DOCKET NO. 135 - An application of The United Illuminating Company for a Certificate of Environmental Compatibility and Public Need for the construction of two electric combustion turbines, one diesel engine-generator, and one associated 115 kV switchyard, in New Haven, Connecticut.

Connecticut

Siting

Council

November 14, 1990

OPINION

The United Illuminating Company (UI) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of one or two, 80-to-105 megawatt (MW) combustion turbines, one 3.9 MW dual-fuel, diesel-type engine emergency generator, and one associated 115 kilovolt (kV) switchyard within UI's existing English Generation Station and Grand Avenue Substation in New Haven, Connecticut. The proposed facility would have a maximum output of approximately 210 MW of electricity during periods of peak demand and provide generation during emergency situations to English Station and New Haven Harbor Station. The official name of the proposed project is the Contingency Combustion Turbine Project.

In making a decision on this application, the Council must weigh the potential environmental effects of the proposed facility against the public need for its construction and operation.

We recognize that UI, as a duly authorized electric utility under Connecticut Law, has the responsibility to serve its customers by providing a reliable and adequate supply of electricity through the most economic and environmentally compatible means available.

In order to maintain the best service possible, UI has forecasted its future generation needs with consideration for load growth, conservation and load management, and the reliability of existing generation. UI has projected its system supply would be adequate under the most probable conditions until the year 2007. Should UI's actual load grow faster than forecasted, and/or conservation and load management programs not reduce peak growth as expected, and/or existing supply sources, including Seabrook Unit I and Hydro Quebec Phase 2, become unavailable, the forecasted year of need for additional peaking supply could advance sometime prior to 2007. However, based on evidence submitted during this proceeding and the Council's Review of Connecticut's Electric Utilities' 1990 Twenty Year Forecasts of Loads and Resources, it is unlikely that all of these resource options would fail. Consequently, the need for this project is uncertain, and there is a good probability that the project might never be needed.

The intent of the application, expediting the regulatory time necessary to gain pre-approval of the facility, would shorten the regulatory clock by approximately one year. Such a time savings would not meet the statutory intent of need which would have to be reassessed at some future time. A reassessment would require a reopening of the proceeding at some later date. Furthermore, the Council has no such mechanism defined by statute and may not have legal or statutory jurisdiction to rehear the case and render a decision regarding public need, best available technology, best site alternative, cost, and environmental effects.

Although the proposed facility would make economic and efficient use of available space within the existing English Station, we are troubled by the lack of certain detailed environmental and engineering specifications. The application does not include exact specifications for the natural gas fuel supply; the output, size, and type of combustion turbines; air emission and water discharge control technology and equipment; precise modeling of environmental effects; and a schedule of construction and operation.

The proposed project does, however, contain a range of theoretical environmental effects from the hypothetical facility. Nevertheless, we can not rely on such uncertain data. Furthermore, we can not delegate our responsibility of analyzing all environmental effects, including effects on air and water, to others prior to the commencement of construction.

In addition, the project lacks a detailed comparison of alternative options including conservation and load management, private power production, and generation fueled by renewable resources. Even though UI could consider these options and others including alternative sites, technology, justification of environmental effects, cost, and exact time of need before making a decision to develop the proposed project, we cannot delegate away our responsibility to weigh and consider these essential siting factors. The Public Utility Environmental Standards Act was structured to assign the authority of determining public need, site alternatives, best available technology at lowest reasonable cost, and environmental effects to the Council. An approval of this application would shift some or all of these considerations back to the applicant; that is, the utility would decide if, when, and how the facility would be built.

Need is a function of time, a relationship directly contingent upon some date when additional capacity will be needed. It is not sufficient for the Council to consider and approve a proposed project as part of the corporate planning process which theoretically postulates conditions and scenarios when the proposed project could be needed.

In conclusion, the applicant has not demonstrated a public need for the project, has not provided a precise assessment of all environmental effects, and has not compared the project with technological and system alternatives at the time when the facility would be built.

We applaud UI's efforts to prepare for the uncertainty of the future and willingness to comply with recommendations promulgated by the New England Governors' Conference. Denial of this application without prejudice does not deny UI's rights for continuing emergency planning, a process that is prudent and necessary. This decision also leaves open the possibility of an application for a more precisely planned project being submitted when specific need is established. The space within English Station is not likely to be lost to other uses and could be developed with flexibility for future expansion. Administrative notice of this application may be taken if the applicant so requests.

Based on the foregoing, we conclude that a Certificate of Environmental Compatibility and Public Need is not warranted for the proposed project and hereby direct that the application for a Certificate of Environmental Compatibility and Public Need be denied without prejudice.

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