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December 14, 2022

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10 Franklin Square
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Re: Petition No. 1527 – The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed Stevenson to Pootatuck Rebuild Project – Request for Waiver of Condition to Declaratory Ruling

Dear Attorney Bachman:

I am submitting this request for Waiver of Condition on behalf of The Connecticut Light and Power Company dba Eversource Energy (“Eversource”), the Petitioner in the above-referenced proceeding. On December 8, 2022, the Siting Council voted to grant its declaratory ruling in this proceeding (“Ruling”) with conditions. For the reasons explained below, Eversource respectfully requests that the Siting Council waive the requirements of Condition 1 of the Ruling.

In July 2022, Eversource submitted its petition for a declaratory ruling for its proposed Stevenson to Pootatuck Rebuild Project (the “Project”) to modify and rebuild its existing 1560, 1808 and 1580 lines that extend approximately 8 miles within its existing right of way in the municipalities of Monroe and Shelton. Eversource had determined that the existing structures on these lines require replacement due to age-related degradation, insufficient conductor clearance and their inability to physically support the new conductor.

In order to satisfy the 2017 National Electrical Safety Code (“NESC”) clearance requirements that apply to conductor sway (“blow-out”) in wind conditions and reduce impacts to abutters by avoiding the need to acquire additional easements from abutting property owners, the Project design included additional mid-span structures. The mid-span structures reduce the span widths and the associated conductor blow-out by constraining the conductors. The Project design included three single-circuit mid-span structures (Structures No. 19655, 19655A, and 19254) located near Thoreau Drive, in Shelton.

Question 35. a. of the Siting Council’s interrogatory questions in this proceeding asked Eversource to describe the feasibility and associated costs of relocating the structures farther to the north across Wetland 6 along the hillside to reduce visibility from residences. Eversource evaluated that relocation and determined that while the option is technically feasible and could satisfy the NESC requirements for conductor sway, Eversource also has several important concerns about the requirements to safely install these three structures at this location, the associated impacts of the construction work and the resulting added project cost that the relocation would cause. Eversource believes that additional explanation of these concerns will be helpful to the Siting Council to consider and evaluate this request for waiver and the full impacts that the relocation would cause.

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The location of the mid-span structures, north of Wetland W6/S6 and at the base of a steep slope, would require the construction of a two-tiered work pad. Access to the two tiers of that work pad would be from opposite directions, the lower pad would be accessed via Thoreau Drive in Shelton, while the upper pad would be accessed via the Webb Mountain Park in Monroe. The lower pad and the associated access to it would require construction of a new access road (approximately 245 linear feet, including a 40 feet long crossing over S6) from Thoreau Drive and associated vegetation clearing within and adjacent to Wetland W6/S6. Additionally, a permanent or temporary crossing of Wetland W6/S6 would be required to support the various heavy and specialized construction equipment needed for the structure installations.

Access to the upper work pad via Webb Mountain Park would result in increased impacts to property owners in both Monroe and Shelton. Access to the upper pad would also present a significant construction challenge due to terrain conditions (an approximately 100 feet elevation differential along an approximately 170 linear feet section of access road). To construct safe access within the steep slope conditions, the access road would likely require a switchback (slope traverses to reduce the slope percentages), and extensive slope stabilization measures, resulting in a significant earth moving operation along this side of the hill.

As noted in the response to Question 35. a., the access road, and work pad needed for the mid-span structures north of Wetland W6/S6 would result in an increase of the total permanent disturbance by 33,050 square feet (approximately 0.76 acre). The soil mapping available from the Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) depicts the hillside north of W6/S6 as Charlton-Chatfield complex, and 15 to 45 percent slopes, very rock. This soil type has a “Severe” Erosion Hazard Rating for roads, which indicates that (a) significant erosion is expected, (b) roads would require frequent maintenance, and (c) costly erosion-control measures would be needed. The required site grading work for these work pads would include extensive rock hammering and/or extensive soil grading activities. The residual materials from that work would need to be hauled and disposed of offsite, thereby increasing vehicle traffic along the access roads to these structures.

Due to the extensive earthwork required at this location, there would be little or no option of restoring the hillside to its pre-existing conditions following completion of construction. Final slope stabilization work likely would require extensive engineered stabilization measures such as retaining walls, armored slopes, etc. In addition, the grade limitations and switchbacks would also pose construction safety risk in terms of the limited equipment suitable to traverse such grades. Use of triaxles and concrete trucks can be limited due to grade conditions and would therefore require alternative equipment use for the construction at this location.

If a permanent bridge were not installed to access the lower work pad from Thoreau Drive, Eversource would be unable to access these structures for routine maintenance and/or emergency repairs without installation of a temporary crossing of W6/S6. To abate this limitation, Eversource would propose to install a permanent bridge crossing at the western limits of W6, the narrowest crossing of this stream.

Due to slope constraints, grading to install the work pad would extend to the regulated boundary of W6, which would not accommodate a vegetated buffer between graveled areas and the W6/S6 resource. Further, this location for these structures is within a Connecticut Department of Energy and Environmental Protection (“CT DEEP”) mapped New England Cottontail (“NEC”) Focus Area.

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Eversource has developed specific Best Management Practices (“BMPs”) in collaboration with CT DEEP for work in transmission corridors that coincides with mapped NEC habitat. Those NEC BMPs include avoidance and/or minimization of work pads and access roads in NEC habitat. Eversource would not be able to comply with NEC BMPs in this area due to topographic and worker safety concerns.

In contrast, the proposed locations for the mid-span structures immediately north of Thoreau Drive:

- (1) Are in a flat, maintained area. No extensive grading or earth moving operation would be needed for the construction of access roads or work pads. Work pads and access would be installed using temporary construction matting, which would be removed after construction and the area restored to existing conditions.
- (2) Would retain vegetated buffer of Wetland W6/S6 as there would be no temporary or permanent crossings needed.
- (3) Would meet Eversource’s NEC Focus Area commitments by minimizing the area of new/permanent disturbance.
- (4) Would reduce the area of new/permanent disturbance within Webb Mountain Park, which is a municipal park.
- (5) Would provide long- and short-term access for maintenance and emergency activities.
- (6) Would reduce safety/construction risks by avoiding the need for extensive earthwork adjacent to a hillside.

Based on the substantial construction work to safely build the two-tiered work pads at the base of a steep hillside and the two associated access roads including one on the steep hillside, along with required maintenance of these access roads, Eversource is concerned that the relocation of these three structures may cause significant impacts to additional abutters to the new structure locations and along the new access roads. In addition, the substantial complexities of the work pad and access road construction work to relocate these mid-span structures and the resulting risks to the construction as noted above, could cause the actual additional costs of construction at this location to exceed the \$1 million conceptual estimate that Eversource provided in its response to interrogatory 35. a.

Eversource submits that any benefits of relocating these structures are substantially outweighed by the impacts of the access, work pad and structure construction work on the hillside and associated risks of that construction work, difficulties of access for the structure construction work and for on-going maintenance for many years and the resulting additional construction and operational costs.

For the above reasons, Eversource respectfully requests that the Siting Council waive condition 1 of the Siting Council’s Declaratory Ruling in Petition No. 1527.

If you have any questions or need any additional information, please contact me.

Sincerely,

Jeff Cochran

Cc: Kathleen M. Shanley (via email)
Kevin P. McMahan (Project Manager, Avangrid – via email)