

**STATE OF CONNECTICUT
SITING COUNCIL**

Re: The Connecticut Light and Power Company and) Docket 272
The United Illuminating Company Application for a)
Certificate of Environmental Compatibility and)
Public Need for the Construction of a New 345-kV)
Electric Transmission Line and Associated)
Facilities Between Scovill Rock Switching Station)
in Middletown and Norwalk Substation in Norwalk,)
Connecticut Including the Reconstruction of)
Portions of Existing 115-kV and 345-kV Electric)
Transmission Lines, the Construction of the Beseck)
Switching Station in Wallingford, East Devon)
Substation in Milford, and Singer Substation in) December 7, 2006
Bridgeport, Modifications at Scovill Rock)
Switching Station and Norwalk Substation and the)
Reconfiguration of Certain Interconnections.)
Amendment of the Certificate – Proposed Route)
Change in the City of Norwalk)

**COMPANIES' PROPOSED FINDINGS OF FACT
CONCERNING THE PROPOSED AMENDMENT OF THEIR CERTIFICATE
TO AMEND THE APPROVED UNDERGROUND CABLE ROUTE
IN NORWALK, CT**

Procedural Matters

1. On April 7, 2005, the Connecticut Siting Council ("Council") issued to The Connecticut Light and Power Company and The United Illuminating Company (collectively, the "Companies") a certificate of environmental compatibility and public need ("Certificate") for the construction of the facilities described in the caption above, collectively known as the Middletown to Norwalk 345-kV ("M-N") Project, together with Findings of Fact, a Decision and Order, and an Opinion. (Record)
2. Thereafter, pursuant to Conn. Gen. Stats. § 4-181a(b) and 16-50m, the Council modified its approval of the M-N Project, to allow certain variations in the approved route for an overhead segment of 345-kV transmission line through a portion of Woodbridge, CT. This modification was approved by a Supplemental Decision and Order and Supplemental Opinion, supported by a Supplemental Findings of Fact, all dated October 31, 2006. (Record)
3. On July 21, 2006, the Companies, acting pursuant to Conn. Gen. Stats. § 16-50(d) filed with the Council an Application for an amendment to its Certificate to approve

a modification of a segment of the approved underground cable route in Norwalk, CT. (*Companies' 11/29/06 Ex. 1¹, Amendment App.*)

4. Timely service of copies of such Application to amend was made on the entities and officials designated by Conn. Gen. Stats. §§ 16-50l(d) and 16-50l(b) (1)-(6); and notice of the Application was given to the general public by newspaper publication and by mailing of bill inserts, as further required by such statutory provisions. (*Companies' 11/29/06 Ex. 2, Affidavits of Service, Publication, and Mailing*)
5. The Council conducted a public field review of the previously approved and proposed modified underground cable route segments in Norwalk on November 29, 2006, at 1:30 pm. (*Council Hearing Notice*)
6. The Council held a public evidentiary hearing on November 29, 2006 at the Brien McMahon High School in Norwalk, CT at 3:00 p.m. (*Record*)
7. At the evidentiary hearing, the Council provided an opportunity for public officials to make statements concerning the project. Tad Diesel, Director of Business Development and Marketing, City of Norwalk, representing the Mayor of Norwalk, spoke in favor of approval of the proposed modification.
8. Pursuant to Conn. Gen. Stats. §§ 16-50l(d) and 16-50m, the Council, after giving due notice thereof, held a public hearing for citizen comment on Wednesday, November 29, 2006 at the Brien McMahon High School in Norwalk, CT at 7:00 p.m. for the convenience of the public. No comments were received. (*Record*)
9. Parties and intervenors to Docket 272 received mailed notice of the hearing. (*Record*)
10. The State Department of Transportation submitted a comment on the proposed route modification on November 28, 2006. (*11/29/06 Hearing, State Agency Comment 1*)

Proposed Amendment

11. The proposed modification would replace two crossings of the Norwalk River with upland construction, thus reducing environmental impacts, route length, construction time and complexity, and cost. (*Companies' 11/29/06 Ex. 1, Amendment App., at 3*)

¹ Since the numbers for Company exhibits in both the main portion of the Docket, and in the proceedings with respect to the Woodbridge Variations began with 1, the exhibits at this hearing are referenced as "11/29/06 Ex. ___"

12. The proposed modification is required in order to enable the Companies to comply with federal regulatory requirements and thus to obtain needed federal permits. (*Companies' 11/29/06 Ex. 1, Amendment App.*, at 3; *Companies' 11/29/06 Ex. 3, Prefiled Test.*, at 3; Mango Hearing Test.)
13. *Original Certificated Route*
The portion of the initially approved route proposed to be modified extends through the Norwalk Center urban core and would cross the Norwalk River twice. As illustrated in Figure F-1 and F-2 attached hereto, the approved route extends along and adjacent to Cross Street (U.S. Route 1), and first crosses the Norwalk River from there. In this area, the approved route is within the state coastal boundary. The approved route continues to follow U.S. Route 1 (which becomes Belden Avenue), crossing under U.S. Route 7. At the intersection with Riverside Avenue (State Route 809), the route turns north-northwest. The route follows Riverside Avenue to a point opposite Riverside Cemetery, where it diverges to the north and traverses diagonally back across the Norwalk River and extends across New Canaan Avenue (State Route 123). The route extends north, paralleling CL&P property and a southbound exit ramp from U.S. Route 7 before entering the Norwalk Substation. (*Companies' 11/28/06 Ex. 1, Amendment App.*, at 2; *Companies' 11/29/06 Ex. 3, Prefiled Test.*, at 2; Mango, Tr. 11/29/06 aft., at 26, 27)
14. *Route Modification*
The route modification is also illustrated in Figures F-1 and F-2. It would deviate from the approved route at the intersection of State Route 123 (Main Street) and U.S. Route 1 (Cross Street). At this intersection, the route modification would diverge to the north-northwest, traversing along or adjacent to State Route 123. Just north of Catherine Street, the route would turn to the west, traversing between two commercial buildings on private property and then underneath the Metro-North Railroad's Norwalk-Danbury Line. The route would continue to the west, crossing CL&P's Norwalk Service Center property and then north along Grand Street to New Canaan Avenue (State Route 123). At this intersection, the route would turn west, continuing along New Canaan Avenue, which passes under U.S. Route 7. After passing under U.S. Route 7, the route turns north, paralleling CL&P property and a southbound exit ramp from U.S. Route 7 before entering the Norwalk Substation. (*Companies' 11/29/06 Ex. 1, Amendment App.*, at 2; *Companies' 11/29/06 Ex. 3, Prefiled Test.*, at 2, 3; Mango, Tr. 11/29/06 aft., at 30, 31)
15. *Methodology That Would Have Been Required for River Crossings*
While the Companies initially intended to accomplish both river crossings without in-water construction, either by attaching the cables to a DOT bridge or by the use of jack-and-bore or horizontal directional drilling (HDD) methodologies, the Companies were unable to secure permission for the bridge attachments, and the use of the jack and bore / HDD techniques proved to be impractical. Accordingly, were the two crossings of the Norwalk River to have been pursued, the southerly of the two crossings would have been accomplished using a free standing "utility

bridge” above the river, to which the cables would have been attached; and the northerly crossing would have been accomplished using an open cut. (*Companies’ 11/29/06 Ex. 1, Amendment App.*, at 3, 4; Mango, Tr. 11/29/06 aft., at 27-29)

16. *Environmental Effects of Originally Approved Crossing*

The utility bridge would have permanently altered the viewscape of the area of the river where it would have been constructed. The open cut of the northerly crossing would have affected forested floodplain vegetation and two acres of regulated wetlands, which were established by the Connecticut Department of Transportation as compensatory mitigation area, created pursuant to a condition in a permit issued by the United States Army Corps of Engineers (ACOE) for the construction of new State Route 7 (“SuperSeven”). (Initial Proceeding, *Companies’ Ex. 54*, Supplemental Testimony of Zaklukiewicz, April 19, 2004, Norwalk River Crossing; *Companies’ 11/29/06 Ex. 1, Amendment App.*, at 5, 7, A-4 – A-7; Mango, Tr. 11/29/06 aft., at 29-31)

17. *Environmental Effects of Proposed Amendment to Route*

The new segment of the route will have no impacts on wetlands or other water resources, and will be installed beneath streets or in previously disturbed urban land, which has been developed primarily for commercial use. (*Companies’ 11/29/06 Ex. 1, Amendment App.* at 6; Mango, Tr. 11/29/06 aft., at 40)

18. *Comparison of Initially Approved and Modified Routes*

The following table compares the characteristics and environmental effects of the initially approved route and its proposed modification.

Feature	Route Modification	Original Route
Total Length	5,800	7,200 feet
Principal Adjacent Land Uses	Urban commercial and residential development	Norwalk Center urban area; commercial and residential development, Norwalk River, Riverside Cemetery
Water Crossings	0	2 (Norwalk River)
Wetland Crossings	0	1 (Norwalk River CDOT wetland mitigation area)
Railroad Crossings	1	1
Water Resource Impacts Due to Construction (Wetlands and Water Crossings)	0	2 acres (Norwalk River north crossing)

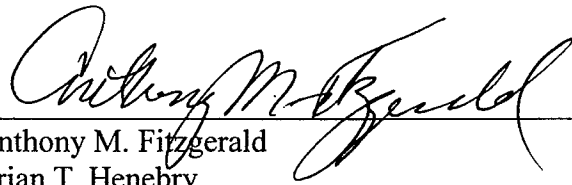
(*Companies’ 11/29/06 Ex. 1, Amendment App.*, at 7)

19. Cost
The preliminary budget estimate of the cost of the segment of the approved route that is proposed to be modified is \$23.3 million. The cost of the modified segment is estimated to be \$18.7 million. (*Companies' 11/28/06 Ex. 1, Amendment App.*, at 7; *Companies' 11/28/06 Ex. 3, Prefiled Test.*, at 4)

20. Impact on Federal Permitting
The Project requires an approval from the ACOE pursuant to the federal Clean Water Act. The ACOE advised the Companies that, because there was a viable upland route that did not require crossing of the Norwalk River and its associated impacts, the ACOE was "unlikely" to issue the required permit, unless the project was modified to use the upland route. (*Companies' 11/28/06 Ex. 1, Amendment App.* at 5, A-5, A-6; *Companies' 11/28/06 Ex. 3, Prefiled Test.* at 3; Mango, Tr. 11/29/06 aft., at 29-31)

21. Other Agency Positions
The City of Norwalk, the Connecticut Department of Transportation, and the Connecticut Department of Environmental Protection support the proposed amendment. (Statement of Tad Diesel, Director of Business Development and Marketing, City of Norwalk, Tr. 11/29/06, at 32, 33; *Companies' 11/28/06 Ex. 1, Amendment App.*, at 5, A-6; *Companies' 11/28/06 Ex. 3, Prefiled Test.*, at 4; *DOT Comment*)

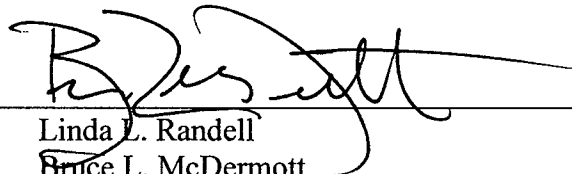
Respectfully submitted,
THE CONNECTICUT LIGHT AND POWER COMPANY

BY 

Anthony M. Fitzgerald
Brian T. Henebry

For: Carmody & Torrance LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110
Its Attorneys

THE UNITED ILLUMINATING COMPANY

BY 

Linda L. Randell
Bruce L. McDermott

For: Wiggin & Dana LLP
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832
Its Attorneys