

**STATE OF CONNECTICUT
SITING COUNCIL**

PETITION No. 1690 - 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 Haddam Substation to East Haddam Junction Line Rebuild Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 1.5 miles of its existing 115-kilovolt (kV) 1772 Line and 345-kV 348 Line shared right-of-way and associated Connecticut River Crossing between Haddam Substation in Haddam and East Haddam Junction in East Haddam, Connecticut, and related electric transmission line and substation improvements.

OCTOBER 16, 2025

APPLICATION TO INTERVENE UNDER CEPA, §22a-19, §4-177a AND §16-50n

The Connecticut River Gateway Commission, Inc. ("CRGC") is a regional governmental authority created by statute (Conn.Gen.Stat. §25-102a, et seq.) in the early 1970's for the purpose of protecting the lower Connecticut River valley from impairment by inappropriate development. The CRGC represents the towns of East Haddam, Lyme, Old Lyme, Old Saybrook, Essex, Deep River, Chester and Haddam who are stewards of the vast environmental public trust resource that is the lower Connecticut River. The state legislature, in creating the Connecticut River Gateway Commission, recognized the importance of preserving the "natural and traditional riverway scene" for present and future generations. The legislature gave the CRGC jurisdiction and authority to advocate on behalf of its members towns which own land abutting the Connecticut River, including specifically land in the immediate vicinity of and within the viewshed of the proposed activity in this Petition.

Therefore, the CRGC moves to intervene in these proceedings as a party for the express purpose of requesting a public hearing on the Petitioner's proposed actions.

The purpose of the intervention is to participate in these proceedings to prevent unreasonable impact to the natural resources of the State including wildlife, wildlife habitat and impacts to scenic resources.

The CRGC is supportive of energy infrastructure maintenance, but that support is

tempered by its duty to protect the public trust resources of the lower Connecticut River valley and seeks to protect the rights of its member towns, particularly those of East Haddam and Haddam, as the host municipalities and to advocate for consideration of the natural resources which may be impaired by the proposed activities.

Pursuant to Conn.Gen.Stat. §22a-19 ("CEPA"), §16-50n and §4-177a, CRGC seeks party status as an entity which has a direct interest, and a derivative interest through its member towns, in the proceedings which will be specifically and substantially affected as the scenic viewshed of the Connecticut River is reasonably likely to be materially and unreasonably impaired by the re-installation of overhead transmission wires which cross the Connecticut River. This intervention is consistent with the Council's statutory duties under PUESA which in relevant part state:

Conn.Gen.Stat. §16-50l(1)F requires "(F) a justification for overhead portions, if any, including life-cycle cost studies comparing overhead alternatives with underground alternatives" and §16-50r(a)7 requires an annual utility analysis of "a description of the steps taken to upgrade existing facilities and to eliminate overhead transmission and distribution lines...".

The Council's statutory responsibility thus includes consideration of alternatives to overhead transmission of energy. In this instance, the impacts to the scenic lower Connecticut River valley are significant and worthy of exercising the authority to hold public hearings and to solicit public comment on the Petition. Further, the lack of a full environmental impact analysis and a detailed analysis and comparison of alternatives to the proposed activities and their costs suggests that a public hearing process will assist the Council in engaging in complete consideration of the proposed activities.

The proposed activity is a material modification of the existing infrastructure in that the entirety of the standing support structures will be changed in configuration and the transmission lines will have added large and intentionally highly-visible round colored orbs attached to the wires which are not currently present.

CRGC seeks party status in the above proceedings for the purpose of submitting testimony, briefs and other evidence relevant to the consideration of the application

under consideration; specifically the mitigation of environmental impact to scenic resources by consideration of alternatives to the proposed overhead transmission lines which will assist the CSC in complying with its mandate to minimize impact as required by C.G.S §16-50j.

CRGC's participation will be in the interests of justice and is proper under CEPA in that the evidence and testimony to be given will tend to show that the proposed activity for which Applicant seeks a modification is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut in that, if granted, the proposed facility will, inter alia, unreasonably impair the visual quality of the environment in and about the lower Connecticut River valley.

DISCUSSION OF LAW

The CSC must be mindful of the statutory requirements which apply to interventions under CEPA. The bar is quite low for filing an intervention and thus §22a-19 applications should not be lightly rejected. *Finley v. Town of Orange*, 289 Conn. 12 (2008) (an application need only allege a colorable claim to survive a motion to dismiss) citing *Windels v. Environmental Protection Commission*, 284 Conn. 268 (2007).

CEPA clearly and in the broadest terms indicates that any legal entity may intervene. This includes municipal officials, *Avalon Bay Communities v. Zoning Commission*, 87 Conn. App. 537, 867 A.2d 37 (2005).

An allegation of facts that the proposed activity at issue in the proceeding is likely to unreasonably impair the public trust in natural resources of the State is sufficient. See, *Cannata v. Dept. Of Environmental Protection, et al*, 239 Conn. 124 (1996)(alleging harm to floodplain forest resources).

The Connecticut Appellate Court has noted that statutes "such as the EPA are remedial in nature and should be liberally construed to accomplish their purpose." *Avalon Bay Communities, Inc. v. Zoning Commission of the Town of Stratford*, 87 Conn.App.537 (2005); *Keeney v. Fairfield Resources, Inc.*, 41 Conn. App. 120, 132-33, 674 A.2d1349 (1996). In *Red Hill Coalition, Inc. V. Town Planning & Zoning Commission*, 212 Conn.

7272, 734, 563 A.2d 1347 (1989) ("section 22a-19[a] makes intervention a matter of right once a verified pleading is filed complying with the statute, whether or not those allegations ultimately prove to be unfounded"); *Polymer Resources, Ltd. v. Keeney*, 32 Conn. App. 340, 348-49, 629 A.2d 447 (1993) ("[Section] 22a-19[a] compels a trial court to permit intervention in an administrative proceeding or judicial review of such a proceeding by a party seeking to raise environmental issues upon the filing of a verified complaint. The statute is therefore not discretionary.") See Also, *Connecticut Fund for the Environment, Inc. v. Stamford*, 192 Conn. 247, 248 n.2, 470 A.2d 1214 (1984).

In *Mystic Marinelife Aquarium v. Gill*, 175 Conn. 483, 490, 400 A.2d 726 (1978), the Supreme Court concluded that one who filed a verified pleading under § 22a-19 became a party to an administrative proceeding upon doing so and had "statutory standing to appeal for the limited purpose of raising environmental issues." "It is clear that one basic purpose of the act is to give persons standing to bring actions to protect the environment." *Belford v. New Haven*, 170 Conn. 46, 53-54, 364 A.2d 194 (1975).

The Intervenor is entitled to participate as a §22a-19 intervenor which allows for a right of appeal under that statute. *Committee to Save Guilford Shoreline, Inc. v. Guilford Planning & Zoning Commission*, 48 Conn. Sup. 594, 853 A.2d 654(2004) once any entity has filed for intervention in an administrative proceeding, it has established the right to appeal from that decision independent of any other party. *Mystic Marinelife Aquarium v. Gill*, 175 Conn. 483 (1978) stated quite clearly that "one who files a §22a-19 application becomes a party with statutory standing to appeal." *Branhaven Plaza, LLC v Inland Wetlands Commission of the Town of Branford*, 251 Conn. 269, 276, n.9 (1999) held that a party who intervenes in a municipal land use proceeding pursuant to §22a-19 has standing to appeal the administrative agency's decision to the Superior Court. The Court cited as support for this proposition, *Red Hill Coalition, Inc. v. Conservation Commission*, 212 Conn. 710, 715, 563 A.2d 1339 (1989)("because the [appellants] filed a notice of intervention at the commission hearing in accordance with §22a-19(a), it doubtless had statutory standing to appeal from the commission's decision for that limited purpose.")

In *Keiser v. Zoning Commission*, 62 Conn. App. 600, 603-604 (2001) our Appellate Court stated that the *Branhaven Plaza* case is directly on point and held "the plaintiff in the

present case properly filed a notice of intervention at the zoning commission hearing in accordance with §22a-19(a). Accordingly, we conclude that he has standing to appeal environmental issues related to the zoning commission's decision."

The rights conveyed by CEPA are so important and fundamental to matters of public trust that the denial of a 22a-19 intervention itself is appealable. See, *CT Post Limited Partnership v. New Haven City Planning Commission*, 2000 WL 1161131 Conn. Super. (Hodgson, J. 2000) (§22a-19 intervenors may file an original appeal for improper denial of intervenor status).

CONCLUSION

For the above stated reasons, CRGC's application for intervenor status should be granted so that it may participate by calling for a public hearing, and, if necessary, by presenting evidence for the record and meaningfully assist the CSC in reaching a decision which minimizes impact to natural resources of the state while balancing the public need for responsible siting of electric transmission facilities.

VERIFICATION

The undersigned, Suzanne Thompson, duly authorized Chair of the Connecticut River Gateway Commission, duly sworn, hereby verifies that the above application is true and accurate to the best of her knowledge and belief.

Suzanne Thompson

Suzanne Thompson, Chair
Connecticut River Gateway Commission

Sworn and subscribed before me this 16 th day of October 2025.

Michele E. Hayes

Michele E. Hayes
Notary Public

Notary Public; My Commission Expires 12/31/2025

Respectfully Submitted,

The Connecticut River Gateway Commission,

By Keith R Ainsworth

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 17th day of October 2025 and addressed to:

Ms. Melanie Bachman, Executive Director, Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051 (1 orig, 15 copies, plus 1 electronic) (US Mail/electronic).

And electronic copies to the service list as attached:

Keith R Ainsworth
Keith R. Ainsworth, Esq.

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

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