

DOCKET NO. 3B – The United Illuminating Company Amended Certificate of Environmental Compatibility and Public Need for replacement of a portion of the existing Derby – Shelton 115-kV electric transmission line facility. Reopening of this Certificate based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).	} } }	Connecticut Siting Council
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October 21, 2022

DRAFT Decision and Order

Pursuant to Connecticut General Statutes (CGS) §§4-181a(b) and 16-50p, and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that there is a public need for the proposed rebuild of the existing facility and the effects associated with the construction of a rebuilt 115-kV electric transmission line, associated equipment and related improvements to Ansonia Substation in Ansonia, and to Derby Junction and Indian Well Substation in Derby (Project), including effects on the natural environment, ecological balance, public health and safety, agriculture, forests and parks, scenic, historic, and recreational values, air and water purity, fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects compared to need, are not in conflict with the policies of the state concerning such effects, and are not sufficient reason to deny the application to modify the Certificate. Therefore, the Council directs that a Modified Certificate of Environmental Compatibility and Public Need, as provided by CGS §4-181a(b) and 16-50k, be issued to The United Illuminating Company (hereinafter referred to as the Certificate Holder) for the construction, maintenance and operation of the Project.

Unless otherwise approved by the Council, the Project shall be constructed, maintained and operated substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The Certificate Holder shall construct the rebuilt electric transmission line along the proposed route utilizing the Option 1 Configuration and perform related Project improvements, as proposed, subject to modifications during final site design and approval of the Development and Management (D&M) Plan for the Project.
2. The Certificate Holder shall submit to the Council for review and approval any alternative configurations to Osbornedale State Park (OSP) Option 1 that may result from consultation between the Certificate Holder and the Department of Energy and Environmental Protection prior to commencement of construction at the OSP ROW segment.
3. The Certificate Holder shall prepare a D&M Plan for this Project. The D&M Plan shall be in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be provided to the service list and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a. Detailed site plans depicting final transmission line structure heights and identification of locations for the access roads, structure foundations, equipment laydown areas; material staging areas; field office trailers, sanitary facilities and parking;
 - b. Review and consideration of double-circuit monopole configurations for Structure Nos. 17 and 18, including, a cost estimate;
 - c. Detailed site plans for equipment installation/modifications at Ansonia and Indian Well Substations;
 - d. Decommissioning plan for existing structures;
 - e. An erosion and sediment control plan, consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended;

- f. A plan to notify the public when helicopters would be used for project construction;
 - g. Identification of wetland and watercourse resources, related temporary construction impacts and methods to reduce such impacts;
 - h. Vegetative clearing plan;
 - i. Restoration plan of disturbed areas, including incorporation of areas for pollinator habitat consistent with CGS §16-50hh, if feasible;
 - j. A spill prevention control and countermeasures plan for the petroleum storage site and plans to locate the storage site at least 50 feet from wetlands;
 - k. Wetland Invasive Species Control Plan;
 - l. Provisions for on-site environmental inspection and monitoring of the ROW and substations during construction;
 - m. A schedule of construction hours;
 - n. A blasting plan, if necessary;
 - o. Plans to comply with DEEP Natural Diversity Database recommendations to reduce impacts to state-listed endangered, threatened and special concern species, including, but not limited to, plans to avoid tree cutting during the months of June, July and August on the western side of the ROW at OSP to protect tree roosting bat species; and
 - p. EMF Monitoring Plan.
4. The Certificate Holder shall comply with the state ban on the use of Class B firefighting foam containing perfluoroalkyl or polyfluoroalkyl substances (PFAS) under Public Act 21-191.
5. The Certificate Holder shall obtain necessary permits from the United States Army Corps of Engineers and the Connecticut Department of Energy and Environmental Protection and any other state or federal agency with concurrent jurisdiction prior to the commencement of construction, in areas where said permits are required.
6. The Certificate Holder shall comply with all future electric and magnetic field standards promulgated by State or federal regulatory agencies. Upon the establishment of any new standards, the facilities granted in this Decision and Order shall be brought into compliance with such standards.
7. The Certificate Holder shall provide to the Council an operating report within three months after the conclusion of the first year of operation of all facilities herein with information relevant to the overall condition, safety, reliability, and operation of the new transmission line.
8. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within five years of the effective date of the Decision and Order, or within five years after all appeals to this Decision and Order have been resolved. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
9. Any request for extension of the time period referred to in Condition 6 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, the Cities of Ansonia, Derby and Shelton.
10. This Certificate may be surrendered by the Certificate Holder upon written notification to the Council.

11. The Certificate Holder shall comply with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies and submit quarterly construction progress reports. The Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
12. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
13. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed in the Service List, dated June 9, 2022, and notice of issuance published in The Connecticut Post.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.