



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

VIA ELECTRONIC MAIL

August 31, 2023

Cory R. Spaulding  
Leslie A. Yeisley  
716 Beaumont Highway  
Lebanon, CT 06249  
[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)

**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. **Spaulding and Yeisley Motion for Investigation of Illegal Work and False Statements by the Council's Executive Director and Objections to Council Proceedings, Scheduling of Motions, and Request for Immediate Hearing.**

Dear Cory Spaulding and Leslie Yeisley:

At a public meeting held on August 31, 2023, the Connecticut Siting Council (Council) denied with prejudice the Motion for Investigation of Illegal Work and False Statements, including the Motion for Procedural Conference and associated requested actions, the request for a site visit, the requests for a public hearing, the requests for investigations and any and all variations of these requests referenced in the July 31, 2023 Motions, August 7, 2023 Objections and August 21, 2023 Clarification of Motions.

The Council granted Requested Action #12 for an additional discovery period *if the parties agree in writing to an extension of the 180-day final decision deadline in Petition 1566* for a period no longer than an additional 180 days beyond October 9, 2023.<sup>1</sup> Please see the attached memorandum.

The August 28, 2023 Objection to Denial of Party Access to Pertinent Documents was rendered moot.

Enclosed for your information is a copy of the staff report on the July 31, 2023 Motions, August 7, 2023 Objections and August 21, 2023 Clarification of Motions, dated August 31, 2023.

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<sup>1</sup> Conn. Gen. Stat. §4-176(i) (2023)(If an agency does not issue a declaratory ruling within 180 days after the filing of a petition therefor, or within such longer period as may be agreed by the parties, the agency shall be deemed to have decided not to issue such ruling).

Please contact our office if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with the first name being the most prominent.

Melanie A. Bachman  
Executive Director

Enclosure:      Staff Report, dated August 31, 2023  
                      Petition No. 1566 Council Request for Extension Memorandum

MAB/MP/laf

c: Service List, dated June 22, 2023



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VIA ELECTRONIC MAIL

August 31, 2023

TO: Service List, dated June 22, 2023

FROM: Melanie Bachman, Executive Director *MAB*

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. **Request for Written Agreement to Extend Final Decision Deadline under Conn. Gen. Stat. §4-176(i).**

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The current deadline for a final decision on the above-mentioned petition for a declaratory ruling is October 9, 2023.

During a meeting held on August 31, 2023, the Connecticut Siting Council (Council) granted Spaulding's Requested Action #12 from its July 31, 2023 Motions and August 7, 2023 Objections for an additional discovery period *if Spaulding and Eversource agree in writing to an extension of the Council's UAPA 180-day final decision deadline in Petition 1566* for a period no longer than an additional 180 days beyond October 9, 2023 in the above-referenced matter.<sup>1</sup>

Pursuant to Connecticut General Statutes §4-176(i), "If an agency does not issue a final decision within one hundred and eighty days after the filing of a petition therefor, *or within such longer period as may be agreed by the parties*, the agency shall be deemed to have decided not to issue such ruling." (Emphasis added).

The Council hereby requests the parties to respond in writing **by noon on September 7, 2023** as to whether there is agreement to grant the Council an extension of time for a period no longer than an additional 180 days beyond October 9, 2023 to render a final decision on this petition.

If you have any questions about Council procedures, please contact our office at 860-827-2935.

Thank you.

MAB/MP

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<sup>1</sup> Conn. Gen. Stat. §4-176(i) (2023).



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DATE: August 31, 2023

TO: Council Members

FROM: Melanie A. Bachman *MAB*  
Executive Director/Staff Attorney

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. **Cory Spaulding and Leslie Yeisley July 31, 2023 Motion for Investigation of Illegal Work and False Statements by the Council's Executive Director and Cory Spaulding and Leslie Yeisley August 7, 2023 Objections to Council Proceedings and Scheduling of Motions and Request for Immediate Hearing– Staff Report.**

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On July 31, 2023, Cory Spaulding and Leslie Yeisley (Spaulding), a party and Connecticut Environmental Protection Act (CEPA) intervenor to the above-referenced matter, submitted a Motion for Investigation of Illegal Work and False Statements by the Connecticut Siting Council's (Council) Executive Director (ED). On August 1, 2023, the Council issued a memorandum to the Petition 1566 service list requesting comments or statements of position in writing with respect to whether the Motion for Investigation of Illegal Work and False Statements by the Council's ED (Motions) should be granted or denied by August 22, 2023. The memorandum provided notice that the Motions would be considered by the Council during its regular meeting scheduled for August 31, 2023.

On August 7, 2023, Spaulding submitted Objections to Council Proceedings and Scheduling of Motions and a Request for Immediate Hearing (Objections). On August 8, 2023, the Council issued a memorandum to the Petition 1566 service list requesting comments or statements of position in writing with respect to whether the Objections should be granted or denied by August 22, 2023. The memorandum provided notice that the Objections would be considered by the Council during its regular meeting scheduled for August 31, 2023.

In a letter dated August 17, 2023, Senator Osten and Representative Ackert echo Spaulding's claims and requests, while specifically noting Spaulding's claims and requests relate to work performed in 2021 (Legislator letter).

On August 21, 2023, along with a copy of the Legislator letter, Spaulding submitted a Clarification of Motions, which reiterates Spaulding's request for a public hearing and site visit in its July 31, 2023 Motions.

On August 22, 2023, Eversource Energy (Eversource) submitted a response in opposition to Spaulding's Motions and Objections requesting wholesale denial of the Motions and Objections with prejudice.

Minutes later, Spaulding submitted a Freedom of Information Act (FOIA) Request to the Council for "all staff reports or draft staff reports submitted to the Council." The stated purpose of the request is for Spaulding to

review staff recommendations to the Council on Spaulding's Motions and Objections prior to the August 31, 2023 Council meeting and "express objections, request clarifications or suggest corrections" during the Council's discussion of the Motions and Objections. The Council responded to Spaulding's FOIA request on August 23, 2023.

Spaulding may believe the August 31, 2023 Council meeting is a public hearing on Petition 1566. It is not. Spaulding's Motions and Objections in Petition 1566 are one agenda item among many to be discussed and voted on by the Council during the meeting. The Council is not a party or intervenor to Petition 1566. It is the judge.

Prior to the August 31, 2023 Council meeting, this staff report on Spaulding's Motions and Objections was a draft memorandum prepared by the Council's ED that was subject to revision prior to submission to and discussion among the Council members. A preliminary draft of a memorandum prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of the agency is expressly exempt from public disclosure under CGS §1-210(b)(1) and CGS §1-210(e)(1) of the FOIA.

Spaulding simply disagrees with the Council's June 22, 2023 disposition of its six prior requests.<sup>1</sup> In its Motions and Objections, Spaulding demands the Council to immediately reconsider those dispositions in a public hearing or through a manufactured investigation process related to past maintenance work performed by Eversource between 2017-2021 on Parcel No. 221-50 (the Parcel) that was purchased by Spaulding on August 13, 2020.<sup>2</sup>

Petition 1566 does not relate to past Eversource maintenance work. Petition 1566 relates to Eversource's proposed Card Substation to Wawecus Junction Upgrade Project (Project). When the Council granted Spaulding party and CEPA intervenor status in Petition 1566, it specifically included a condition that *Spaulding's participation shall be limited to in-ROW work proposed to be performed by Eversource in Petition 1566.*

A timeline associated with the claims in Spaulding's Motions and Objections is attached as Exhibit A.

### **I. Motion for Investigation of Illegal Work and False Statements by the Council's Executive Director**

Through a misguided interpretation of provisions of the Uniform Administrative Procedure Act (UAPA) and the Council's regulations, Spaulding's Motions demand the Council to litigate its claims of property damage from past Eversource maintenance work and order Eversource to compensate it for the alleged property damage itemized in Spaulding's April 19, 2023 Complaint to Eversource.<sup>3</sup> Spaulding believes this can be accomplished through either a public hearing under the UAPA or, if a hearing is not required by the UAPA, an investigation under the Council's regulations.<sup>4</sup>

The Motions include 14 requested actions. All but requested action #12 are outside the scope of Petition 1566 and beyond the authority of the Council and the Attorney General's Office (AGO). Requested action #12 is to continue the discovery period. Along with the Motions, Spaulding requests a procedural conference that includes 11 requested agenda items. All but requested agenda item #5 are outside the scope of a procedural conference. Requested agenda item #5 is to continue the discovery period.

The requested actions and agenda items are cross-referenced in the Motions and consist of a mix of substantive and procedural issues Spaulding commands the Council to immediately address and how to address them.

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<sup>1</sup> Petition 1566 Record, available at [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1501-1600/PE1566](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1566)

<sup>2</sup> Spaulding Motions, Exhibit 1A (Parcel No. 221-50 property card with Florida mailing address).

<sup>3</sup> Spaulding Motions, Exhibit 1 (April 19, 2023 Complaint to Eversource).

<sup>4</sup> Spaulding Motions, Exhibit 26 ("False Statements Council ED 6/22/23 Staff Memo"), p. 9.

Evidently, Spaulding recognizes the difference between substantive and procedural issues. The third fact in support of its Objections identifies Eversource's requests for extensions of time to respond to Spaulding's interrogatories as "procedural motions."

Procedural issues, such as requests for extensions of time to respond to interrogatories, do not require a vote by the Council. Substantive issues, such as motions to dismiss pending matters, require notice to the service list, an opportunity for comment and a vote by the Council. Spaulding's Motions make claims as to substantive issues that include, but are not limited to: illegal work, lack of due process, false statements, misapplication of the UAPA, and misapplication of the Council's regulations.

### **A. Illegal Work**

When the Council granted Spaulding party and CEPA intervenor status in Petition 1566, it specifically included a condition that *Spaulding's participation shall be limited to in-ROW work proposed to be performed by Eversource in Petition 1566*. Yet, the "illegal" in-ROW access road Spaulding complains of in its Motions relates to Sub-petition 1293-LFBNM-01 work that was approved by the Council in 2017 and completed by Eversource in 2019. Spaulding did not own the Parcel in 2017 or 2019. The "illegal" in-ROW structure replacements Spaulding complains of in its Motions relate to Eversource maintenance work that was not required to be approved by the Council and completed by Eversource in 2021.

Maintenance work includes, but is not limited to, the repair and/or replacement of existing and lawfully located utility structures where no substantial change in the original structure or footprint is proposed.<sup>5</sup> Petition 1566 work includes, but is not limited to, 38 structure replacements that require an average increase in height of approximately 9 feet and the replacement of shield wire with optical ground wire. For the Project, Eversource plans to use the existing in-ROW access road. Eversource does not plan to replace Structures 7784, 7785 or 7786.

Structures 7784, 7785 and 7786 are depicted on Sub-petition 1293-LFBNM-01 Map Sheet 5.<sup>6</sup> Structure 7784 is identified as a red dot. Red dots signify "proposed structures." Structures 7785 and 7786 are identified as black dots. Black dots signify "existing structures." See Figure 1.

Structures 7784, 7785 and 7786 are not depicted on any Sub-petition 1293-LFB-01 Map Sheets.<sup>7</sup>

Structures 7784, 7785 and 7786 are depicted on Petition 1566 Map Sheet 6. Structures 7784, 7785 and 7786 are identified as black dots. Black dots signify "existing structures." See Figure 2.

Replacement structures that increase in height constitute a modification to an existing energy facility. These structure replacements require Council approval. Replacement structures that do not increase in height do not constitute a modification to an existing energy facility. These structure replacements do not require Council approval. The replacement of structures that do not increase in height fall under routine general maintenance and one for one replacement of facility components that are necessary for reliable operation under RCOSA §16-50j-57(b)(1) as follows:

### **RCOSA §16-50j-57. Exemptions**

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<sup>5</sup> Maintenance activities also include vegetation management. See *Eversource 2022 Best Management Practices*.

<sup>6</sup> Spaulding Motions, Attachment "7/28/21 email site petition for site 7785."

<sup>7</sup> Sub-petition 1293-LFB-01, available at [PE1293-20210308\\_filing\\_1080-1490-SubPetitionLFB-01.pdf \(ct.gov\)](https://www.ct.gov/pe1293-20210308_filing_1080-1490-SubPetitionLFB-01.pdf)

(b) None of the following shall constitute a modification to an existing energy facility that may have a substantial adverse environmental effect:

(1) Routine general maintenance and one-for-one replacement of facility components that are necessary for reliable operation;

Routine general maintenance and one for one replacement of facility components that are necessary for reliable operation are expressly exempt under RCSA §16-50j-57(b)(1) and do not require approval from the Council.<sup>8</sup>

During regulation-making proceedings held in 2012, the Council developed RCSA §16-50j-57(b) to identify what constitutes a modification to an existing energy facility.<sup>9</sup> Comments on proposed RCSA §16-50j-57(b) were as follows:

*“Covanta Energy requests that upgrades to air pollution control equipment and use of temporary energy components for outages be added to this section as energy exempt modifications under **“routine maintenance,”** and that **“routine maintenance”** modifications be exempt from reporting requirements. Additionally, CL&P requests that certain equipment that may result in a **“minimal increase in height,”** which they define as height increases of up to ten feet for transmission line equipment and up to six feet for substation equipment, should qualify as exempt modifications.”* (Emphasis added).

The Council’s response to the comments stated:

*“Rather than create an exhaustive list of modifications that would qualify as exempt modifications and add an exception to the criterion for **no increase in height**, the criteria to be met under the section determines whether the proposed modification is exempt.”*<sup>10</sup> (Emphasis added).

For these reasons, routine general maintenance and one for one replacement of facility components that are necessary for reliable operation identified in Subdivision (1) of RCSA §16-50j-57(b), such as replacement of structures that do not increase in height, are separate and distinct from changes to an existing energy facility site identified in Subdivision (2)<sup>11</sup> of RCSA §16-50j-57(b), such as height increases of facility components that do not exceed the current height of existing facility components.<sup>12</sup>

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<sup>8</sup> Any regulatory permits required for the 2017-2021 maintenance work associated with the replacement structures that did not increase in height would have been issued prior to commencement of construction.

<sup>9</sup> The Attorney General’s Office certified the legal sufficiency of the Council’s regulations in 2012.

<sup>10</sup> Amendments to regulations relating to the Rules of Practice of the Council, Sections 16-50j-1 to 16-50z-4, inclusive, and Sections 22a-116-B-1 to 22a-116-B-11, inclusive, of the Regulations of Connecticut State Agencies, Summary of Proceeding and Written Comments, January 12, 2012.

<sup>11</sup> RCSA §16-50j-57(b)(2) (2023): Changes on an existing site that do not:

(A) extend the boundaries of the site beyond the existing fenced compound;

(B) increase the height of existing associated equipment;

(C) increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state and local criteria;

(D) manage electric and magnetic field levels at the site boundary in a manner that is inconsistent with the Council’s Best Management Practices for Electric and Magnetic Fields at the site boundary;

(E) cause a significant adverse change or alteration in the physical or environmental characteristics of the site; or

(F) impair the structural integrity of the facility, as determined in a certification provided by a professional engineer licensed in Connecticut, where applicable.

<sup>12</sup> EM-EVER-151-211105 (installation of 3 new structures, all of which were no taller than existing facility components.)

In its Motions, Spaulding requests a statewide investigation of all individual structure replacements.<sup>13</sup> Spaulding interprets RCSA §16-50j-57(b) to require Eversource notification to the Council, the host municipality and the underlying property owner of all work performed on each individual structure along a ROW. Structures are not stand-alone electric transmission line facilities. RCSA §16-50j-2a defines structures as “associated equipment” to electric transmission line facilities that are necessary for reliable operation.<sup>14</sup>

Spaulding’s Motions reference state revenues that could be created by a \$625 per structure filing fee if such an interpretation were applied to the regulation.<sup>15</sup> The filing fees for the 38 replacement structures in Petition 1566 would amount to \$23,750 under Spaulding’s interpretation of the Council’s regulation.<sup>16</sup> This was not the intent of RCSA §16-50j-57(b). The Council’s charge is to balance the public need and environmental impact of the construction, maintenance and operation of jurisdictional facilities *at the lowest reasonable cost to ratepayers*.

Past Eversource maintenance work on the Parcel is beyond the scope of Petition 1566. The Council cannot grant Spaulding the relief it seeks in the Petition 1566 proceeding.

## **B. Lack of Due Process**

Spaulding claims Petition 1566 is defective for lack of due process because Spaulding received Eversource’s April 11, 2023 notice of the filing of the petition for a declaratory ruling with the Council two weeks later and Spaulding’s request for a public hearing was denied by the Council.<sup>17</sup> Due process consists of notice and an opportunity to be heard. A 30-day notice and comment period is objectively reasonable.<sup>18</sup>

In a January 24, 2023 email to the Council ED, Spaulding refers to a sub-petition or petition *to be filed* by Eversource for work in the ROW that traverses the Parcel. Attached to that e-mail is a notice letter from Eversource about the Project, dated December 29, 2022. (Emphasis added). See Exhibit B.

In a February 1, 2023 email response to Spaulding, the Council ED indicated that no new petition had been submitted and past work would not be considered as part of any new petition. See Exhibit C.

On April 12, 2023, Petition 1566 was submitted to the Council.

On May 4, 2023, the Council provided notice of its intent to take the UAPA 60-day action on Petition 1566 to set the date by which to render a decision during its regular meeting scheduled for May 11, 2023. See Exhibit D.

In a May 4, 2023 email to the Council ED, Spaulding inquired about party/intervenor status in Petition 1566, receipt of notice two weeks late and submission of its own petition for an investigation, among other general questions.<sup>19</sup> See Exhibit E.

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<sup>13</sup> Spaulding Motions, Requested Action 6; Spaulding Motions, Attachment “FOIA response sites 7785 and 7786.”

<sup>14</sup> RCSA §16-50j-2a(1) (2023) “Associated equipment” includes, but is not limited to:

(B) any building, *structure*, fuel tank, backup generator, transformer, circuit breaker, disconnect switch, control house, cooling tower, *pole, line, cable, conductor* or emissions equipment that is a *necessary component for the operation of an electric transmission line facility*, fuel transmission facility, electric generating or storage facility, or electric substation or switchyard. (Emphasis added).

<sup>15</sup> Spaulding Motions, Requested Actions 8 and 9; Spaulding Motions, Attachment “FOIA response sites 7785 and 7786.”

<sup>16</sup> Aside from Spaulding, no complaints for either of the 2017 and 2021 sub-petitions or Petition 1566 were received.

<sup>17</sup> Spaulding Motions, Attachment “5/4/23 email party status hearing.”

<sup>18</sup> Conn. Gen. Stat. §4-176 (2023).

<sup>19</sup> Spaulding Motions, Attachment “5/4/23 email party status hearing.”



In a May 5, 2023 email to the Council ED, Spaulding provided a copy of Eversource's April 11, 2023 notice of the filing of the petition for a declaratory ruling with the Council. The envelope was addressed to Spaulding at a Florida address that is noted on the Town property card for the Parcel attached to Spaulding's Motions Exhibit 1A. Spaulding also described an April 13, 2023 meeting with 5 Eversource representatives at the Parcel. It stated:

*“During this meeting we twice told Heather Hayes and all others in attendance of our desire and intent to file for intervenor and party status with the Council **if the issues with the property were not resolved prior to the filing of the petition for new work by Eversource.**”* (Emphasis added).<sup>20</sup> See Exhibit F.

In a May 5, 2023 response to Spaulding, the Council ED provided Spaulding with the Council's Information Guides to Party and Intervenor Status in a Petition for a Declaratory Ruling With and Without a Public Hearing from the Council website, and extended the UAPA 30-day comment period in Petition 1566 by two weeks for Spaulding and all interested persons.<sup>21</sup> See Exhibit G.

On June 22, 2023, the Council granted Spaulding's request for party and CEPA intervenor status. The Council did not grant Spaulding's request for a public hearing. A public hearing on a petition for a declaratory ruling is discretionary to the Council under the UAPA.<sup>22</sup> As a party and CEPA intervenor to the proceeding, Spaulding has rights that include, but are not limited to, discovery and appeal.

To date, Spaulding has submitted over 790 pages of documents into the record of Petition 1566 and issued 94 interrogatories to Eversource. When Eversource requested an extension of time to respond to Spaulding's interrogatories, Spaulding submitted the July 31, 2023 Motions. When Eversource submitted responses to Spaulding's interrogatories, Spaulding submitted the August 7, 2023 Objections.

Spaulding demands an immediate public hearing. However, Spaulding's Motions do not proffer any evidence or adjudicative claims Spaulding would produce at a public hearing that would be held specifically on ***in-ROW work proposed to be performed by Eversource in Petition 1566.***

Spaulding received notice of Petition 1566 and has a continued opportunity to be heard in the Petition 1566 proceeding. There is no lack of due process.

### C. False Statements

Spaulding's Motions demand the Council and AGO to investigate 22 alleged “false statements” in the Petition 1566 record made by the Council's ED, including “false statements” related to Eversource's “illegal work” on the Parcel between 2017-2021 that Spaulding claims caused property damage and for which Spaulding seeks monetary compensation.<sup>23</sup> The Motions exhibit a fundamental misunderstanding of the statutory purposes and authority of the Council and AGO.

Indeed, the Council's ED has known about Spaulding's claims related to the in-ROW access road and structure replacements on the Parcel since July 28, 2021, the date of Spaulding's first e-mail inquiring about work specifically related to Sub-petition 1293-LFBNM-01.<sup>24</sup> On Spaulding's behalf, the Council ED requested

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<sup>20</sup> Spaulding Motions, Attachment “5/5/23 email meeting with eversource no notification.”

<sup>21</sup> Spaulding Motions, Attachment “5/5/23 email from Bachman two week extension.”

<sup>22</sup> Conn. Gen. Stat. §4-176(e) and (g)(2023).

<sup>23</sup> Spaulding Motions, Exhibit 1 (April 19, 2023 Complaint to Eversource).

<sup>24</sup> Spaulding Motions, Attachment “7/28/21 email site petition for site 7785.”

information about the in-ROW access road from Eversource on July 30, 2021. A response related to the in-ROW access road and a proposed restoration plan was provided by Eversource on August 24, 2021.

In a September 1, 2021 email to the Council's ED, Spaulding expressed dissatisfaction with Eversource's response to the Council and proposed restoration plan, work performed by Eversource beyond its ROW easement and at Structure 7785, and requested the Council require sub-petitions for structure replacements.<sup>25</sup> The Council ED responded to Spaulding on September 7, 2021. The final paragraph of the correspondence states:

With reference to the Eversource right-of-way across the subject property, please be advised that the Council does not have the authority to interpret and/or enforce easements nor does it have the authority to negotiate, interpret or enforce any third party agreements. If you believe that Eversource is violating the easement they have across your property or that Eversource is violating an agreement they may have entered into with the previous owner of the property, contact an attorney.

Five days earlier, on September 2, 2021, the Federal Energy Regulatory Commission (FERC) also advised Spaulding to contact an attorney. See Exhibits H and I.

The Council does not litigate private property matters in administrative proceedings. The Council is an agency of specific and limited jurisdiction.<sup>26</sup> It is well established that agency decisions cannot encompass a monetary award.<sup>27</sup> Private property rights, including, but not limited to, damage evaluation, appraisal, payment and indemnification are not among the statutory factors to be considered by the Council in making siting decisions.<sup>28</sup>

Spaulding's April 19, 2023 Complaint to Eversource identifies improvements that have "grossly exceeded the rights granted by the easement" and "encroached on areas in which it has no rights." The Complaint continues, "The actions of Eversource constitute a burdening of the easement, trespass, inverse condemnation, violations of Connecticut's statutory public trust and violation of Connecticut public utilities law."

Neither the Council nor AGO have statutory authority to resolve legal issues related to privately-owned property, such as overburdening of an easement and property damage evaluation.<sup>29</sup> Only a court can make binding determinations on private property rights.<sup>30</sup> Therefore, the Council cannot grant Spaulding the relief it seeks in the Petition 1566 proceeding.

#### **D. Misapplication of Section 4-176 of the UAPA**

Spaulding interprets the UAPA to require a public hearing to be held on a petition for a declaratory ruling upon request by any person at any time. In its Motions, Spaulding resubmits its May 22, 2023 request for a public hearing. Spaulding argues that the Council's 60-day action under the UAPA does not take effect or should not be

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<sup>25</sup> Spaulding Motions, Attachments "9/1/21 email to Bachman why not petitions for work"; "9/7/21 email to Bachman."

<sup>26</sup> *Tilcon, Inc. v. Comm'r of Env'tl. Protection*, 317 Conn. 628 (2015) (Agency exceeded authority in attempt to regulate activities not subject to permit applications and to delay issuance of unrelated permit.); *Kleen Energy Sys., LLC v. Comm'r of Env'tl. Protection*, 319 Conn. 367 (2015); *Wheelabrator Lisbon, Inc. v. Dept of Public Utility Control*, 283 Conn. 672 (2007).

<sup>27</sup> *Walsh, et al. v. Town of Stonington Water Pollution Control Authority, et al.*, *aff'd* 250 Conn. 443 (1999).

<sup>28</sup> Conn. Gen. Stat. §16-50p (2023); *Bornemann v. Conn. Siting Council*, 287 Conn. 177 (2008) (plaintiff claimed Council should have ordered funding for independent research and payment of plaintiffs' costs. These claims, however, were "**beyond the statutory authority of the Council.**") (Emphasis added).

<sup>29</sup> *Zhang v. Omnipoint Communication Enterprises, Inc.*, 272 Conn. 627 (2005)(trespass action by new owner of real property for overburdening a utility easement by installation of an antenna attachment to an existing electric transmission line structure seeking compensation for property damages).

<sup>30</sup> 2007 Conn. Att'y Gen. Opin. LEXIS 10 (June 6, 2007).

taken until the 60<sup>th</sup> day after receipt of a petition for a declaratory ruling. Spaulding believes the Council could have changed its mind after it issued written notice that it had taken the 60-day action on Petition 1566 under the UAPA. However, if the Council does not hold a public hearing on Petition 1566, then Spaulding requests the Council to initiate an investigation of past Eversource work on the Parcel under RCSA §16-50j-41.

Public Act 88-317 revised §4-176 of the UAPA to provide procedural and substantive due process protections to persons submitting petitions to administrative agencies for declaratory rulings. Administrative agencies have limited authority and must obey the statutory commands of UAPA when considering petitions for declaratory rulings. The Council is an administrative agency with limited authority that must obey the statutory commands of the UAPA.<sup>31</sup> As it relates to Petition 1566:

Under **CGS §4-176(a)**, any person may petition an agency for a declaratory ruling as to the applicability to specified circumstances of a provision of the statutes, a regulation or a final decision on a matter within the jurisdiction of an agency.

In accordance with **CGS §4-176(b)**, on April 12, 2023, Eversource submitted a petition for a declaratory ruling to the Council for the Project.<sup>32</sup>

In accordance with **CGS §4-176(c)**, on April 13, 2023, within 30 days after receipt of Eversource's petition for a declaratory ruling, the Council gave notice to all persons to whom notice is required by law, including, but not limited to, the Town of Lebanon.<sup>33</sup> The Council also posted the petition for a declaratory ruling on its website and issued a schedule identifying the UAPA 30-day comment deadline (5/12/23),<sup>34</sup> 60-day agency action deadline (6/11/23), and 180-day final decision deadline (10/9/23).

In accordance with **CGS §4-176(d)**, during a meeting held on June 22, 2023, the Council granted Spaulding's request for party and CEPA intervenor status.<sup>35</sup>

In accordance with **CGS §4-176(e) and CGS §4-176(f)**, on May 12, 2023, within 60 days of receipt of Eversource's petition for a declaratory ruling, the Council, in writing, set the date by which to render a final decision as October 9, 2023, the statutorily-mandated 180-day final decision deadline under **CGS §4-176i**.<sup>36</sup>

In its discretion, under CGS §4-176(e), the Council could have ordered a public hearing in accordance with **CGS §4-176(g)** as the degree of procedural formality to adjudicate claims is left to an agency's discretion.<sup>37</sup> No timely

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<sup>31</sup> *Tilcon, Inc. v. Comm'r of Env'tl. Protection*, 317 Conn. 628 (2015); *Kleen Energy Sys., LLC v. Comm'r of Env'tl. Protection*, 319 Conn. 367 (2015); *Wheelabrator Lisbon, Inc. v. Dept of Public Utility Control*, 283 Conn. 672 (2007); *Salmon Brook Convalescent Home, Inc. v. Commission on Hospitals and Healthcare*, 177 Conn. 356 (1979).

<sup>32</sup> Conn. Gen. Stat. §4-176(b)(2023) (Each agency shall adopt regulations for petitions that provide for the form and content, the filing procedure and the procedural rights of persons.); R.C.S.A. §16-50j-39, *et seq.* (2023).

<sup>33</sup> Conn. Gen. Stat. §4-176(c)(2023); On April 13, 2023, the Council sent correspondence to the Town.

<sup>34</sup> The 30-day comment deadline was extended by two weeks in response to Spaulding's May 4, 2023 email.

<sup>35</sup> Conn. Gen. Stat. §4-176(d)(2023) (If an agency finds that a timely petition to become a party or intervenor has been filed according to the regulations, the agency may grant a person party or intervenor status.)

<sup>36</sup> Conn. Gen. Stat. §4-176(e)(2023) (**Within 60 days** after receipt of a petition for a declaratory ruling, an agency, **in writing, shall:** (1) Issue a declaratory ruling, (2) order the matter for specified proceedings, (3) agree to issue a declaratory ruling by a specified date, (4) initiate regulation-making proceedings, **or** (5) decide not to issue a declaratory ruling.); Conn. Gen. Stat. §4-176(f) (2023) (Copies of rulings issued and actions taken shall be promptly delivered to the petitioner and other parties.); §4-176 (i)(2023) (If agency does not issue a declaratory ruling within 180 days after the filing of a petition therefor, or within such longer period as may be agreed by the parties, the agency shall be deemed to have decided not to issue such ruling).

<sup>37</sup> *Summit Hydropower Partnership v. Comm'r of Env'tl. Protection*, 226 Conn. 792 (1993); Conn. Gen. Stat. §4-176(g)(2023) (**If the agency conducts a hearing for a declaratory ruling**, the UAPA contested case provisions shall apply.)

requests for a public hearing or adjudicative claims warranting a public hearing were presented by any interested person.<sup>38</sup>

In its Motions, Spaulding argues a public hearing could be held after an agency takes its 60-day action on a petition under §4-176 of the UAPA. This was not the intent of Public Act 88-317. In *A. Gallo & Co. v. McCarthy*, drink distributors challenged the validity of DEP regulations that allowed for the extension of the UAPA 60-day agency action deadline at the discretion of DEP.<sup>39</sup> The court concluded that engrafting a tolling provision onto the statute to be applied within the sole discretion of the agency undermines the streamlined procedure contemplated by the statutory scheme.<sup>40</sup> The court invalidated the regulations on the basis that *there is no provision of the UAPA that provides for the extension of the time period within which an agency must act on a petition for a declaratory ruling.*" (Emphasis added).<sup>41</sup>

In accordance with the court's holding in *A. Gallo & Co.*, Spaulding's requests for a public hearing are mooted by the Council's compliance with CGS §4-176(e) to set the date by which to render a decision on Eversource's petition for a declaratory ruling.<sup>42</sup> Furthermore, Spaulding fails to proffer any evidence or adjudicative claims it would produce at a public hearing that would specifically be held on *in-ROW work proposed to be performed by Eversource in Petition 1566*. Finally, it is the ratepayers that would bear the burden of the costs associated with a public hearing.

The Council obeyed the statutory commands of the UAPA.

#### **D. Misapplication of Council Regulations**

Contested case provisions under the UAPA apply to hearings held on petitions for declaratory rulings. CGS §4-176(g) states, "If the agency conducts a hearing in a proceeding for a declaratory ruling, [contested case provisions] shall apply." The Council's Petition for a Declaratory Ruling regulations are RCSA §16-50j-38 to 16-50j-40. Consistent with the UAPA, RCSA §16-50j-40(b) states, "*If the Council deems a hearing necessary*, the contested case provisions shall apply to the hearing." (Emphasis added).

In its Motions, Spaulding interprets the Council's contested case regulations to be applicable to the Petition 1566 proceeding. Contested case regulations referenced by Spaulding include RCSA §16-50j-25(c), which applies to pre-filed evidence and testimony in contested cases and RCSA §16-50j-28, which applies to the rules of privilege, such as the attorney-client privilege, in contested cases. These contested case regulations do not apply to Petition 1566 because the Council did not deem a hearing necessary for Petition 1566.

If the Council does not hold a public hearing on Petition 1566, then Spaulding requests the Council to initiate an investigation under RCSA §16-50j-41. In its Motions, Spaulding requests the contested case provisions of the UAPA apply to the investigation. Under RCSA §16-50j-41, the Council may at any time initiate investigations and enforcement actions to verify compliance with its certificates and standards. The decision to initiate an investigation is discretionary to the Council.<sup>43</sup>

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<sup>38</sup> Council Meeting Minutes, May 11, 2023.

<sup>39</sup>*A. Gallo & Co. v. McCarthy*, 2010 Conn. Super. LEXIS 1788 (Conn. Super. 2010).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> The comment period was extended to the date of the Council's meeting when it took the 60-day action. Even if the Council hadn't yet taken the 60-day action when Spaulding requested a public hearing, the Council cannot legally grant the relief Spaulding requests relative to past Eversource maintenance work between 2017 and 2021 on the Parcel.

<sup>43</sup> Conn. Gen. Stat. §16-50u (2023)("Whenever the Council deems it necessary to verify compliance...")

Spaulding requests the Council to investigate an in-ROW access road that was approved 6 years ago when Spaulding did not own the property and to investigate in-ROW structure replacements that were not required to be approved by the Council.

In its June 1, 2023 FOIA Request to the Council, Spaulding states:

*“It is my intention to request for the June 12, 2023 Council meeting that the Council conduct an investigation into if permits were required for this work... This previous work is directly related to Petition 1566 in that the present petition proposes to utilize the illegal work, road and pads that were installed at these location.”<sup>44</sup>*

The Council responded to the FOIA request on June 9, 2023. Spaulding filed the Motions on July 31, 2023.

Spaulding’s request for an investigation under the Council’s regulations is just another request for a public hearing on past Eversource maintenance work that was not required to be reviewed or approved by the Council. Like a public hearing on a petition for a declaratory ruling, it is within the Council’s discretion to initiate an investigation. The ratepayers would bear the burden of the investigation costs.

Also like a public hearing on a petition for a declaratory ruling, it is within the Council’s discretion to conduct a site visit. In Petition 1566, the existing 12.5-mile electric transmission line ROW is the site. Spaulding interprets the site to be the portion of the ROW across its Parcel. There are other property owners along the ROW. None of them requested the Council schedule a site visit. The ratepayers would bear the burden of the site visit costs.

The Council properly applied the provisions of its regulations to Petition 1566, including, but not limited to, granting extensions of time to respond to interrogatories.

## **II. Objections**

On June 22, 2023, the Council issued a revised schedule for the exchange of interrogatories among parties and intervenors with an issuance deadline of July 6, 2023, and a response deadline of July 20, 2023. Spaulding’s August 7, 2023 Objections relate to Eversource requests for extensions of time to respond to Spaulding’s 94 interrogatories that were approved by the Council on July 18 and July 26, 2023. Eversource submitted responses to Spaulding’s 94 interrogatories on August 2, 2023. The extensions would also have applied to Spaulding had interrogatories been issued to it within the scheduled discovery period. Spaulding was not prejudiced or deprived of due process by the Council’s granting of the requests for extension of time to respond to Spaulding’s interrogatories.

Spaulding complains that its motion for a scheduling conference, which notably overlaps in time and substance with its July 31, 2023 Motions, was not immediately taken up by the Council. In its Objections, Spaulding states, “the Council scheduled this motion to come before the Council 30 days out and gave the petitioner notice to comment and object.”<sup>45</sup> Due process consists of notice and an opportunity to be heard. The Council provided 30-day notice and an opportunity to comment on Spaulding’s Motions. Both Spaulding and Eversource would have been prejudiced and deprived of due process if the Council took up the Motions immediately as requested.

Also in its Objections, Spaulding states, “Considering that the procedural conference agenda contains a request for discussion about scheduling of additional discovery and relieving the Executive Director from further participation in Petition 1566 for her official misconduct, we believe that these motions should take priority and

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<sup>44</sup> Spaulding Motions, Attachment “FOIA response sites 7785 and 7786.”

<sup>45</sup> Spaulding Objections, 5<sup>th</sup> Fact in support of objection, p. 1.

that our motions be heard as soon as possible.” Throwing substantive issues into a procedural motion will not result in an expedited disposition. Due process dictates otherwise.

Eversource objected to 19 of Spaulding’s 94 interrogatories because they do not pertain to Eversource’s proposed work in Petition 1566. In its Objections, Spaulding accuses Eversource of usurping the Council’s authority by refusing to answer the questions based on their interpretation of the limits on Spaulding’s party status. On June 22, 2023, when the Council granted Spaulding party and CEPA intervenor status in Petition 1566, it specifically included a condition that ***Spaulding’s participation shall be limited to in-ROW work proposed to be performed by Eversource in Petition 1566.*** Yet, two full paragraphs in Spaulding’s Objections are dedicated to past “illegal work.”

At the end of Spaulding’s Objections, it requests the failure to answer interrogatories, the delay in recognizing motions and the delay in scheduling motions be added to its July 31, 2023 procedural conference agenda that significantly overlaps with its July 31, 2023 substantive Motions.

### III. CONCLUSION

In Council Docket 225C, private property owners requested the Council to order compensation for property damages from the Kleen Energy facility explosion.<sup>46</sup> The relief requested by the property owners was beyond the scope of the Council’s Docket 225C proceeding and statutory authority.

Spaulding insists “all damages occurred between 2018 and 2021” and requests “Eversource to restore the property to the condition prior to Eversource’s illegal and unauthorized acts.”<sup>47</sup> The Council is not a court of law. It is an administrative agency. Litigation of property damage claims is within the jurisdiction of the courts. The relief requested by Spaulding for compensation for property damages from past Eversource work on the Parcel is beyond the scope of the Council’s Petition 1566 proceeding and statutory authority.

However, ROW restoration is within the scope of the Council’s Petition 1566 proceeding and statutory authority. CGS §16-50hh allows the Council to order restoration and revegetation of the ROW in connection with any transmission line project. The Council may order the ROW to be restored after Eversource’s Petition 1566 work is complete if a declaratory ruling is issued.<sup>48</sup>

Spaulding seeks a day in court for its April 19, 2023 Complaint to Eversource for alleged property damage from past maintenance work on the Parcel. Whether or not the Council holds a public hearing on Petition 1566, Spaulding has the right as a party to appeal the Council’s final decision on Petition 1566 to the court.

It is not unconstitutional for the Council to balance its statutory time constraints against parties’ desires for more time to present their objections to a proposal.<sup>49</sup>

Staff recommends the Motion for Investigation of Illegal Work and False Statements, including the Motion for Procedural Conference and associated requested actions, the request for a site visit, the requests for a public hearing, the requests for investigations and any and all variations of these requests referenced in Spaulding’s

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<sup>46</sup> Council Docket 225C Conclusions of Law; *Kleen Energy Sys., LLC v. Comm’r of Env’tl. Protection*, 319 Conn. 367 (2015).

<sup>47</sup> Spaulding Motions, Exhibit 26 (“False Statements Council ED 6/22/23 Staff Memo”), pp. 24-25.

<sup>48</sup> *Town of Killingly v. Conn. Siting Council*, 220 Conn. 516, 523 (1991).

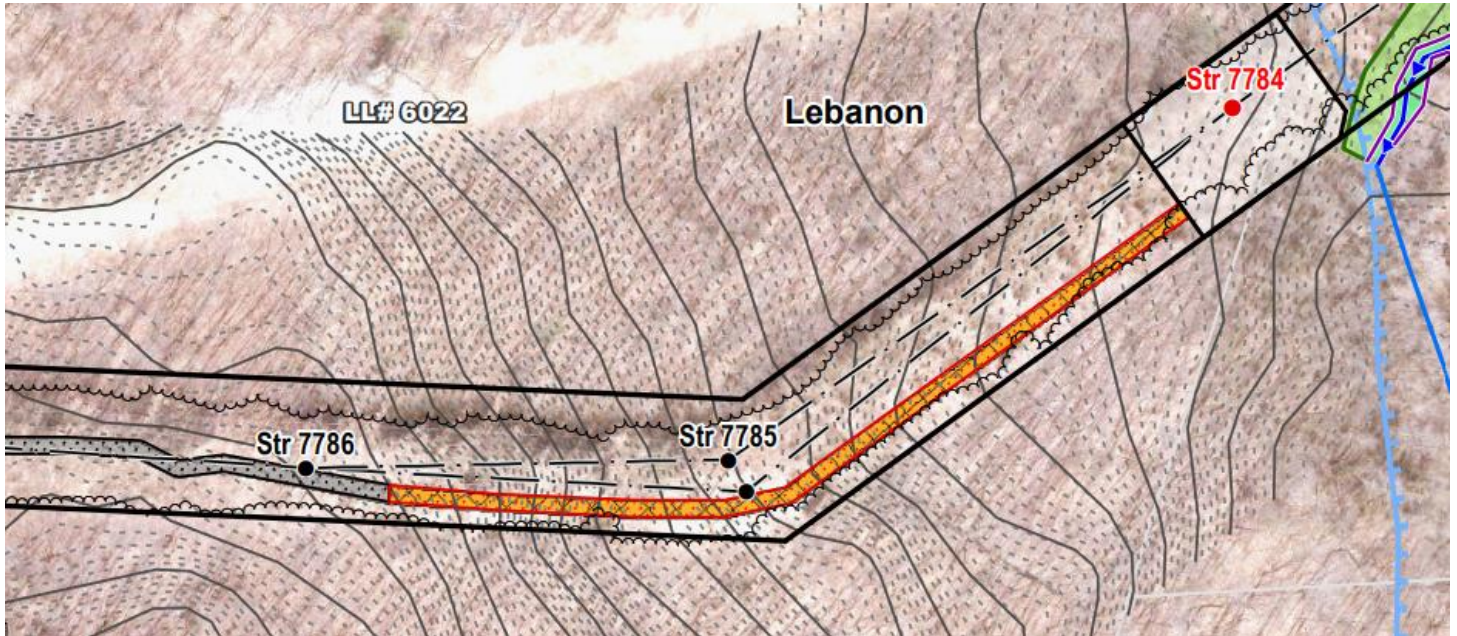
<sup>49</sup> *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014).; *Concerned Citizens of Sterling v. Conn. Siting Council*, 215 Conn. 474, 485 (1990).

Motions, Objections and Clarification of Motions be denied, and Requested Action #12 for an additional discovery period be granted *if Spaulding and Eversource agree in writing to an extension of the Council's UAPA 180-day final decision deadline in Petition 1566* for a period no longer than an additional 180 days beyond October 9, 2023.<sup>50</sup>

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<sup>50</sup> Conn. Gen. Stat. §4-176(i) (2023).

**Figure 1 – Structures 7786, 7785 and 7784 on Map Sheet 5 of Sub-petition 1293-LFBNM-01**

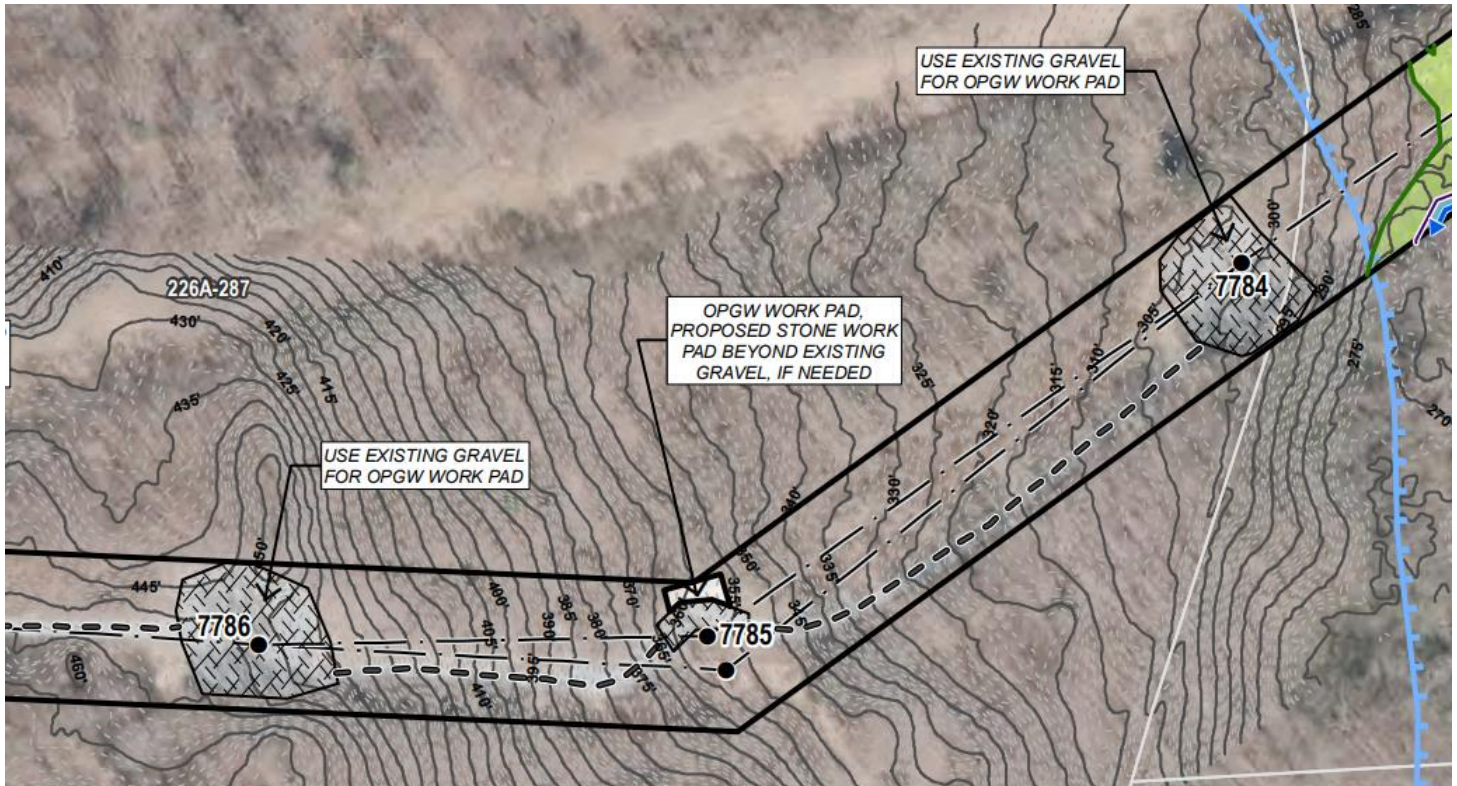


**Legend**

- |                                      |  |                                   |
|--------------------------------------|--|-----------------------------------|
| ● Existing Structure                 | — 10' Contour Line                                       | 🟡 Critical Habitat (CTDEEP, 2009) |
| ● Sub-Petition Replacement Structure | X=X=X Fence  | 🟦 100-Year Flood Zone             |
| 🚪 Gate                               | 🟠 Stone Wall   | 🟦 Floodway                        |
| ⦿ Culvert                            | 🟩 Work Pad   | 🟪 Ordinary High Water Mark        |
| — · — Transmission Line              | 🟨 Existing Access  | 🟦 Intermittent Watercourse        |
| — Right-of-Way Boundary              | 🟩 Existing Access to be improved                         | 🟦 Perennial Watercourse           |
| —+— Railroad                         | 🟨 Proposed Access  | 🟦 Watercourse (not delineated)    |
| 🌳 Tree Line                          | 🟨 Proposed Alternate Access (rights need to be obtained) | 🟢 Delineated Wetland Boundary     |
| - - - 2' Contour Line                | 🟩 Natural Diversity Database Area (CTDEEP, June 2017)    | 🟢 Federal Wetland Boundary Only   |



**Figure 2 - Structures 7786, 7785 and 7784 on Map Sheet 6 of Petition 1566**



**Legend**

- |                                    |                                  |                                       |
|------------------------------------|----------------------------------|---------------------------------------|
| ● Proposed Structure               | 🚪 Gate                           | 🟡 Proposed Access                     |
| ⊙ Existing Structure to be Removed | ⊙ Culvert                        | 🟜 Off-ROW Access Pending Rights       |
| ● Existing Structure               | 📦 Stone Work Pad                 | 🟢 Delineated Wetland Boundary Outline |
| — · — Overhead Eversource Line     | 📦 Existing Gravel                | 🟡 Field Delineated Wetland            |
| — Existing Right-of-Way (ROW)      | 🟡 Temporary Construction Matting | 🟡 CT Alluvial Wetland Only            |
| — · — Approx. Gas Line ROW         | 🟡 Area of Limited Tree Removal   | 🟢 Open Water                          |
| --- 1' Contour Line                | 🚊 Railroad                       | 🟢 Delineated Perennial Stream         |
| — 5' Contour Line                  | — Existing Access                | 🟢 Delineated Intermittent Watercourse |
| ×=×=× Fence                        |                                  |                                       |

**Exhibit A**

1900-2020	Jackson and Patricia Davis own Parcel No. 221-50 (the Parcel). <sup>51</sup>
03/07/1934	Eversource establishes easement across the Parcel. <sup>52</sup>
08/16/2017	Council approves Eversource Sub-petition 1293-LFBNM-01. The approval included an access road between Structures 7786 to 7784 and replacement of Structure 7784 on the Parcel. The approval did not include replacement of Structure 7785 or 7786. <sup>53</sup>
06/26/2018	Eversource changes Sub-petition 1293-LFBNM-01 access road between Structures 7786 to 7784 on the Parcel from matting to gravel. Eversource did not request a project change from the Council because “the area was neither wetland nor culturally sensitive.” <sup>54</sup>
05/17/2019	Eversource completes Sub-petition 1293-LFBNM-01 construction. <sup>55</sup>
08/13/2020	Spaulding purchases the Parcel. <sup>56</sup>
04/06/2021	Council approves Eversource Sub-petition 1293-LFB-01. The approval did not include replacement of Structure 7785 or 7786. <sup>57</sup>
07/28/2021	Spaulding contacts Council regarding Structures 7784 and 7785, and the access road between Structures 7786 to 7784 located on the Parcel depicted on Sub-petition LFBNM-01 Map Sheet

<sup>51</sup> Spaulding Motions, Exhibit 1A (Parcel No. 221-50 property card with Florida mailing address).

<sup>52</sup> Spaulding Motions, Exhibit 3.

<sup>53</sup> Spaulding Motions, Exhibit 1; Sub-petition 1293-LFBNM-01, *available at* [https://portal.ct.gov/lib/csc/pending\\_petitions/2\\_petitions\\_1201through1300/pe1293/lebanon-franklin-bozrah-norwich-montville/pe1293\\_lfbnm-01\\_filing\\_20170717.pdf](https://portal.ct.gov/lib/csc/pending_petitions/2_petitions_1201through1300/pe1293/lebanon-franklin-bozrah-norwich-montville/pe1293_lfbnm-01_filing_20170717.pdf) (Map Sheet 5 depicts Structures 7785 and 7786 as black dots, which are existing structures and depicts Structure 7784 as a red dot, which is a Sub-petition replacement structure.)

<sup>54</sup> Spaulding Motions, Exhibit 26 (“False Statements Council ED 6/22/23 Staff Memo”), pp. 13, 17, 29-38; Eversource August 24, 2021 response to Council; Eversource Response to May 22, 2023 Spaulding Requests, Appendix, Tab Number 3.

<sup>55</sup> Sub-petition 1293-LFBNM-01, *available at* [https://portal.ct.gov/lib/csc/pending\\_petitions/2\\_petitions\\_1201through1300/pe1293/lebanon-franklin-bozrah-norwich-montville/lfbnm\\_01\\_lebanon-franklin-bozrah-norwich-montville\\_complete20190606.pdf](https://portal.ct.gov/lib/csc/pending_petitions/2_petitions_1201through1300/pe1293/lebanon-franklin-bozrah-norwich-montville/lfbnm_01_lebanon-franklin-bozrah-norwich-montville_complete20190606.pdf)

<sup>56</sup> Spaulding Motions, Exhibit 1A (Parcel No. 221-50 property card with Florida mailing address).

<sup>57</sup> Spaulding Motions, Exhibit 26 (“False Statements Council ED 6/22/23 Staff Memo”), pp. 13, 28; Sub-petition 1293-LFB-01, *available at* [https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1201-1300/PE1293/LFB\\_Lebanon\\_Franklin\\_Bozrah/PE1293-20210308\\_filing\\_1080-1490-SubPetitionLFB-01.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1201-1300/PE1293/LFB_Lebanon_Franklin_Bozrah/PE1293-20210308_filing_1080-1490-SubPetitionLFB-01.pdf); Eversource Response to May 22, 2023 Spaulding Requests, Appendix, Tab Number 3.

	5. <sup>58</sup> Structure 7784 is identified as a red dot and Structure 7785 is identified as a black dot. <sup>59</sup>
07/30/2021	Council requests written response from Eversource regarding the Sub-petition 1293-LFBNM-01 access road between Structures 7786 to 7784 by August 27, 2021. A copy was sent to Spaulding. <sup>60</sup>
08/24/2021	Eversource responds to the Council’s request indicating the Sub-petition 1293-LFBNM-01 access road between Structures 7786 to 7784 used gravel instead of matting without approval from the Council, the ROW was restored and outreach was made to schedule a site visit with Spaulding. A copy was sent to Spaulding. <sup>61</sup>
08/27/2021	Spaulding contacts the Council about receipt of the Eversource ROW restoration plan and indicates Eversource has not contacted him. <sup>62</sup>
09/01/2021	Spaulding contacts the Council about work performed by Eversource beyond its ROW easement and at Structure 7785, and requests the Council require sub-petitions for structure replacements. <sup>63</sup>
09/02/2021	Spaulding contacts Federal Energy Regulatory Commission (FERC) about work performed by Eversource beyond its ROW easement and at Structure 7785. See Exhibit H.
09/02/2021	FERC responds to Spaulding that it does not have jurisdiction and advises Spaulding to contact a property lawyer. See Exhibit H.
09/07/2021	Spaulding contacts the Council about work performed by Eversource beyond the ROW and restoration work proposed by Eversource in its response to the Council, referencing stone walls, drainage issues, and access from the “Old Mill Road” on its property. <sup>64</sup>
09/07/2021	Council responds to Spaulding that Structure 7785 was not subject to Sub-petition 1293-LFBNM-01 because it did not increase in height and advises Spaulding to contact a property lawyer. See Exhibit I.

<sup>58</sup> Spaulding Motions, Attachment “7/28/21 email site petition for site 7785.”  
<sup>59</sup> In the map legend, a red dot signifies a “proposed structure” and a black dot signifies an “existing structure.”  
<sup>60</sup> Spaulding Motions, Attachment “7/30/21 Siting Council Letter to Eversource.”  
<sup>61</sup> Spaulding Motions, Attachment “8/24/21 Response to CSC Letter re 1293 LFBNM 01 (1).”  
<sup>62</sup> Spaulding Motions, Attachment “8/27/21 email to Bachman cc eversource my contact info.”  
<sup>63</sup> Spaulding Motions, Attachments “9/1/21 email to Bachman...”; “9/7/21 email to Attorney Bachman...”  
<sup>64</sup> Spaulding Motions, Attachment “9/1/21 email to Bachman ...”; “9/7/21 email to Attorney Bachman...”

12/29/2022	Eversource provides notice of the Card Substation to Wawecus Junction Upgrade Project (Project) to abutting property owners. See Exhibit B.
01/24/2023	Spaulding contacts the Council regarding receipt of 12/29/2022 Eversource notice letter for the Project and intervenor status in the new petition due to property damage from previous work. See Exhibit B.
02/01/2023	Council responds to Spaulding that 2017 sub-petitions apply only to structures that require an increase in height, no new sub-petition or petition for the new Project has been submitted to date and <i>past work would not be considered as part of any new petition</i> . See Exhibit C.
04/11/2023	Eversource provides notice of its intent to submit a petition for a declaratory ruling to the Council for the Project. <sup>65</sup>
04/12/2023	Eversource submitted its petition for the Project to the Council (Petition 1566). <sup>66</sup>
04/13/2023	Council posts Petition 1566 on its website, develops Petition 1566 schedule in accordance with the UAPA and sends notice to Towns of Bozrah, Franklin and Lebanon, and the City of Norwich. Eversource meets with Spaulding at the Parcel. <sup>67</sup>
05/04/2023	Council provides public notice of regular meeting agenda for 5/11/2023. Petition 1566 is on the agenda for “CGS §4-176 Deadline for Action – <b>Set Date for Decision.</b> ” See Exhibit D.
05/04/2023	Spaulding contacts the Council about party/intervenor status in Petition 1566, receipt of notice two weeks late on April 26, 2023, submission of its own petition and general questions. <sup>68</sup> See Exhibit E.
05/05/2023	Spaulding contacts the Council about Eversource notice letter for Petition 1566 and meeting held at the Parcel with 5 Eversource representatives on April 13, 2023. See Exhibit F.
05/05/2023	Council responds to Spaulding with links to filing guides for party status in petitions with or without public hearings, extends the public comment period for 2 weeks for Spaulding and other interested persons and issues a revised Petition 1566 schedule. <sup>69</sup> See Exhibit G.

<sup>65</sup> Petition 1566, Attachment F.

<sup>66</sup> Petition 1566 Record, *supra* note 1.

<sup>67</sup> Spaulding Motions, Attachment “5/5/23 email meeting with eversource no notification.”

<sup>68</sup> Spaulding Motions, Attachment “5/4/23 email party status hearing.”

<sup>69</sup> Spaulding Motions, Attachment “5/4/23 email from Bachman two week extension.”

05/12/2023	Council issues written notice that it set the date by which to render a decision on Petition 1566 as the UAPA 180-day final decision deadline - October 9, 2023. <sup>70</sup>
05/15/2023	Spaulding acknowledges Council's 2-week extension for comments, and references a request for party status, request to dismiss petition, and request to meet with Council ED to discuss request to dismiss petition. See Exhibit J.
05/16/2023	Council ED declines meeting with Spaulding based on UAPA ex parte communications prohibition and availability and identifies CSC regulations. See Exhibit K.
05/22/2023	Spaulding submits 6 requests in Petition 1566.
05/23/2023	Council issues interrogatories to Eversource.
05/24/2023	Council issues memo requesting comments on Spaulding's 6 requests by June 12, 2023.
06/01/2023	Spaulding submits Freedom of Information Act (FOIA) request to Council for all Eversource notices related to Structures 7785 and 7786.
06/09/2023	Eversource submits responses to Council's interrogatories. Council responds to Spaulding's FOIA request.
06/12/2023	Eversource submits its response to Spaulding's 6 requests.
06/22/2023	Council disposes of Spaulding's 6 requests, including, but not limited to granting the request for party and CEPA intervenor status with the condition that participation shall be limited to in-ROW work proposed to be performed by Eversource in Petition 1566 and establishes a schedule for the exchange of interrogatories among parties and intervenors.
07/06/2023	Spaulding submits 94 interrogatories to Eversource.
07/18/2023	Eversource requests extension of time to respond to Spaulding's interrogatories.
07/26/2023	Eversource requests second extension of time to respond to Spaulding's interrogatories.

<sup>70</sup> Council Written Notice of Set Date for Decision, *available at* [PE1566\\_Set\\_Decision\\_Date\\_a.pdf\(ct.gov\)](#)

07/31/2023	Spaulding submits Motions.
08/01/2023	Council issues memo requesting comments on Spaulding's Motions by August 22, 2023.
08/02/2023	Eversource submits its responses to Spaulding's 94 interrogatories.
08/07/2023	Spaulding submits Objections.
08/08/2023	Council issues memo requesting comments on Spaulding's Objections by August 22, 2023.
08/17/2023	Legislators submit letter echoing Spaulding's Motions and Objections.
08/21/2023	Spaulding submits Clarification of Motions.
08/22/2023	Eversource submits its response to Spaulding's Motions and Objections.
08/22/2023	Spaulding submits FOIA request for draft staff report on Petition 1566.
08/23/2023	Council responds to Spaulding's FOIA request.

**Exhibit B**

**From:** Cory Spaulding <[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)>  
**Sent:** Tuesday, January 24, 2023 10:19 AM  
**To:** CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>  
**Subject:** Eversource Petition - Card Street Substation to Wawecus Upgrade Project

Some people who received this message don't often get email from [coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net). [Learn why this is important](#)

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Connecticut Siting Council,

As a property owner containing an Eversource Right of Way, I am in receipt of a letter from Eversource that states they are submitting a petition to the Siting Council for the Card Street Substation to Wawecus Upgrade Project in January. Please see the attached letter.

Can you tell me if this project has been submitted to the Council?

I understand that this may be a sub petition to petition 1293. I have noted that sub petitions to 1293 do not show up on your web site as pending matter and do not show up in the council minutes. I cannot locate where sub petitions for 1293 show up prior to approval.

Could you tell me where the filed petition shows up on your website prior to approval?

In sub petition 1293 LFBNM-01, filed July 2017, I was a property owner impacted by this project but never received notice from Eversource about the project or a copy of the petition **as Eversource certified to the council was done**. As a result, I was never allowed the opportunity to review the sub petition prior to council approval. If you review this sub petition you will not see my name listed as an owner or notification being sent despite the fact that I owned the property since November of 2016.

I wish to find a way to make sure that my rights to review are not abrogated again and am asking for the councils assistance.

I would like to notify the council that I may wish to request to be an intervenor on this new petition due to the damages to my property from the previous petitions work. It is my intention to request that the council add additional requirements on Eversource as a condition of the new work to ensure that past issues are not repeated and to ensure that the work is done in an environmentally safe manner.

In reviewing your website I am confused as to if the law allows for an intervenor on a sub petition or how I would accomplish this goal if one is allowed since the sub petition does not appear to show up on your website until approved.

Could you tell me if intervenor status is allowed on sub petitions?

If I wished to request a public hearing and submit documentation as to why a public hearing is appropriate, could you inform me of the process to do this for a sub petition?

If I wanted to request that the council conduct a site visit of my property to review the proposed work for this new petition and at the same time review the previous petitions plans and promises and then compare that to what presently exists, how would I go about requesting this site visit for the new petition?

The purpose of the visit would be to show the council how the previous petitions conditions and representations by the applicant were grossly insufficient to ensure that the work was done as planned and in an environmentally correct manner. This inspection would provide insight to the council as to what condition modifications are needed to ensure that future work by this same applicant is completed as planned and promised.

I look forward to your reply, thank you for your assistance with this matter.

Sincerely, Cory Spaulding 716 Beaumont Highway, Lebanon CT. 352 263 9226.





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

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](mailto: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

**EVERSOURCE** P.O. Box 270  
PROJECT SERVICES Hartford, CT 06141-0270

CORY R SPAULDING  
LESLIE A YESLEY  
716 BEAUMONT HWY  
LEBANON, CT 06249

MI04 REV 3/10

0624981226 R014



**US POSTAGE** PERMIT NO. 8000  
 **\$ 000.57<sup>0</sup>**  
ZIP 06037 02 AM  
0000346411 JAN 03 2023

**Exhibit C**

**From:** Bachman, Melanie  
**Sent:** Wednesday, February 1, 2023 11:26 AM  
**To:** Cory Spaulding <coryspaulding@earthlink.net>; CSC-DL Siting Council <Siting.Council@ct.gov>  
**Subject:** RE: Eversource Petition - Card Street Substation to Wawecus Upgrade Project

Good morning, Mr. Spaulding.

We currently do not have any pending 1293 sub-petitions or other petitions for this area. When any sub-petition or other petition is submitted to us, they are posted to the website under pending matters. It is not known at this time whether this project would be submitted as a sub-petition or other petition.

As we indicated in our September 7, 2021 correspondence to you on the LFBNM sub-petition, which was approved on August 16, 2017, only structures that require an increase in height to comply with the National Electrical Safety Code are jurisdictional to the Council. A copy of the correspondence is attached.

Thanks.

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
Office 860-827-2951  
Cell 860-768-2548



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**Exhibit D**



STATE OF CONNECTICUT  
**CONNECTICUT SITING COUNCIL**  
Ten Franklin Square, New Britain, CT 06051  
Phone: (860) 827-2935 Fax: (860) 827-2950  
E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)  
Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL**

DATE: May 4, 2023  
TO: Council Members  
FROM: Melanie Bachman, Executive Director *NAB*  
RE: Connecticut Siting Council Energy/Telecommunications Meeting

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An Energy/Telecommunications meeting of the Connecticut Siting Council **via Zoom Remote Conferencing** will be held on Thursday, May 11, 2023, at 1:00 p.m. Please note that the draft documents related to the agenda items will be available to view on-line on our website at [portal.ct.gov/csc](http://portal.ct.gov/csc) under the Tab - Meetings and Minutes - on the left-hand side of the home page.

Join Zoom Meeting  
<https://us06web.zoom.us/j/84887470441?pwd=VWVpcGZyUzM2KzJnQ2p2R2p1clJRUT09>

Meeting ID: 848 8747 0441  
Passcode: K2w1Xh

Dial +1 929 205 6099 US (New York)  
Meeting ID: 848 8747 0441  
Passcode: 560539

**AGENDA**

1. Minutes of April 27, 2023.
  2. **DOCKET NO. 512** - Homeland Towers, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 60 Vale Road, Brookfield, Connecticut. Development and Management Plan.
  3. **DOCKET NO. 514** - Glenvale, LLC d/b/a Glenvale Solar application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 4.0-megawatt-AC solar photovoltaic electric generating facility located at 56 River Road, Putnam, Connecticut and associated electrical interconnection. Motion for Protective Order.
-

4. **PETITION NO. 1565** - 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 East of Hurd State Park to East Haddam Junction Line Rebuild Project consisting of the replacement of electric transmission line structures along its existing 6.2-mile electric transmission line right-of-way shared by its existing 115-kilovolt (kV) No. 1772 and 345-kV Nos. 362, 376 and 364 Lines between Structure Nos. 12053 and 19099 east of Hurd State Park in East Hampton, Haddam Neck Switching Station in Haddam, and East Haddam Junction in East Haddam, Connecticut traversing the municipalities of East Hampton, Haddam and East Haddam, and related electric transmission line and substation improvements. CGS §4-176 Deadline for Action – Set Date for Decision.
5. **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. CGS §4-176 Deadline for Action – Set Date for Decision.
6. **PETITION NO. 1567** - 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 1637/1720 Lines Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along its existing 4.0 mile electric transmission line right-of-way shared by its existing 115-kilovolt (kV) Nos. 1637 and 1720 Lines between Grist Mill Road in Norwalk, Norwalk Junction in Wilton, and Weston Substation in Weston, Connecticut traversing the municipalities of Norwalk, Wilton, and Weston, and related electric transmission line and substation improvements. CGS §4-176 Deadline for Action – Set Date for Decision.
7. **PETITION NO. 1568** – Verizon Wireless, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for proposed modifications to an existing telecommunications facility located at 440 Hayden Station Road, Windsor, Connecticut. CGS §4-176 Deadline for Action – Set Date for Decision.

**Tower Share Request Consent Calendar - Item Nos. 8 - 12**

8. **TS-ATT-069-230331** – AT&T request for an order to approve tower sharing at an existing telecommunications facility located at 812 Providence Pike, Killingly, Connecticut. Decision.
  9. **TS-DISH-078-230403** – Dish Wireless, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 82 North Eagleville Road, Mansfield, Connecticut. Decision.
  10. **TS-DISH-037-230413** - Dish Wireless, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 71 Pleasant View Road, Derby, Connecticut. Decision.
  11. **TS-DISH-132-230413** – Dish Wireless, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 575 Pleasant Valley Road, South Windsor, Connecticut. Decision.
-

CSC - Energy/Telecommunications  
Page 3

12. **TS-DISH-147-230414** - Dish Wireless, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 111 Stone Hill Road, Voluntown, Connecticut. Decision.

13. **Administrative Matters**

- ***Regular Items***

- Upcoming Calendar Events:

- Petition No. 1558, Thursday, May 18, 2023, **evidentiary hearing session** beginning at 2:00 p.m. and **public comment session** beginning at 6:30 p.m. via Zoom remote conferencing.
- Energy/Telecommunications Meeting, Thursday, May 25, 2023, beginning at **1:00 p.m.** via Zoom remote conferencing.
- Energy/Telecommunications Meeting, Thursday, June 8, 2023, beginning at **1:00 p.m.** via Zoom remote conferencing.

cc: Secretary of the State

**Exhibit E**

-----Original Message-----

From: Cory Spaulding <coryspaulding@earthlink.net>

Sent: Thursday, May 4, 2023 3:18 PM

To: CSC-DL Siting Council <Siting.Council@ct.gov>; Bachman, Melanie <Melanie.Bachman@ct.gov>

Subject: Siting Council Petition 1566

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Melanie Bachman,

We phoned in today to ask some questions and set up an appointment to meet with you however we were instructed to e mail you first for both items.

We are writing you in reference to Siting Council petition 1566. We are going to be submitting a request for intervenor and party status for this petition. Our question is that as we understand it the petition must be submitted 5 days before a scheduled hearing, however no hearing has been scheduled yet, so we are unsure of the deadline date for filing the petition.

The second issue is that the petitioner, Eversource Energy mailed our notification to the wrong address, our mailing address for the property impacted by the petition, that is on file with the Town of Lebanon Assessor, is 716 Beaumont Highway, Lebanon CT. 06249 however the petition notice was mailed Florida for unknown reasons. This notification error resulted in a two week delay in our notification. We received the notification of Council filing a short time ago on April 26, 2023.

Could you tell us how this late notification impacts any regulatory deadline dates for our filing for intervenor and party status or any other regulatory deadlines that may apply to this petition.

Due to the volume of documentation that we will be submitting with our petition, we will be delivering it in person to your New Britain address as well as delivering it to the petitioner by the same means, in person.

We would like to personally deliver the petition to you as well as ask you some general questions regarding the scheduling of the hearing, our proposed participation, how to most efficiently accomplish our presentation of evidence, and what technology is available at the hearing to present information meaning, projector screens to show exhibits and photographs and so on. Can we set a date and time for these questions and the delivery of the petition?

We can be reached by phone at 352 263 9226, by mail at the above address or by e mail at coryspaulding@earthlink.net

Sincerely,

Cory Spaulding and Leslie Yeisley



**Exhibit F**

-----Original Message-----

From: Cory Spaulding <coryspaulding@earthlink.net>

Sent: Friday, May 5, 2023 6:12 AM

To: CSC-DL Siting Council <Siting.Council@ct.gov>; Bachman, Melanie <Melanie.Bachman@ct.gov>

Subject: Fw: Siting Council Petition 1566

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Melanie Bachman,

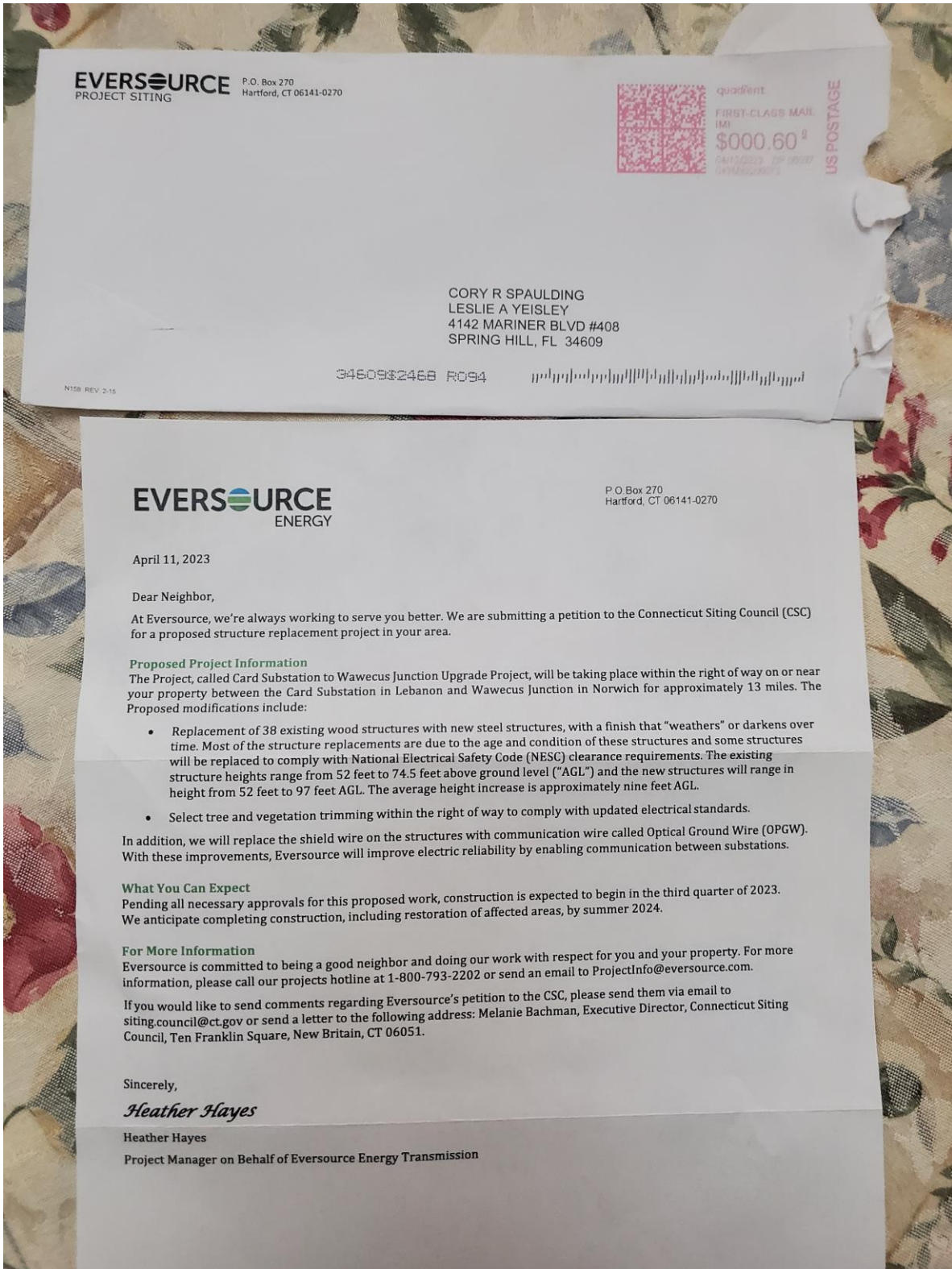
We noticed in our e mail yesterday that we forgot to attach proof of the failure to promptly notify, please see the two attachments, copy of the envelope and notification letter addressed to Florida and a copy of the assessor property card listing the correct address of 716 Beaumont Highway Lebanon, CT. 06249.

We also forgot to mention that Eversource further compounded this failure to provide proper notification by neglecting to tell us of the filing in an in-person meeting held with us on 4/13/23. The notification letter is dated 4/11/23 and is signed by Heather Hayes, Project Manager. The letter was mailed on 4/12/23. On 4/13/23 we met with five Eversource contractor representatives at 716 Beaumont Highway in Lebanon CT. Hayes, the Project Manager, was at that meeting. This meeting was scheduled a week before the 4/13/23 meeting.

During this meeting we twice told Heather Hayes and all others in attendance of our desire and intent to file for intervenor and party status with the Council if the issues with the property were not resolved prior to the filing of the petition for new work by Eversource. At no time did any of the Eversource representatives, including Heather Hayes, who signed the notification letter, ever mention or notify us that the petition had already been filed with the Council.

We hope this additional information and the attachments will assist you in determining the proper remedy for Eversource's failing to properly notify a landowner who will be impacted by the work proposed in petition 1566.

Cory Spaulding and Leslie Yeisley



**Exhibit G**

**From:** Bachman, Melanie  
**Sent:** Friday, May 5, 2023 4:35 PM  
**To:** Cory Spaulding <coryspaulding@earthlink.net>; CSC-DL Siting Council <Siting.Council@ct.gov>  
**Cc:** DENFELD, DEBORAH <deborah.denfeld@eversource.com>; Shanley, Kathleen M <kathleen.shanley@eversource.com>  
**Subject:** RE: Siting Council Petition 1566

Good afternoon, Mr. Spaulding.

Thank you for your email. It is nice to hear from you again.

In response to your first question, **if a public hearing is not held**, the petition for a declaratory ruling is processed “on the papers” and a request for party or intervenor status may be submitted at any time prior to the deadline for a final decision while a petition for a declaratory ruling is pending with the Siting Council. **If a public hearing is held**, a request for party or intervenor status may be submitted no less than 5 days before the public hearing is scheduled. The deadline for a final decision on this petition is October 9, 2023. It is discretionary to the Siting Council whether or not to hold a public hearing on any petition for a declaratory ruling. Whether or not a public hearing is held, written questions may be submitted to the petitioner by any party or intervenor in accordance with a schedule developed by the Siting Council.

For your convenience, here are links to our party and intervenor status guides for petitions with or without public hearings:

<https://portal.ct.gov/-/media/CSC/Public-Participation/guides/info-guide-PI-petition-without-hearing.pdf>

[https://portal.ct.gov/-/media/CSC/Public-Participation/guides/info-guide-PI---petition-with-hearing\\_20210222.pdf](https://portal.ct.gov/-/media/CSC/Public-Participation/guides/info-guide-PI---petition-with-hearing_20210222.pdf)

In response to your second question, we can certainly extend the public comment period an additional two weeks for you and other interested persons to more thoroughly review the petition for a declaratory ruling due to the delay in mailing. A revised schedule is attached and will be posted to the project webpage.

If you have any follow-up questions, please feel free to contact our office at your convenience.

Thanks. Have a nice weekend.

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
Office 860-827-2951  
Cell 860-768-2548

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-----Original Message-----

From: Cory Spaulding <[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)>

Sent: Friday, May 5, 2023 6:12 AM

To: CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>; Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>

Subject: Fw: Siting Council Petition 1566

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Melanie Bachman,

We noticed in our e mail yesterday that we forgot to attach proof of the failure to promptly notify, please see the two attachments, copy of the envelope and notification letter addressed to Florida and a copy of the assessor property card listing the correct address of 716 Beaumont Highway Lebanon, CT. 06249.

We also forgot to mention that Eversource further compounded this failure to provide proper notification by neglecting to tell us of the filing in an in-person meeting held with us on 4/13/23. The notification letter is dated 4/11/23 and is signed by Heather Hayes, Project Manager. The letter was mailed on 4/12/23. On 4/13/23 we met with five Eversource contractor representatives at 716 Beaumont Highway in Lebanon CT. Hayes, the Project Manager, was at that meeting. This meeting was scheduled a week before the 4/13/23 meeting.

During this meeting we twice told Heather Hayes and all others in attendance of our desire and intent to file for intervenor and party status with the Council if the issues with the property were not resolved prior to the filing of the petition for new work by Eversource. At no time did any of the Eversource representatives, including Heather Hayes, who signed the notification letter, ever mention or notify us that the petition had already been filed with the Council.

We hope this additional information and the attachments will assist you in determining the proper remedy for Eversource's failing to properly notify a landowner who will be impacted by the work proposed in petition 1566.

Cory Spaulding and Leslie Yeisley

**Exhibit H**

**From:** Krista Sakallaris <Krista.Sakallaris@ferc.gov>  
**Sent:** Thursday, September 2, 2021 11:42 AM  
**To:** Cory Spaulding <coryspaulding@earthlink.net>  
**Cc:** Bachman, Melanie <Melanie.Bachman@ct.gov>  
**Subject:** RE: Question about site work

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Thank you for the additional information Mr. Spaulding.

I have reached out to some of the attorneys in my office with a little more background in this area and learned that this is almost certainly a state issue. FERC's siting authority for transmission lines is very limited. This site has a pretty good summary of the law in its first two boxes. Basically, the project has to be in a National Interest Electric Transmission corridor (this is designated by the Department of Energy and to the best of my knowledge, there aren't any currently designated) as well as the state having no siting authority. <https://openei.org/wiki/RAPID/BulkTransmission/Connecticut/Transmission>

For this particular issue, it looks like the Connecticut Siting Council has siting authority for 69kv or greater lines. It's not clear to me if that only applies to new construction or if it also applies to maintenance projects. If the Council has indicated they do not have jurisdiction, then it's a state property law issue and the best thing you can do is to speak with a property lawyer familiar specifically with Connecticut's laws.

Ms. Bachman, I would like to be as helpful as I can, so if you have information as to why the Council believes this falls under FERC's jurisdiction can you please share it with me so I can track down the best office and staff to assist Mr. Spaulding?

Krista

**From:** Cory Spaulding <coryspaulding@earthlink.net>  
**Sent:** Thursday, September 02, 2021 11:08 AM  
**To:** Krista Sakallaris <Krista.Sakallaris@ferc.gov>  
**Cc:** Bachman, Melanie <Melanie.Bachman@ct.gov>  
**Subject:** RE: Question about site work

Krista, Sakallaris,

Ironically your question as to who to contact or who is in charge is part of the problem. Eversource continues to assign me to a subcontract outreach representative who has no authority to do anything and cannot answer any questions. I am currently on my third outreach

representative. It is the usual continuous circle run around where you never get to talk to anyone that can make a decision or answer a question. Designed failure by Eversource.

I do not dispute that Eversource has the right to put up poles and power lines on my property. I do dispute that the company has the right to put roads thru my agricultural land and radically change the topography and drainage by bringing in thousands of tons of fill to build roads, work pads, and staging areas, then leave them for me to deal with.

I am an innocent landowner that they think they can ignore, stall, and push around. They have completed their pole replacement and I now simply want them to restore the land to the condition that it was prior to them undertaking this massive project yet for months now have gotten no where so I decided to go back to square one, where are the plans for what they were supposed to do?

Eversource has refused to provide me with their version of their right of way easement. Mine shows they are 54 feet outside the easement. I have not seen any design plans for the work so I cannot even tell if they did the work according to the plans.

As a result of the inaction by Eversource I have turned to regulatory agencies. Eversource submitted one pole replacement site project to the Connecticut Siting Council and I obtained those design plans and determined that Eversource said they were going to lay down wetland mats to access the area but instead built roads. The Siting Council instructed Eversource to submit corrected plans and to date Eversource wrote a letter saying they were sorry for the mistake. No other action has been taken by the Council or Eversource. Am I to understand that Eversource is so brazen that they can submit plans, not follow the plans, and oh well we are sorry is the conclusion?

I have inquired with the Siting Council as to why Eversource was not required to submit petitions for all pole replacements on my property and have not received an answer back.

Ms. Bachman, Acting Chairman for the Siting Council has stated previously that the Council does not have jurisdiction for all work but FERC does, hence my writing to you.

I have copied Ms. Bachman on this e mail and perhaps the two regulatory agencies can communicate to determine who holds Eversource accountable for the damage to my land. I would appreciate being copied on any correspondence.

Congress and the State of Connecticut have attempted to provide the landowner with relief from being run over by Utility Companies by creating agencies to regulate their activity and hold them accountable for following the law. My questions are which agencies are supposed to do this?

It appears to me that Eversource is playing the game of playing the enforcement agencies off of each other.

Eversource is doing a massive pole replacement program due to deteriorated wooden poles. They apply to the Siting Council for a certification of no environmental impact for this project and the Siting Council requires Eversource to submit sub petitions for each location so that individual determinations of no environmental impact can be made by the Council. Eversource then hand picks the sites they wish to submit to the Council and I guess claims maintenance under FERC for the sites that they do not submit?? The Council in their determination specifically addresses this Eversource project as a “*maintenance project*” so I am baffled as to why each site is not required to go to the Council and for the life of me cannot determine what excuse Eversource could come up with as to why they did not submit all the pole replacement maintenance projects to the Council for review. Each pole project involves the potential for serious environmental damage due to the method that Eversource is utilizing to do the replacements meaning building new roads, changing the topography and drainage of the land and by building massive of 100x100 level platforms around each pole site in order to do the replacement. In my case, at one site Eversource replaced 4 poles with 6 poles on a steep hillside. Eversource cut 35 to 40 feet by 125 feet into the hillside of my land to build this platform. They then hauled in an additional estimated 500 ton of fill to create the access road and the rest of the platform. They replaced the poles and walked away leaving a huge mess and appear to have not applied for a permit to anyone to do the work? I asked Ms. Bachman in an e mail yesterday why this site did not require a petition to the Council and I assume she is looking into that question.

In summary Eversource asks the Council for a certificate of no environmental impact statewide for the one for one replacement of deteriorated assets. See attached Petition 1293. The Council instructs Eversource to submit sub petitions for all replacements and Eversource then picks and chooses which ones to submit to the Council. ALL REPLACEMENTS ARE THE SAME. REPLACING AGING POLES TO IMPROVE ASSET CONDITIONS FOR IMPROVING ELECTRIC RELIABILITY AND CODE COMPLIANCE.

What criteria is there for which replacement projects go to the Council and which ones do not?

Do the other projects go to FERC or do they go to no one? Who reviews the ones they do not submit to the Council?

To me the most important question that I have is, is Eversource accountable for their actions to anyone?

Sincerely,

Cory Spaulding

716 Beaumont Highway

Lebanon, CT. 06249

352 263 9226

-----Original Message-----

From: Krista Sakallaris <[Krista.Sakallaris@ferc.gov](mailto:Krista.Sakallaris@ferc.gov)>

Sent: Sep 1, 2021 2:02 PM

To: Cory Spaulding <[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)>

Subject: RE: Question about site work

Hello Mr. Spaulding,

I have to check with our Office of Energy Projects to determine if this project falls under the Commission's jurisdiction and then gather some information for you. I will be in touch as soon as possible.

Do you happen to have the contact information for either the land agent or the project manager with Eversource Energy?

Thank you,

Krista R. Sakallaris

Dispute Resolution Service

Office of the General Counsel

Federal Energy Regulatory Commission

888 First Street, N.E.

Washington, D.C. 20426

Tel: (202) 502-6302

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**From:** Cory Spaulding <[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)>

**Sent:** Wednesday, September 01, 2021 1:18 PM

**To:** Landowner Help <[LandownerHelp@ferc.gov](mailto:LandownerHelp@ferc.gov)>

**Subject:** Question about site work

Eversource Energy has a right of way thru my property in Connecticut and this year replaced 4 deteriorated wooden poles with 6 steel poles. In doing so they changed the entire topography of the land and exceeded their right of way. Eversource has not been responsive to my concerns about the issues. I



am attempting to determine who holds them accountable when issues like this arise. I am unsure of the reason for the replacement meaning maintenance, or compliance with code. Eversource did not apply to the Connecticut Siting Council for a permit despite a change in the facility configuration meaning 4 to 6 poles. I am in search of plans and specifications of what Eversource was supposed to do in this pole replacement project and with whom if anyone they were required to obtain permits from. The poles have these identification number LN 1080, LN 1490, ST 7785, ST 7785A. The location is in the woods and the line runs in-between Chappell Road and Bender Road in Lebanon CT. Could you tell me if your agency requires permits for this work and if Eversource obtained permits for this work?

Sincerely,

Cory Spaulding

716 Beaumont Highway

Lebanon, CT. 06249

352 263 9226

**Exhibit I**



**STATE OF CONNECTICUT**

**CONNECTICUT SITING COUNCIL**

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

**VIA ELECTRONIC MAIL**

September 7, 2021

Cory Spaulding  
716 Beaumont Highway  
Lebanon, CT 06249  
[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)

**RE: SUB-PETITION NO. 1293-LFBNM-01 (Lebanon, Franklin, Bozrah, Norwich Montville)** – Eversource Energy 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.

Dear Mr. Spaulding:

The Connecticut Siting Council (Council) is in receipt of your additional correspondence dated September 7, 2021 concerning Eversource Energy's (Eversource) above-referenced request for approval to conduct transmission line maintenance activities to comply with the updated National Electrical Safety Code (NESC) standards on an existing electric transmission line that traverses the municipalities of Lebanon, Franklin, Bozrah, Norwich and Montville. A decision to approve the requested maintenance improvements was rendered on August 16, 2017.

In reaching a final decision on a petition, the Council carefully considers whether the request to conduct maintenance improvements complies with the NESC standards. Please be advised that the Council developed a deliberate case-by-case process for the review and evaluation of Eversource transmission facility asset condition maintenance improvement requests to replace individual, existing electric transmission line structures throughout the state that are exhibiting deterioration due to cracking, splitting, rot, woodpecker damage, etc. to comply with updated NESC standards.

With reference to Structure No. 7785, structure replacements that require an increase in height to comply with NESC conductor clearance requirements are subject to the Council's jurisdiction. Structure replacements that do not require an increase in height to comply with the NESC are not subject to the Council's jurisdiction. Replacement of Structure No. 7785 did not require an increase in height. It is not subject to the Council's jurisdiction.

With reference to the access road, on your behalf, the Council sent a request to Eversource for information and plans on July 30, 2021. Eversource responded to the Council's request on August 24, 2021. In addition to addressing the re-establishment of the original drainage features along the access road, Eversource indicated it made outreach to schedule a site visit on your property to respond to any remaining questions and concerns you may have. To the Council's knowledge to date, this site visit has not occurred.



With reference to the Eversource right-of-way across the subject property, please be advised that the Council does not have the authority to interpret and/or enforce easements nor does it have the authority to negotiate, interpret or enforce any third party agreements. If you believe that Eversource is violating the easement they have across your property or that Eversource is violating an agreement they may have entered into with the previous owner of the property, contact an attorney.

Thank you.

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/lm

c: Kathleen Shanley, Eversource Energy

**Exhibit J**

**From:** coryspaulding@earthlink.net <coryspaulding@earthlink.net>  
**Sent:** Monday, May 15, 2023 2:32 PM  
**To:** Bachman, Melanie <Melanie.Bachman@ct.gov>; CSC-DL Siting Council <Siting.Council@ct.gov>  
**Cc:** DENFELD DEBORAH <deborah.denfeld@eversource.com>; Shanley Kathleen M <kathleen.shanley@eversource.com>  
**Subject:** RE: Siting Council Petition 1566

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Melanie Bachman,

Thank you for the additional 2-week public comment period time. We have utilized this time to attempt to meet with Eversource to discuss petition 1566, however, to date, no meeting has occurred.

This leaves us with filing a petition for intervenor and party status which we plan to file in person later this week. We are also going to request that petition 1566 be dismissed by the Council under Section 22a-3a-2(e) for insufficient application. We will provide details for that request when we file our petition status request.

If you have any available time on your calendar for this Thursday or Friday (May 18 or 19<sup>th</sup>) we would like to meet with you to discuss a few items including our request for petition dismissal. We are hoping to coordinate a meeting time with you and our filing trip to New Britain.

Sincerely,

Cory Spaulding and Leslie Yeisley

-----Original Message-----

From: Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>  
Sent: May 5, 2023 4:34 PM  
To: Cory Spaulding <[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)>, CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>  
Cc: DENFELD, DEBORAH <[deborah.denfeld@eversource.com](mailto:deborah.denfeld@eversource.com)>, Shanley, Kathleen M <[kathleen.shanley@eversource.com](mailto:kathleen.shanley@eversource.com)>  
Subject: RE: Siting Council Petition 1566

Good afternoon, Mr. Spaulding.

Thank you for your email. It is nice to hear from you again.

In response to your first question, **if a public hearing is not held**, the petition for a declaratory ruling is processed “on the papers” and a request for party or intervenor status may be submitted at any time prior to the deadline for a final decision while a petition for a declaratory ruling is pending with the Siting Council. **If a public hearing is held**, a request for party or intervenor status may be submitted no less than 5 days before the public hearing is scheduled. The deadline for a final decision on this petition is October 9, 2023. It is discretionary to the Siting Council whether or not to hold a public hearing on any petition for a declaratory ruling. Whether or not a public hearing is held, written questions may be submitted to the petitioner by any party or intervenor in accordance with a schedule developed by the Siting Council.

For your convenience, here are links to our party and intervenor status guides for petitions with or without public hearings:

<https://portal.ct.gov/-/media/CSC/Public-Participation/guides/info-guide-PI-petition-without-hearing.pdf>

[https://portal.ct.gov/-/media/CSC/Public-Participation/guides/info-guide-PI---petition-with-hearing\\_20210222.pdf](https://portal.ct.gov/-/media/CSC/Public-Participation/guides/info-guide-PI---petition-with-hearing_20210222.pdf)

In response to your second question, we can certainly extend the public comment period an additional two weeks for you and other interested persons to more thoroughly review the petition for a declaratory ruling due to the delay in mailing. A revised schedule is attached and will be posted to the project webpage.

If you have any follow-up questions, please feel free to contact our office at your convenience.

Thanks. Have a nice weekend.

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
Office 860-827-2951  
Cell 860-768-2548

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**Exhibit K**

**From:** Bachman, Melanie <Melanie.Bachman@ct.gov>  
**Sent:** Tuesday, May 16, 2023 1:43 PM  
**To:** coryspaulding@earthlink.net; CSC-DL Siting Council <Siting.Council@ct.gov>  
**Cc:** DENFELD DEBORAH <deborah.denfeld@eversource.com>; Shanley Kathleen M <kathleen.shanley@eversource.com>  
**Subject:** RE: Siting Council Petition 1566

Good afternoon, Mr. Spaulding.

Thank you for your email. Unfortunately, we have a public hearing scheduled on Thursday and I will not be in the office on Friday.

Also, as the attorney for the Siting Council, I cannot discuss the substance of filing a petition for dismissal of a matter currently pending before the Siting Council with you.

However, please be advised that the regulation you cite below applies to matters pending before the Department of Energy and Environmental Protection. It does not apply to matters pending before the Siting Council.

Our regulations are under Regulations of Connecticut State Agencies Section 16-50j-1, et seq. Here is a link to the eRegulations page on the Secretary of State website: <https://eregulations.ct.gov/eRegsPortal/>

Thanks. Have a great day.

Melanie

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
Office 860-827-2951  
Cell 860-768-2548



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**From:** [coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net) <[coryspaulding@earthlink.net](mailto:coryspaulding@earthlink.net)>  
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**Cc:** DENFELD DEBORAH <[deborah.denfeld@eversource.com](mailto:deborah.denfeld@eversource.com)>; Shanley Kathleen M <[kathleen.shanley@eversource.com](mailto:kathleen.shanley@eversource.com)>  
**Subject:** RE: Siting Council Petition 1566

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Sincerely,

Cory Spaulding and Leslie Yeisley