

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) August 16, 2006
Bridgeport, Modifications at Scovill Rock)
Switching Station and Norwalk Substation and the)
Reconfiguration of Certain Interconnections)
)
**Supplemental Hearing Pursuant to Conn. Gen.)
Stats. § 4-181a(b))**

POST -HEARING BRIEF

OF

THE CONNECTICUT LIGHT AND POWER COMPANY

AND

THE UNITED ILLUMINATING COMPANY

**CONCERNING THE MODIFICATION,
PURSUANT TO CONN. GEN. STATS. § 4-181a(b),
OF THE COUNCIL'S DECISION AND ORDER AND CERTIFICATE TO
APPROVE CERTAIN VARIATIONS OF THE OVERHEAD ROUTE
THROUGH WOODBRIDGE, CONNECTICUT**

INTRODUCTION

Section 4-181a(b) of the Connecticut General Statutes (“Conn. Gen. Stats.”) authorizes this Council to “modify” a final decision at any time, on its own motion, upon notification of the parties and intervenors to the original proceeding, “on a showing of changed conditions.” The statute does not require a sweeping or momentous change in order for the Council to act. Any “new information or facts that were not available at [the] time” of the original final decision will be sufficient. *See*, Council Ruling declining to re-open Docket No. 141, May 6, 1993, Ex. A hereto, p. 4. While Conn. Gen. Stats. §4-181a(b) authorizes such a modification only if the Council can make adequate “provision for the rights or privileges of any person who has been shown to have relied on such final decision,” in this case, no one has claimed to have done anything in reliance on the original decision that would be affected by the proposed modifications now under consideration by the Council. These proposed modifications, which would all be along the portion of the route through the Town of Woodbridge (the “Woodbridge Variations”), would improve that section of the route from the standpoint of the owners of the property across which the Project will cross and, thus, would ensure that this project will go forward without further delay.

DISCUSSION

The accompanying Proposed Findings of Fact (“FOF”) set forth in detail the “changed conditions” that support the approval of the Woodbridge Variations. These variations involve minor routing modifications on property owned by the Jewish Community Center (“JCC”) and Congregation B’nai Jacob / Ezra Academy.

Briefly, although the Council sought to accommodate landowner preferences in its original decision, and was disposed to move the transmission line right-of-way (“ROW”) that presently crosses the JCC property farther away from the existing community center buildings, the JCC was constrained in its expression of preference by the lack of any undeveloped or little-used portion of its property to which the new 345-kV and existing transmission lines could be relocated. (FOF ¶¶ 16-18). That constraint has been removed by a new opportunity to acquire adjacent property, onto which the JCC can move the facilities that would otherwise be affected by moving the ROW farther from the existing buildings; and by the new availability of means with which to purchase the property and move the facilities. (FOF ¶ 18)

Similarly, Congregation B’nai Jacob and Ezra Academy have arranged to acquire from an adjacent landowner, Donna Reis, a small piece of adjacent land that will allow the relocation of the ROW across Congregation B’nai Jacob and Ezra Academy property to a location consistent with the Council’s original order, but slightly farther away from the Congregation B’nai Jacob and Ezra Academy buildings than envisioned by the Council at the time of its original decision. (FOF ¶¶ 19, 20) Ms. Reis had previously declined to accept the relocation of any of the ROW onto her property. (FOF ¶ 19)

All of these changed conditions are the result of settlement agreements executed pursuant to a court supervised mediation of appeals taken from the Council’s Decision and Order in this matter by the JCC, Congregation B’nai Jacob, Ezra Academy, the Jewish Federation of New Haven (the owner of the JCC Property), Donna Reis, and the Town of Woodbridge. (FOF ¶¶ 21-24) Approval of the Woodbridge Variations by the Council (along with a related approval required from the Department of Public Utility

Control) will effect a settlement of this litigation itself and therefore supports the granting of such approval. There is a “powerful interest in the promotion of settlement of litigation by agreement of the parties,” including the settlement of administrative proceedings and appeals. *Sendak v. Planning and Zoning Commission*, 7 Conn.App. 238, 243 (1986) citing, *Hartford v. Hartford Electric Light Co.*, 173 Conn. 340, 377 A.2d 1090 (1977). Moreover, in this case, settlement of these appeals will ensure that a project that is critically needed for electric reliability in southwest Connecticut will go forward without delay, and will eliminate the significant risks and increased costs that would be associated with any such delay. (FOF ¶ 40)

CONCLUSION

Accordingly, the Council should approve the Woodbridge Variations without hesitation or delay, by: (a) issuing an order of approval in this proceeding, and (b) approving the Segment 2b Development and Management (“D&M”) Plan.

Respectfully submitted,

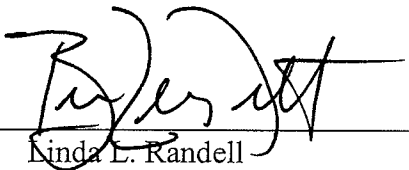
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