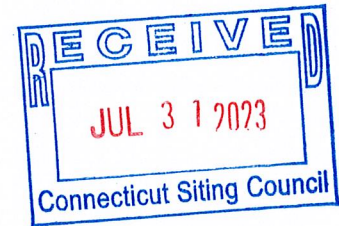


## Siting Council Petition 1566

**Motion to investigate illegal work / false statements contained in Petition 1566, and false statements made by Siting Council Executive Director Melanie Bachman in her June 15 and June 22, 2023 staff report to the Council. This request is being made pursuant to RSCA Sec. 16-50j-41**

July 31, 2023



### **FACTS IN SUPPORT OF THE MOTION**

Petition 1566 contains illegally built infrastructure that was never reviewed or approved by the Council. The Council, property owner, and town were never notified of this work and no petition or notification of exempt work was ever filed with the Council, property owner, or town as required by law.

Specifically on the Spaulding / Yeisley property sites 7785 and 7786 had poles replaced and extensive detrimental land feature changes were performed during the replacement. An illegal road was built between sites 7786 and 7784. Serious environmental damage was done to the property while performing this illegal work that has not been corrected or identified in the submitted petition. Additional illegal work at other sites on this property also exists.

The scope of work in Petition 1566 proposes to utilize this illegally built infrastructure. The Siting Council in petition 1566 is being asked to approve illegal work that is characterized in the petition as existing infrastructure. This infrastructure was illegally built. This can only be described in simpler terms as paramount to asking the local building official to approve a building permit to add an addition onto a house that was built illegally without any permits, inspections, and has no approved certificate of occupancy.

**The status of the underlying illegal infrastructure must be brought into compliance before any additional work can be added onto it.**

In addition to illegal work performed on the Spaulding / Yeisley property, 30 other sites have been identified on this transmission line that had pole replacements that were never reviewed and approved by the Council. We believe these 30 sites also contain illegal work that is proposed to be utilized in petition 1566.

In Siting Council staff memo dated June 15 and June 22, 2003. Attorney Bachman has provided the Council with many false statements in her blatantly false and inflammatory summation of our complaints. We have detailed these false statements in a 39-page review, see Exhibit 26 - False Statements - Siting Council Executive Director - 6 22 23 Staff Memo.

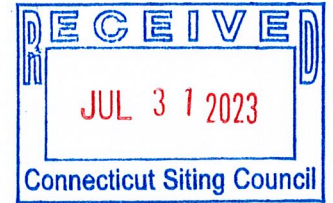
We believe this false record was created to cover up this illegal work that Attorney Bachman has known about since September of 2021 when we specifically informed her of it in two separate written emails dated 9/1/21 and 9/7/21, see attached emails and see attached letter to Senator Osten.

It is for these reasons that we request the Council to investigate the illegal work contained in petition 1566, the false statements in the record submitted by Eversource, and the false statements submitted by Attorney Bachman.

Cory Spaulding

Leslie Yeisley

**Siting Council Petition 1566**  
**Motion for a Procedural Conference**



July 31, 2023

Cory Spaulding and Leslie Yeisley request a Procedural Conference be scheduled before the full Council pursuant to RSCA Sec. 16-50j-22a. We request this conference be scheduled at the earliest time legally allowed by any notice requirements. This meeting is to discuss the schedule of the proceedings as detailed in the party's requests and agenda below.

**Requested Agenda**

1. Schedule time and procedure to investigate false statements made to the Council in staff memo dated June 15 and June 22, 2023.  
Reference – Exhibit 26 – False Statements. Reference - Exhibit 1 and 1a - Spaulding / Yeisley April 19, 2023 complaint to Eversource.
2. Schedule time and procedure to identify the full scope of illegally performed infrastructure work that is contained Petition 1566.  
Reference – Exhibit 26 – False Statements - Item 9
3. Schedule time and procedure to identify false statements and information contained in the official record of petition 1566.  
Reference – Official Record Petition 1566 – Eversource submittals, Attorney Bachman submittals, Spaulding / Yeisley submittals.
4. Schedule time and procedure to rehear motion for public hearing presented to the Council at the June 22, 2023 meeting due to false statements relied upon by the Council in staff memo dated June 15 and June 22, 2023.
5. Schedule and discuss continued fact-finding discovery time period due to;
  - Eversource delays in responding to interrogatories.
  - False statements contained in petition 1566 record.
  - Illegal infrastructure work contained in petition 1566.
  - Petition 1566's failure to accurately depict existing conditions.
6. Schedule date for fact finding site visit to Spaulding / Yeisley property to assist in determining false statements in the official record and accuracy of existing conditions in petition 1566. Reference – Official

Record Petition 1566 – Eversource submittals, Attorney Bachman submittals, Spaulding / Yeisley submittals.

7. Schedule extension of time for Council final decision to allow for consultation with Attorney General for determination of legal process for disposition of petition 1566 and additional fact finding. Reference – Exhibit 26 – False Statements – Specifically items 3, 5, 6, and 9.
8. Schedule time and procedure to comply with RSCA Section 16-50j-22a (c), responses to information under penalty of perjury and testify during the hearing as to the content of the responses.
9. Schedule time and procedure to comply with RSCA Section 16-50j-28 (a) Rules of Privilege and 16-50j-25 (c) Pre-Filed Evidence and Testimony.
10. We incorporate into this agenda all items contained in attached document, Action Requested dated July 21, 2023.
11. Discuss and schedule any other matters that may facilitate the proceeding.

Cory Spaulding

Leslie Yeisley



## **Attachments**

Exhibit 26 - False Statements - Siting Council Executive Director - 6 22 23  
Staff Memo

Exhibit 1 - April 19, 2023 Complaint to Eversource Spaulding – Yeisley

Exhibit 1A -Combined Exhibits April 19,2023 Complaint

Action Requested 7 21 23

5 4 23 email party status hearing

5 5 23 email from Bachman two week extension

5 5 23 email meeting with eversource no notification

5 15 23 e mail to bachman meeting request

7 28 21 email site petition for site 7785

7 30 21 Siting Council Letter to Eversource 7 30 21

8 24 21 Response to CSC Letter re 1293 LFBNM 01 (1) August 24 2021

8 27 21 e mail to council have not heard back

8 27 21 email from bachman letter from eversource

8 27 21 email to bachman cc eversource my contact info

9 1 21 email to bachman why not petitions for work

9 7 21 email to Attorney Bachman

FOIA response sites 7785 and 7786

Exhibit - 2 Eversource Remediation Plan 4 13 23

Letter to Senator Osten 7 21 23

Certification

## Connecticut Siting Council Petition 1566

This report is a partial listing of false statements and failures to disclose made by Siting Council Executive Director Attorney Melanie Bachman in the April 22, 2023 staff report signed by Attorney Bachman that was presented to the Council as a summation of the issues raised by Cory Spaulding and Leslie Yeisley.

- 1) On page 1 of 27 in the April 22, 2023 briefing memo Attorney Bachman advises the Council that the general theme of our complaints and requests is about work performed by Eversource for NESC conductor clearance requirements contained in Council approved Sub-petition 1293- LFBNM-01 and that this work was performed prior to us owning the property.
- **ALL** these statements are **COMPLETELY FALSE**.
  - **Our complaints and issues are about ILLEGAL work performed by Eversource that was NOT APPROVED by the Council and NOT contained in ANY petition or sub petition submitted to the Council.**
  - **Written correspondence to and from Attorney Bachman in July, August, and September of 2021 very clearly details that she was well aware of this illegal work and well aware that the illegal work was NOT contained in any sub petition.**
  - Our complaints are **NOT** about any work approved by the Council.
  - Our complaints are **NOT** about work performed in reference to NESC conductor clearance requirements.
  - We have **NEVER** raised any issues or complained about any work **approved** by the Council and **NEVER** raised any issues or

complained **about any work related to NESC conductor clearance requirements.**

- Attorney Bachman herself on page 4 of 27 in the memo **twice states** that the work that we have questioned **was not related to NESC conductor clearance** in that the sites **did not require an increase in height.**
- If the sites we have raised questions about were part of the NESC conductor clearance replacement process as Attorney Bachman states, then why were these sites **NOT included in any petition or sub petition as required by the Council?**
- The most serious damage to our property occurred at site 7785 in **2021** when **WE OWNED THE PROPERTY.**
- The work at this site was **NOT** contained in any petition, was **NOT** approved by the Council, was **NOT** exempt work, and we were **NOT** provided with any notice of Eversource's intent to do this work. **This was work that was performed ILLEGALLY.**
- The work performed prior to us owning the property was performed **WITHOUT** the approval or notification of the previous owner and is **illegal work that did NOT have Council approval.** As a subsequent owner **we have every right to demand that illegal work previously performed be corrected.**

2) Attorney Bachman stated on page 1 of 27 in reference to the general theme of our complaints, ***"These electric transmission line asset condition improvements were completed as part of Council-approved Sub-petition 1293- LFBNM-01"***.

- There are two **FALSE** statements here.
- The issues we have raised are **NOT** part of Sub-petition 1293- LFBNM-01 and were **NOT** approved by the Council.
- Since the work is **NOT** contained in Sub-petition 1293- LFBNM-01 **or any petition**, it is **IMPOSSIBLE** for it to have been completed as part of Sub-petition 1293- LFBNM-01.
- **Much of the work that damaged our property, as detailed in our April 19, 2023 complaint was done during the replacement of structures 7786 and 7785.**



- These structures were **NOT** part of **OR INCLUDED IN** Sub-petition 1293- LFBNM-01 **or any petition or sub petition.**
- On page 4 of 27 Attorney Bachman states “Structures 7785 and 7786 **were not identified as Sub-petition replacement structures** because the height of Structures 7785 and 7786 did not increase.”
- If they are **NOT** identified as sub petition replacement structures, then it is **IMPOSSIBLE** for them to be part of and approved by the Council in a petition that identified the structures to be replaced.
- The illegal work at site 7785 was performed in **2021.**
- Sub-petition 1293- LFBNM-01 **was closed in 2019.**
- In the **Eversource** reply to petitions to dismiss on pdf page 39 under tab 4 **Eversource states** -“**2021, Sub-Petition No. 1293-LFB-01: For this 2021 ACR Project, the two structures that were replaced on the Claimants' property were structures #7785 and #7785A**”.
- **How can the issues we raised be part of a petition that was closed in 2019 when Eversource themselves stated they performed the work at site 7785 in 2021.**

3) Attorney Bachman advised the Council on page 10 of 27 that “*The Request for Public Hearing is moot as it was submitted after the Council’s 60-day action under CGS §4- 176(e), and staff recommends the Request for Public Hearing be denied.*”

- **We contend Attorney Bachman used her position as Council Executive Director to deliberately manipulate the system to deny us a hearing. We contend this was done by her to continue to cover up illegal work performed by Eversource that she was made aware of in writing by us in 2021.**
- Our request for a hearing was submitted on **May 22, 2023.** The 60-day action period **ended on June 11, 2023.**
- **Our request for a hearing was submitted within the 60-day action period.**
- Attorney Bachman maneuvered petition 1566 to come before the Council on action period day 30 of 60 which was the May 11, 2023, Council meeting. During that meeting Attorney Bachman **failed to disclose to the Council that we had notified her on May 4<sup>th</sup> and**



**5<sup>th</sup>, seven days earlier, via email, that we were requesting a hearing and filing for intervenor and party status for this petition.** A tape of that hearing is not available on the web site; however, **the minutes make no mention of this pertinent fact ever coming before the Council.** During this meeting the Council set the date by which to render a decision on the petition for a declaratory ruling as October 9, 2023.

- Attorney Bachman then scheduled our May 22, 2023 public hearing request on the Council agenda (**30 days later**) for June 22, 2023. **This put the hearing date outside of the 60-day action period. The Council held meetings on May 25, 2023 and on June 8, 2023 that would have been within the 60-day action period however Attorney Bachman DID NOT place our hearing request on the agenda for those meetings and instead chose to place the matter on the meeting agenda that was outside the 60-day action period.**
- Attorney Bachman then used a play on words in the memo to give the impression to the Council that our petition was submitted outside the 60-day action period by using the words “*after the Council’s 60-day action under CGS §4- 176(e)*”. This statement is not the same as saying after the Councils 60-day action **period**. When questioned during the June 22, 2023 Council meeting by Council member Brian Golembiewski who asked about the 60-day **action period** Attorney Bachman stated that no hearing could be held after the 60-day **action period. Attorney Bachman failed to disclose that our request for a hearing was submitted within the 60-day action period** and that she waited 30 days to put the hearing request on the agenda so that any action taken by the Council would fall outside the 60-day action period.
- There are two points here, the first is Attorney Bachman deceived the Council into thinking that our request for a hearing was submitted after the 60-day **action period** with the statement “*after the Council’s 60-day action under CGS §4- 176(e)*”. Then when questioned by Council member Brian Golembiewski, who asked about the 60-day **action period**, **Attorney Bachman does not disclose that our request was submitted within the 60-day action period and then**



**fails explains if there is a difference between 60-day action or 60-day action period.**

- Any argument that the Council is barred from taking any action such as scheduling a hearing once the Council has taken an action to set a date for a final decision is absurd and defies all logic. Nowhere does it say in the regulations that the Council cannot change its mind within the 60-day action period or request a hearing after the 60-day action period if it deems necessary to determine the facts of the petition. The second point is Attorney Bachman states that no hearing can be held after the 60-day action period has expired which was June 11, 2023. For one to accept that no hearing could be held by the Council after either of these events (taking action or event period expiration) would mean that all evidence discovered during interrogatories and the discovery period which is presently occurring after the 60 day action period as well as any other information that may come to light in the 4 months between June 11, 2023 and October 9, 2023 could never be challenged or questioned or answered or explained under oath, by the Petitioner because the Council by law would be barred from holding a hearing. If this logic was true, it would virtually render the Council powerless and require them to determine all the facts of the petition within the first 60 days. There is a reason the law allows the Council 180 days to make a decision, and that is to allow the Council 180 days to determine all the facts needed whether that be a hearing, site visit, or whatever means the Council sees fit and necessary to determine those facts. The law requires the Council to notify Eversource regarding 1 of 5 items within 60 days. The Council did this by telling Eversource that the Council would make a decision on the petition by October 9, 2023. **The law DOES NOT strangle the Councils ability to determine the facts by prohibiting it from taking action it deems necessary to determine those facts and render a fact-based decision and it certainly does not prohibit the Council from holding a hearing at any time within the 180 days.**
- As will be discussed in item 6 **Attorney Bachman has already taken action after the 60-day action period.**



Below is a transcript of the Council's June 22, 2023 meeting in relation to the above discussed items.

### **Motion for a public hearing Petition 1566**

Robert Silvestri – *“After reviewing section 4-176e we are getting this request after the Councils 60 day action which is why I move to deny”.*

Brian Golembiewski - *“I just have one question of Attorney Bachman do we have authority I guess ourselves to hold a hearing if we feel there is valid reasoning even though it is after the 60 day action period under statue.”*

Attorney Bachman - *We don't Mr. Golembiewski that is why the provision exists. Because that before that provision was passed to require an agency to take an action within 60 days. Unfortunately, agencies would just sit on petitions and they they would you know they would just be in space so that provision was put in place to insure that agencies in a reasonable amount of time that you know supports due process renders some sort of decision **one of those 5 options within the 60 day deadline.**”*

**Brian Golembiewski – “Clearly this property owner is being you know affected by this petition so I feel badly that they missed that opportunity but ok thank you.”**

End of transcript.

4) On page 9 of 27 Attorney Bachman discusses that at a May 11, 2023 meeting the Council set the deadline for action. She states *“On May 11, 2023 pursuant to the 60-day action deadline under CGS §4-176(e), the Council set the date by which to render a decision on the petition for a declaratory ruling as October 9, 2023. It did not vote to hold a public hearing on the matter.”*

- **Attorney Bachman has the unmitigated gall to write that the Council did not vote to hold a public hearing on May 11, 2023 when she withheld from the Council her knowledge that a hearing request was forthcoming and that information had been supplied to her in an email 7 days earlier.**
- When we inquired about a hearing on May 4<sup>th</sup> and 5<sup>th</sup> Attorney Bachman did not state to us that you must file your request for a



hearing by a certain date or regulatory time frame in order for the Council to be able to approve your request for a hearing.

- She never notified us that the Council was going to act on the petition in 7 days and that after that date the Council would be prohibited from granting any request for a hearing as she has appeared to argue.
- It appears from the evidence in the record that Attorney Bachman's response to our emails on May 4<sup>th</sup> and 5<sup>th</sup> notifying her of our pending submission of requests for intervenor party status **and a hearing was to schedule the petition to come before the Council before we could file our petitions and request a hearing.** She scheduled Council action on petition 1566 to occur on day 30 of the 60-day time period and then **failed to mention to the Council during that meeting that she had been notified that an intervenor, party status, and request for a hearing was being submitted for this petition.** She now states the Council did not vote to hold a hearing after she failed to disclose to the Council our pending involvement in the petition and request for a hearing when that hearing was held.
- **As will be discussed in more detail in item #5, had Attorney Bachman followed the law and rejected the petition or rescheduled the acceptance date the 60-day action period would either not exist because the petition was rejected or if the acceptance date was moved forward two weeks this would have placed the 60-day action period to end on June 24, 2023 making the June 22, 2023 meeting within the 60-day action period.**

5) On page 5 of 27 Attorney Bachman states that *"on May 5, 2023, Spaulding submitted a request for an extension of the public comment period deadline. The Council granted a two-week extension of the public comment period deadline"*.

- These are **FALSE** statements.
- We **NEVER** inquired about extensions to the public comment period and **NEVER** requested an extension to the public comment period.
- On May 4, 2023 in an email to Attorney Bachman we asked; ***"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."***



- Intervenor and party status are not public comment period items.
- Attorney Bachman appears to have taken this action to extend the public comment period on her own and in doing she accepted that our notification date for petition 1566 did not occur until April 26, 2023. Council minutes after May 5, 2023, **do not** reflect any such action being taken by the Council granting a two-week extension.
- **Attorney Bachman failed to follow the law.** Connecticut Agency Regulations 16-50j-40 states “(a) *Notice to other persons.* **PRIOR to submitting a petition for a declaratory ruling to the Council**, the petitioner shall, where applicable, provide notice to each person other than the petitioner appearing of record as an owner of property.”
- **The regulations require that notification of property owners occur PRIOR to submitting a petition to the Council. Notification does not mean putting a letter in the mail and sending it to an outstate address not on the public record.** Our notification did not occur until April 26, 2023 and that late notification was acknowledged and accepted by Attorney Bachman.
- To add insult to injury, Eversource filed the petition with the Council on April 12, 2023 and we had a 2 hour meeting with Eversource representatives on April 13, 2023 and discussed the filing of the of the petition with Siting Council for the new work and Eversource never disclosed in that meeting that the petition had been filed the previous day.
- **Attorney Bachman continued to accept the original petition filing date despite knowing that the petition was illegally filed with the Council and despite our May 5, 2023, e mail, questioning the regulatory time frames.**
- The correct remedy for this late notification should have been to reject the petition entirely as not properly submitted or at a minimum reject the petition as being legally received on April 12, 2023 and acknowledge its acceptance on April 26, 2023 moving all regulatory time frames two weeks ahead.
- Had this been done the June 22, 2023 the hearing would have been within the 60-day action period.

**Summary to date;**

- The Council now has a petition pending before them that was not legally filed and the Council has taken prejudicial and detrimental action to deny our request for a hearing due to regulatory time frames that would not exist if the law was followed correctly. This denial of a hearing was orchestrated by the Council Executive Director Melanie Bachman who utilized her official capacity to maneuver this petition to deny us a hearing. She then wrote a staff memo containing many blatantly false statements. The Council then relied on these false statements to deny our request for a public hearing and deny other requests for dismissal of the petition. The Council now has a party to this petition that has accused the Executive Director of submitting false information and false statements to the Council and the official record contains the information to prove that these statements are false.

End of to date summary, continue with false statements.

- 6) During the April 22, 2023 Council meeting Attorney Bachman advised the Council that they could not take action to hold a hearing after the 60 day action period as detailed in 4- 176(e). This section of the law is quite specific, it states that the Council within 60 days shall take one of 5 specified actions. The Council complied with the law and took action number “(3) agree to issue a declaratory ruling by a specified date”.
- The lawful right of the Council to hold a hearing is detailed in a separate section of the regulations and is contained in 4- 176(g).
  - **Attorney Bachman has already taken “action” AFTER the 60-day action period** by setting the specified period for exchange of and responses to interrogatories. This is a Council action after the 60-day action period.
  - If the Council is in fact barred from holding a hearing after the 60-day action period, the Council can at any time conduct any investigation pursuant to RACA 16-50j-41 – Council Investigations.

- Considering the contents of this review and the actions to date of Attorney Bachman, an investigation by the Council is certainly warranted.
- Since there is a question as to whether the Council can hold a hearing, the appropriate person to ask is the State Attorney General.

7) Attorney Bachman on pdf page 4 of 27 and in foot note 12 states that the work at site 7785 was exempt under RCSA §16-50j-57(b)(1) because site 7785 was a one for one replacement.

- There are 3 facts that prove this is a FALSE statement.
- **Site 7785 is NOT a one for one replacement,**
- Exempt work under of RCSA §16-50j-57(b)(1) requires the work be a one for one replacement.
- Exempt work under RCSA §16-50j-57(b)(1) requires property owner, town and Council notification (RCSA §16-50j-58) **which was not done.**
- In a **September 7, 2021** email to Attorney Bachman we advised her that at site 7785 Eversource **“replaced 6 poles where 4 poles previously existed” without Council approval.** In **September 7, 2021 and September 1, 2021** emails, we specifically requested Attorney Bachman to investigate this matter. **She took no action.**
- **What type of Eversource oversight exists when the Executive Director of the oversight agency takes every word that Eversource states and repeats it as if it was the gospel truth when facts to the contrary are clearly represented in the official record.**
- We have documented the official record in petition 1566 with extensive details of this and other illegal work performed by Eversource that are under Council jurisdiction. Our April 19, 2023 complaint **states in the second paragraph, “The illegal work that has been done in the easement and the land adjacent to it includes, but is not limited to, the:...”** Attorney Bachman has ignored all notifications of illegal work from 2021 to present.



8) Attorney Bachman on page 4 of 27 and in foot note 12 also states that site 7786 was replaced under the authority of RCSA §16-50j-57(b)(1) – Exempt work.

- This is a **FALSE** statement.
- Per RCSA §16-50j-57(b)(2) The work is exempt ONLY if does NOT “(E) cause a significant adverse change or alteration in the physical or environmental characteristics of the site;” We have documented in the official record in these proceedings that the work that Eversource did at site 7786 **WAS a significant adverse change and alteration of the physical and environmental characteristics of the site. The work was not exempt from Council review.**
- **Attorney Bachman also fails to disclose to the Council that Exempt work under RCSA §16-50j-57(b)(2) requires notification of the Council and property owners per RCSA §16-50j-58. For sites 7775 and 7786 we know this notification was NEVER done.** These facts will be detailed in section 9 about our FOIA request.

9) On page 2 of 27 Attorney Bachman states that we submitted an FOIA request to the Council on June 1, 2022 and the Council responded to the request on June 9, 2021. **Attorney Bachman failed to disclose to the Council the importance of this request.**

- In reply to this FOIA request Council staff confirmed that **Eversource had NOT submitted any information or notifications to the Council related to work at sites 7785 and 7786.**
- On page 4 of 27 and footnote 12, **Attorney Bachman specifically states that sites 7785 and 7786 were replaced under authority of RCSA §16-50j-57(b)(1) – Exempt work.**
- The FOIA reply proves that Attorney Bachman’s statement about these structures being replaced as exempt work are **FALSE**. Exempt work under RCSA §16-50j-57(b)(1) requires notification of the Council, property owner and town pursuant to RCSA §16-50j-58. **No notification was provided and therefore the work does not qualify as legal exempt work.**



- Eversource's failure to notify us of the proposed work prior to doing the work is against the law and has denied us our right to review and object.
- In addition to the notification requirements the Council has expanded the requirements in its April 2013 memo on exempt work. In that memo the Council details specific items that must be submitted to the Council and property owner regarding the exempt work. None of these requirements were followed by Eversource.
- **We have identified 32 structures including sites 7785 and 7786 on this transmission line that were replaced WITHOUT any Council approval. NO INVESTIGATION has been done into the conditions at these 32 sites or under what authority these 32 structures were replaced. We know that 2 of the 32 were replaced illegally and did not qualify for replacement as exempt structures. We know this quite simply because for sites 7785 and 7786, NO notification of any exempt work to be performed was provided to the Council, town, or the property owner by Eversource as required by RCSA §16-50j-58.**
- We have submitted a list of these 32 sites in interrogatories submitted to Eversource on July 6, 2023. A copy of these interrogatories has been filed with the Council.

### **Summary to date;**

**The critical importance of this section regarding failing to notify is that Eversource has denied us our legal rights to be notified in advance of proposed work to be performed, denied us our rights to review the proposed work prior to it being performed, and denied us our right to object to the work prior to it being performed.**

The Connecticut laws requiring property owner notification are supposed to be the cornerstone for property owner rights when dealing with a big utility like Eversource.

These notification requirements allow for the property owner to have the right to review the proposed work prior to it being performed, which allows the property owner the right to object to the proposed work should they so desire.

**In our case, this notification cornerstone has been shattered by Eversource.**

The Siting Council has the legislative mandate to enforce these notification laws and require that Eversource comply with the law.

**Instead of enforcing these regulations the Siting Council Director Melanie Bachman has used her position to cover up the violations of these laws by Eversource and to cover up the fact that she was notified of these violations of the law in 2021 and took no action.**

Eversource replaced structures 7786 and 7785 without Council approval and DID NOT DETAIL IN ANY PETITION that these structures were going to be replaced. Because NO notifications to the Council, property owner or town were ever done for these sites, Eversource has attempted to circumvent this law violation by falsely stating that the work performed at these two sites was done as part of Sub-petition 1293- LFBNM-01 and Sub-Petition No. 1293-LFB-01 despite the fact that work at these sites are **NOT** detailed in these petitions. Attorney Bachman has compounded the problem by mimicking the same Eversource false statements that she knows are false under the guise of Siting Council Executive Director.

**What this means is that Attorney Bachman and Eversource have apparently joined forces to cover up these violations of the law, especially the notification provisions. There is no excuse big enough to explain these false statements by Attorney Bachman considering the official record, her knowledge of these sites, and her position as Executive Director.**

**Eversource built illegal infrastructure which is proposed to be utilized in petition 1566.**

**If the Council were to approve petition 1566 prior to resolution of the illegal work contained in the petition this would effectively be the Council endorsing, condoning, and APPROVING ILLEGAL WORK by Eversource.**

**The importance of the notification process in our case is paramount. Had property owner notification occurred and the work presented to the Council, there is a very good likelihood that the illegal road installed in 2018, the illegal road installed in 2021, the illegal terraced**

**escarpment installed in 2021, the 800 tons of illegal fill deposited in 2021, and many other illegal acts and damages done by Eversource would NOT have occurred and would never have been approved by the Council.**

The questions that should be asked are;

- Were the notification provisions complied with for the 30 other structures replaced on this transmission line?
- How many other structures were illegally replaced statewide?
- How many other property owners have had their notification rights that are guaranteed in the law usurped at the hands of Eversource?
- The Council has admitted us as a party to the proceedings, which means that the Council has determined that our legal rights, duties and privileges are required to be determined by statute. This point is very simple, petition 1566 proposes to utilize illegal infrastructure work that was performed by Eversource. It is beyond any doubt that the work is illegal, was performed illegally, and in doing so Eversource violated our rights, duties and privileges. Exactly how does the Council propose to protect our rights, duties, and privileges in this petition when the petition proposes to utilize massive amounts of illegal infrastructure work that violated those rights and provided the basis for us being approved as a party to the petition?
- We have the right as a property owner to be notified in advance of proposed work. How is the Council protecting our rights and the right to object to the work, when the petition is nearly void of any details as to exactly what work Eversource is proposing to do, how they plan on doing it, and any details as to what impact that unknown work will have on our property?

End of to date summary, continuation of false statements.

10) On pages 2 thru 4 of 27 Attorney Bachman discusses sub-petition 1293-LFBNM-01. She states Eversource *“used an improved in ROW*



*access road that existed beyond structure 7786 to structure 7784". In these pages she also makes numerous references to map page 5 in in Sub-petition 1293-LFBNM-01.*

- This is a **FALSE** statement.
  - **NO** in-ROW access road ever existed between sites 7786 and 7784. To use an **improved access road, one must have an existing access road to improve.** Map 5 of 24 in Sub-petition 1293-LFBNM-01 is required to show existing conditions **and this map shows that NO road existed between sites 7786 and 7784.**
  - Attorney Bachman failed to disclose to the Council in her memo that the Council approved map shows the Council approved a **TEMPORARY** mat road between sites 7786 and 7784 **in this area that Eversource has identified as containing "highly erodible soil".**
  - Attorney Bachman failed to disclose to the Council that Eversource **instead of building** the **TEMPORARY** mat road, which was detailed in map 5 to run down the westerly side of the ROW, Eversource **instead illegally built a NEW gravel road and that road grossly deviated from the approved route and now** crisscrosses the ROW **without any Council approval.**
  - **Attorney Bachman failed to disclose to the Council that internal Eversource emails submitted to the Council by Eversource in their response to petitions to dismiss show that Eversource was fully aware that a change in the route of access REQUIRED COUNCIL NOTIFICATION AND APPROVAL. To date, now 2 years after the work was performed, Eversource has failed to notify the Council of this MAJOR scope of work deviation despite acknowledging that they knew this notification is required and the scope of work change is required to be approved by the Council PRIOR TO THE WORK BEING PERFORMED.**
- 11) On page 9 of 27 and footnote 29, Attorney Bachman discusses that map 6 in petition 1566 shows an existing access road between sites 7786 and 7784.



Map 5 submitted with the 2017 sub-petition shows **NO road existed** and **NO** road was approved by the Council. Map 6 in the 2023 petition (petition 1566) **depicts an existing road**. **One should ask where did this existing road come from, when was it built, and who approved it?** Attorney Bachman asked no such questions and has ignored the fact that this road just magically appeared out of nowhere. **Attorney Bachman was informed in writing by us in a September 2021 email about this road and knows it is an illegally built road because she identified it as a deviation of the petition in her July 30, 2021 letter to Eversource.** **At that time, she chose to ignore that it was illegal and built in violation of the petition and the law. In 2023 she now chooses to identify it as an existing road giving it the appearance of being legal when she is fully aware that it is an ILLEGAL ROAD.** This road was built with NO Council approval and NO notification to the property owner. **Attorney Bachman has had full knowledge of these facts since 2021.**

12) On page 3 and 9 of 27 Attorney Bachman discusses alternate access. **One of the main issues that has been grossly misrepresented is the access issue for sites 7784 and 7785.** Attorney Bachman states on page 9 under Request for a public hearing *“Spaulding also claims property damage was caused by Eversource not using the Spaulding-owned, off-ROW Old Mill Road for the past work. However, use of any off-ROW access road is only available to Eversource if easement/access rights could be acquired at a fair market value. Use of in-ROW access roads is always available to Eversource because easement/access rights have already been acquired.”*

- These are multiple **FALSE** statements.
- What Attorney Bachman failed to disclose to the Council was that Eversource **already possessed LEGAL ACCESS** to sites 7784 and 7785 via the Old Mill Road, had **previously used this legal access** to perform maintenance at these two sites, and **also utilized this legal access to install the original powerlines and poles.**
- **The only access to sites 7784 and 7785 that ever existed was via the Old Mill Road. Both sites have clearly defined improved**



roads that run from each site directly to Beaumont Highway.

Since this is the only access to these sites that ever existed, we conclude this was the only way the original transmission line and poles could have been installed.

- The Old Mill Road is a former town road that was close by the town in the late 60's or early 70's. By virtue of the easement granted to Eversource in 1934, **Eversource has possessed full legal rights to the use of this road since 1934** as detailed in CGS Section 13a-55.
- Per the provisions of this Connecticut law, **Eversource may use this road for all purposes that any public highway can be used.**
- **Eversource, instead of utilizing the previously established legal access to sites 7785 and 7784** took it upon themselves to violate the law, assume the Councils authority, violate property owner rights to notification, and built themselves **an illegal road**. In building this road Eversource has created an environmental nightmare on our land that is yet to be remediated.
- **Eversource built the first illegal access road in 2018 and then illegally ADDED onto this road in 2021. All work in both years was illegal, had no Council approval or property owner notification.**
- **In petition 1566 Eversource is proposing to use this illegal road which is presently washed out and not usable and provides no details in the petition as to what they plan on doing with the road.**
- The present illegally built in ROW access road is **unusable** due to the steep terrain and wash out condition makes it impassable to vehicles and equipment.
- Petition 1566 is supposed to detail existing conditions but fails to detail these environmental and deteriorated conditions.
- Despite these existing conditions, Eversource continues to state (Council interrogatories question 15) that they plan on using this illegal access road to perform petition 1566 work, **WITHOUT ANY IMPROVEMENTS. We find this impossible to be true.**
- Besides the physical conditions previously mentioned, this illegal road has two 90-degree hairpin turns that Eversource installed in 2021. Eversource has previously stated that their equipment **cannot**

navigate these sharp turns. **The petition 1566 map which is supposed to depict existing conditions, DOES NOT depict these sharp turns and DOES NOT depict the correct route of the road. All petition 1566 maps are 2019 era aerial overlays and hence do not depict the illegal work done in 2021 or the present conditions.**

- Attorney Bachman's statements that in ROW access *is* "always available" is also **FALSE**.
- The entire width of the ROW at the northern end of the property is blocked by two high pressure underground gas pipelines and a wetland. Both obstacles require the use of weight distribution mats to cross with heavy equipment and the pipeline also requires a detailed written permit and plan that must be submitted to the gas company for review and approval PRIOR TO CROSSING. We know this process takes **weeks to obtain final approval because we went through this process last year with the gas company.**
- **The in ROW access is NOT always available as asserted by Attorney Bachman in that obstacles at the northern end of the property line block the road and take weeks of planning to be able to safely cross.**
- **All arguments presented to date that this in ROW access road is for electric reliability are FALSE. The only access to sites 7785 and 7784 that can be relied upon for immediate access to make immediate repairs for electric reliability is the Old Mill Road.**

13) The official record in petition 1566 shows that Eversource and Attorney Bachman have taken the position that these in ROW access roads were built because Eversource needed safe reliable access to sites 7784 and 7785.

- This is **FALSE**.
- Eversource has safe legal road access directly to each of these sites via the Old Mill Road and has had that safe legal access since 1934.



- Due to the steep terrain, it is questionable if a reliable, usable, in ROW access road can ever be built that would satisfy the needs for the equipment required to perform transmission line work.

14) On page 3 of 27 Attorney Bachman states that I contacted the Council on **July 28, 2021** about work associated with Sub-petition 1293-LFBNM-01.

- This is a **FALSE** statement.
- Sub-petition 1293-LFBNM-01 was closed in **2019**.
- We contacted the Council about work that **was PRESENTLY ongoing on our property in 2021 in relation to site 7785** and damage to our property being done by Eversource. My written inquiry was under what authority Eversource was performing **the present work**. **After being specifically notified in the September 2021 emails of facts that proved the work Eversource was presently performing was illegal work, Attorney Bachman's response to us was to tell us to get a lawyer. Since when does illegal work that is under Council jurisdiction being performed by Eversource become a civil matter? We simply asked Attorney Bachman to do her job and she refused.**

15) On page 9 of 27 under requests for a public hearing. Attorney Bachman states, *"in response to the Council's July 30, 2021 request, Eversource developed a Mitigation/Remediation Plan for the ROW in the area of Structures 7784 to 7786. It is referenced throughout Spaulding's 6 requests."*

- This is a **FALSE** statement.
- The remediation plan developed by Eversource was **presented to us** on April 13, 2023 by Eversource. The plan was never presented to the Council, **is not included in petition 1566**, and was not provided to Attorney Bachman **until we disclosed its existence in our May 22, 2023** filing for intervenor / party status and our request for a hearing.



- **The time period from July 30, 2021 to April 13, 2023 is one year and eight months. Are we to believe that Attorney Bachman waited 20 months for Eversource to respond to her July 30, 2021 request?**
- In her July 30, 2021 letter to Eversource Attorney Bachman gave Eversource **until August 27, 2021** to submit many items **including “a plan to remediate environmental impacts”** in her **June 22, 2023 memo Attorney Bachman now wants us to believe she waited for the remediation plan for 20 months?**
- In the letter dated July 30, 2021 Attorney Bachman requested from Eversource to submit a plan to identify and mitigate the environmental damages on our property. **In correspondence with us August and September 2021 Attorney Bachman notified us she CLOSED that request for information from Eversource.**
- **Attorney Bachman now states in the memo this plan was all part of her July 30, 2021 enforcement action that she closed 20 months prior.** A review of the emails shows that Attorney Bachman ignored the illegal work, closed her investigation, left us hanging in the wind, and left Eversource to police themselves which has resulted in no remediation action being instituted.
- The Eversource created remediation plan calls for repairs to the illegal road Eversource built between sites 7786 and 7784. **Attorney Bachman failed to tell the Council that Eversource in Council interrogatory question 15 stated “The Project does not currently anticipate the need for road improvements to the existing gravel access road between Structures 7784 and 7786.” How do you institute a ROAD remediation plan that is not part of the petition and at the same time NOT make any improvements to the road?**
- In Eversource’s August 2021 reply to Attorney Bachman, Eversource states that they have taken care of all the environmental issues and “restored” all the original drainage features. **The April 13, 2023 remediation plan provided to us at our meeting with Eversource contractors proves that Eversource was not truthful when they indicated to the Council in their August 24, 2021 letter that they had fixed and identified all the environmental issues.**



- This 2023 remediation plan was developed by the Eversource Contractor Team charged with doing the new work under petition 1566. This plan had nothing to do with Attorney Bachman and her closed investigation. In developing plans to do the new work this team discovered that previous work performed by Eversource had changed the drainage patterns of the land, created a pond / wetland / vernal pool smack dab in the middle of where they needed to do work to replace the poles at site 7787. They also identified that the road between sites 7786 and 7785 was washed out and impassable. The team identified many other issues but did not put them in the remediation plan and simply said we will fix them without a plan. To fix these specific environmental issues, the team developed this remediation plan **with no input from the property owner.**
- **Petition 1566 is required to show the existing conditions and any environmental issues involved with the project. The remediation plan identifies existing environmental issues. Petition 1566 does not identify these existing environmental issues.**

16) In footnote 3 on page 9 of 27 Attorney Bachman states in reference the remediation plan, *“The Plan is dated April 13, 2023 and it would logically be implemented after Petition 1566 work in the ROW is complete.”*

- This is a **FALSE** statement.
- **The plan is not part of petition 1566** and as such not part of the Council review or approval process for petition 1566.
- Attorney Bachman is guessing at when this work might best be done when this work is not even part of a petition. It appears Attorney Bachman is now performing the duties of Eversource Project Manager as well as Council Executive Director.
- Attorney Bachman, instead of guessing when it would be best for Eversource to do this work should be pointing out to the Council that this work has no scheduled performance date and has not been reviewed by the Council and is not part of the petition.



- **What type of Eversource oversight exists when the Executive Director of the supposed oversight organization fails to mention to the oversight Council that the remediation plan is not part of the petition and was NOT developed in conjunction with the property owner and that the property owner has typed up 4 full pages of issues with the plan in their April 19, 2023 complaint to Eversource?**
- Attorney Bachman fails to inform the Council that this remediation plan contains adverse environmental conditions that are not detailed in petition 1566.
- Attorney Bachman fails to inform the Council that this remediation plan includes work under Council jurisdiction but is not included in petition 1566.
- Attorney Bachman states, “*after Petition 1566 work in the ROW*” Petition 1566 details work to be done outside the ROW with no explanation of how they plan on obtaining the rights to do work outside the right of way. It is **impossible** to fit a 150x150 pad in a 125-foot-wide ROW as called for in petition 1566.
- **The submitted plan is not part of the petition and it also does not conform to the requirements of 2002 Connecticut Soil and Erosion Control Manual as required by Eversource Best Management Practices.**
- Petition 1566 is supposed to provide property owner notification of the proposed work. How does a remediation plan that is not part of the petition and was NOT supplied to the Council as part of the petition fall into the notification requirements required by the law?
- How is a property owner supposed to address a faulty Eversource remediation plan with the Council when the plan is not part of the petition?
- **How is a property owner supposed to address with the Council a faulty remediation plan when Eversource has stated in interrogatories that they do not plan on doing any work on the road that the remediation plan addresses?**
- Eversource stated to us during the April 13, 2023, meeting when we discussed the plan that they wanted to do the work PRIOR to petition 1566 work.

- Eversource has stated how they are working so hard with us to fix all the problems and implement this remediation plan, but we have not heard from them since the April 13, 2023 meeting nor have they ever responded to our April 19, 2023 complaint of which was submitted over 90 days ago.

17) On page 9 Of 27 under Requests for a Public Hearing Attorney Bachman states *“Spaulding’s concerns that are relevant to Petition 1566 about wetlands, erosion, invasive species, construction methods and restoration within the Eversource ROW are addressed in the Petition”*

- This is a **FALSE** statement.
- **It is impossible for these environmental issues to be addressed in the petition when the petition never identifies the environmental issues.**
- **Petition 1566 is completely void of all the environmental issues we raised. This is easily proven, where are the identified environmental issues in petition 1566 that the Eversource remediation plan is supposed to address? They are not identified in petition 1566 nor is the remediation plan part of petition 1566.**
- **The issues we have raised are about illegal infrastructure work that Eversource previously performed that is proposed to be utilized in petition 1566. There is no review scheduled in petition 1566 for this existing illegal work and nothing contained in the petition that proposes to correct the damages previously done.**
- There is nothing contained in petition 1566 to address the destroyed wetlands and damaged wetland areas that we have detailed.
- There is nothing contained in the petition to address the pond created by Eversource.
- There is nothing in the petition to address the ongoing erosion issues that we have identified, in fact petition 1566 proposes to create more erosion issues.



- There is nothing in the petition to address the ongoing infestation of invasive species.
- Petition 1566 has proposed to utilize the same construction methods and supervision to perform the presently proposed work that resulted in the previous damages and environmental nightmare that presently still exists.

18) On page 4 of 27 Attorney Bachman discusses site 7785 under the heading of Eversource Sub-petition 1293-LFBNM-01.

There are several points to be made here.

- Sub-petition 1293-LFBNM-01 **was closed in 2019**.
- Work at site 7785 **was done in 2021**.
- Eversource claims the work at site 7785 was done under **Sub-Petition No. 1293-LFB-01**.
- **The work in 2021 was not part of Sub-petition 1293-LFBNM-01 and not part of Sub-Petition No. 1293-LFB-01 as Eversource claims.**

**We specifically detailed to Attorney Bachman in 2021 the following items that are violations of Council regulations. She took no action.**

- Site 7785 was not a one for one replacement. Violation - One for one replacement is a requirement of petition 1293 and exempt work. Requires property owner notification.
- Realignment of the Council approved access route. Violation - Requires Council approval and property owner notification.
- Building a road that was not authorized by the Council. Violation - Requires Council approval and property owner notification.
- Work that was exceeding the ROW. Violation - Petition 1293 requires that all work be performed in the ROW, requires property owner notification and approval, violates terms of easement.
- Work that involved cutting down mature trees. Violation - Petition 1293 specifically states no mature tree cutting.
- Work at site 7785 that involved extensive topographical land feature changes. Violation - Violates Eversource Best Environmental Management Practices which is a violation of petition 1293



conditions. Requires Council approval and property owner notification. Violates terms of the easement

- Extensive unchecked and unrepaired erosion. Violation - Violates Eversource Best Environmental Management Practices which is a violation of petition 1293 conditions.
- Three stone walls buried by Eversource and failure to reestablish existing walls. Violates the conditions of permit 1293. Requires Council approval, landowner notification. Violates terms of the easement.
- Destruction of agricultural land. Violates the conditions of permit 1293. Requires Council approval and land owner notification.

19) On page 4 of 27 Attorney Bachman states that “Eversource indicated all original drainage features installed during construction were re-established” she also discusses our correspondence of September 7, 2021.

- **What Attorney Bachman failed to inform the Council was that in the September 7, 2021 email we informed her that whatever drainage features that were reestablished washed out again and that we sent her pictures of the washed out road to back up our statements. Attorney Bachman took no action.**
- How can the original drainage features be re-established on a road that had no Council approval, was not detailed in the petition, and has no drainage features detailed to reestablish?

20) On page 9 of 27 under requests for a public hearing Attorney Bachman states, “Spaulding seeks compensation and money damages from Eversource for work in the ROW that occurred prior to Spaulding’s ownership of the servient parcel.

- These are multiple **FALSE** statements.
- **ALL** damages occurred between 2018 and 2021, and our request is for Eversource to **“restore the property to its condition prior to Eversource’s ILLEGAL AND UNAUTHROIZED ACTIVITY.”** This is a quote from page 2 of our April 19, 2023 complaint to Eversource which is Exhibit 1 in the petition 1566 record.