THE CONNECTICUT SITING COUNCIL
DOCKET NO. 272

Northeast Utilities Service Company Application to the Siting Council for a Certificate of Environmental Compatibility and Public Need for the Construction of a new 345-kV Electric Transmission Line Facility and Associated Facilities between Scovill Rock Switching Station in Wallingford, East Devon Substation in Milford, and Singer Substation in Bridgeport, Modifications at Scovill Rock Switching Station and Norwalk Substation, and the Reconfiguration of Certain Interconnections

POST HEARING BRIEF

On Behalf Of

The City of Milford

March 16, 2005

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The City of Milford ("City" or "Milford") submits this brief to the Connecticut Siting Council ("Council") regarding issues in this proceeding that are relevant to the City and its residents. The City has also filed a collective brief with the Towns of Cheshire, Durham, Wallingford and Woodbridge on issues that are of common concern to all of these municipalities.

I. THE PUBLIC UTILITY ENVIRONMENTAL STANDARDS ACT, AS AMENDED, PROTECTS THE ENVIRONMENT AND SAFEGUARDS THE PUBLIC FROM ELECTROMAGNETIC FIELDS PRODUCED BY AERIAL TRANSMISSION LINES

The present application for a Certificate of Environmental Compatibility and Public Need ("Certificate") is made pursuant to the provisions of the Public Utility Environmental Standards Act ("PUESA"). Conn. Gen. Stat. §§16-50g et seq. The legislature enacted PUESA to prioritize Connecticut's environmental resources in siting such significant projects such as the 345 kV transmission line which is the subject of this docket. This legislative purpose is codified in Conn. Gen. Stat. §16-50g.

> The legislature finds that power generating plants and transmission lines for electricity and fuels . . . have had a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment, the ecological, scenic, historic and recreational values of the state. The purposes of this chapter are to provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers **with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values.**
> (Emphasis supplied).

PUESA provides the statutory framework under which all applications for a Certificate must be reviewed. In order to be certified, the transmission line facility proposed in this

docket must comply with the requirements and intent of Conn. Gen. Stat. §§16-50g et seq.

PUESA requires the Council to make certain findings to issue a Certificate for the proposed transmission line. Section 16-50p(a) provides, in part, that the Council shall not grant a Certificate unless it "shall find and determine" that there is a public need for the proposed facility, the nature of the environmental impact of the proposed facility and why the adverse environmental effects are not sufficient to deny the application, including why other alternatives are not feasible and prudent with less adverse effects. Conn. Gen. Stat. §16-50p. The Council is also required to make a finding as to "what part, if any, of the facility shall be located overhead." Conn. Gen. Stat. §16-50 p(a)(4)(A).

Aspects of these siting criteria were made more rigorous when the legislature enacted Public Act 04-246 (the "Act"). The Act is a legislative determination that the public must be protected from the effects of electromagnetic fields ("EMF") emanating form high voltage transmission lines. Specific areas qualify for protection under the Act, which requires that these transmission lines be located underground unless it is affirmatively demonstrated to be technologically unfeasible. Children are specifically intended to be the beneficiaries of this protection in order to avoid the increased risk of childhood leukemia from exposure to EMF.

To the extent that the Applicants are able to overcome the presumption of undergrounding by proving that burying the line is infeasible, the line can only be sited overhead if adequate buffers are established to protect against EMF exposure. The determination of whether or not EMF created by the proposed 345 kV line is harmful is no longer an issue. Instead, the Council is now charged with carrying out the legislature's

intent by burying the line to the extent feasible, and creating meaningful buffers in those locations where the line must be sited overhead.

II. THE APPLICANTS HAVE FAILED TO OVERCOME THE PRESUMPTION OF UNDERGROUNDING THE TRANSMISSION LINE NEAR STATUTORILY PROTECTED AREAS IN MILFORD

Section 7 of the Act drastically changes the scope of the findings required by §16-50p of the General Statutes with the addition of a new subsection (h). It specifically provides that a proposal to place overhead lines adjacent to residential areas, private or public schools, licensed child daycare facilities, licensed youth camps, or public playgrounds ("Protected Areas") is inconsistent with the purposes of PUESA. Clearly, an overhead transmission line near residences, schools, playgrounds, or other areas where children congregate is contrary to public policy as elucidated in the Act.

> [f]or a facility described in subdivision (1) of subsection (a) of section 16-50i, as amended, with a capacity of three hundred forty-five kilovolts or greater, there shall be a **presumption that a proposal to place the overhead portions, if any, of such facility adjacent to residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds is inconsistent with the purposes of this chapter.** An applicant may rebut this presumption by demonstrating to the council that it will be technologically infeasible to bury the facility. In determining such infeasibility, the council shall consider the effect of burying the facility on the reliability of the electric transmission system of the state.
> (Emphasis supplied.)

The legislature has clearly directed the Council to regard the electromagnetic fields associated with a high powered transmission line facility as a potential health risk. Further, the legislature has instructed the Council to take affirmative steps to protect the health and safety of the neighboring residential areas as well as schools, parks, day cares and other certain land uses. This presumption can only be rebutted if the Applicants can

demonstrate to the Council that it would be technologically infeasible to bury the power lines, considering the reliability of the electric transmission system of the state.

A. Protected Areas in the City of Milford

The City has demonstrated that there are several areas within the City that are ensured protection under the Act. Collectively, these areas extend nearly the entire length of the transmission line right of way through the City, traversing dense residential areas and bisecting the City's largest open space and recreational parcel, Eisenhower Park.

1. Residential Areas

The legislature has decreed that residential areas must be protected from overhead transmission lines. Mapping provided by the City demonstrates that some of the City's densest residential areas are located along the transmission line right of way. (See Milford Exhibit 14, map attachments). Specifically, residential areas such as Lexington Green and Cornfield Road/Oronoque Road would be negatively impacted by the proposed overhead transmission facility. If the transmission line is located overhead through these areas, the City has estimated that approximately thirty-six (36) residential properties will be affected by a 3mG buffer at 15 GW load, and seventy-four (74) residential properties will be affected by a 3mG buffer at 27.7 GW load. (Id. at 3). In Lexington Green alone, ten (10) to eighteen (18) residential properties housing children would be impacted, 3mG at 15 GW and 27 GW, respectively. (See Milford Exhibit 16 at 3).

2. Eisenhower Park

Eisenhower Park ("Park") is the City's largest open space and recreational facility. (See Milford Exhibit 15 at 2). The Park is a year round recreational center which offers ballfields, a playground, tennis courts, equestrian exhibition area, dog exercise

area, picnic area and pavilion near the lake in the center of the Park, hiking trails, and is the site of many public events. (Id.).

The City has been acquiring land throughout the last forty (40) years with the intent of developing it into a preeminent recreational center. In November 2002, the City took formal steps to design and develop the Park and has expended and allocated significant municipal resources to do so. (Id. at 3). The transmission line right of way bisects the Park and the impact of overhead 345 kV lines and resulting electromagnetic fields could be disastrous to the development of the Park. (Id. at 5; Tr. 1/18/05 at 67).

These Protected Areas in Milford are entitled to the protection of the presumption set forth in the Act. (See Milford Exhibit 15 at 6; See Milford Exhibit 16 at 4).

B. The Applicants Have Failed to Meet the Burden of Proof Sufficient to Overcome the Presumption of Undergounding

In order to locate this transmission facility aerially through Milford, the Applicants must overcome the presumption against the siting of overhead transmission lines near the Protected Areas. They have failed to do so.

The presumptive language of §16-50p(a)(2)(A)and §16-50p(h), requires portions of the 345 kV line adjacent to the Protected Areas to be built underground, except to the extent the presumption is overcome. A presumption requires that "a particular fact be deemed true until such time as the proponent of the invalidity of the fact has, by the particular quantum of proof required by the case, shown by sufficient contradictory evidence, that the presumption has been rebutted." Schult v. Schult, 40 Conn.App. 675, 684 (1996). citing Anderson v. Litchfield, 4 Conn.App. 24, 28 (1985). "A rebuttable presumption is equivalent to prima facie proof of a fact and can be rebutted only by the opposing party's production of sufficient and persuasive contradictory evidence that

disproves the fact that is the subject of the presumption." (Id.). In the present matter, the Applicants have not provided contradictory evidence sufficient or persuasive enough to prove that undergrounding the proposed transmission line near these Protected Areas in Milford is infeasible.

C. Undergrounding the Proposed 345 kV Transmission Line Near the Protected Areas in Milford Is Feasible

In rendering its decision, the Council must safeguard those areas of Milford that are afforded protection by the Act. There are two ways in which this could be accomplished. Available undergrounding can be implemented in a way that satisfies the intent of the legislature and Protected Areas should be given priority reflective of this legislative intent. Alternatively, additional undergrounding should be incorporated into the proposal so as to provide the minimal amount of additional undergrounding necessary to protect those specific areas of Milford. The record reflects several possible ways to accomplish such a configuration, including the inherent benefits of anchoring any underground segment to the East Devon Substation, and the identification of potential transition station sites and routing options in Milford. These offered solutions are all reflective of the City's commitment to protecting its residents by advocating for this underground solution.

1. The East Devon Substation Provides the Best Location from which to Anchor Undergrounding

The evidence clearly and consistently demonstrates that anchoring underground cable from the East Devon Substation offers distinct system benefits. The Applicants made this representation early in the proceedings and subsequent evidence, even in the face of configuration questions, continued to reinforce the benefits of anchoring

underground cable from the East Devon Substation. In response to a question from Vice Chairman Tait regarding the possibility of reallocating a portion of the 24 miles, or adding underground cable to the 24 mile route,[1] Mr. Zaklukiewicz responded "If you have to do it you do it out of Devon . . . the East Devon Substation." (Tr. 4/21/04 at 137-8). During the hearings on the ROC Report, Mr. Zaklukiewicz explained that the benefit to anchoring undergrounding to the East Devon Substation would be grounding, particularly in the case of cross-link polyethylene cables. "Basically, you want to have the cross-link polyethylene tied into a substation with an extremely good ground system to hold the voltages down." (Tr. 1/13/05 at 134-5). Dr. Wakefield of KEMA echoed the benefit of connecting an underground segment with the "solid ground" of the East Devon Substation in his testimony on February 17, 2005 (Tr. 2/17/05 at 42). He also noted, in response to a question from Vice Chairman Tait about the best location to add a short segment of undergrounding that it would be better to "have it on one stretch" from an operational and system point of view. (Id. at 41). Finally, Mr. Zaklukiewicz reiterated the benefits of interconnection with a substation such as East Devon at this same hearing. "So clearly having any cable system connected directly to - - in East Devon or Singer or Norwalk where there is an extensive ground grid would absolutely be the preferred engineering solution, whatever you decide on." (Id. at 97).

2. The City Identified Several Potential Transition Station Sites and Intra-City Routes to Facilitate an Underground Solution

A segment of underground transmission line anchored from the East Devon Substation would need to be transitioned aboveground at some point. The City identified several locations as possible transition stations sites, the most viable seemed to be a sixty

[1] Refers to underground cable in addition to the 24 miles from Norwalk to East Devon proposed by the Applicants and the Reliability and Operability Committee ("ROC" Group).

six (66) acre parcel owned by the City and located near Eisenhower Park. (See City correspondence dated 1/25/05). This correspondence cited previous filings from the City (5/28/04 and 1/17/05) and reiterated testimony regarding possible locations for a transition station in Milford. (Tr. 1/18/05 at 43-6). The map attached depicted possible transition station sites (highlighted with a white border) including adjacent parcels owned by the State of Connecticut (1.37 acres) and private entities (.70 acres and 40.25 acres, respectively), or the (66 acre) parcel owned by the City.

The City also identified several viable intra-city routes. In its correspondence dated May 25, 2004, the City suggested a route along the existing right of way, from the East Devon Substation to one of the above transition station sites. The Applicants determined that this route was feasible from a construction standpoint; underground easement rights would need to be obtained (See Applicants' Exhibit 97). Milford reiterated this proposal and also suggested an understreet route along public roadways in its correspondence dated July 19, 2004. Finally, the City submitted mapping and testimony that confirmed that less than 3.6 miles of undergrounding is required to protect Milford's residential areas from the proposed 345 kV transmission lines.[2] (See Milford Exhibit 14, map entitled "City Owned Property/Route Distances"; Tr. 1/18/05 at 50). The City maintains that it is feasible to locate this short length of 345 kV transmission line underground from the East Devon Substation to any of the potential transition station sites.[3]

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[2] The distance from the East Devon Substation to the furthest identified transition station site is 2.6 miles along the right of way or approximately 3.5 miles along public roadways.

[3] The City has also repeatedly requested that the existing 115 KV transmission lines be relocated underground along with the 345 kV lines. (Correspondence dated May 28, 2004, July 19, 2004,and January 25, 2005).

3. It Has Not Been Demonstrated That the Minimal Undergrounding Necessary to Safeguard Milford's Protected Areas is Not Feasible

The statutory presumption against overhead transmission lines in areas such as residential areas and playgrounds can only be rebutted by a demonstration of technological infeasibility. The record lacks sufficient evidence that the minimal amount of undergrounding required to safeguard the Protected Areas of Milford is infeasible.

In its Harmonic Impedance Study dated October 18, 2004 KEMA, Inc. ("KEMA Study") opined that additional undergrounding was feasible, and recommended further study be conducted. (See Council Exhibit 9 at 7). In that KEMA Study, each of the results contemplated all of the potential additional undergrounding originating from the East Devon Substation. (See Council Exhibit 14, Responses 5a-d).

The ROC Group concluded that twenty four (24) miles was the maximum amount of undergrounding that could be accomplished safely and reliably. (See Applicants' Exhibit 176). KEMA disagreed with this conclusion and maintained that additional undergrounding (perhaps as much as an additional 20 miles) might be possible if effective mitigation were implemented. (See Council Exhibit 9 at 7). In response to a specific question regarding whether less than 10 miles could be undergrounded through Milford from a harmonics perspective, Mr. Wakefield responded that it was technically feasible. (Tr. 12/14/04 at 105).

KEMA subsequently revised its conclusions to concede that it would not be technologically possible to underground 10 miles or more. (KEMA letter dated 2/16/05 at

2). The feasibility of less than ten (10) miles of additional undergrounding remains an open question however.

When addressing the possibility of additional undergrounding in an amount less than 10 miles, GE Energy filed study results that claimed to optimize the location and design of C- type filters. The results of these studies were described as "promising" by the GE witness when she confirmed the consequential significant reductions in temporary overvoltages ("TOV"). (Id.). KEMA subsequently reported that they still believed "additional undergrounding may be technically feasible if such mitigation is employed." (Id.). They concluded however, that such mitigation should not be implemented to provide additional underground capability because of a lack of industry experience using C-type filters on a "wide scale basis" (Tr. 2/17/05 at 23).[4] Lack of industry experience does not denote technological infeasibility; there are several other aspects of this proposed project that are "firsts."[5] If this requirement of actual industry practice were applied to this project, split phase EMF mitigation and the use of twenty four (24) miles of cross-link polyethylene cable could not be approved.

There is absolutely no reliable evidence in the record that proves smaller amounts of undergrounding, particularly the negligible distance required to underground the proposed transmission facility through Milford, is not feasible. In fact, the testimony heard repeatedly is that studies would need to be performed to disprove the possibility of such a routing.

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[4] KEMA quantified "wide scale" or "large scale" use of C-type filters as four (4) to seven (7) filters. (Id. at 34)

[5] Low field EMF split-phasing mitigation similarly offers no history of industry practice. The industry may have implemented similar engineering configurations in the past, but the testimony is clear that there is no historical or anecdotal evidence of any kind regarding the consistency or successfulness of split phasing 345 KV line for the specific purpose or EMF mitigation. (Tr. 7/27/04 at 125).

Mr. Gunther confirmed that the driving impedance data reflected lower impedance levels (90 ohms) for additional undergrounding in lengths of 2 ½ miles or 5 miles, than it did for the base case of 24 miles (120 ohms). (Tr. 1/13/05 at 135-8). When questioned about whether the 24 miles could be broken up into two (2) segments or shifted to the other end of the loop, Mr. Gunther did not report either to be technologically infeasible; he maintained that it would need study in order to make a determination as to feasibility. (Tr. 1/11/05 at 61-63).

KEMA conceded that C-type filters are an option if used on a smaller scale. "We're still of the belief that on a small scale they can be tested and they can be used to mitigate even TOVs. And that has been confirmed by the G.E. recent study." (Tr. 2/17/05 at 22). They also responded that additional undergrounding in an amount of less than five (5) miles might not require the "wide scale" use of C-type filters. In fact when asked what they would need to do to determine how many C-type filters might be required, Dr. Enslin responded "I think you have to do a study with that exact number of miles and add one or two c-filters at a specific location and look at the effect on the TOVs." (Id. at 40, 41). It is clear that the implementation of C-type filters might ensure the viability of additional undergrounding near Protected Areas in Milford, but this minimal length of additional undergrounding accompanied by modest mitigation simply has not been studied.

The City made several requests that this configuration be studied to determine its feasibility. (Id. at 76; Correspondence dated 1/27/05 and 1/18/05). Despite these requests, this length of undergrounding was not studied and its technological feasibility remains an unanswered question. The burden of proof to overcome the presumptions rests with the

Applicants. They have failed to demonstrate that less than five miles of additional undergrounding, which would safeguard several Milford areas entitled to statutory protection, is not technologically feasible.

III. THE HEALTH AND SAFETY OF MILFORD RESIDENTS MUST BE PROTECTED

If the 345 kV transmission line facility is located aerially through Milford it cannot be allowed to threaten the health and safety of Milford residents, specifically the children that live and recreate in those areas. The remedial amendments to PUESA created by the Act require buffer zones intended to protect the public from the EMF emitted from overhead transmission lines.

Section 3 of Public Act 04-246 amends such subsection (a) of Section l6-50 p to require that any overhead lines:

> [A]re to be contained within an area that provides a buffer zone that protects the public health and safety as determined by the council. In establishing such buffer zone, the council shall take into consideration, among other things, residential areas, private or public schools, licensed child daycare facilities, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right of way shall serve as the buffer zone.

The Siting Council is entrusted to create these buffer zones based on specific situations, the character of the adjacent property and the level of power that can be transmitted over the line. The new mandate for a buffer zone was intended as a mechanism to shelter the public, specifically children, from EMF exposure.

As more fully set forth in the Collective Town brief dated March 16, 2005, the Council must implement conservative EMF exposure criterion and load levels that are

reflective of the anticipated forty (40) year life of this facility in order to be considered safe. If this can be accomplished by an adequately sized right of way, then the right of way may be an appropriate buffer. If the size of the right of way does not mitigate EMF to this level, then the right of way is insufficient as a buffer zone. If additional land is necessary to create a safe buffer and would result in the taking of property, the proposed facility simply cannot be certificated. The legislature certainly did not intend for the certification of this facility to result in the loss of homes and property for Connecticut residents.

The implementation of the legislature's intent also cannot result in a de facto condemnation of property. The transmission line right of way traverses Eisenhower Park and the easement to which it is subject does not preclude the City's ability to use the land beneath the transmission lines for other purposes. Currently, the land beneath the lines is used for event parking, hiking and navigation or access from one side of the park to another. (See Milford Exhibit 15 at 4). The City had also planned to locate community gardens and a nursery[6] within the easement, which uses are consistent with the explicit rights retained in the grant of easement.[7] (Id.).

EMF levels in this area will be as high as 21.6 mG and 83.4 mG at average and peak load respectively. (See Exhibit 166, Table at 2). Even assuming optimal low field EMF mitigation that successfully and consistently performs as represented, EMF exposure at this location will still be as high as 21.9 mG at peak load. (Id.).

[6] This nursery would provide the opportunity for the City to grow its own tree, shrub and flowering plant stock for Park beautification.

[7] The easement specifically provides that the underlying property owner may use the property subject to the easement for farming and agricultural purposes.

If EMF avoidance required that no one was allowed to travel within or across the easement the result would be disastrous to the development of the Park. The Park would essentially be bisected, cutting off the two most significant recreation areas from one another. According the City's design engineers it could double or even triple the infrastructure costs. It will also result in the City's inability to use that property for the purposes it is entitled to. (Id. at 5).

If the existing or proposed transmission lines create a health risk that makes the legal use of the property under and around the transmission lines unsafe and jeopardizes the safety and health of those who do so, it is a violation of the easement itself. Further, if EMF fields encroach on property outside of the easement area it amounts to a taking of that property.

This is equally applicable to the residential areas of Milford impacted by this proposal. Neighborhoods such as Lexington Green are home to significant numbers of children, who recreate, walk their dogs and wait for their school buses in this area.[8] (See Milford Exhibit 16 at 2). Electromagnetic field levels in the Lookout Hill Road Area (in the northern area of the Lexington Green subdivision, at a location approximately 170 feet away from the transmission line) will be as high as 11.9 mG and 41.1 mG at average and peak load respectively. (See Applicants' Exhibit 124 at 2). Even assuming optimal low field EMF mitigation that successfully and consistently performs as represented[9], EMF exposure at this location will still be as high as 7.9 mG at peak load. Similarly, the Woodruff Road neighborhood (approximately 70 feet from the transmission line) will be exposed to EMF levels of 11.2 mG and 31 mG at average and peak load respectively, and

[8] Approximately 400 children live in the Lexington Green Community. (Id.)
[9] The City does not concede that the proposed EMF mitigation can be relied on to perform in this manner.

at least 6 mG at peak load if optimal EMF mitigation is implemented. In the Cornfield Road neighborhood (approximately 220 feet from the transmission line), the EMF levels will be 9.5 mG and 26.3 mG at average and peak load respectively, and at least 5 mG if optimal EMF mitigation is implemented. (Id.). These are just several examples of the EMF impacts that will be experienced in residential areas located near the right of way.

The Council must impose a standard that conservatively protects the safety of the several generations of children who would be affected by the potential health risks of this transmission line. "No net increase" is an unacceptable standard as it blatantly disregards the potential health effects of EMF and fails to comply with the legislative mandate that certain areas and populations must be protected from exposure to unsafe levels of EMF. Under all circumstances, the buffer zone must be determined by evaluating EMF under the maximum power potentially transmitted over the line. Any other criteria would be shortsighted and contrary to the goals of the new law.

IV. MILFORD'S ENVIRONMENT AND ECOLOGY MUST BE PROTECTED

In addition to the very serious task of ensuring the safety of the public, the Council must also evaluate and protect the environmental and ecological characteristics of Milford. The City's expert identified a large, well functioning vernal pool located a few feet from a pole to be removed and a second potential vernal pool and amphibian breeding area adjacent to the transmission right of way. (See Milford Exhibit 11 at 11). Based on the Applicants' earlier information, approximately 2.8 acres of wetlands will be disturbed temporarily and approximately 1.4 acres of wetlands will be permanently filled. (Id. at 10, 11). However, those calculations were based upon transmission structure heights of eighty-five (85) feet and these structures will be significantly larger (as will the

breadth and depth of the structure foundations) if split phasing is implemented. (Tr. 10/18/04 at 236-7).

The record is devoid of any information which would allow the Council to evaluate the greater impact of the larger structures on the residential and recreational areas where they will be located. Similarly, the Council cannot, with any reasonable accuracy, evaluate the increased impacts of these higher towers (which may be nearly triple the height as those proposed in the Application) on the residential and scenic areas that will be impacted.

The best way to avoid impacts to wetland, watercourses, vernal pools, and amphibian areas in Milford is an underground or understreet route. (Id. at 14). The placement of the 345-kV line underground along existing public roads would eliminate most of the environmental concerns. The installation of an underground line is not expected to significantly impact wildlife along the route, as minimal alteration to vegetation is required and access roads and pole installations would not be required. The only impact to the environment would be a narrow trench that will be placed along the existing roads. Any impacts to wetlands and watercourses due to such crossings are expected to be significantly less than proposed overhead route. (Id. at 15).

V. CONCLUSION

The Council has the authority and discretion to fashion a solution that fulfills the intent of the legislature as set forth in Public Act 04-246. Milford has demonstrated that there are several areas in the City that are entitled to the statutory protection of the Act, and the Applicants have not overcome the presumption that the facility must be

undergrounded near these Protected Areas. Further, the Applicants have failed to demonstrate that the minimal undergrounding necessary to protect these areas is infeasible. Therefore, the Council cannot issue a decision which sites the line overheard through Milford without that decision being inconsistent with the applicable law.

Given its size, Milford is a community already disproportionately burdened with public utility infrastructure – Milford Power Plant, Iroquois Gas Pipeline and Gas Storage Facility, and now the proposed East Devon Substation. The Council should order the proposed transmission line facility be undergrounded or understreeted through Milford, primarily to ensure the safety and health of its residents and to protect the environment and ecology as required by PUESA, but also to ensure an equitable result. If Milford is to endure yet another large utility infrastructure development that will benefit the rest of the state, it is only right that it should benefit from the technical and operational advantages obtained by anchoring a segment of underground cable from the East Devon Substation through the City.

As a result, the City respectfully urges the Council to protect its residential and recreational areas, and the residents (specifically children) who live and recreate there by locating the proposed transmission line underground.

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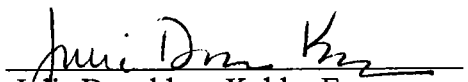

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