. 344 continues to be valid, and merely because the equipment being installed is within a substation compound does not give the Council jurisdiction over that equipment, despite the Council having jurisdiction over the substation. If, however, the newly-installed equipment causes a “significant change or alteration in the general physical characteristics” of a substation within the Council’s jurisdiction, such as expanding the size of such a facility beyond the boundaries approved by the Council, such a change would be a modification to a facility, as defined in Conn. Gen. Stat. § 16-50i (d), and within the Council’s jurisdiction. An example of this would



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be a utility company significantly restructuring a substation to permit room for electrical distribution equipment. Usually, the central issue is the nature of the change and its effect upon the substation, rather than the addition of lower voltage distribution equipment. There may also be circumstances where the Council certificated a substation with carefully crafted conditions to ensure minimal visibility on a surrounding neighborhood. If the addition of lower voltage electric distribution equipment should alter the appearance of a substation to negate the Council's conditions, the Council would have jurisdiction over it. Finally, if the Council does not have jurisdiction over the addition of equipment in a given situation, then the Council is not preempting local jurisdiction. Besides the Council, other Connecticut state agencies, such as the Department of Public Utility Control, may preempt local jurisdiction. If a utility is in doubt as to whether the addition of equipment will fall under Council jurisdiction, Council staff should be consulted.