

DOCKET NO. 516 – The United Illuminating Company (UI) application for a Certificate of Environmental Compatibility and Public Need for the Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project that consists of the relocation and rebuild of its existing 115-kilovolt (kV) electric transmission lines from the railroad catenary structures to new steel monopole structures and related modifications along approximately 7.3 miles of the Connecticut Department of Transportation’s Metro-North Railroad corridor between Structure B648S located east of Sasco Creek in Fairfield and UI’s Congress Street Substation in Bridgeport, and the rebuild of two existing 115-kV transmission lines along 0.23 mile of existing UI right-of-way to facilitate interconnection of the rebuilt 115-kV electric transmission lines at UI’s existing Ash Creek, Resco, Pequonnock and Congress Street Substations traversing the municipalities of Bridgeport and Fairfield, Connecticut.

Connecticut
 Siting
 Council
 February 9, 2024

DRAFT Decision and Order

Pursuant to Connecticut General Statutes (CGS) §16-50p and §22a-19 and the foregoing Findings of Fact and Opinion for the 115-kilovolt (kV) rebuilt electric transmission facilities known as the Fairfield to Congress Railroad Transmission Line 115-kilovolt (kV) Rebuild Project, the Connecticut Siting Council (Council) finds that there is a public need for the proposed facility and the effects associated with the construction of rebuilt 115-kV electric transmission facilities and associated equipment in Fairfield and Bridgeport and related improvements to the Ash Creek, Resco, Pequonnock, and Congress Street Substations in Bridgeport (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. Therefore, the Council directs that a Certificate of Environmental Compatibility and Public Need, as provided by CGS §16-50k, be issued to The United Illuminating Company (hereinafter referred to as the Certificate Holder) for the construction, maintenance and operation of the rebuilt electric transmission facilities.

Unless otherwise approved by the Council, the rebuilt electric transmission facilities shall be constructed, operated, and maintained 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 facilities along the proposed route utilizing the *Hannon-Morissette Alternative* configuration and perform related 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 prepare a D&M Plan for the rebuilt electric transmission facilities. The D&M Plan shall be in compliance with Regulations of Connecticut State Agencies (RCSA) §16-50j-60 to 16-50j-62. The D&M Plan shall be provided to the service list and submitted to and approved by the Council prior to the commencement of construction and shall include:
 - a. Plans to construct the rebuilt electric transmission facilities in accordance with the 2023 National Electrical Safety Code;
 - b. Detailed site plans depicting final transmission line with final conductor types, structure heights and finishes, identification of locations for the access roads, structure foundation

- types and dimensions, equipment laydown areas; material staging areas; and field office trailers, sanitary facilities and parking;
- c. Plans to relocate Structure P723S fully off of the BJ's Wholesale Club, Inc. (BWC) property and onto the railroad ROW;
 - d. Plans to relocate Structure P724S (as a deadend structure) fully off of the BWC property and onto the railroad ROW or relocate Structure P724S (changed to a suspension type structure) fully off of the BWC property and onto the railroad ROW;
 - e. Plans to avoid access across the BWC parking deck, or alternatively, if the parking deck must be accessed by UI equipment, include a structural review/analysis stamped by a Professional Engineer duly licensed in the State of Connecticut;
 - f. Detailed site plans for equipment installation/modifications at Ash Creek, Resco, Pequonnock and Congress Street Substations;
 - g. Decommissioning plan for bonnets;
 - h. An erosion and sediment control plan, consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended;
 - i. Results of any further consultations with SHPO regarding any additional mitigation measures for historic resources;
 - j. Identification of wetland and watercourse resources, related temporary construction impacts and methods to reduce such impacts;
 - k. Vegetative clearing plan;
 - l. Restoration plan of disturbed areas, including incorporation of areas for pollinator habitat consistent with C.G.S. §16-50hh, if feasible;
 - m. A spill prevention control and countermeasures plan;
 - n. Final Wetland Invasive Species Control Plan;
 - o. Provisions for on-site environmental inspection and monitoring of the ROW and substations during construction;
 - p. A schedule of construction hours;
 - q. A blasting plan, if necessary;
 - r. Materials Management Plan;
 - s. Plans to comply with DEEP Natural Diversity Database recommendations to reduce impacts to state-listed endangered, threatened and special concern species;
 - t. Plans to implement protective measures for the peregrine falcon and blueback herring; install a new pole or platform for osprey nesting in the area of the island in Ash Creek;
 - u. Written confirmation from DEEP for any in-water work, including, but not limited to the barge, to ensure the protection of the blueback herring;
 - v. A copy of the DEEP-issued Stormwater Permit prior to the commencement of construction activities;
 - w. Plans to implement Electric and Magnetic Field (EMF) Mitigation Option 1 for the Windward Apartment Building Complex at 20 Johnson Street, Bridgeport;
 - x. EMF Monitoring Plan;
 - y. Plans to comply with DEEP Noise Control Standards for operation of the rebuilt electric transmission facilities; and
 - z. Updated FAA review of structures, as necessary.
3. Submit the remaining portion of the 1130 line to be rebuilt from between approximately P714WS (Ash Creek Connection) eastwards to approximately TP734S (near I-95) as a separate petition for a declaratory ruling.
 4. 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.

5. 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.
6. 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.
7. 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.
8. Any request for extension of the time period referred to in Condition 7 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 City of Bridgeport, and the Town of Fairfield.
9. This Certificate may be surrendered by the Certificate Holder upon written notification to the Council.
10. The Certificate Holder shall comply with RCSA §16-50j-60 to 16-50j-62 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.
11. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under CGS §16-50v.
12. This Certificate may be transferred in accordance with CGS §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 CGS §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 CGS §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee.

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 November 28, 2023, and notice of issuance published in The Connecticut Post in accordance with CGS §4-180(c) and CGS §16-50p(f).

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 RCSA §16-50j-17.