

June 12, 2023

VIA E-MAIL AND HAND-DELIVERY

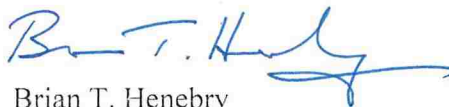
Attorney Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: PETITION NO. 1566 - 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 Card Substation to Wawecus Junction Upgrade Project consisting of the replacement of electric transmission line structures along its existing 12.5-mile electric transmission right-of-way shared by its existing 115-kilovolt (kV) Nos. 1080/1490 and 1080/1070 Lines between Card Substation in Lebanon, Stockhouse Road Substation in Bozrah and Wawecus Junction in Norwich, Connecticut traversing the municipalities of **Lebanon, Franklin, Bozrah and Norwich**, and related electric transmission line and substation improvements

Dear Attorney Bachman:

In connection with the above-referenced Petition No. 1566, I enclose the original and fifteen (15) copies of the Response of The Connecticut Light and Power Company d/b/a Eversource Energy to Six Requests Filed by Cory Spaulding and Leslie Yeisley Dated May 22, 2023, along with an attached Appendix.

Very truly yours,



Brian T. Henebry

BTH/kh

Enclosures

cc: Service List dated April 12, 2023 attached (w/encls.)
Cory Spaulding and Leslie Yeisley (w/encls.)

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> E-mail	The Connecticut Light and Power Company d/b/a Eversource Energy	Deborah Denfeld Team Lead – Transmission Siting Eversource Energy P.O. Box 270 Hartford, CT 06141 Phone: (860) 728-4654 deborah.denfeld@eversource.com

CONNECTICUT SITING COUNCIL

<p>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 Card Substation to Wawecus Junction Upgrade Project consisting of the replacement of electric transmission line structures along its existing 12.5-mile electric transmission right-of-way shared by its existing 115-kilovolt (kV) Nos. 1080/1490 and 1080/1070 Lines between Card Substation in Lebanon, Stockhouse Road Substation in Bozrah and Wawecus Junction in Norwich, Connecticut traversing the municipalities of Lebanon, Franklin, Bozrah and Norwich, and related electric transmission line and substation improvements</p>	<p>PETITION 1566</p> <p>June 12, 2023</p>
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RESPONSE OF EVERSOURCE ENERGY TO SIX REQUESTS FILED BY CORY SPAULDING AND LESLIE YEISLEY DATED MAY 22, 2023

I. INTRODUCTION

This proceeding concerns proposed modifications to transmission facilities owned by the Petitioner, The Connecticut Light and Power Company dba Eversource Energy (“Eversource”), and located along a 12.5-mile section of existing transmission right of way (“ROW”) in the towns of Lebanon, Franklin, Bozrah, and the City of Norwich. Cory Spaulding and Leslie Yeisley (“Claimants”) own property in the Town of Lebanon that is crossed by the ROW.

On May 22, 2023, the Claimants filed the following six requests with the Connecticut Siting Council (“Council”):

- Request for Party and Intervenor Status;
- Request to Reject the Petition for Alleged Failure to Provide Eversource’s April 2022 Construction & Maintenance Environmental Requirements Best Management Practices;
- Request to Reject the Petition for Alleged Failure to Provide Information Required Pursuant to Petition No. 1293 for Sub-Petitions for Transmission Line Maintenance Projects to Comply with the National Electric Safety Code;
- Request for Dismissal of the Petition for Incompleteness for Alleged Failure to Provide Information Listed in R.C.S.A. § 16-50j-59;

- Request to Separate Optical Ground Wire Installation and Structure Replacement Work Into Separate Petitions;
- Request for a Public Hearing on the Petition.

Eversource does not object to the Claimants' request for party or intervenor status pursuant to Conn. Gen. Stat. § 4-177a and R.C.S.A. sections 16-50j-13 through 16-50j-17.

However, for the reasons set forth below, Eversource does object to the five other requests made by the Claimants, including the requests that the Petition should be rejected for various alleged procedural deficiencies and the Claimants' request for a hearing on the Petition.

The six requests filed by the Claimants include numerous allegations regarding Eversource's prior work within the ROW, including claims that unauthorized work was done, claims that Eversource has mischaracterized proposed work or existing conditions in the ROW, and numerous other specious claims. The claims are made in a scattershot, unsupported fashion and repeated in many locations throughout the six requests filed by Claimants. For purposes of this response to the Claimants' filings, Eversource cannot reply to every single inaccurate factual allegation contained in these filings without overburdening the Council with a massive filing. However, Eversource feels compelled, in addition to stating its basis for objecting to five of the six requests, to provide responses to the most egregious factual inaccuracies so that the Council does not take the Claimants' assertions at face value. Therefore, Eversource is providing an Appendix to this Brief in which it provides rebuttals to the following claims included with the May 2023 filings of the Claimants:

- The Town of Lebanon was not consulted regarding the Project; (Appendix, Tab 1)
- The Claimants were not notified of the Project; (Appendix, Tab 2)
- Eversource did not obtain Connecticut Siting Council approval for prior work done within the ROW after Claimants moved to this area; (Appendix, Tab 3)

- Eversource did not adhere to Connecticut Siting Council requirements in connection with prior work in the ROW and made false certifications regarding compliance issues in connection with prior work; (Appendix, Tab 4)
- Eversource caused damage during prior work within the ROW over the Claimants' parcel; (Appendix, Tab 5)
- Eversource's Petition does not accurately describe the existing conditions within the ROW over Claimants' property; (Appendix, Tab 6)
- Eversource's proposed work does not comply with its own best management practices ("BMPs"); (Appendix, Tab 7)
- Eversource's proposed work in the ROW on the Claimants' property will be near a gas pipeline easement that implicates Claimants' legal responsibilities under that easement; (Appendix, Tab 8)
- There is alternative suitable access available to conduct the proposed Project work; (Appendix, Tab 9)
- Eversource has made little or no efforts to address the many issues raised by the Claimants since they acquired their home and subsequently acquired the parcel crossed by Eversource's right-of-way in 2020. (Appendix, Tab 10)

II. BRIEF PROCEDURAL HISTORY OF THIS DOCKET

Eversource filed its Petition on April 12, 2023. After receipt of the Claimants' filings that are the subject of this Reply, the Council revised its scheduling order to extend the period for public comment to May 26, 2023. In addition, the Council requested that parties and intervenors file responses to Claimants' six requests on or before June 12, 2023. Under the Council's

revised scheduling order dated May 11, 2023, the deadline for a decision in this proceeding is October 9, 2023.

III. FACTUAL BACKGROUND

Brief Description of the Project That Is the Subject of This Petition

The purpose of the Project proposed in this Petition is to replace a total of 38 transmission line structures along an approximately 12.5-mile section of the existing ROW between Card Substation, located in Lebanon, Stockhouse Road Substation, located in Bozrah, and Wawecus Junction, located in the City of Norwich. Thirty-three of the structures to be replaced are located along the ROW between Card Substation and Stockhouse Road Substation and five of the structures to be replaced are located between Stockhouse Road Substation and Wawecus Junction. In addition to the structure replacements, the Project includes replacement of the existing copperweld shield wire with optical ground wire (“OPGW”) on all lines.

The Properties at Issue Owned by Cory Spaulding and Leslie Yeisley

The Claimants own two properties that are relevant to their filings – a parcel where their home is located that is near the ROW but not crossed by it, as well as an undeveloped parcel crossed by the ROW.

On or about November 29, 2016, the Claimants bought a home at 716 Beaumont Highway in Lebanon that is located on an approximately 10.49-acre parcel. This parcel (Lebanon M/B/L 221/47) is *not* crossed by the Eversource ROW at issue in this proceeding or by any other Eversource ROW. Their home is approximately 300 feet from the edge of the ROW. On or about August 13, 2020, the Claimants purchased a second parcel in the vicinity of Beaumont Highway, specifically, a 64.84-acre undeveloped parcel (Lebanon M/B/L 221/50) that is crossed by the ROW where Eversource is proposing to modify its transmission facility within

the ROW over the Claimants' property. As outlined in further detail below, Eversource has done work in the recent past within the ROW over Claimants' 64.84-acre parcel, both prior and subsequent to the Claimants' purchase and is proposing to do additional work pursuant to this Petition, as further described below.

Brief Description of Work Planned on the Property of Cory Spaulding and Leslie Yeisley Pursuant to This Petition

An approximately 1,800-foot segment of the ROW crosses the undeveloped parcel that Mr. Spaulding and Ms. Yeisley acquired in 2020. (See Appendix, Exhibits in Tab 6, Aerial Maps, Sheet 06 of 24 to this Petition; this map was also provided in Exhibit A to the Petition.) The following work within the ROW on the Claimants' property is proposed in the Petition.

- Replacement of two wooden H-frame structures: Two wooden H-frames (structures # 7788 and # 7787) with heights of 56.5 feet and 52 feet, will be replaced with weathered steel H-frame structures having heights of 56.5 feet and 56.5 feet, respectively. Both structures are proposed for replacement as a result of asset condition issues.
- OPGW: Replacement of the existing copperweld shield wire with optical ground wire.
- Access Roads & Work Pads: Utilization of existing access roads and work pads within the ROW. Existing access roads and work pads may need to be improved to accommodate the safe passage of construction vehicles and equipment and will be evaluated in advance of construction for site specific needs.
- Installation of temporary construction matting will be required to support an access road through a wetland area and at two proposed work pad locations (structures #7788 and # 7787).

Limited tree clearing, removal and vegetation management will be required in select areas to accommodate access roads, work pad installation and improvements, removal of incompatible vegetation species, and side tree trimming along the edge of the Project ROW.

Summary of Work Performed by Eversource Within The Right Of Way Over the Spaulding/Yeisley Property Since 2017

Eversource has performed work within the ROW in question on three different occasions since 2017. The following is an overview of those three projects.

1. Sub-Petition No. 1293-LFBNM-01, Card to Montville to Tunnel Upgrade Project (filed July 17, 2017)

- The Council approved Sub-Petition No. 1293-LFBNM-01 on August 16, 2017 to allow for maintenance improvements in the towns of Lebanon, Franklin, Bozrah and Montville and the City of Norwich. At the time this work was done, Claimants owned their home on Beaumont Highway that is located approximately 300 feet from the ROW edge, but they did not own property crossed by the ROW.
- As part of the full scope of work approved in Sub-Petition No. 1293-LFBNM-01 (i.e., including work performed on all properties impacted by this sub-petition), Eversource replaced numerous structures on its 115-kV transmission systems, including 51 structures that required a slight height increase (10 feet or less) to comply with clearance requirements. The project also included the installation of new optical ground wire (OPGW) on portions of the transmission line. Temporary construction mats were used in wetland and flood zone areas to gain access and provide construction work pads for some of the structures. Eversource needed to undertake minor tree trimming and/or vegetation mowing along the ROW corridor to improve access to portions of the work area. Additional access roads within the ROW were also constructed; existing access

roads were hardened or temporarily widened at turning areas to facilitate the safe passage of construction vehicles.

- Eversource entered upon the ROW over the subject property and replaced structures #7784 and #7786 as part of this asset condition replacement project. These structures were being replaced to remediate wood structure damage caused by woodpeckers or structural deficiencies due to age and/or weathering. The construction of an access road on the subject parcel was required to support the safe replacement of structure #7784. The increase in the height of Structure #7784 was not material. Structure #7786 was solely replaced due to asset condition, but it was considered a “non-jurisdictional structure” because there was no height increase or design change between the original structure and the replacement structure.
- This project was completed on May 17, 2019.

2. *Vegetation Management within Right of Way (2021)*

- Eversource’s routine cyclical maintenance vegetation management was conducted between April and December of 2021. Work performed included the removal of incompatible tree species and hazard trees, and side trimming along the maintained 125-foot wide right of way between Card Street Substation and Wawecus Junction, including the Claimants’ parcel. Herbicide application targeting incompatible species and select invasive species was also completed within the ROW, where permissible, the following year between June and November of 2022.

3. *Sub-Petition No. 1293-LFB-01, 1080/1490 Transmission Line Structure Replacement Project (filed 3/5/2021)*

- The Council approved the sub-petition on April 6, 2021, to allow for maintenance work within Eversource’s transmission ROW in the towns of Lebanon, Franklin, and Bozrah,

including the ROW over the Claimants' parcel. This work included the replacement of seven existing wood transmission structures with new weathering steel transmission structures.

- Project construction within the ROW was initiated in May 2021.
- Eversource performed the following work within the ROW over the Claimants' property:
 - replaced wood angle structures #7785 and 7785A on Lines 1490 and 1080, respectively, which were non-jurisdictional structure replacements. Structure access was obtained via the existing gravel access road located south of Bender Road in Lebanon. Minor upgrades to the access road (within the existing limit of disturbance) were completed as necessary. Structure access also required placement of temporary matting within wetland W-2A. In July of 2021, restoration of the area began on the Claimants' property.
- The project was completed on September 15, 2021.

Summary of Eversource's Prior Consultations and Ongoing Discussions With the Claimants Concerning Their Complaints Regarding Prior Work and the Work Proposed Pursuant to the Current Petition

Eversource is well acquainted with the Claimants and has been attempting for several years to address the many issues that they have raised and continue to raise regarding work performed within the ROW. A detailed summary of the interactions between Eversource and the Claimants from 2021 to the present has been provided in Appendix Tab #10.

IV. EVERSOURCE’S RESPONSE TO THE SIX REQUESTS FILED BY CLAIMANTS WITH THE SITING COUNCIL ON MAY 22, 2023

A. Eversource Has No Objection to the Claimants’ Request for Party or Intervenor Status pursuant to Conn. Gen. Stat. § 4-177a and sections 16-50j-13 through 16-50j-17 of the Regulations of Connecticut State Agencies.

The Claimants request “intervenor *and* party status pursuant to [Conn. Gen. Stat.] Sections 4-177a, 4-176, 16-50n, 16-50o, 22a-120, 22a-163j and Council regulations 16-50j-13 [through] 16-50j-17, 16-50j-43.” (Request for Intervenor/Party Status at 3.) It is undisputed that the Claimants own an undeveloped 64.84-acre property on Beaumont Highway in Lebanon that is crossed by the ROW, and that Eversource is proposing to do work within the ROW on the Claimants’ parcel pursuant to this Petition. Therefore, Eversource does not object to the Council granting party *or* intervenor status to the Claimants pursuant to Conn. Gen. Stat. § 4-177a and sections 16-50j-13 through 16-50j-17 of the Regulations of Connecticut State Agencies. Eversource defers to the Council as to whether to grant party *or* intervenor status pursuant to Conn. Gen. Stat. § 4-177a and R.C.S.A. sections 16-50j-13 through 16-50j-17.¹

¹ The Claimants also seek to intervene as a party pursuant to the Conn. Gen. Stat. § 22a-19 of the Connecticut Environmental Protection Act (“CEPA”) and R.C.S.A. § 16-50j-43. Eversource objects to this portion of the Claimants Request for Party/Intervenor status. However, the Council does not need to address this issue because Eversource does not object to the Claimants’ Request for intervenor or party status pursuant to Conn. Gen. Stat. § 4-177a and R.C.S.A. sections 16-50j-13 through 16-50j-17.

In addition to mootness, Eversource’s objection to the request for party status under Conn. Gen. Stat. § 22a-19 is based on Eversource’s position that Claimants have not met the procedural or substantive requirements for party status under that statute. Conn. Gen. Stat. 22a-19 provides:

(a) (1) In any administrative, licensing or other proceeding, and in any judicial review thereof made available by law, the Attorney General, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

(2) The verified pleading shall contain specific factual allegations setting forth the nature of the alleged unreasonable pollution, impairment or destruction of the public trust in air, water or other natural resources of the state and should be sufficient to allow the reviewing authority to determine from the verified pleading whether the

B. The Claimants' Multiple Requests That the Petition Should Be Rejected for Allegedly Not Providing Sufficient Information Have No Merit.

1. Introduction

As discussed in further detail below, the Claimants make three separate requests for dismissal of the Petition on the ground that it is incomplete. As a threshold matter, Eversource notes that the Council found no insufficiencies or incompleteness of the Petition when it conducted its initial review of the Petition.

R.C.S.A. § 16-50j-39a of the Council's regulations governs the Council's review of the completeness of petitions. It provides:

(a) Submission of Petition for Declaratory Ruling to the Council. No declaratory ruling shall be issued to any person until a complete petition containing all information deemed relevant by the Council has been filed. Relevant information shall at a minimum include that listed in Section 16-50j-39 of the Regulations of Connecticut State Agencies unless an explanation of irrelevancy is provided for any item omitted from a petition. The Council will reserve final judgment of an item's relevancy.

(b) Notification of Completeness. No later than 30 days after receipt of a petition for declaratory ruling, the Council shall notify the petitioner in writing as to the lack of completeness of the petition. If a petitioner fails or refuses to correct any deficiencies in the manner directed and within the time prescribed by the Council, the petition may be refused for lack of proper submission.

intervention implicates an issue within the reviewing authority's jurisdiction. For purposes of this section, "reviewing authority" means the board, commission or other decision-making authority in any administrative, licensing or other proceeding or the court in any judicial review.

(b) In any administrative, licensing or other proceeding, the agency shall consider the alleged unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct shall be authorized or approved which does, or is reasonably likely to, have such effect as long as, considering all relevant surrounding circumstances and factors, there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare."

Eversource submits that the Claimants' request does not satisfy the procedural requirements for a proper application under Conn. Gen. Stat. § 22a-19. Eversource further submits that the Claimants have not and cannot show that this petition "involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state."

The Council did not issue any notices to Eversource within 30 days of the filing of the Petition (or at any time) that the Petition was incomplete. The Council implicitly determined that the Petition was in fact complete and there were no material omissions or deficiencies.

2. Request to Reject the Petition for Alleged Failure to Provide Eversource’s April 2022 Construction & Maintenance Environmental Requirements Best Management Practices.

The Claimants also argue that the Council should reject the Petition because Eversource’s April 2022 Construction & Maintenance Environmental Requirements Best Management Practices, which are referenced in the Petition, are allegedly not available on Eversource’s website and therefore Eversource “has made it impossible to determine what potential environmental impacts could exist”, and therefore the Council should “reject the petition and require the petitioner to restart the entire petition process” (Request for Dismissal at 1.) This argument is both factually incorrect and, even if it were accurate (which it is not), it still would not provide a valid basis for rejecting the Petition.

Eversource’s April 2022 Construction & Maintenance Environmental Requirements Best Management Practices is in fact available on its website.² Moreover, it is clear that the Claimants suffered no prejudice from their inability to locate the document on the Eversource website. In fact, the Claimants were ultimately able to obtain a copy of this document from

² This document can be accessed on the Eversource website as follows. Starting at the Eversource home page (<https://www.eversource.com/content/residential>):

- Scroll to the bottom of the page to the section on Doing Business With Us
- Click on Builders and Contractors
- Scroll down to Electric Contractor Service Requests and click on Get Started
- In the box on the right under Resources by Region click on Connecticut Contractor Resources
- Scroll down to Important Documents and Forms
- Click on Environmental Best Management Practices manual

Eversource's legal department when their representative requested it, and Claimants attached the Best Management Practices document to their May 22nd filings.

3. Request to Reject the Petition for Alleged Failure to Provide Information Required Pursuant to Petition No. 1293 for Sub-Petitions for Transmission Line Maintenance Projects.

a. The Sub-Petition Process Described in the Council's Decision in Petition No. 1293 Is Not Applicable To This Project.

The Claimants also seek rejection of the Petition for allegedly failing to include information that the Council required pursuant to its March 30, 2017 decision in Petition No. 1293 (Eversource Energy petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for all transmission facility asset condition maintenance improvements to comply with the updated National Electrical Safety Code clearance requirements). The short response to this claim is that the Council's decision in Petition No. 1293 is not applicable to Petition No. 1566. However, even if Petition No. 1293 were applicable to this Petition, the Claimants' allegations of incomplete information are incorrect.

In Petition No. 1293, the Council authorized the use of a "sub-petition" process for certain limited types of projects; specifically, state-wide transmission-line maintenance activities needed to address asset condition issues such as wooden structures with rot, cracking, or splitting, where structure heights must be increased to comply with the latest requirements of the National Electrical Safety Code ("NESC").³ The "sub-petition process" described in Petition No. 1293 does not apply to any line upgrades or reconductoring work. (Decision in Petition No. 1293, Staff Report.) It was designed to address projects where structure replacements were

³ The Claimants' references to the National Electric Code ("NEC") are incorrect; the provisions of the NESC, not the NEC, govern Eversource's transmission facilities.

needed for transmission structures that had to be replaced because they were “exhibiting cracking, splitting, rot, woodpecker holes, etc.” (Id.)

The sub-petition process described in Petition No. 1293 does not apply to the proposed Project (i.e., Petition No. 1566) because the Project includes some work that does not constitute asset condition maintenance work. Of the 38 structures to be replaced, 32 structures are being replaced due to age-related degradation, while six structures are being replaced due to the additional structural loading associated with the installation of the OPGW. (*See* Petition at 4.) The replacement of the 32 structures constitutes transmission line maintenance activity for which a sub-petition could be filed, but the replacement of the other 6 structures does not, so Eversource could not use the “sub-petition” mechanism outlined in Petition No. 1293.

b. Even If the Sub-Petition Process Governed by the Council’s Decision in Petition No. 1293 Were Applicable to This Project (Which It Is Not), the Petition Should Not Be Rejected Because the Petition Meets the Council’s Requirements.

The premise of the Claimants’ argument is that Eversource’s Petition does not provide the information that should be included in a sub-petition for transmission facility asset condition maintenance work. Claimants make two principal claims that the Petition did not provide information sufficient to comply with the Council’s guidelines for sub-petitions in Petition No. 1293: (1) they allege Eversource did not notify abutting property owners of the proposed transmission line maintenance activity; and (2) they claim the Petition does not include adequate “plans describing current field conditions.” (Claimants’ Request at 1.)

As to the abutter notices, the Petition includes an Affidavit of Service of Notice in which Eversource certified that it had provided “notice of the proposed modifications to be served by mail or courier upon 103 owners of direct or abutting properties” (Petition, Affidavit of Service of Notice.) With regard to the notice issue, Claimants’ primary complaint appears to be

that there was an alleged two-week delay in their notification because Eversource sent their notice letter to their mailing address in Florida rather than their home at 716 Beaumont Highway in Lebanon. (See Claimants' Emails to Council dated 5/4/23, 5/5/23 and May 2, 2023 filing at 2). While Eversource regrets any delay in the Claimants' formal notification, the two-week delay did not prejudice them in any manner because the Council extended the public comment period by 14 days to allow Claimants to raise any and all issues they desired. Moreover, the Claimants were already aware of the Project because Eversource sent them a project notification letter on January 3, 2023, and over the next three months Mr. Spaulding had a series of communications and a meeting with Eversource Outreach Representatives concerning his questions about the Project. (See Appendix, Tab 10, Summary of 2023 communications regarding the Card Substation to Wawecus Junction Upgrade Project.)

The Claimants raise a number of alleged "deficiencies" in Eversource's description of conditions in the existing ROW. (See Request at 1-4.) For purposes of this response, Eversource will not attempt to address each and every claimed "deficiency" in the Petition's description of existing conditions in the ROW over Claimants' property. As a threshold matter, Eversource notes that the Council did not direct Eversource to file any supplemental materials after performing its completeness review within the 30-day period after filing the Petition. Moreover, the Claimants' allegations about alleged inadequacies in the description of existing conditions are essentially "rehashing" of various claims they make that Eversource had performed work in the ROW that was "illegal" or "unauthorized" by the Council. (*Id.*) These various claims are addressed in Eversource's "Rebuttals" of these various claims found in the Appendix to this Reply and are incorporated by reference into this response.

Finally, although this Petition is not a sub-petition for transmission facility asset condition replacements and is therefore not governed by the decision in Petition No. 1293, the following language from that decision is relevant: “*The Council shall have discretion to request additional information [from the petitioner], conduct field reviews, deliberate during a regular meeting, or hold a public hearing on any site-specific sub-petition that is filed.*” (3/31/17 Decision at Petition No. 1293 at 2.) If the Council believes it needs additional information to evaluate the Petition that is the subject of this proceeding, then it could avail itself of the same options outlined above in the Petition No. 1293 Decision, and Eversource will provide such information.

4. Request for Dismissal of the Petition for Incompleteness for Alleged Failure to Provide Information Listed in R.C.S.A. § 16-50j-59

The Claimants also assert that the Petition should be rejected because it allegedly fails to provide all the information required under R.C.S.A. § 16-50j-59. This argument has no merit; it is based on a misunderstanding of the difference between an *application* for a Certificate of Environmental Compatibility and Public Need filed pursuant to Conn. Gen. Stat. § 16-50k *et seq.* and a *petition* for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required because the proposed Project will not have a substantial adverse environmental effect.

The Claimants’ argument fails for the simple reason that R.C.S.A. § 16-50j-59 is not applicable to a petition for declaratory ruling. Section 16-50j-59 (“Information Required”) provides in pertinent part:

In addition to conforming to Section 16-50l of the Connecticut General Statutes and Section 16-50l-2 of the Regulations of Connecticut State Agencies, *an application for a certificate of environmental compatibility and public need* for the construction of a new energy facility, or a modification of an existing energy facility, as defined in Section 16-50i(a)(1) to (4), inclusive, of the Connecticut General Statutes shall include, but not be limited to ... (Emphasis added.)

The form and content of petitions for declaratory rulings are governed by section 16-50j-39(b) of the Council's Regulations.⁴ The Claimants make no argument that Eversource's Petition did not satisfy the requirements of section 16-50j-39, nor did the Council make any such finding pursuant to its completeness review under section 16-50j-39a.

C. The Request to Dismiss the Current Petition and Require Eversource to File Two Separate Petitions for the Optical Ground Wire Installation and the Structure Replacement Work Has No Merit.

The Claimants' *fourth* request for rejection and dismissal of the Petition is based on yet another unfounded argument that misconstrues the statutes and regulations governing the Council and is contrary to the goal of administrative efficiency and common sense. Specifically, the Claimants argue that the Petition should be rejected because Eversource should be required to separate the work described in the Petition into *two different petitions*, one petition for the installation of the OPGW and a second petition for the replacement of structures.

⁴ Section 16-50j-39(b) of the Council's Regulations provides:

Form and content.

The form to be followed in the filing of petitions may vary to the extent necessary to provide for the nature of the legal rights, duties, or privileges involved therein, and to the extent necessary to comply with statutory requirements. Nevertheless, all petitions shall include the following components:

- (1) the purpose for which the petition is being made;
- (2) the statutory authority for such petition;
- (3) the exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any petitioner is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized;
- (4) the name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the petition are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the petitioner;
- (5) such information as may be required under the applicable provisions of the Uniform Administrative Procedure Act, chapter 54 of the Connecticut General Statutes and the Public Utilities Environmental Standards Act, chapter 277a of the Connecticut General Statutes;
- (6) such information as any department or agency of the state exercising environmental controls may, by regulation require;
- (7) such information as the petitioner may consider relevant; and
- (8) such additional information as the Council may request.

This argument is based on an incorrect legal premise regarding the statutes governing the Council. Specifically, the basis for this argument is that two separate petitions are needed – one for OPGW installation and the other for structure replacement - so that the Council can determine in an independent proceeding whether the “public need” for the installation of the OPGW outweighs any environmental effects of the OPGW installation. As the Council is well aware, questions of “public need” are not an issue in a petition for a declaratory ruling that a particular project will not have a substantial adverse environmental effect. By statutory definition, the Council’s role in balancing the public need for a project with environmental effects as a condition for permitting such work only applies to projects that will have “substantial adverse environmental effect,” which triggers the obligation to seek an Application for a Certificate of Environmental Compatibility and Public Need pursuant to Conn. Gen. Stat. § 16-50k *et seq.* If a particular project will not have a “substantial adverse environmental effect,” then the statutory process for obtaining a Certificate of Environmental Compatibility and Public Need – including the balancing of environmental effects and public need outlined in Conn. Gen. Stat. § 16-50p – is not applicable. In Petition No. 1566, Eversource seeks a declaratory ruling that the proposed work will not have a substantial adverse environmental effect, and thus a Certificate of Environmental Compatibility and Public Need is not needed.

A second reason why the Claimants’ request that Eversource be ordered to file separate petitions for the structure replacement and the OPGW work has no merit is that it is contrary to the interests of administrative efficiency. Eversource intends to perform the OPGW installation and structure replacement work as part of a single project. It would be a waste of the Council’s time and resources to have to conduct two separate petition proceedings for this project. Moreover, unless the proceedings were conducted at the same time, it would create the risk that

the subject work would have to be done at separate times, thereby putting added burden on property owners by having Eversource conducting work in the ROW as two separate projects at different time frames. This result simply makes no sense.

D. Request for a Public Hearing on the Petition

The Claimants have requested that the Council conduct a public hearing on this Petition. Under the Council's Regulations, "[i]f the Council deems a hearing necessary or helpful in determining any issue concerning the request for a declaratory ruling, the Council shall schedule such hearing and give such notice thereof as shall be appropriate." R.C.S.A. § 16-50j-40. The Council has complete discretion when deciding whether to hold a public hearing on a petition. While the Council clearly has the discretion to order a hearing in this matter if it so chooses, Eversource submits that a public hearing is not warranted given the nature of the work proposed in the Petition, where most of the work is asset condition replacements in an existing ROW of older wooden H-frame structures with structures of similar type, and where the replacement of the existing copperweld shield wire with OPGW has virtually no visual impact whatsoever.

Eversource submits that, taken as a whole, the Claimants' filings represent a series of complaints they have regarding prior work conducted in the ROW over their undeveloped parcel, some of which was done during a period when they did not even own the parcel. Their claims of alleged "damage" they sustained as a result of this prior work in the ROW – if actionable at all – are not claims over which the Council has jurisdiction, nor are they claims that are "new" to the Council or to Eversource. To the extent that their claims about Eversource's prior work are based upon a dispute regarding the scope of Eversource's rights under its easement over Claimants' undeveloped parcel (which appears to be the case with respect to many of their allegations), then this issue is also beyond the Council's jurisdiction.

Eversource will be interacting with the Claimants regarding the work proposed under this Petition, and it is hopeful that future consultations may provide an avenue for resolving at least some of their concerns. Finally, Eversource respectfully submits that the many issues and allegations raised by Claimants in their voluminous requests are specific to one of the many property owners along the ROW, and they do not rise to the level that would warrant a public hearing on this Petition.

V. **CONCLUSION**

For all the reasons set forth above, Eversource objects to each of the requests of the Claimants filed on May 22, 2023, with the exception of their request for party or intervenor status pursuant to Conn. Gen. Stat. § 4-177a and R.C.S.A. sections 16-50j-13 through 16-50j-17.

Respectfully submitted,

THE CONNECTICUT LIGHT AND POWER COMPANY
d/b/a EVERSOURCE ENERGY,

By: /s/ Brian T. Henebry

Brian T. Henebry
Janie L. McDermott
Carmody Torrance Sandak & Hennessey
50 Leavenworth Street
Waterbury, CT 06721-1110
Tel: (203) 573-1200
bhenebry@carmodylaw.com
jmcdermott@carmodylaw.com

By: /s/ Jeffery Cochran

Jeffery Cochran
Principal Counsel
Eversource Energy
107 Selden Street
Berlin, CT 06037
Tel: (860) 665-3548
jeffery.cochran@eversource.com

CERTIFICATION

I hereby certify that a copy of the foregoing Response of Eversource Energy to Requests of Cory Spaulding and Leslie Yeisley dated May 22, 2023 was served upon all parties and intervenors as referenced in the Connecticut Siting Council's Service List dated April 12, 2023 as follows:

Deborah Denfeld
Team Lead – Transmission Siting
Eversource Energy
P.O. Box 270
Hartford, CT 06141

And a copy was sent via Federal Express overnight service and via email to:

Cory Spaulding
Leslie Yeisley
716 Beaumont Highway
Lebanon, CT 06249
coryspaulding@earthlink.net

/s/ Brian T. Henebry

Brian T. Henebry

APPENDIX

TAB NUMBER 1

Appendix

Petition No. 1566 (the "Project")

Eversource's Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley ("Claimants")

- Claim:** The Town of Lebanon was not consulted regarding the Project.
- Reference in Filing:** Claimants' Request for Rejection of Petition 1566 for Failure to Contain Minimum Required Information as Required in R.C.S.A. § 16-50j-59, at (14)
- Eversource Response:** Eversource provided an e-mail briefing about the Card Street to Wawecus Junction Upgrade Project to Lebanon municipal officials on January 3, 2023. The e-mail included an offer to answer any questions about the Project and/or to set up a meeting with municipal officials. A copy of the Project introduction letter was included with the e-mail. (See copy of e-mail and letter attached.) Eversource received no response to this notice. Eversource mailed the notice of the petition filing with the Connecticut Siting Council to First Selectman Cwikla on April 11, 2023. (See attached.) Eversource followed up with the First Selectman on May 26, 2023 by e-mail and telephone to confirm that the First Selectman did not have any concerns about the Project. The First Selectman verbally stated that he had no concerns to the Eversource Community Relations Specialist.

From: SAMUELS, JAQUAN J <jaquan.samuels@eversource.com>
Sent on: Tuesday, January 3, 2023 5:13:13 PM
To: DPW Director Dean Hunniford <Dhunniford@lebanonct.gov>; First Selectman Kevin Cwikla <firstselectman@lebanonct.gov>; bdenner@lebanonct.gov
CC: Mercier, Deborah A <deborah.mercier@eversource.com>
Subject: Village Hill to Millstone Upgrade Project - Update
Attachments: Card Street Substation to Wawecus Upgrade Project- Project Intro. Dec_2022.pdf (159.06 KB)

Good Afternoon Lebanon Officials,

I am reaching out to notify you of a proposed transmission project Eversource has planned in Lebanon.

In late-January 2022, we will be submitting a petition filing with the Connecticut Siting Council (CSC) requesting approval.

The proposed Project, called the Card Street Substation to Wawecus Junction Upgrade Project, will replace approximately 39 structures in an approximately eight-mile section of the existing right-of-way on a portion of the 1080 line, 1070/1000, and 1090/1000 transmission lines between Wawecus Junction in Norwich and Montville Junction (Montville). Approximately 14 of the structures are located in Lebanon.

This Project work includes replacing wood structures and one steel structure with new weathering steel structures and installing new optical grounding wire (OPGW) at the top of structures. Most of the structures will be replaced due to asset condition: splitting and rotting pole tops; woodpecker damage; and wood decay and cracks. Approximately 16 of the structures will be replaced due to structural loading and clearance issues associated with the OPGW. The average structure height will increase by approximately eight feet. The heights of the existing structures range from approximately 60 feet to 80 feet Above ground level (AGL). New structures also range from approximately 60 feet to 110 feet AGL. With these improvements, Eversource will improve electric reliability by enabling communication between substations.

Due to permitting and other requirements, this Project will be done in multiple phases (pending all necessary approvals). The high-level breakdown of the schedule is:

Select wood structure replacements and OPGW installation. Construction is scheduled to begin in the third quarter of 2023 and expect to complete construction, including restoration of affected areas, by early-summer 2024.

Access will be from off of Card Street, Beaumont Highway, Bender Rd, Chappell Rd., Kick Hill Rd, Exeter Rd. and (Francis Drive, pending approval).

The attached Project Introduction letter will be sent to abutting property owners.

As always, as additional Eversource work in Lebanon is planned I will share it with you. If you have any questions about this Project or if you would like a meeting, please do not hesitate to contact us.

Stay safe and healthy,

Jaquan Samuels

Community Relations Specialist

Eversource

Phone: 860-817-8416

22 East High Street

East Hampton, CT 06424

EVERSOURCE

December 29, 2022

Dear Neighbor,

As part of our everyday effort to deliver dependable energy to our customers and communities, we are preparing to replace existing structures on a portion of the 1080 Line, 1070/1490 transmission lines in Lebanon, Franklin, Borzah and Norwich. Maintaining the infrastructure that supports the electric lines is one of the ways Eversource ensures the safe, secure transmission of electricity throughout the region.

You're receiving this letter because project work will be taking place within the right of way (power line corridor) on or near your property.

We Are Always Working to Serve You Better

The proposed project, called the Card Street Substation to Wawecus Upgrade Project, will replace existing wood structures with weathering steel structures along the approximately thirteen-mile right-of-way that spans between Card Street Substation in Lebanon, to an area in Norwich, called Wawecus Junction. The Proposed modifications include:

- Replacement of approximately 39 existing structures with new steel structures with a finish that "weathers" or darkens over time. Most of the structure replacements are due to the age and condition of these structures and some structures will be replaced to comply with National Electric Safety Code (NESC) clearance requirements. The existing structure heights range from 60 feet to 80 feet above ground level (AGL) and the new structures will range in height from 60 feet to 110 feet (AGL). The average height increase is approximately eight feet AGL.
- We will also need to remove selective tree and vegetation within the right-of-way to comply with updated electrical standards and meet clearance requirements.

In addition, we will replace the existing shield wire (ground wire) located at the top of the structures with new fiber optic communication wire (called OPGW). With these improvements, Eversource will improve electric reliability by enabling communication between substations.

What You Can Expect

First, we want you to know that this work will not interrupt electric service to your property, and that all people working on this project carry identification.

In the coming weeks, Eversource, through its contractors, will be performing field work within the right of way in your area. This work may include soil and other inspections; engineering and environmental surveying; and maintenance of access roads.

We plan to submit a Petition to the Connecticut (CSC) in January for this project. Pending receipt of the necessary approvals for this proposed work, construction is expected to begin in the third quarter of 2023, and we anticipate completing construction, including restoration of affected areas, by summer 2024.

For More Information

Keeping the lines of communication open is important to us. We would like to connect with you to discuss the proposed project, as well as obtain the best contact phone number and e-mail address to reach you moving forward. Please contact Anthony Minchella at 203-850-7996 to provide that information or to discuss the project. You can also contact our Projects Hotline at 1-800-793-2202 or send an email to ProjectInfo@eversource.com.

Eversource is committed to being a good neighbor and doing our work with respect for you and your property. We will continue to provide regular project notifications via mailings, phone calls, and emails. Thank you for your patience as this important project moves forward.

Sincerely,

Heather Hayes

Heather Hayes,
Project Manager on Behalf of Eversource Energy Transmission

APPENDIX

TAB NUMBER 2

Appendix

Petition No. 1566 (the "Project")

Eversource's Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley ("Claimants")

Claim: Claimants were not notified of the Project.

Reference in Filing: Claimants' Request for Rejection of Petition 1566 for Failure to Contain Minimum Required Information for Transmission Facility Asset Condition Maintenance Improvements to Comply with NESC (p. 1)

Eversource Response: Eversource provided the required notification of the filing of Petition 1566 to owners of direct or abutting properties as shown on the aerial maps filed as Attachment A to Petition 1566 with the Connecticut Siting Council.

Eversource notified the property owners of the proposed Card Substation to Wawecus Junction Upgrade Project starting in early January 2023. The following is a timeline of this outreach:

January 3, 2023 – Project Introduction letter mailed to abutting property owners.

February 2, 2023 – Onsite meeting with Claimants and Project team members to discuss the Project scope of work. Mr. Spaulding brought up concerns from past projects.

April 12, 2023 – Abutter Petition notification letter was mailed to Claimants' Florida address. As a result, the Connecticut Siting Council extended the public comment period by two weeks.

April 13, 2023 – A site meeting was held with the Claimants and Project team members to discuss the proposed restoration map, along with a brief overview of the timeline and scope of both, pre-construction restoration and post-construction restoration.

The Eversource Project team has been attempting to work with the Claimants to mitigate their concerns about this Project and past projects. Note, the Claimants' concerns with the alleged lack of notice are addressed on page 14 of Eversource's Response.

December 29, 2022

Dear Neighbor,

As part of our everyday effort to deliver dependable energy to our customers and communities, we are preparing to replace existing structures on a portion of the 1080 Line, 1070/1490 transmission lines in Lebanon, Franklin, Borzah and Norwich. Maintaining the infrastructure that supports the electric lines is one of the ways Eversource ensures the safe, secure transmission of electricity throughout the region.

You're receiving this letter because project work will be taking place within the right of way (power line corridor) on or near your property.

We Are Always Working to Serve You Better

The proposed project, called the Card Street Substation to Wawecus Upgrade Project, will replace existing wood structures with weathering steel structures along the approximately thirteen-mile right-of-way that spans between Card Street Substation in Lebanon, to an area in Norwich, called Wawecus Junction. The Proposed modifications include:

- Replacement of approximately 39 existing structures with new steel structures with a finish that "weathers" or darkens over time. Most of the structure replacements are due to the age and condition of these structures and some structures will be replaced to comply with National Electric Safety Code (NESC) clearance requirements. The existing structure heights range from 60 feet to 80 feet above ground level (AGL) and the new structures will range in height from 60 feet to 110 feet (AGL). The average height increase is approximately eight feet AGL.
- We will also need to remove selective tree and vegetation within the right-of-way to comply with updated electrical standards and meet clearance requirements.

In addition, we will replace the existing shield wire (ground wire) located at the top of the structures with new fiber optic communication wire (called OPGW). With these improvements, Eversource will improve electric reliability by enabling communication between substations.

What You Can Expect

First, we want you to know that this work will not interrupt electric service to your property, and that all people working on this project carry identification.

In the coming weeks, Eversource, through its contractors, will be performing field work within the right of way in your area. This work may include soil and other inspections; engineering and environmental surveying; and maintenance of access roads.

We plan to submit a Petition to the Connecticut (CSC) in January for this project. Pending receipt of the necessary approvals for this proposed work, construction is expected to begin in the third quarter of 2023, and we anticipate completing construction, including restoration of affected areas, by summer 2024.

For More Information

Keeping the lines of communication open is important to us. We would like to connect with you to discuss the proposed project, as well as obtain the best contact phone number and e-mail address to reach you moving forward. Please contact Anthony Minchella at 203-850-7996 to provide that information or to discuss the project. You can also contact our Projects Hotline at 1-800-793-2202 or send an email to ProjectInfo@eversource.com.

Eversource is committed to being a good neighbor and doing our work with respect for you and your property. We will continue to provide regular project notifications via mailings, phone calls, and emails. Thank you for your patience as this important project moves forward.

Sincerely,

Heather Hayes

Heather Hayes,
Project Manager on Behalf of Eversource Energy Transmission



P.O. Box 270
Hartford, CT 06141-0270

April 11, 2023

Dear Neighbor,

At Eversource, we're always working to serve you better. We are submitting a petition to the Connecticut Siting Council (CSC) for a proposed structure replacement project in your area.

Proposed Project Information

The Project, called Card Substation to Wawecus Junction Upgrade Project, will be taking place within the right of way on or near your property between the Card Substation in Lebanon and Wawecus Junction in Norwich for approximately 13 miles. The Proposed modifications include:

- Replacement of 38 existing wood structures with new steel structures, with a finish that "weathers" or darkens over time. Most of the structure replacements are due to the age and condition of these structures and some structures will be replaced to comply with National Electrical Safety Code (NESC) clearance requirements. The existing structure heights range from 52 feet to 74.5 feet above ground level ("AGL") and the new structures will range in height from 52 feet to 97 feet AGL. The average height increase is approximately nine feet AGL.
- Select tree and vegetation trimming within the right of way to comply with updated electrical standards.

In addition, we will replace the shield wire on the structures with communication wire called Optical Ground Wire (OPGW). With these improvements, Eversource will improve electric reliability by enabling communication between substations.

What You Can Expect

Pending all necessary approvals for this proposed work, construction is expected to begin in the third quarter of 2023. We anticipate completing construction, including restoration of affected areas, by summer 2024.

For More Information

Eversource is committed to being a good neighbor and doing our work with respect for you and your property. For more information, please call our projects hotline at 1-800-793-2202 or send an email to ProjectInfo@eversource.com.

If you would like to send comments regarding Eversource's petition to the CSC, please send them via email to siting.council@ct.gov or send a letter to the following address: Melanie Bachman, Executive Director, Connecticut Siting Council, Ten Franklin Square, New Britain, CT 06051.

Sincerely,

Heather Hayes

Heather Hayes

Project Manager on Behalf of Eversource Energy Transmission

APPENDIX

TAB NUMBER 3

Appendix

Petition No. 1566 (the “Project”)

Eversource’s Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley (“Claimants”)

Claim: Eversource did not obtain Connecticut Siting Council (“Siting Council”) approval for some prior work done within the right-of-way (“ROW”) since Claimants moved to this area.

Reference in Filing: Claimants’ Request for Intervenor/Party Status (p. 5, ¶ 5)

Eversource Response: 2017/2018, Sub-Petition No. 1293-LFBNM-01: As part of this Project, Eversource entered upon the ROW and replaced structures #7786 and #7784 as part of an asset condition replacement (“ACR”) project. At the time of this Project, Claimants did not own the subject property. The construction of the access road required to support the safe replacement of structure #7784 was approved as a mostly matted access road under the Sub-Petition. Prior to construction of the access road, the Eversource Project team evaluated use of a gravel access road between structures #7784 – #7786 to allow for safer construction due to the existing steep terrain. The proposed access road location did not require any matting due to wetlands or to protect cultural resources. The property owner at the time of construction (i.e., the predecessor to Claimants) was not opposed to the use of gravel to construct this access road. A memo was sent to the Connecticut Siting Council on August 24, 2021, which provided an update that this access road was constructed with gravel and that the Eversource Siting Analyst assigned to this Project mistakenly thought that material changes to access road construction in upland areas was not jurisdictional to the Council as long as the road remained in the same alignment and apologized for the oversight.

2021, Vegetation Management: Siting Council approval was not required for Eversource’s routine management of vegetation within the ROW.

2021, Sub-Petition No. 1293-LFB-01: For this ACR project, the two structures that were replaced on the Claimants’ property were structures #7785 and #7785A on Lines 1490 and 1080, respectively. However, the two structures were not subject to Siting Council Sub-Petition Review as these were considered like for like replacements (i.e., there was no change in the structure height between the proposed and existing structures and there was no design change). Access to the structures was obtained via the existing gravel access road.

The remainder of the 2021 ACR Project was authorized under the Sub-Petition, which was issued on April 6, 2021.

From: Nicole Castro
To: Eversource; Susan J Huff; Roxanne J Parson; J Parsons
Cc: Brendan Zielinski (bzielinski@burnsmcd.com); Pappalardo, Mark A; Mercier, Deborah A
Subject: RE: CMT - Mapping Updates
Date: Tuesday, June 26, 2018 10:45:24 AM
Attachments: Images000000
Images000000

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Okay, great! Thanks for confirming that, Sue.

Nicole Castro
Project Manager GIS Analyst
All-Points Technology Corporation, P.C.
860 661 1097 (Direct) 850 855 5037 (Cell)

From: Bellion, Susan J [mailto:susan.bellion@eversource.com]
Sent: Tuesday, June 26, 2018 10:43 AM
To: Nicole Castro <NCastro@allpointstech.com>; Huff, Roxanne J <roxanne.huff@eversource.com>; Bradley J. Parsons <BParsons@allpointstech.com>
Cc: Brendan Zielinski (bzielinski@burnsmcd.com) <bzielinski@burnsmcd.com>; Pappalardo, Mark A <mark.pappalardo@eversource.com>; Mercier, Deborah A <deborah.mercier@eversource.com>
Subject: RE: CMT - Mapping Updates

Nicole:

Thanks. Fortunately, these changes from matting to gravel in areas that are neither a wetlands or culturally sensitive does not require a submission to the CSC.

Susan J. Bellion | Project Siting Specialist - Transmission Siting | Eversource Energy | susanbellion@eversource.com | Direct: (860) 728-4628 Cell: (203) 313-4143

From: Nicole Castro [mailto:nicole.castro@allpointstech.com]
Sent: Tuesday, June 26, 2018 10:25 AM
To: Huff, Roxanne J <roxanne.huff@eversource.com>; Bradley J. Parsons <bjparsons@allpointstech.com>
Cc: Brendan Zielinski (bzielinski@burnsmcd.com) <bzielinski@burnsmcd.com>; Bellion, Susan J <susanbellion@eversource.com>; Pappalardo, Mark A <mark.pappalardo@eversource.com>; Mercier, Deborah A <deborah.mercier@eversource.com>
Subject: RE: CMT - Mapping Updates

EVERSOURCE IT NOTICE - EXTERNAL EMAIL SENDER: If you did not receive this message in error, please contact your system administrator. If you are a user of the system, please contact your system administrator. If you are not a user of the system, please contact your system administrator. SpamFeedback@eversource.com

Roxanne,

Attached are the two revised sheets for the full map set and below is a link to the latest set with these two sheets replaced.

Sue – please review the attached "Subpetition MS02" and "Subpetition MS05" maps for sub-petition revision (access roads changing from matted to gravel). Let me know if you need any changes.

CardSt_Montville_TimothyS_StructureReplacement_MapSheet_FINAL_Rev7_2018Apr04_no_attachments.pdf
<https://allpointstech.com/dfs/01/013600/0000>

Thank you

Nicole Castro
Project Manager GIS Analyst
All-Points Technology Corporation, P.C.
860 661 1097 (Direct) 850 855 5037 (Cell)

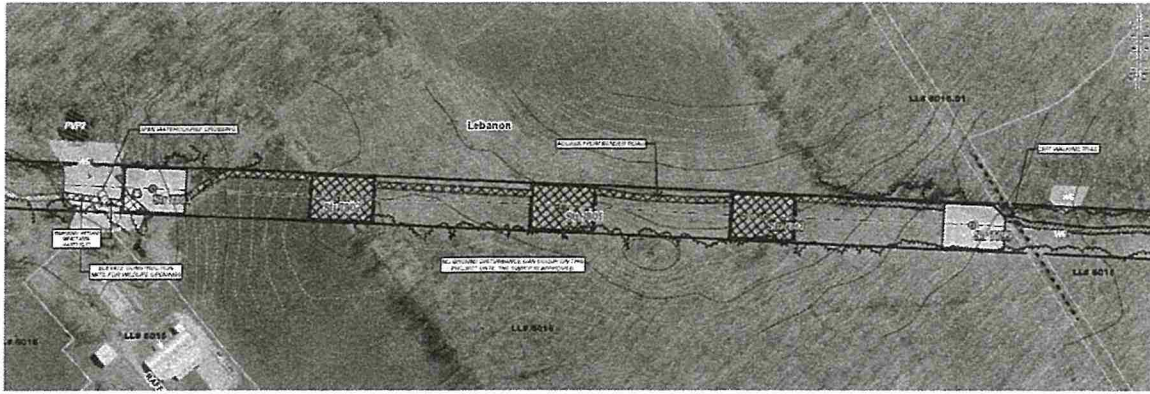
From: Huff, Roxanne J [mailto:roxanne.huff@eversource.com]
Sent: Tuesday, June 26, 2018 9:42 AM
To: Bradley J. Parsons <bjparsons@allpointstech.com>; Nicole Castro <nicole.castro@allpointstech.com>
Cc: Brendan Zielinski (bzielinski@burnsmcd.com) <bzielinski@burnsmcd.com>; Bellion, Susan J <susanbellion@eversource.com>; Pappalardo, Mark A <mark.pappalardo@eversource.com>; Mercier, Deborah A <deborah.mercier@eversource.com>
Subject: RE: CMT - Mapping Updates

Good Morning,

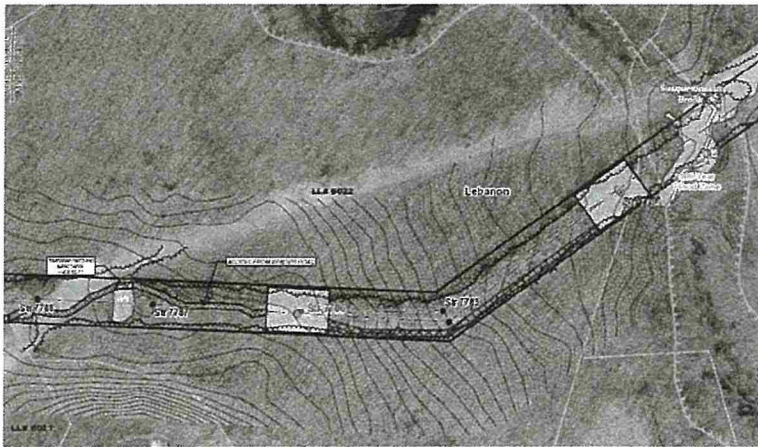
Following up on a few mapping updates that were discussed and approved for changes last week for the CMT project but were not sent over for mapping updates – these revisions address changes from proposed matting to gravel either per the property owner's request or that the property owner was not opposed to gravel vs matting.

Please let me know if you have any questions:

1. The matting shown on James Northrop's property (LL 6016) on mapsheet 3 of 43 will be gravel – property owner requested gravel vs matting



2. Matting shown between 7786 – 7784 will be gravel rather than matting due to existing terrain (mapsheet 6 of 43). This area was cleared of cultural (as was the entire project area) and the property owner is not opposed to gravel vs matting



From: Huff, Roxanne J
Sent: Friday, June 15, 2018 4:00 PM
To: james.hamilton@eversource.com; Jamie Cross <james.j.cross@eversource.com>
Cc: Collins, Michael R <michael.r.collins@eversource.com>; Keating, Thomas W <thomas.w.keating@eversource.com>; Brendan Zielinski <brendan.zielinski@eversource.com>; Bellion, Susan J <susan.j.bellion@eversource.com>; Pappalardo, Mark A <mark.a.pappalardo@eversource.com>
Subject: CMT_ Access Road Between Str's 7786 - 7784

Good Afternoon,

I spoke with Sue earlier regarding the access road between Str 7786 and 7784 - we can gravel as long as the access road remains in the same location as the originally proposed location. This location was cleared of cultural concerns and does not require matting because of any wetlands.

If there are any concerns with this please let me know.

Hope everyone has a great weekend!

Thank you,

Roxanne J. Huff
 Project Manager - Projects
 Email: roxanne.j.huff@eversource.com
 Telephone: 728-6137 (Internal) / 860-728-6137 (External)
 Cell: 203-804-8804

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APPENDIX

TAB NUMBER 4

Appendix

Petition No. 1566 (the "Project")

Eversource's Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley ("Claimants")

Claim: Eversource did not adhere to Connecticut Siting Council requirements in connection with prior work in right-of-way ("ROW") and made false certifications regarding compliance issues in connection with prior work.

**Reference
in Filing:**

Claimants' Request for Intervenor/Party Status (p. 5, ¶¶ 2 & 4)

**Eversource
Response:**

2017/2018, Sub-Petition No. 1293-LFBNM-01: As part of this Project, Eversource required Siting Council approval for the construction of an access road to support the safe replacement of structure #7784 on the subject property, which was approved as a mostly matted access road under the Sub-Petition. Prior to construction of the access road, the Eversource Project team evaluated use of a gravel access road between structures #7784 – #7786 on the property to allow for safer construction due to the existing steep terrain. The property owner at the time of construction (i.e., the predecessor to Claimants) was not opposed to the use of gravel to construct this access road. A memo was sent to the Connecticut Siting Council on August 24, 2021, which provided an update that this access road was constructed with gravel and that the Eversource Siting Analyst assigned to this Project mistakenly thought that material changes to access road construction in upland areas was not jurisdictional to the Council as long as the road remained in the same alignment and apologized for the oversight. Eversource fully adhered to all other Siting Council requirements pursuant to the Sub-Petition.

Access to structures # 7784-#7786 required placement of temporary matting within the small wetland just north of structure #7787. Placement of matting, resulting in approximately 600 square feet of temporary impacts within the wetland, was authorized by the U.S. Army Corps of Engineers on February 15, 2018 (File No. NAE-2018-00310). Permit is attached.

2021, Vegetation Management: Siting Council approval was not required for Eversource's routine management of vegetation within the ROW.

2021, Sub-Petition No. 1293-LFB-01: For this 2021 ACR Project, the two structures that were replaced on the Claimants' property were structures #7785 and #7785A on Lines 1490 and 1080, respectively.

The structures were not subject to CSC Sub-Petition jurisdiction because there was no change to the height of the structures.

Access to the structures was obtained via an existing gravel access road south of Bender Road in Lebanon, Connecticut. Minor upgrades to the road (within the existing limit of disturbance) were completed, as needed.

Access to structures #7785 and #7785A required placement of temporary matting within the small wetland just north of structure #7787 . Placement of matting, resulting in approximately 600 square feet of temporary impacts within the wetland, was authorized by the U.S. Army Corps of Engineers on March 16, 2021 (File No. NAE-2021-00757). Permit is attached.

Although the Sub-Petition did not require any environmental compliance inspections, Eversource conducted the inspections anyway.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

February 15, 2018

Regulatory Division
File Number: **NAE-2018-00310**

Mr. Mark Pappalardo
Eversource Energy
56 Propspect Street
P O Box 270
Hartford, CT 06103

Dear Mr. Pappalardo:

RE: Project Name & Location of Work: **temporary placement of swamp mats/several Strs - 30-mile portion of Lines, 1000,1070, 1080, 1490 & 1675, CT**

We received your Connecticut General Permits (CT GPs) Appendix E Self-Verification Notification Form indicating that you plan to conduct the above work within our jurisdiction under Self-Verification of the GPs.

We have recorded this project as permittee self-verification of the CT GPs in our database. You are responsible for ensuring the work meets the terms and conditions of the CT GPs.

If you have any questions, please contact me at (978) 318-8879.

for: Robert J. DeSista
Chief, Permits and Enforcement Branch

Copy furnished:
Mark Pappalardo – Eversource Energy – via email
Robert Gilmore – CTDEEP – via email



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

16 March 2021

Regulatory Division
File Number: NAE-2021-00757

Antonio Federici
Eversource Energy
107 Selden Street
Berlin, CT 06037

Dear Mr. Federici:

PROPOSED WORK/LOCATION: Installation of temporary construction matting, Lebanon, CT.

We have reviewed your proposal to perform work within Corps of Engineers jurisdiction. We have assigned this file number NAE-2021-00757. Please reference this number in any future correspondence with us.

Since your project may have only minimal individual and cumulative impacts on waters and wetlands of the United States, it is authorized by the Corps of Engineers under the Connecticut General Permits (GPs). This authorization does not obviate the need to obtain other federal, state, or local approvals. You are responsible for ensuring that the work meets the terms and conditions of the CT GPs. We have recorded this project as permittee self-verification of the CT GPs in our database.

Please contact me at (978) 318-8703 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kevin R. Kotelly". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Kevin R. Kotelly, P.E.
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosure (plans)

APPENDIX

TAB NUMBER 5

Appendix

Petition No. 1566 (the "Project")

Eversource's Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley ("Claimants")

Claim:

Eversource caused damage during prior work within the Claimants' parcel.

Reference in Filing:

Claimants' Request for Rejection of Petition 1566 for Failure to Contain Minimum Required Information for Transmission Facility Asset Condition Maintenance Improvements to Comply with NESC (pp. 1-4)

Eversource Response

Since 2021, shortly after Claimants purchased the subject property, Eversource has been working with Claimants to address their concerns regarding alleged issues resulting from Eversource's ROW work. In response to those concerns, Eversource has undertaken various work requested by Claimants, including the repair of water bars, installation of a gate post, removal of woody debris and general restoration of the ROW area.

The only wetland located on Claimants' property is a small wetland just north of structure #7787, which was crossed with temporary matting for prior projects under sub-petitions filed in 2017 and 2021.

Additionally, for replacement of structures #7785 and 7785A located within the ROW on the Claimants' property in 2021, the Project utilized an existing gravel access road to access the structures. A new work pad within the upland area was constructed to support the structure replacement activities.

To ensure that there are no adverse impacts to any historic or culturally sensitive resource (e.g. stone walls), the project completed the necessary field visits and exploratory surveys, and received an approval from the CT State Historic Preservation Officer. Said approval is attached. There is no indication of a stone wall in the area from the Eversource aerial or Project maps and the Claimants have never mentioned burial of a stone wall to Eversource Project representatives.

Although Claimants allege that pooling of water caused by Eversource activities on their property has created a new vernal pool/wetland area, a Connecticut licensed soil scientist has investigated the ROW area on the subject property and found no sign of a new created wetland or vernal pool. The area was re-delineated for this Project in February 2023;

Eversource has not relied on old environmental data and no conflicting report has been provided.



January 14, 2021

Mr. David R. George
Heritage Consultants
PO Box 310249
Newington, CT 06131

Subject: Phase IB Cultural Resource Reconnaissance Survey
Eversource Energy Line 1490/1080
Lebanon, Connecticut
ENV-21-0375

Dear Mr. George:

The State Historic Preservation Office (SHPO) has reviewed the archeological survey report prepared by Heritage Consultants, LLC (Heritage), dated October 2020. The proposed activities are under the jurisdiction of the Connecticut Siting Council and are subject to review by this office pursuant to the Connecticut Environmental Policy Act (CEPA). The proposed 3 structure replacements are associated with the Line 1490/1080 Structure Replacement Project. The submitted report is well-written, comprehensive, and meets the standards set forth in the *Environmental Review Primer for Connecticut's Archaeological Resources*.

One previously recorded archaeological site is located within 500 feet of the line structures; however, it will not be impacted by the undertaking. No properties listed or previously determined to be eligible for listing on either the State or National Register of Historic Places are located within 500 feet of any utility structures in the project area.

Phase IB of the reconnaissance survey consisted of subsurface testing of areas deemed to have moderate to high archaeological sensitivity, and that would be subject to ground disturbing impacts as part of the proposed undertaking. A total of 25 of 26 planned shovel tests were excavated successfully throughout the proposed work area; 1 unexcavated shovel test fell within an area characterized by previous disturbance and/or steep slopes.

No prehistoric or historic period cultural artifacts or features were identified during the survey.

State Historic Preservation Office

450 Columbus Boulevard, Suite 5 | Hartford, CT 06103 | P: 860.500.2300 | ct.gov/historic-preservation

An Affirmative Action/Equal Opportunity Employer An Equal Opportunity Lender



Department of Economic and
Community Development

State Historic Preservation Office

As a result of the information submitted, SHPO concurs with the findings of the report that additional archeological investigations of the project area are not warranted and that no historic properties will be affected by the proposed activities. However, please be advised that if construction plans change to include previously uninvestigated/undisturbed areas, this office should be contacted for additional consultation.

This office appreciates the opportunity to review and comment upon this project. For additional information, please contact Marena Wisniewski, Environmental Reviewer, at (860) 500-2357 or marena.wisniewski@ct.gov.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Kinney". The signature is written in a cursive, flowing style.

Jonathan Kinney
Deputy State Historic Preservation Officer

State Historic Preservation Office

450 Columbus Boulevard, Suite 5 | Hartford, CT 06103 | P: 860.500.2300 | ct.gov/historic-preservation

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APPENDIX

TAB NUMBER 6

Appendix

Petition No. 1566 (the “Project”)

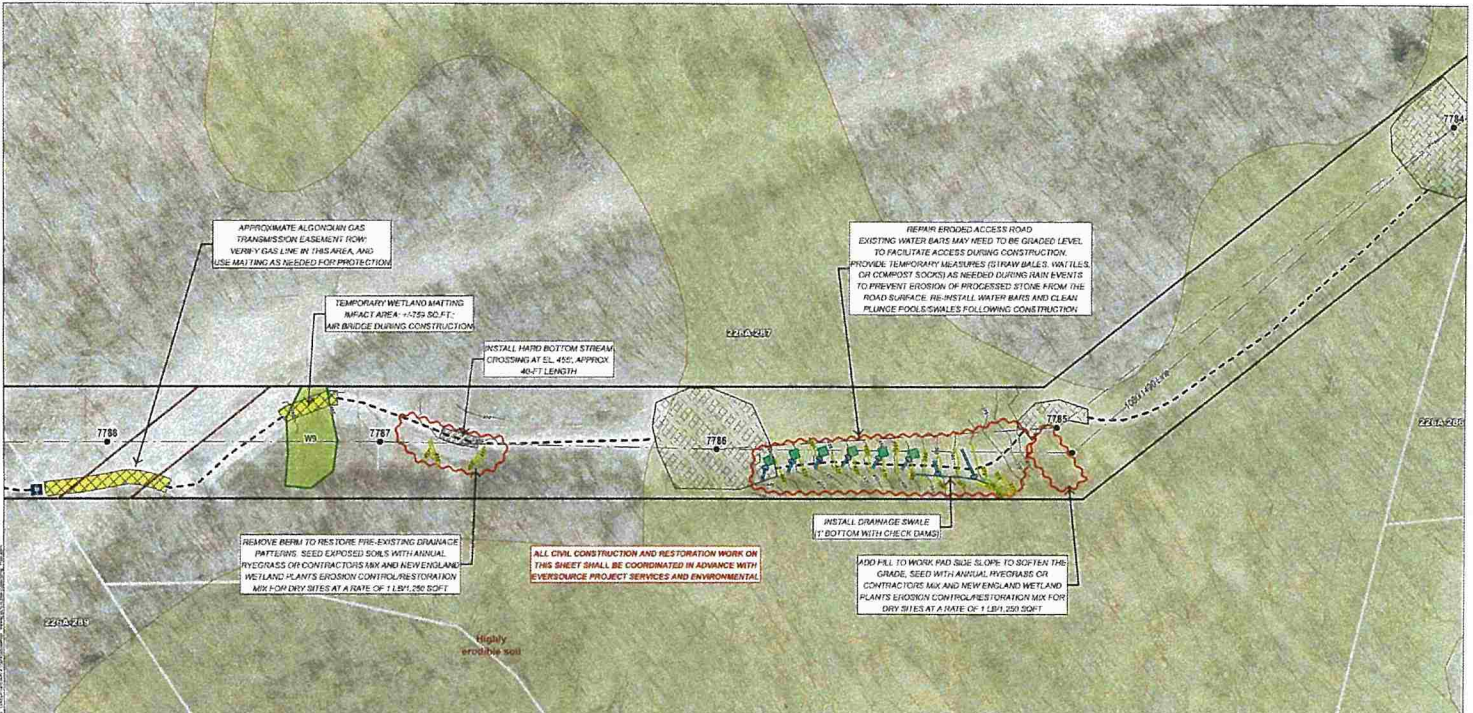
Eversource’s Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley (“Claimants”)

Claim: Eversource’s Petition does not accurately describe the existing conditions within the right-of-way (“ROW”) over the Spaulding/Yeisley property.

Reference in Filing: Claimants’ Request for Intervenor/Party Status (p. 5 ¶ 3); Request for Rejection of Petition 1566 for Failure to Contain Minimum Required Information for Transmission Facility Asset Condition Maintenance Improvements to Comply with NESC (pp. 3-4)

Eversource Response: Section 5 of Petition 1566 sets forth information regarding existing environmental conditions throughout the Project ROW. As is typical, the description of existing conditions is intended to provide an overview of the Project area resources, with additional details for some specific resource areas where such detail is helpful for resource protection. It does not, however, give specific details regarding existing environmental conditions for each and every property over the entire 12.5-mile Project area that the ROW traverses. A copy of the proposed work on Claimants’ property, which depicts existing conditions, is shown on Aerial Map Sheet 06 of 24, which was filed with the Petition and is attached.

The second attached map depicts specific area resources, and property restoration to be undertaken on Claimants’ property, which Eversource is working with Claimants to undertake.



WORK AREA BOUNDARIES IN NEAR WETLANDS
 1. VESITATION REMOVAL WILL OCCUR WITHIN THE LIMITS OF DISTURBANCE AS SHOWN. ADDITIONALLY, DANGER OR HAZARD TREE REMOVAL MAY BE REQUIRED OUTSIDE OF THE LIMITS OF DISTURBANCE.
 2. ALL PROJECT CONSTRUCTION ACTIVITIES IN WETLANDS WILL BE CONTAINED WITHIN THE EXPECTED LIMITS OF DISTURBANCE.

Map Notes:
 This mapping product has been created in compliance with applicable regulatory approvals and, on each sheet, there is no reliance on the information contained herein for any other purpose.
 Wetlands and ROW boundaries are approximate. Parcel limits and ROW boundary provided by Eversource.
 Aerial Base Map Source: CITEO 2019

GENERAL NOTES
 1. THE LIMITS OF DISTURBANCE AS SHOWN DEFINE AREAS WHERE VEGETATION REMOVAL, AND GRUBBING, GRADING, AND ERECTION MAY OCCUR. VISIT DEVIATIONS MAY BE REQUIRED IN SOME LOCATIONS.
 2. ALL WORK WILL BE CONDUCTED IN ACCORDANCE WITH THE RELEVANT PORTION OF EVERSOURCE'S INTERNAL, CONTRACTOR CONTROL AND MAINTENANCE ENVIRONMENTAL RESTORATION PLAN MANUAL. LOCALS MORE STRINGENT PROJECT SPECIFIC MEASURES APPLY.
 3. ALL WORK WILL BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF REGULATORY APPROVALS AND UNDER THE RISK AND SCOPE OF EVERSOURCE AND THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND WITH ALL PROJECT PROTOCOLS.
 4. CONTRACTOR SHALL ADDITIONAL WORK CONTROL MEASURES AS REQUIRED.
 5. CONTRACTOR SHALL ADDITIONAL WORK CONTROL MEASURES AS REQUIRED.
 6. CONTRACTOR SHALL ADDITIONAL WORK CONTROL MEASURES AS REQUIRED.
 7. WETLAND AND WETLAND BUFFER CONTROL MEASURES SHALL BE APPLIED TO WORK WITHIN ALL WETLANDS WITH SENSITIVE SPECIES. SEE DETAIL SHEET 1.
 8. SPECIAL WORK SHALL BE REQUIRED IN SENSITIVE WETLANDS AS DIRECTED BY THE ENVIRONMENTAL SUPERVISOR. SEE DETAIL SHEET 1.
 9. BARY EVENTS AND DAMAGE AND RECONSTRUCTION AREAS ARE INDICATED BY RED LINES.
 10. RECONSTRUCTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE EVERSOURCE RESTORATION GUIDANCE PLAN IN ORDER TO PROTECT LEVEL WORK AREA WHERE STEEP SLOPES, LIMITED ROW, AND ENVIRONMENTALLY SENSITIVE AREAS EXIST. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL LOCATIONS OF THE DAMAGE. RECONSTRUCTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE EVERSOURCE RESTORATION GUIDANCE PLAN. RECONSTRUCTION SHALL BE CONDUCTED IN ADDITIONAL LOCATIONS NOT IDENTIFIED ON THIS PLAN.
 11. WHERE THE DISTURBANCE OCCURS IN NEAR WETLANDS, BUFFER OF DISTURBANCE, AND BUFFER AREAS SHALL BE RECONSTRUCTED IN ACCORDANCE WITH THE EVERSOURCE RESTORATION GUIDANCE PLAN. RECONSTRUCTION SHALL BE CONDUCTED IN ADDITIONAL LOCATIONS NOT IDENTIFIED ON THIS PLAN.
 12. ALL DISTURBANCE SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. RECONSTRUCTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE EVERSOURCE RESTORATION GUIDANCE PLAN. RECONSTRUCTION SHALL BE CONDUCTED IN ADDITIONAL LOCATIONS NOT IDENTIFIED ON THIS PLAN.
 13. FOR EVERY FEET OF ELEVATION CHANGE IN WHICH THE IN SLOPES THAT ARE GREATER THAN 1:1 GRADE, CONTRACTOR TO PROVIDE A PAVED ROADS OR APPROVED EROSION CONTROL MEASURES PER THE 2010 CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL MANUAL.



Legend	Legend	Legend	Legend
Existing Structure	Gate	Field Delineated Wetland	Outlet Protection
Existing Right-of-Way (ROW)	Existing Access	Highly Erodible Soils	Plunge Pool
Overhead Eversource Line	Existing Gravel	FEMA 100-Year Flood Zone	Drainage Swale
Approx. Gas Line ROW	Temporary Construction Matting	Parcel Boundary	Wetland
5 Contour Line	Delineated Wetland Boundary Outline	Proposed Contour Line	Riprap Hard Bottom Stream Crossing
1 Contour Line			



NO.	DATE	REVISION

EVERSOURCE ENERGY

Spaulding Property Restoration
 1080/1490 Lines

Lebanon, CT Map Sheet 1 of 1

April, 2023

ALL POINTS
 Environmental Solutions



Legend		Legend		Legend	
● Precast Structure	● Culvert	■ 100-Year Flood Zone	— Ordinary High Water Mark	— Coastal Boundary	— Enterprise Owned Property
● Existing Structure	■ Stone Work Pad	— 100-Year Flood Elevation	— Confined Vertical Pipe Elevation	— State Owned Property	— Parcel Boundary
— Overhead Electric Line	— Existing Gravel	— 100-Year Flood Elevation	— 100-Year Flood Elevation	— Municipal Boundary	— Map Sheet Boundary
— Existing Right of Way (ROW)	■ Temporary Construction Matting	— 100-Year Flood Elevation	— 100-Year Flood Elevation		
— State 1st or 2nd	— Areas of Land Use Change	— 100-Year Flood Elevation	— 100-Year Flood Elevation		
— 1st Census Line	— Subsoil	— 100-Year Flood Elevation	— 100-Year Flood Elevation		
— 2nd Census Line	— Existing Access	— 100-Year Flood Elevation	— 100-Year Flood Elevation		
— 3rd Census Line		— 100-Year Flood Elevation	— 100-Year Flood Elevation		
		— 100-Year Flood Elevation	— 100-Year Flood Elevation		
		— 100-Year Flood Elevation	— 100-Year Flood Elevation		

Notes:
 This map was prepared for the project by Eversource Energy and is intended to be used for informational purposes only. It is not intended to be used for any other purpose. Eversource Energy, its subsidiaries, and its affiliates and licensors are not responsible for any errors or omissions in this map. Please contact your local office for more information.

Scale: 1 inch = 200 feet

0 50 100 200 Feet

EVERSOURCE

Card Substation to Wawuc Junction Upgrade Project

Lebanon, CT

Map Sheet 06 of 24

Date: April, 2023

NO DATE REVISIONS

APPENDIX

TAB NUMBER 7

Appendix

Petition No. 1566 (the “Project”)

**Eversource’s Response to Certain Factual Allegations Included in the May 22, 2023 Filings of
Cory Spaulding and Leslie Yeisley (“Claimants”)**

Claim: Eversource’s proposed work does not comply with its own best management practices (“BMPs”).

**Reference
in Filing:** Claimants’ Request for Intervenor/Party Status (p. 5 ¶ 3); Claimants’ Request for Rejection of Petition for failure to provide proper access to BMPs

**Eversource
Response:** Claimants’ allegation of non-compliance with Eversource’s BMP manual(s) is unfounded. The previous work complied with the 2016 version of the BMP manual and the upcoming work will comply with the 2022 version.

The BMP manuals contain a host of various tools that can be implemented as appropriate given site-specific conditions along each ROW. There is no “one-size-fits-all” nor can/should all BMPs be implemented at every construction site.

While it is impossible to address each claim, we offer the following concerning the construction of access roads and work pads: Eversource undergoes a significant pre-construction environmental review of each project to identify sensitive environmental resources and permitting requirements. In the case of this property, no permits were required to construct the roads and work pads, other than the permits submitted to the Army Corps of Engineers and CT DEEP for the temporary wetland crossing just north of structure #7787. Therefore, in this location, Eversource implemented the BMP of matting over the wetland.

APPENDIX

TAB NUMBER 8

Appendix

Petition No. 1566 (the "Project")

Eversource's Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley ("Claimants")

Claim:

Eversource's proposed work in the right-of-way ("ROW") on the Claimants' property will be near a gas pipeline easement that implicates the Claimants' legal responsibilities under that easement.

**Reference
in Filing:**

Claimants' Request for Intervenor and Party Status, pp. 7-8

**Eversource
Response:**

Eversource authorized the construction of the Algonquin Gas Transmission Company's ("Algonquin") gas pipeline through the ROW by a Permit Letter dated June 4, 1968 (attached).

The Eversource ROW intersects with the Algonquin ROW at several locations. No existing or proposed Eversource structures are located within the Algonquin ROW. In coordination with Algonquin, Eversource would use construction matting, as needed, for work pads and access roads that are located within the Algonquin right-of-way for protection of this underground utility.

5192-31

The Connecticut LIGHT & POWER Co.



0-51.226-A-C-4

GENERAL OFFICE
BERLIN, CONNECTICUT
P O BOX 3010 HARTFORD, CONN. 06101

TELEPHONE
NEWINGTON 556-2431

May 24, 1968

Mr. R. S. Chisholm, Assistant Director
Land and Ad Valorem Tax Department
Algonquin Gas Transmission Company
1284 Soldiers Field Road
Boston, Massachusetts 02135

Dear Mr. Chisholm:

This is to advise that The Connecticut Light and Power Company hereby authorizes the Algonquin Gas Transmission Company to place a 10-inch natural gas pipeline across the right of way this Company acquired from William F. and Mary C. Parkhurst located in the Town of Franklin, County of New London, State of Connecticut, as shown on the attached map dated February 19, 1968 No. L-4834EE, with the following conditions:

1. The Algonquin Gas Transmission Company shall restore the terrain of the right of way to the condition found prior to its construction.

2. Tall construction equipment must not be used near the overhead electric line to avoid the hazard of accidental contact with the wires. Appropriate Connecticut State Statutes covering cranes, etc., operating near energized conductors should be referred to.

3. Except in cases of emergency, and then if feasible, The Connecticut Light and Power Company shall be advised forty-eight (48) hours prior to any construction work or maintenance work involving construction on the right of way of the Company and, if such becomes necessary, the terrain shall be restored as found.

4. When it becomes necessary to perform any work on The Connecticut Light and Power Company's right of way, the Algonquin Gas Transmission Company shall notify:

Mr. F. J. Dwyer, Division Superintendent
The Connecticut Light and Power Company
1270 Main Street
Willimantic, Connecticut
Area Code 203 Telephone No. 423-4561

5. The Algonquin Gas Transmission Company agrees to reimburse our Company for re-establishing buried counterpoise wire that may be disturbed

5192-31

or exposed in connection with the installation or repair of said gas main.

Very truly yours,

THE CONNECTICUT LIGHT AND POWER COMPANY

By *C. Lewis Reed*
Its Real Estate Engineer

ALB/eam
attachment

ACCEPTED:

THE ALGONQUIN GAS TRANSMISSION COMPANY

By *Robert E. Gilmer*
Its Director, Land & Ad Valorem Tax Dept.

Date: June 4, 1968

APPENDIX

TAB NUMBER 9

Appendix

Petition No. 1566 (the "Project")

Eversource's Response to Certain Factual Allegations Included in the May 22, 2023 Filings of Cory Spaulding and Leslie Yeisley ("Claimants")

Claim: There is alternative suitable access available to conduct the proposed Project work.

Reference in Filing: Claimants' Request for Intervenor/Party Status (pp. 4 & 8)

Eversource Response: To determine where and how to construct an access road, Eversource takes into consideration topographical and environmental factors, as well as long-term maintenance needs. A detailed assessment of each proposed location is conducted with the goal to avoid, minimize, and/or mitigate impacts to environmentally sensitive areas, recreational areas, maintained properties, and agricultural areas while still prioritizing the need for long-term system reliability. To date, Eversource has not expressed interest in acquiring rights from the Claimants for an off-ROW access road for the following reasons:

Existing in-ROW Access Road: There is an existing in-ROW access road, which is viable for Eversource's current access needs (built as part of Sub-Petition No. 1293-LFBNM-01 in 2018).

System Reliability / Maintenance: Eversource prefers building roads in-ROW, when feasible for purposes of future access for system reliability. Additional easements are occasionally pursued for off-ROW access roads when in-ROW access is not feasible or preferred. However, in this instance, off-ROW access is not being considered due to the existing in-ROW road.

Real Estate: Eversource does not have temporary or permanent rights to use alternative access on the Claimants' property. Typically, the easement acquisition process is quite costly and time consuming (and these costs are passed on to Eversource customers); thus, alternative access is typically not pursued absent compelling reasons such as avoidance of lengthy wetland crossing.

Additional Environmental Impacts: Building the off-ROW access route on the Claimants' property would further impact the environment due to the need for substantial improvements such as vegetation removal and

gravel installation for safe travel by Eversource heavy construction vehicles and equipment.

APPENDIX

TAB NUMBER 10

Appendix

Petition No. 1566 (the "Project")

Eversource's Response to Certain Factual Allegations of Cory Spaulding and Leslie Yeisley ("Claimants")

Claim: Eversource has made little or no effort to address the many issues raised by Claimants since they acquired their home and subsequently acquired the parcel crossed by Eversource's right-of-way ("ROW") in 2020.

**Reference
in Filing:**

Claimants' Notice to the Connecticut Siting Council dated May 2, 2023 (pp. 5-12)

**Eversource
Response:**

The following provides a summary of the communications between Eversource with Claimants since they purchased the parcel crossed by Eversource's right-of-way ("ROW") in 2020.

- **Claimants purchased a 64.84-acre undeveloped parcel (Lebanon M/B/L 221/50) in the vicinity of Beaumont Highway, Lebanon, CT 06249 on 8/13/2020. Prior to this date, Claimants did not own property traversed by the ROW.**
- **Vegetation Management (Maintenance – Removal of incompatible species, Address Hazard Trees, Side Trimming) – 2021**
 - Began in April 2021 and completed in December 2021
- **1080/1490 Project – 2021**
 - 1080/1490 Sub Petition Filed (Sub-Petition No. 1293-LFB-01) – March 5, 2021
 - Project Construction Initiated May 2021; Project Completed September 15, 2021
 - **Contact History**
 - March – Outreach Representative meets with Mr. Spaulding to introduce Project and review the scope
 - 3/22/21 - Outreach Representative coordinates with Vegetation Management regarding overlapping scopes and provides Claimants' contact information for follow up
 - April - Vegetation Management has a field meeting with Mr. Spaulding; Outreach Representative for Project is unable to attend.
 - 4/28/21 – Start of construction letters sent, follow up voicemail left for Claimants.
 - May – Construction begins
 - 5/11/21 – Mr. Spaulding approaches crews regarding work pad installation. Outreach representative leaves a voicemail for Claimants
 - 5/12/21 – Outreach Representative receives a call from Mr. Spaulding regarding concerns with the cut and fill as part of the work pad construction due to difficult terrain.

- 5/14/21 - Field Meeting occurs with Outreach Representative, Construction Representative and Mr. Spaulding to review the work pad and their concerns with the grading to level the work pad. Mr. Spaulding states he wants compensation for the stone material the Project would have otherwise needed to purchase since the grading of the ROW included using materials already naturally occurring within the ROW.
- 5/24/21 – Outreach Representative leaves voicemail for Mr. Spaulding.

June

- 6/11/21 – Outreach Representative has phone conversation with Mr. Spaulding. Mr. Spaulding states he would consider the offer of compensation for 200 tons of stone but is planning to check with local suppliers to see what they would charge him.
- 6/17/21 – Outreach Representative has phone conversation with Mr. Spaulding. Mr. Spaulding counters Eversource’s offer of \$2,300 for 200 tons of stone with \$5,100 for 200 tons of stone. Outreach Representative says he will take this counter back to the Team.
- 6/23/21 - Outreach representative leaves a voicemail for Mr. Spaulding.

July

- 7/12/21 – Outreach Representative calls Claimants; no voicemail was left.
 - 7/27/21 - Outreach representative leaves a voicemail for Mr. Spaulding.
 - 7/28/21 – Mr. Spaulding emails Vegetation Management Senior PM stating Eversource has been unresponsive and has broken many promises to him. Mr. Spaulding also contacts the Connecticut Siting Council.
- Restoration begins on property -
- 7/29/21 – Outreach Representative calls Mr. Spaulding, who answers the call and lists the following concerns with Eversource’s work: (1) He expresses overall frustration that Eversource has broken promises to him over the years. (2) He feels that Eversource has exceeded its ROW with the debris (stumps, etc.) that it has pushed out beyond the edges; (3) He is seeking further restoration. If the access roads are staying (Eversource confirmed that they are) he says the water bars need to be restored. Mr. Spaulding states he was told pre-construction that they would be, and they have not been, and this is an issue causing erosion during recent heavy rain events. (4) Pole #7084 that was replaced previously has a large depression in the ground that needs to be addressed. (5) Mr. Spaulding does not feel that digging into the hillside and creating a level area for the work pad is something that was permitted or presented to the Siting Council. (6) He wants a

site meeting with a decision maker that can make a remediation plan. (7) He had 3 or 4 previous meetings and phone calls with Vegetation Management prior to the removal of all the cedar trees on the property. The agreement was that cedar would be left so that he could use them as posts, and he is upset because after the previous meetings and confirmation with the crew on site, everything was chipped. (8) He feels that the structures were installed lower (sunk into the pad) and as a result the ground to wire clearance was lowered. He traverses under the lines with trucks for a construction project he has coming up and he is questioning what the clearance is. He thinks it is low and wants to know what it is. (Engineering had a representative check the clearance.)



Str 7785 during construction – taken June 9, 2021

August

- 8/11/21 – Outreach Representatives leave voicemail to offer a meeting with Mr. Spaulding after crews complete the following clean-up:
 - Water bars were repaired
 - Gate post was installed
 - Woody debris was removed
 - General restoration of site was completed

Card Substation to Wawecus Junction Upgrade Project – 2023

- Card Substation to Wawecus Junction Upgrade Project Petition Filed (Petition No. 1566) – April 12th, 2023
- **Contact History**

January

- 1/3/23 – Project Introduction letter is mailed to property owners.
- 1/11/23 - Mr. Spaulding reaches out through the Project information email regarding the Card to Wawecus Project introduction letter. He asks about wire clearance, electrical standards referenced in the letter, and vegetation clearing.

- 1/13/23 – Outreach Representative emails Mr. Spaulding and explains vegetation scope and the clearance requirements; Outreach offers an on site meeting with the Project team to discuss the scope of work.
- 1/19/23 - Mr. Spaulding emails the Outreach Representative and says he would appreciate a site visit, asks for more clarification about the clearance requirements.
- 1/23/23 – Outreach Representative emails Mr. Spaulding to set up a meeting the week of January 30, 2023 and provides more information about the vegetation work, who establishes the clearance requirements and standards.
- 1/24/23 – Mr. Spaulding emails the Outreach Representative to thank them for the clarification and to say he is available the week of January 30th.
- 1/25/23 – Outreach Representative emails Mr. Spaulding to ask if February 2, 2023 at 8:30am works for him.
- 1/30/23 – Outreach Representative emails to follow up on the previous email about a February 2, 2023, meeting. Mr. Spaulding emails the Outreach Representative and confirms his availability for a meeting on February 2, 2023. Mr. Spaulding says he will meet the Project team in the ROW on his property at 8:30 am.
- 1/31/23 – Outreach Representative emails Mr. Spaulding and thanks him for confirming; asks for his phone number to stay in contact. Mr. Spaulding responds to the Outreach Representative with his phone number and asks for a phone call if the team arrives early for the meeting.

February

- 2/1/23 – Outreach Representative calls Mr. Spaulding to confirm the meeting time and place.
- 2/2/23 - Outreach, Project Management, Construction Management and Environmental Team meet with Mr. Spaulding at his property.
 - Mr. Spaulding starts the meeting by asking 3 questions: How will the structures be replaced? What will the restoration efforts be? What environmental protection steps will be taken?
 - Construction Management explains the process of how the two structures will be replaced on the property.
 - Environmental explains that wood matting will be used to protect wetlands and restoration efforts will include reseeding with a native seed mixture.
 - Mr. Spaulding points out areas where previously used wood matting has pressed down the earth, causing water to collect, and expresses how he does not want that to happen again.
 - Environmental says they can review the grades and present a restoration plan which would aim to address the pooling water.
 - Mr. Spaulding asks about pulling out the gravel access roads and restoring them. Mr. Spaulding is adamant about having the gravel removed.

- Construction Management and Outreach explain that the access road needs to stay for access to the structures.
- Mr. Spaulding asks about the wire clearance requirements from the ground and edge of ROW.
- Construction management explains to Mr. Spaulding that clearance requirements depend on the structure and engineering. Outreach tells Mr. Spaulding that the team can get back to him with an answer about clearance specific to these structures.
- Mr. Spaulding asks about vegetation clearing and why certain vegetation is removed; he asks if cedar trees are considered compatible within the ROW, and inquires about the use of herbicides. An explanation about the Wire Clearance Zone, Border Zone, and Danger trees had been provided via email to Mr. Spaulding on 1/23/23 and is discussed with him at this meeting. It is explained that Eversource has been more aggressive in clearing cedar trees from within the ROW since they are an incompatible species per Eversource Standards, and that no herbicides would be used during the vegetation removal for this Project.
- Mr. Spaulding points out all the debris left in the ROW from vegetation clearing. Construction management responds that the large pieces of debris could be cleaned up during the restoration phase of the Project. Construction management makes it clear this would not include every little piece of debris.
- Mr. Spaulding says he had heard all of this before and complains about vegetation debris being left around his property and gravel pads extending past the ROW boundary. He also complains about a washed-out access road that is unusable, and the ponding of water from a berm created when Eversource constructed the original access road. He is concerned that nothing was cleaned up or put back to its original condition, and asks why the measures aren't taken for all access roads for agricultural land and peoples' yards.
- The team explains to Mr. Spaulding that the land cannot go back to its original condition because the access road needs to be permanent to access the structures in the future.
- Mr. Spaulding asks why off-ROW access is not used instead of "cutting up" all this land. The team responds that Eversource prefers to use in-ROW access wherever possible.
- The team states they can work with Mr. Spaulding to address the pooling of water, fix the slope of the access road and pick up vegetation debris during the Project.
- Mr. Spaulding brings up an interconnection fee for his solar panels that is unrelated to the Project. He claims that he paid the fee twice and was never refunded for one of the payments. Project Management responds that they can check with the interconnection department concerning his claim.

- Mr. Spaulding says he is unhappy with the previous work and mentions his interest in becoming an intervenor in the petition.
- 2/3/23 – Mr. Spaulding emails the Outreach Representative and thanks them for setting up the meeting and asks for a list of the attendees. Mr. Spaulding requests advanced notification before any work begins on his property and a plan of the work before commencement of the Project. Outreach Representative responds and provides him with a list of the attendees from the meeting. Outreach Representative lets Mr. Spaulding know that the team can provide him a detail of the restoration efforts that were discussed at the meeting. Outreach Representative also states that he is in the process of getting answers to Mr. Spaulding’s questions about clearance requirements.
- 2/13/23 – Outreach Representative emails Mr. Spaulding with information about the clearance requirements for the structures being replaced on the property. Mr. Spaulding responds to the Outreach Representative and thanks them for the response but states that his question was not answered. Mr. Spaulding states he wants to know what the code is that sets the clearance requirements and who makes that code.
- 2/14/23 - Outreach Representative leaves Mr. Spaulding a voicemail notifying him of the upcoming site visit scheduled for 2/15 with the Environmental Team and contractors to plan restoration work.
- 2/15/23 - Outreach Representative leaves Mr. Spaulding another voicemail notifying him of the upcoming site visit scheduled for 2/15 with the Environmental team and contractors to plan restoration work. Outreach Representative emails Mr. Spaulding with more information about the clearance requirements, codes and who sets the codes that Eversource complies with.
- 2/16/23 - Mr. Spaulding emails the Outreach Representative, thanks them for the information, and states that this information answered his question.
- 2/19/23 – Mr. Spaulding emails the Outreach Representative and thanks them for the voicemail notification regarding the Environmental team and contractor site visit.
- 2/22/23 – Mr. Spaulding emails the Outreach Representative to ask about the recent site visit by Environmental. Mr. Spaulding inquires if the wetlands are going to be flagged. He also restates his concern about the pooling water and drainage. He asks what conclusions the Environmental team has come to about the current conditions of the wetland, and if Eversource is going to document the land contours prior to filing the petition.
- 2/23/23 – Outreach Representative calls Mr. Spaulding to notify him about the upcoming survey work that will be taking place on his property. Outreach Representative explains that survey will be looking at the wetlands and the drainage patterns to mark out the locations. Outreach Representative also explains the purpose of the 2/15/23 site visit was to have contractors and environmental look at the drainage issues and to strategize what restoration efforts would be appropriate to address these issues. Mr. Spaulding expresses thanks for the notification.

- 2/27/23 – Outreach Representative calls Mr. Spaulding to notify him about the upcoming Phase 1B cultural surveys on 2/28/23 on his property.

March

- 3/1/23 - Outreach Representative calls Mr. Spaulding and leaves a voicemail to notify him that due to snow the Phase 1B cultural surveys did not take place on 2/28/23, and that the crew will return on 3/1/23.

April

- 4/4/23 – Outreach Representative calls Mr. Spaulding to set up a meeting to go over the plan for restoration to address his concerns. Mr. Spaulding says he did not have his calendar in front of him and would give the Outreach Representative a call when he does.
- 4/5/23 – Mr. Spaulding leaves Outreach Representative a voicemail saying he has his calendar and can set up a meeting. Outreach Representative calls Mr. Spaulding to set up a meeting. Mr. Spaulding provides dates that work for him. Outreach Representative says he will get back to him with a date once he runs the dates provided by the team.
- 4/7/23 - Outreach Representative calls Mr. Spaulding to confirm a 4/13/23 meeting at Mr. Spaulding's property.
- 4/12/23 – Petition notification letter is mailed to Mr. Spaulding's Florida address instead of the Connecticut address. [On May 5, 2023, Mr. Spaulding notified the Connecticut Siting Council that he received the letter on 4/26/23. In response, the Connecticut Siting Council extends the public comment period by 2 weeks to address Mr. Spaulding's concern of the 2-week delay.]
- 4/13/23 – Outreach Representatives, Project Management, Construction Management and Civil Contractor meet with Mr. Spaulding at his property to discuss the restoration plan.
 - Outreach Representatives present a proposed restoration map (attached hereto) along with a brief overview of the timeline and scope of both preconstruction and postconstruction restoration. Mr. Spaulding raises concerns about wetland impacts caused by a gravel work pad and lack of proper drainage onsite. The civil contractor explains that work would be done to install hard bottom under access road and cut into berms near work pad to allow water to drain naturally. Mr. Spaulding questions who has jurisdiction over wetland regulation. Project Manager and Construction Manager discuss that it would be regulated by the Army Corp. of Engineers. Discussing the timeline of this preconstruction restoration, Project Manager explains that the work is pending verification with the Army Corp. of Engineers before the start of work.
 - Mr. Spaulding provides some of his own research on "Utilities and Inland Wetlands Law" via OLR Research Report 2000-R-0357 published March 20, 2000.
 - Mr. Spaulding recognizes that the proposed restoration work addresses some but not all of his concerns. The Project Manager

explains that the scope of this work takes into consideration that Eversource will be back in this ROW later this year for another project a/k/a Petition 1566. Further restoration concerns would be reviewed and/or addressed at that time.

- Mr. Spaulding points out that one of the work pads on structure #7785 had extended past the ROW and requests that it be pulled back into the ROW. The team says that pulling the work pad back into the ROW would be part of the post-construction restoration as to any portion of the work pad that is outside the ROW.
- Mr. Spaulding also asks when vegetation debris will be removed. Outreach Representative responds by saying that large debris would be cleared post-construction as previously discussed at the 2/2/23 meeting.
- Mr. Spaulding expresses concern that there were trees removed outside of the ROW on a previous project (2018 or 2021). Mr. Spaulding requests payment as mitigation for the trees that were removed, claiming that his land can be used as forestry and thus, agricultural land.
- Mr. Spaulding also points out that his property in and outside of the ROW has been overtaken by mugwort that he claims was brought in from a previous project. Mr. Spaulding also states there was someone working in the ROW at some point and Mr. Spaulding asks about using herbicides on the property to remove the mugwort. Mr. Spaulding does not know who he spoke with and did not provide a timeframe. Mr. Spaulding says he asked the person what types of herbicides would be used, and the person did not provide a response and so Mr. Spaulding refused to have any herbicides be used on the property. This was unrelated to the Project. Mr. Spaulding is advised that this was likely a Vegetation Management contractor unrelated to the Project.
- Mr. Spaulding expresses his frustration with the gravel access road that was installed on the property within the ROW. Mr. Spaulding did not own the property at the time the gravel access road was installed. Mr. Spaulding claims that prior to this work, vegetation within the ROW was undisturbed and did not cause any issues. It is explained to Mr. Spaulding that Eversource requires access to these structures and must perform vegetation management to meet clearance standards. Mr. Spaulding asks why a temporary access permit for his proposed alternate off-ROW access road to access structure #7785 was not obtained. Mr. Spaulding asks about the removal of the gravel access road and full restoration of the ROW back to its original state, when again, it is explained by team members that permanent access would be necessary. However, Mr. Spaulding says he would be open to talks about some sort of permanent off-ROW access agreement for this and future projects.

- Mr. Spaulding claims he will become an intervenor once the petition is filed.
- Mr. Spaulding states he would like the following items to be completed by the end of the Project:
 - Clean up of debris from previous and current projects
 - Proper wetland drainage
 - Removal of mugwort overtaking property (claims it was Eversource's fault)
 - Potential compensation of tree removal outside of ROW (claims it is agricultural land and he should be compensated for 1.23 acres of timber loss)
 - Removal of gravel road on ROW that Eversource put in place in 2018 on previous project.
 - Potential for permanent off-ROW access to structure #7785 to avoid additional gravel road on steep gradient.
 - Refund for Eversource interconnection agreement on solar farm he is constructing since he paid twice at \$750.
- 4/13/23 – Mr. Spaulding emails Outreach Representative asking for a list of the attendees with their email addresses copied on an email. Mr. Spaulding had been previously advised that Project Services would be his point of contact for all questions and/or concerns.