

<p>DOCKET NO. 272 - The Connecticut Light and Power Company and The United Illuminating Company Certificate of Environmental Compatibility and Public Need for the construction of a new 345-kV electric transmission line and associated facilities between the Scovill Rock Switching Station in Middletown and the Norwalk Substation in Norwalk, Connecticut. Development and Management Plan for United Illuminating - Underground Installation of 345-kV transmission cable between Singer Substation, Bridgeport and West bank of the Housatonic River, Stratford. Development and Management Plan – Segment 2b –Cheshire/Hamden Town line to East Devon Substation, Milford.</p>	<p>} } } }</p>	<p>Connecticut</p> <p>Siting</p> <p>Council</p> <p>October 31, 2006</p>
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SUPPLEMENTAL FINDINGS OF FACT

INTRODUCTION

1. On June 15, 2006, The Connecticut Light and Power Company (CL&P), pursuant to §§16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies and the Decision and Order (D&O) for Docket 272 dated April 7, 2005, submitted a Development and Management (D&M) Plan to the Connecticut Siting Council (Council) for Segment 2b, specifically to affect adjustments to the right-of-way (ROW) in the vicinity of the Jewish Community Center (JCC) and Congregation B’Nai Jacob (B’Nai Jacob) in Woodbridge, Connecticut. (CL&P 1, pp. 1-1, 1-3)
2. On April 7, 2005, the Council approved Docket 272, which is The CL&P and The United Illuminating Company (UI) Certificate of Environmental Compatibility and Public Need for the construction of a new 345-kV electric transmission line and associated facilities between the Scovill Rock Switching Station in Middletown and the Norwalk Substation in Norwalk, Connecticut. (Council Admin. Notice 1)
3. The Council’s D&O Condition (6) stated that “In the vicinity of the Jewish Community Center the Certificate Holders shall use the center of the ROW” and “In the vicinity of Congregation B’Nai Jacob/Ezra Academy the right-of-way shall be shifted farther away from buildings on property owned by Congregation B’Nai Jacob/Ezra Academy.” (Council Admin. Notice 1)
4. Parties specific to the Segment 2b portion of this proceeding include CL&P, UI, the Town of Woodbridge, Peter and Pamela Werth, and William A. Root. The intervenor in the Segment 2b portion of the proceeding is a group consisting of Congregation B’nai Jacob, Ezra Academy, the JCC and the JFNH. (Transcript 1 (Tr. 1), July 20, 2006, 3:00 p.m., pp. 13, 15-17)
5. Pursuant to provisions of Connecticut General Statutes §§ 4-181a(b) and 16-50m and § 16-50j-21 of the Regulations of Connecticut State Agencies, after giving due notice thereof, the Council held a public hearing on July 20, 2006, beginning at 3:20 p.m. and continued at 7:05 p.m. in the Gymnasium at The Center, 4 Meetinghouse Lane, Woodbridge, Connecticut. The Council and its staff made an inspection of the modified route at the JCC and B’Nai Jacob properties on July 20, 2006. (Tr. 1, p. 11)

6. The hearing was held to hear evidence as to whether changed conditions exist, and then consider whether such changes, if any, justify reversing or modifying the Council's original decision. (record; CL&P 3, p. 9)
7. Pursuant to General Statutes §16-50j (h), on June 29, 2006, the Council requested that the following state agencies submit written comments regarding the proposed modification to the ROW; Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (record)
8. No state agency comments were received for the proposed modification. (record)

MUNICIPAL INVOLVEMENT

9. On September 22, 2005, the Town of Woodbridge held a meeting with residents that were invited by the First Selectwoman and CL&P representatives to review the Council's D&O and provide input. On October 6, 2005, a town-wide public meeting was held. (CL&P 1, p. 1-6)
10. On October 17, 2005, CL&P received a letter from the Woodbridge Board of Selectmen providing comments and recommendations. The Board of Selectmen was unsatisfied with what they characterized as the lack of information regarding electric and magnetic fields (EMF) provided by CL&P. Also, the Board of Selectmen recommended that CL&P answer questions from Ezra Academy, Congregation B'Nai Jacob, and others; and that CL&P move forward with re-routing the transmission lines on the B'Nai Jacob property to increase distance from the buildings. CL&P responded to this letter on October 25, 2006. (CL&P 1, p. 1-6)
11. The town has stated that the new route maximizes the protection of the health and safety of the residents and various institutions in the Town of Woodbridge. (Town of Woodbridge 1, p. 3)

CHANGED CONDITIONS

12. The Town of Woodbridge filed an appeal of the Council's D&O for Docket 272. The town also participated in the court-ordered settlement discussions that led to the deviations of the route near the JCC and B'Nai Jacob. (CL&P 1, p. 1-7)
13. The JCC, JFNH, Ezra Academy, B'Nai Jacob and the Town of Woodbridge appealed the Council's D&O. As part of the proposed court settlement CL&P would sell its property located to the south of the JCC to the JFNH. The JCC would relocate its ball field to this new property. Currently, the transmission facility on the CL&P property traverses the midsection of the parcel. The transmission line ROW on this property would be relocated to the east to increase the utility of the property for development. Relocation of the ROW within the current CL&P property would better facilitate the development of a ball field and improve the future development potential of the property for a continuing care retirement community. (CL&P 3, pp. 4, 5; B'Nai Jacob, Ezra Academy, JCC, JFNH 1, p. 5)

14. During the hearing proceedings for Docket 272, B’Nai Jacob expressed a preference for an option of relocating the ROW onto the adjacent Reis property to the north rather than relocating the ROW within the B’Nai Jacob parcel. At that time the owner of the Reis parcel opposed the relocation of the ROW onto the Reis property. The owner of the Reis property appealed the Council’s Decision and, as a result of a proposed settlement with the applicants, would sell a piece of her property to B’Nai Jacob so that the ROW can be moved farther from the buildings on the B’Nai Jacob property. The portion of the Reis parcel that would be sold is approximately 11,000 square feet. (CL&P 3, pp. 5, 6)
15. As of July of 2006, B’Nai Jacob and CL&P were in the process of finalizing an agreement with Donna Reis under which B’Nai Jacob would purchase a portion of the Reis property, which is located adjacent to the B’Nai Jacob property to the north. This portion of property would be purchased to increase the distance between the buildings on the B’Nai Jacob property and the ROW of the transmission lines. The proposed modification would allow the ROW to extend onto the portion of the Reis property that would be purchased. (CL&P 4, Q. 3, 4)
16. The town entered into an agreement with CL&P and UI that the town would withdraw its appeal of the Council’s decision if B’Nai Jacob, Ezra Academy, the JCC and the Jewish Federation of New Haven (JFNH) withdraw their appeals. (Town of Woodbridge 1, p. 2)

PROPOSED PROJECT

17. The route variation at the JCC begins on the JCC property, as shown in Figure 1 of this document. The ROW would move to the west of the existing ROW, over the existing ball field. Farther south, the ROW would deviate to the east of the existing ROW onto property currently owned by CL&P, which would be purchased by the JFNH. The movement of the ROW to the east, on the CL&P property, would leave more continuous property suitable for future development to the west of the ROW. (CL&P 3, p. 3, Att. A)
18. The nearest 345-kV conductor in the proposed relocated ROW would be approximately 300 feet from the corner of the JCC building. The edge of the existing ROW is more than 300 feet to the east of the house owned by William A. Root (a party in this proceeding). The edge of the proposed relocated ROW would also be more than 300 feet from the Root house. The edge of the relocated ROW would be approximately 75 feet from the southeast corner of the Root property. The edge of the existing ROW is approximately 150 feet from the southeast corner of the Root property. (Tr. 1, pp. 78, 96, 97, 99; Tr. 2, p. 67, 71)
19. On the B’Nai Jacob property, the proposed re-routed ROW would be 40 feet to the north and farther from the B’Nai Jacob and Ezra Academy building than was ordered by the Council in the D&O, as shown in Figure 2 of this document. (B’Nai Jacob, Ezra Academy, JCC, JFNH 1, p. 4)

20. Pamela and Peter Werth, residents of 85 Rimmon Road in Woodbridge, were admitted as parties during the supplemental proceedings. The Werth property and the existing and proposed ROW are shown in Figure 3. The Werth's were concerned with the ROW being closer to their home. The location of the ROW in relation to the Werths house is:
 - a. Prior to the April 7, 2005 Council Decision and Order in this Docket, the nearest portion of the ROW to the Werth house was approximately 210 feet.
 - b. Under the Council Decision and Order issued in this Docket on April 7, 2005, the nearest portion of the ROW to the Werth house was approximately 170 feet.
 - c. Under the proposed modification that is the subject of these supplemental proceedings under Connecticut General Statutes § 4-181a(b), the nearest portion of the ROW to the Werth house remains approximately 170 feet, but the portion of the ROW that is this close to the Werth house is reduced by 70 feet due to the ROW turning away from the Werth house at a different location.

The distance between the nearest portion of the approved relocated ROW (both under the Council Decision and Order, issued in this Docket on April 7, 2005, and the proposed modification) and the property line of the Werth property is approximately 100 feet. The land between the Werth property and the ROW is forested. Finally, the proposed modification is not adverse to the Werths. (CL&P 6; Tr. 1, pp. 33-35, 46-48, 50, 52, 54; Tr. 2, p. 63)

21. In response to the Council's D&O in this docket, the applicants originally proposed to relocate the ROW on the B'Nai Jacob property to extend parallel to its entire property line with the Werth property. (Tr. 1, pp. 47, 48)
22. Along the proposed relocated transmission lines, two transmission structures would be installed at the angle on the B'Nai Jacob property to dead-end one side. CL&P proposes to install two 115 foot structures at the corner of the 345 kV line and two 85 foot structures for the 115 kV line. The angle structures would be taller. (Tr. 1, pp. 34-36; CL&P 6)
23. The proposed relocated ROW at the JCC would require clearing of the entire 165-foot ROW for a distance of 2,700 feet. The proposed relocated ROW at B'Nai Jacob would require the clearing of the 165-foot ROW for a distance of 950 feet. Vegetation in these areas includes mixed hardwood forest of various size and age. Clearing activities would be overseen by a professional forester. (CL&P 1, p. 2-7)
24. The distance between the boundary of the existing ROW and the north side of the B'Nai Jacob building is 15 feet at its closest point. Under the Council's April 7, 2005 D&O, the ROW on the B'Nai Jacob property was shifted to the north, toward the boundary line of the Reis property but within the B'Nai Jacob property, to a point of approximately 165 feet away from the existing buildings. The proposed modification on the B'Nai Jacob property moves the ROW farther to the north, approximately 40 feet, in part onto a portion of the Reis property that B'Nai Jacob proposes to acquire. (CL&P 1, Tab B, CL&P responses to Ezra Academy, Q. 1; CL&P 3, pp. 3, ex. A & C; B'Nai Jacob, Ezra Academy, JCC, JFNH 1, p. 5)
25. The proposed modifications are an integral piece of the overhead portion of the Middletown to Norwalk project. The proposed relocation of the transmission lines on the B'Nai Jacob and JCC property have to be constructed before other overhead sections of the project to allow alignment of the existing 115-kV lines due to shifting from the current location. (Tr. 1, pp. 72, 73)

COSTS

26. The transmission poles that would be installed along the proposed relocated route on the B’Nai Jacob property would cost an additional approximately \$260,000.00 over the cost of the Council approved route. Less clearing would be necessary for the construction of the proposed relocated route, which would result in a credit of \$321.00. The total additional cost of the proposed relocation of the route on the B’Nai Jacob property would be \$259,679.00 (\$260,000.00 – \$321.00 = \$259,679.00). (CL&P 7; Tr. 1, pp. 59, 63, 64)
27. In addition to the cost of the changed structures and clearing costs on the B’Nai Jacob property, B’Nai Jacob would purchase a portion of the adjacent Reis property for \$250,000.00. Of the cost of the Reis property, CL&P would pay \$200,000.00 and B’Nai Jacob would pay \$50,000.00. (Tr. 1, pp. 68, 69)
28. The total additional cost of the proposed relocation of the route on the JCC property would be \$1.2 million for the additional transmission structures and clearing. (Tr. 1, p. 66)
29. The CL&P property that would be sold to the JFNH would be sold under the requirements of the DPUC. The money resulting from the sale of the property would go to Connecticut customers through the DPUC rate setting process. (Tr. 1, p. 69)
30. CL&P’s share of the cost of the entire project is one billion forty-seven million dollars. (Tr. 1, p. 72)
31. There are significant costs associated with delays of construction. One such cost, allowance for funds used during construction (AFUDC), would be approximately \$100,000 per month. The AFUDC is the capitalization of interest costs on money borrowed. (Tr. 1, pp. 70, 73)
32. Other additional examples of cost associated with delay result from inflationary drivers and potential fees to contracted workers that affect the cost of materials and constructions contract costs. It is important to note that even at an increase of two percent per year; such additional costs calculated against a project estimated at approximately \$1.05 billion will total approximately \$21 million. These delay costs would far exceed the estimated \$1.5 million cost of the proposed modifications. (CL&P 7; Tr. 1, pp. 70-72)

ENVIRONMENTAL ISSUES

33. The proposed ROW relocation on the JCC property would require the clearing of approximately 9.7 acres of upland forest and approximately 1.8 acres of forested wetland. Of the 9.7 acres of forest that would be cleared, approximately 7.6 acres would be on the CL&P parcel and two acres would be on the JCC property. The Council’s approved ROW location (D&O of April 7, 2005) would impact approximately one acre of wetland. (CL&P 3, p. 8; Tr. 1, pp. 84, 85)
34. The proposed ROW relocation associated with the B’Nai Jacob property would require approximately the same amount of vegetative clearing as would be required for the certified route. The clearing of approximately 0.2 acres would be required on the Reis property rather than on the B’Nai Jacob property. (CL&P 3, p. 8)

35. CL&P would use a 50-foot buffer near intermittent streams and wetlands. (CL&P 1, p. 2-7)
36. CL&P would maintain the new ROWs as shrub/scrub habitat for the life of the project. (CL&P 3, p. 8)
37. The impact to wetlands would be mitigated pursuant to a wetland compensation program that CL&P and UI are discussing as part of the permits pending before the U.S. Army Corps of Engineers and the DEP. (CL&P 3, p. 8)
38. Since the proposed relocations are in close proximity to the existing ROW they would not result in adverse effects to threatened or endangered species. (CL&P 3, p. 9)
39. The visual impact of the proposed relocations would be similar to the impact of the structures required by the Council's D&O. (CL&P 3, p. 9)
40. The proposed relocations would not have an adverse effect on cultural resources. The B'Nai Jacob variation is located within an area characterized as non-sensitive for cultural resources. The JCC variations are located within an area that is potentially sensitive for cultural resources; however CL&P and UI are performing ongoing cultural resources field investigations. If significant cultural resources are discovered during the investigations, CL&P and UI would coordinate with the State Historic Preservation Office (SHPO) to assure that there is no significant adverse effect to cultural resources as a result of the project. (CL&P 3, p. 9)
41. The magnetic field calculations provided in the Docket 272 record would remain valid since the configuration of the transmission lines and structures, including typical midspan conductor heights, conductor spacing and phasing, ROW width and the 345-kV split phase design would be the same. The increased distance between the transmission lines and the JCC building and the B'Nai Jacob building would decrease the magnetic field levels produced by the transmission lines at the buildings. (CL&P 3, p. 7)
42. The JCC and B'Nai Jacob/Ezra Academy are statutory facilities as described in Public Act 04-246. Public Act 04-246 states the Council must take into consideration residential areas, private or public schools, licensed child day care facilities, licensed youth camps, or public playgrounds adjacent to the proposed route of overhead portions, with further definition by the Council. (Tr. 1, p. 81; Council Admin. Notice 1, FOF # 664)



Figure 1. Proposed ROW relocation in the vicinity of the JCC property. (CL&P 3, Attachment A)

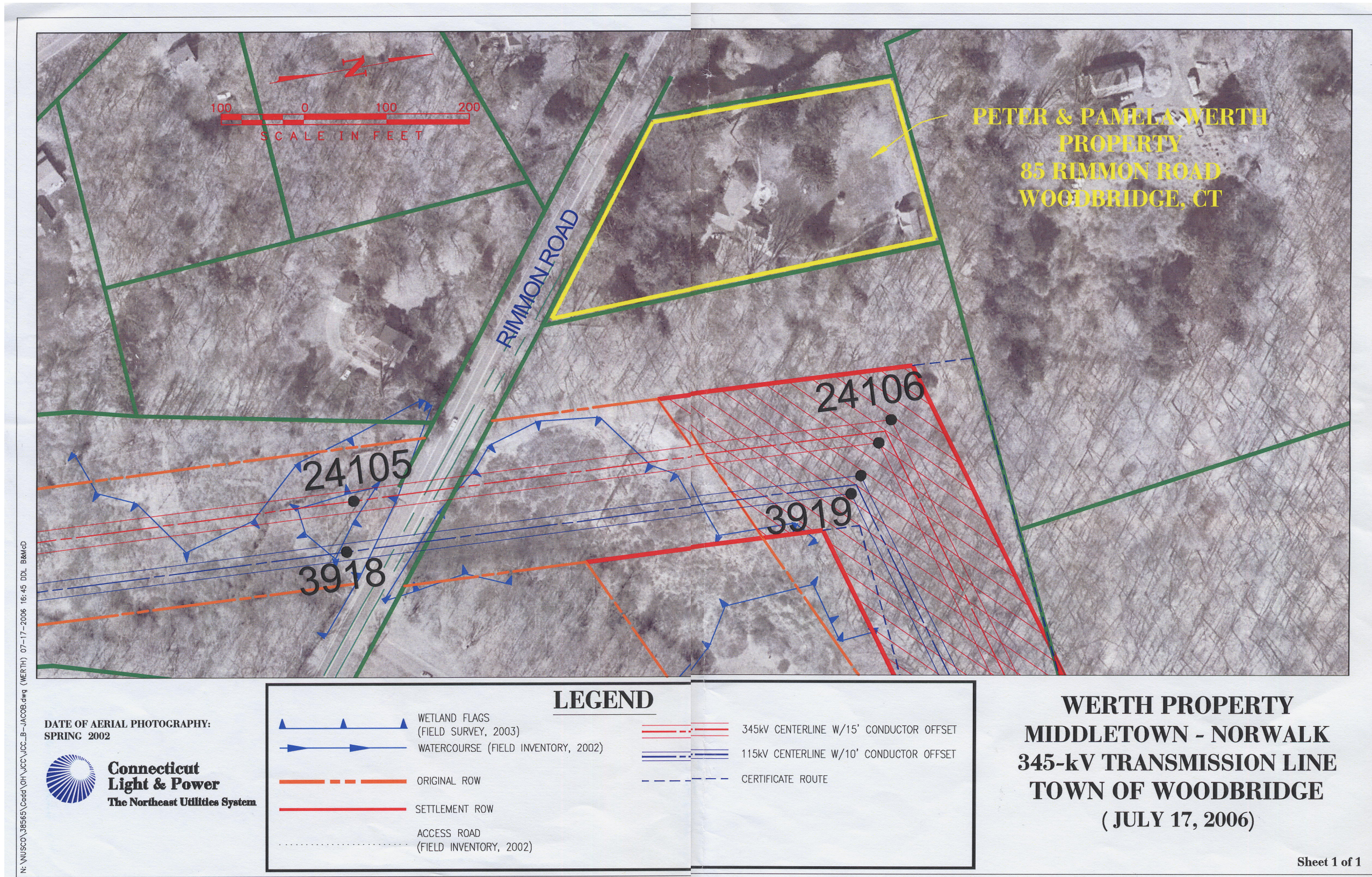


Figure 3. Existing and proposed ROW on the B'Nai Jacob property, showing the Werth property to the west. (CL&P 6)