

<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>} Connecticut</p> <p>} Siting</p> <p>} Council</p> <p>October 31, 2006</p>
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Supplemental Opinion

On April 7, 2005, the Connecticut Siting Council (Council) approved Docket 272, which is The Connecticut Light and Power Company (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. Following the issuance of the Council’s Decision and Order (D&O) for Docket 272, the Town of Woodbridge, the Jewish Community Center (JCC), Jewish Federation of Greater New Haven (JFNH), Ezra Academy, Congregation B’Nai Jacob (B’Nai Jacob) and the owner of the Reis property were among those that appealed the D&O.

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.”

On June 15, 2006 CL&P, in accordance with the D&O for Docket 272, submitted a Development and Management (D&M) Plan for Segment 2b, specifically to affect adjustments to the right-of-way (ROW) in the vicinity of the JCC and B’Nai Jacob in Woodbridge, Connecticut.

Parties specific to the Segment 2b portion of this proceeding include CL&P, 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 B’nai Jacob, Ezra Academy, the JCC and the JFNH.

This adjustment to the ROW is the result of a proposed court-ordered settlement resulted in changed conditions, which led to the currently proposed modifications. The settlement, in part, has CL&P selling 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, which would better facilitate the development of a ball field and improve the future development potential of the property for a continuing care retirement community. Since the ball field would be relocated onto the CL&P property, the JCC would move the transmission line on the JCC property to the west over the existing ball field.

At the B’Nai Jacob property, the owner of the Reis property reached a settlement with CL&P to sell a portion of her property to B’Nai Jacob so that the ROW could be moved farther from the buildings on the B’Nai Jacob property. The portion of the Reis property that would be sold is approximately 11,000 square feet.

As part of the settlement, 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 JFNH withdraw their appeals.

The Council finds that there are changed conditions, which justify modifying the Council’s original Decision. Changed conditions include the availability of a portion of the Reis property, which was not available at the time of the Council’s Decision, to extend the B’Nai Jacob property to the north and allow the ROW to be moved while remaining on the B’Nai Jacob property; and availability of funds by the JFNH to purchase the CL&P parcel to the south of the JCC property allowing the JCC to relocate its associated facilities while the location of the current ball field would be used as the transmission ROW.

The nearest 345-kV conductor of the proposed relocated ROW would be approximately 300 feet from the corner of the JCC building. The edge of the relocated ROW would be more than 300 feet to the east of the house owned by William A. Root (a party in this proceeding). The relocated ROW would be approximately 75 feet from the southeast corner of the Root property. The existing ROW is approximately 150 feet from the southeast corner of the Root property.

Pamela and Peter Werth, residents of 85 Rimmon Road in Woodbridge, were admitted as parties during the supplemental proceedings. The Werths were concerned with the ROW being closer to their home.

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.

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 along the Werth property boundary.

The proposed relocated ROW at the JCC would require clearing of the entire 165-foot wide ROW for a distance of 2,700 feet for a total 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 proposed relocated ROW at B’Nai Jacob would require the clearing of the 165-foot wide ROW for a distance of 950 feet. 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. Vegetation in the area of the JCC/CL&P property and B’Nai Jacob includes mixed hardwood forest of various size and age. Clearing activities would be overseen by a professional forester.

Two transmission structures would be installed at the angle in the proposed transmission lines 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 than other transmission line structures and; therefore, have a greater visibility impact on the surrounding area. The visual impact of the proposed relocated transmission structures, other than the angle structures, would be similar to the impact of the structures required by the Council’s D&O.

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 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. 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.

Other additional examples of cost associated with delay are inflationary drivers and potential fees for delivery of materials and construction contracts. 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.

After reviewing the record in this proceeding, we find that the modifications resulting from the changed conditions would be necessary to continue the construction of the Middletown to Norwalk (Docket 272) project without delay. Although the relocated ROWs would potentially require more vegetative clearing, impact more wetland area and have taller angle structures that would be more visible from the surrounding areas, the impact from the proposed modifications satisfy the concerns of B’Nai Jacob and the JCC, is consistent with Public Act 04-246 and would not have a significant adverse environmental effect that would cause denial of the proposed relocation of the ROW.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the proposed modifications to the approved transmission line, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this modification to the D&O. Therefore, the Council approve the D&M plan for adjustments to the ROW in the vicinity of the JCC and B’Nai Jacob in Woodbridge, Connecticut in Docket 272 (Segment 2b).