

**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 )  
Bridgeport, Modifications at Scovill Rock )  
Switching Station and Norwalk Substation and the )  
Reconfiguration of Certain Interconnections ) JULY 13, 2006

**PRE-FILED TESTIMONY OF  
ANNE BARTOSEWICZ, ROBERT CARBERRY, AND LOUISE MANGO  
IN SUPPORT OF PROPOSED ROUTE VARIATIONS IN WOODBRIDGE**

1 Q. Please state your understanding of the purpose of the hearing for which this  
2 testimony is submitted.

3 A. On June 15, 2006, The Connecticut Light and Power Company (“CL&P”)  
4 submitted a proposed Development and Management (“D&M”) Plan for Segment 2b (from the  
5 Cheshire/Hamden town line to the East Devon Substation in Milford) of the Middletown to  
6 Norwalk Project. The Project was approved by the Council by its Decision and Order (“D&O”)  
7 in this Docket on April 7, 2005. This Segment of the D&M Plan includes proposed variations of  
8 the route approved by the D&O (the “Certified Route”). The Council determined that these

1 proposed variations (the “Woodbridge Variations”) were sufficiently different from the Certified  
2 Route to require revision of its D&O and the Certificate of Environmental Compatibility and  
3 Public Need (“Certificate”) issued pursuant thereto. Accordingly, on its own motion, the  
4 Council noticed this hearing pursuant to section 4-181a(b) of the General Statutes in order to  
5 determine if conditions that have changed since the D&O was issued support the adoption of the  
6 Woodbridge Variations.

7 **Q. Please identify the portions of the Middletown to Norwalk route where the**  
8 **proposed “Woodbridge Variations” are located?**

9 A. The specific portions of the route where the variations are located are in  
10 Woodbridge. They are shown on Sheets of 12 and 13 of on the proposed Segment 2b D&M  
11 Plan, as revised July 11, 2006 and submitted to the Council on that date.

12 **Q. Please identify the properties where the proposed route variations would be**  
13 **constructed?**

14 A. The first route variation begins on property owned by the Jewish Federation of  
15 New Haven (“JFNH”), where the Jewish Community Center is located (the “JCC Property”) and  
16 continues on adjacent property to the south, which is now owned by CL&P. The second  
17 variation would be farther south along the right-of-way, mostly on property of Congregation  
18 B’nai Jacob, where the B’nai Jacob Synagogue, Ezra Academy, and other institutions are located  
19 (the “B’nai Jacob Property”); and in part on adjacent property of Donna Reis (the “Reis  
20 Property”).

21 **Q. Please identify where the Woodbridge Variations differ from the Certified**  
22 **Route.**

1           A.       Exhibit A to this testimony is a 1" – 500' scale aerial photo map, which shows the  
2   entire portion of the certified route that would be affected by the Woodbridge Variations, and  
3   each of the proposed variations. Exhibit B shows the Certified Route and the proposed route  
4   variation across the JCC Property and the adjacent CL&P property in more detail. (The CL&P  
5   Property is designated on the map as "Northeast Utilities System Property.") Exhibit C shows in  
6   more detail the Certified Route across the B'nai Jacob Property, and the proposed variation that  
7   would be located on that property and the Reis property.

8           The Certified Route across the JCC and CL&P properties is the existing right-of-way.  
9   The two variations involve small deviations from the existing right-of-way. The first variation  
10   would add two angles to move the right-of-way on the JCC property away from existing  
11   facilities, toward the western boundary of the property. The variation on the adjacent CL&P  
12   property would add a "jog" toward the eastern boundary of that property, so as to leave more  
13   continuous property suitable for potential future development to the west of the right-of-way.

14          On the B'nai Jacob Property, the D&O requires the existing right-of-way to be shifted to  
15   the north farther away from the existing buildings, toward the Reis property boundary, but within  
16   the B'nai Jacob Property. The proposed variation would relocate the right-of-way slightly  
17   farther to the north, in part onto a portion of the Reis Property that Congregation B'nai Jacob is  
18   going to acquire.

1           **Q.           What are the changed conditions that support adoption of the**  
2 **Woodbridge Variations?**

3           A.           JCC & CL&P Properties

4           During the hearings on the Companies' application, at the request of the Council and the  
5 JCC, the Applicants, CL&P and the United Illuminating Company (together, the "Companies")  
6 developed route alignment options to relocate the proposed 345-kV and the existing 115-kV  
7 transmission facilities to a new right-of-way that would be on the JCC Property, but would be  
8 farther away from the buildings than the existing right-of-way. The three different route  
9 realignments were: (1) shifting the ROW to the west over an existing swimming pool; (2)  
10 shifting the ROW to the west over the infield of an existing ball field; and (3) shifting the ROW  
11 west over the outfield of the ball field.

12           In response to the Council's request, the JCC provided the following ranking of routing  
13 preferences: (1) underground lines; (2) if the line must be overhead, relocate the ROW over the  
14 JCC youth camp and move the camp to CL&P land to the south, but only if the Companies are  
15 ordered to pay for the cost of relocation and provide the land at no cost; (3) if the line must be  
16 overhead and the Companies will not be ordered to pay for the cost of relocating the camp,  
17 install the lines in the existing ROW and employ low field designs to reduce magnetic fields.  
18 *Woodbridge Organizations' Ex. 14, Responses to Council Interrogatories dated February 10,*  
19 *2005; 2/17/05 Tr. at 160-168 (Cohen).* The D&O adopted the third preference, and ordered that  
20 the reconstructed lines be located in the middle of the existing right-of-way. *D & O, p. 2, ¶ 6a.*

21           The JCC, along with the JFNH, Ezra Academy, B'nai Jacob, and the Town of  
22 Woodbridge appealed the Council's decision to the Superior Court. *Ezra Academy et al v.*

1 *Connecticut Siting Council*, CV 05-4006418-S, J.D. Hartford-New Britain, at New Britain (The  
2 “Woodbridge Appeal”). The judge assigned to supervise administrative appeals, Hon. George  
3 Levine, conducted a mediation, which resulted in an agreement to settle the plaintiff’s claims, as  
4 part of which the appeal would be withdrawn.

5 As it relates to the JCC Property, the settlement calls for the right-of-way to be relocated  
6 to the west over the existing ball field, to a location substantially similar to that of one of the  
7 options presented and rejected during the docket. However, as part of the settlement, CL&P will  
8 sell its property south of the JCC to the JFNH; and the JCC plans to relocate its ball field to this  
9 new property. Accordingly, the right-of-way may now be relocated further away from the JCC  
10 buildings without traversing a ball field.

11 The existing transmission facility on CL&P property to the south of the JCC, which is to  
12 be sold to the JFNH as part of the settlement, traverses the property substantially through its  
13 midsection. In order to provide a larger contiguous area unaffected by the transmission facility  
14 and thus increase the utility of the property for development, it is proposed to relocate the right-  
15 of-way toward the east on this property. This relocation will make it easier to accommodate the  
16 ball field on this property, as well as enhancing the future development potential of the property  
17 for a continuing care retirement community.

18 *B’nai Jacob Property*

19 At the request of the Council and B’nai Jacob/Ezra Academy, the Companies also  
20 provided information during prior proceedings concerning options for relocating the right-of-way  
21 further away from the buildings on the B’nai Jacob property. The stated preferences of B’nai  
22 Jacob and Ezra Academy concerning the routing of the line were as follows: (1) underground

1 lines; (2) if the line must be overhead, relocate the right-of-way over the Reis parcel to the north;  
2 (3) relocate the right-of-way to the north on the B'nai Jacob/Ezra Academy parcel so that the line  
3 is as far as possible from the buildings on the campus. *Woodbridge Organizations' Ex. 14,*  
4 *Responses to Council Interrogatories dated February 10, 2005; 2/17/05 Tr. at 168-174 (Birke*  
5 *Fiedler).* At that time, the owner of the Reis parcel opposed relocation of the right-of-way on  
6 to the Reis Property. The D&O adopted the third preference above, and ordered that the right-of-  
7 way be shifted within the B'nai Jacob Property, farther away from the buildings. *D&O, p.2, ¶*  
8 *6b; Opinion, p. 15, ¶ XVIIb.*

9 Donna Reis, the owner of the Reis Property, filed her own appeal from the D&O,  
10 complaining of the proximity of the Certified Route to her property. *Reis v. Connecticut Siting*  
11 *Council*, CV-05-4005763, J.D. New Britain (the "Reis Appeal"). Thereafter, Ms. Reis'  
12 representatives participated in the court-sponsored mediation and in the settlement. By the terms  
13 of the settlement, she will sell a small piece of her property (less than 11,000 sq. ft.) to  
14 Congregation B'nai Jacob, so that the right-of-way can be moved somewhat further away from  
15 the buildings on the B'nai Jacob property than it would have been under the D&O.

16 **Q. Will the Woodbridge Appeal and the Reis Appeal be withdrawn if the proposed**  
17 **route variations are approved?**

18 A. Yes. If the proposed variations are approved and the proposed sale by CL&P to  
19 the JFNH is approved by the DPUC, both appeals will be withdrawn, pursuant to the agreement  
20 of all parties.

21 **Q. Have the Companies entered into written agreements concerning the**  
22 **settlement of the appeals?**

1           A.     Yes.  There will be three separate settlement agreements:  one between the  
2   Companies, the JFNH, the JCC, Congregation B'nai Jacob and Ezra Academy; one between the  
3   Companies and Donna Reis; and one between the Companies and the Town of Woodbridge.

4           **Q.     Are the Companies proposing any change in the type or size of the**  
5   **transmission facilities that will be constructed on the right-of-way?**

6           A.     No.  The type and size of the structures will not change from those as  
7   contemplated by the D&O and requested by the property owners; low magnetic field designs will  
8   be used.

9           **Q.     How will the magnetic fields associated with the lines be affected by the**  
10  **proposed relocations of the right-of-way?**

11          A.     Since the configuration of the 115-kV and 345-kV lines and structures, including  
12  typical midspan conductor heights, conductor spacings and phasings, right-of-way width and  
13  the 345-kV split-phase line design, will not change from those for which information was  
14  provided during the Docket, the magnetic field characterizations previously submitted to the  
15  Council for Cross-Sections 8-Middle Segment and 8-South Segment remain valid.  In essence,  
16  the projected magnetic field levels remain as projected during the Docket, but the greater  
17  distance between the lines and the JCC building and the Congregation B'nai Jacob building will  
18  mean that the lines will produce lower field levels at these building locations.  Attached as  
19  Exhibits D and E to this testimony are tables submitted during prior proceedings that show the  
20  projected magnetic fields for the right-of-way on the JCC Property (Ex. D - refer to Option 4)  
21  and for the B'nai Jacob Property (Ex. E, refer to Option 4).  These values remain relevant.  
22  As the tables show, the magnetic field levels under typical conditions (the "15GW Case") drop

1 off to below 1 mG within 30' from the edge of the right-of-way, in the direction of the JCC  
2 Community Center on the JCC Property, and in the direction of the existing building on the  
3 B'nai Jacob Property.

4 **Q. Will there be incremental environmental impacts associated with the**  
5 **relocation of the right-of-way?**

6 A. Yes, there will be a small incremental effect, due to the creation of a new right-of-  
7 way for approximately 3000 feet on the JCC Property. The JCC variations will require  
8 approximately 9.7 acres of upland forest clearing and 1.8 acres of forested wetland clearing.  
9 However, approximately 2.3 acres of shrub / scrub wetland along the portion of the right of way  
10 on the JCC Property that will be abandoned would no longer be maintained by CL&P, and  
11 therefore could revert to a forested wetland over time.

12 The clearing associated with right of way on the B'nai Jacob and Reis Properties will be  
13 essentially the same as that which would have been required on the B'nai Jacob Property for the  
14 Certified Route. The width and length of the right of way remain constant, but a small portion of  
15 the clearing (approximately 0.2 acres) will now be on the Reis Property rather than the B'nai  
16 Jacob Property.

17 The forested habitats along the variations will be replaced by shrub / scrub vegetation,  
18 which will be maintained along the new right-of-way for the life of the Project. The effects of  
19 the Project on wetlands and forested wetland clearing (including the incremental impacts  
20 associated with the JCC variations) will be mitigated pursuant to a wetland compensation  
21 program that the Companies are presently discussing as part of permits pending before the U.S.  
22 Army Corps of Engineers and the Connecticut Department of Environmental Protection.



1           The proposed variations are in close proximity to, and generally parallel to, the existing  
2 right-of-way and will not result in any adverse effects on threatened or endangered species.

3           The visual impact of the proposed transmission structures will be similar to that of the  
4 structures that would be required by the D&O.

5           The variations will not have adverse effects on cultural resources. As documented in the  
6 *2003 Cultural Resources Assessment* for the Project (Volume 3 of the Companies' Application to  
7 the Siting Council), the B'nai Jacob variation is within an area that was characterized as non-  
8 sensitive for cultural resources. The JCC variations are within an area that is potentially  
9 sensitive for cultural resources, within which the Companies have commissioned cultural  
10 resources field investigations (which are ongoing). To the extent that significant cultural  
11 resources are discovered as a result of such investigations, the Companies will coordinate with  
12 the State Historic Preservation Office to assure that no significant adverse effects to cultural  
13 materials occur as a result of the Project.

14           **Q.     What action are you asking that the Council take?**

15           A.     We respectfully request that the Council make a finding that conditions have  
16 changed since it issued the D&O in this matter, such that Section 4-181a(b) of the General  
17 Statutes justifies the revision of that Order to approve the route variations on the CL&P, JCC,  
18 and B'nai Jacob Properties shown on Sheets 11 and 12 of the segment 2b D&M Plan.