

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

NORTHEAST UTILITIES SERVICE
COMPANY APPLICATION TO THE
CONNECTICUT SITING COUNCIL
FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED (“CERTIFICATE”)
FOR THE CONSTRUCTION OF A
NEW 345-KV ELECTRIC TRANSMISSION
LINE FACILITY AND ASSOCIATED
FACILITIES BETWEEN SCOVILL
ROCK SWITCHING STATION IN
MIDDLETOWN AND NORWALK
SUBSTATION IN NORWALK, INCLUDING
THE RECONSTRUCTION OF PORTIONS
OF EXISTING 115-KV AND 345-KV
ELECTRIC TRANSMISSION LINES,
THE CONSTRUCTION OF 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

DOCKET NO. 272

JULY 21, 2004

**THE TOWN OF NORTH HAVEN RESPONSE TO PREFERRED ROUTE FOR
OVERHEAD AND/OR UNDERGROUND LINES**

The Town of North Haven (“North Haven” or “Town”), a party in this contested proceeding, hereby responds to the June 4, 2004 request of the Connecticut Siting Council (“Council”) to identify the preferred overhead/underground route for the subject 345-kV electric transmission line and associated facilities.

For the reasons set forth below, North Haven prefers the route that was initially proposed by The Connecticut Light and Power Company and The United Illuminating Company (collectively, the “Applicants”) on October 9, 2003 as part of its “Certificate of Environmental Compatibility and Public Need for a 345-kV Electric Transmission Line Facility and Associated Facilities between Scovill Rock Switching Station in Middletown and Norwalk Substation in Norwalk” (the “Application”) (hereinafter the “Original Route”); provided that the Council requires the Applicants to underground the transmission line to the maximum extent technically possible, and at a minimum, in and around all sensitive areas as set forth in Public Act 04-246, as codified in Section 16-501(a)(1)(C) of the Connecticut General Statutes. The Town strongly believes that the Original Route is the most technically feasible, environmentally sound and cost-effective solution available to address the energy needs of southwestern Connecticut. Moreover, if the hearing process focuses on the Original Route, the due process concerns associated with some of the alternatives – particularly the East Shore Alternative (as discussed below) – are obviated.

A. Background

The Segment 2 Overhead Line of the Original Route traverses the municipalities of Wallingford, Cheshire, Hamden, Bethany, Woodbridge, Orange, West Haven and Milford. Prior to submitting their

Application to the Council, and before statutory notice had been given, the Applicants evaluated, and for various reasons dismissed as unviable, the following alternatives to the Original Route: (i) the Amtrak and Airline (a/k/a Conrail) railroad corridors (the “Railroad Alternatives”), (ii) Interstate Highways 91 and 95, as well as Route 15 (the “Highway Alternatives”), and (iii) the addition of a 345-kV transmission line to the existing 345-kV transmission line right-of-way between Scovill Rock Switching Station in Middletown (“Scovill Rock”) and East Shore (the “387 Line”) (the “East Shore Alternative”). The Applicants concluded that none of the foregoing alternatives met the statutory criteria for an “alternative route” to be considered by the Council (i.e., technical feasibility, environmental impact and reasonable cost) and therefore the Applicants did not propose any such configurations to the Council for certification. See Direct Testimony of Roger Zaklukiewicz, Anne Bartosewicz, John Prete, Cyril Welter, and James Hogan Regarding the East Shore Route, p.2, lines 17-21.

At the request of various municipalities in accordance with Section VIII (Q) of the Council’s Application Guides for Terrestrial Electric Transmission Line Facilities,¹ the Applicants again reviewed the viability of each aforementioned alternative. See Supplemental Filing dated December 16, 2003, p.2. Additionally, both direct and cross-examination testimony was presented to the Council by the Applicants and various parties and intervenors in this proceeding regarding the viability of these alternatives. Based on this information, at the present time, it is the understanding of North Haven that the only viable

¹ Section VIII (Q) of the Council’s Application Guides for Terrestrial Electric Transmission Line Facilities provides, in pertinent part, that “the Applicant[s] shall provide supplemental information for the Council to make a reasonable comparison between the Applicant[s]’ proposed route and any reasonable alternative route recommended by the site municipalities pursuant to C.G.S. section 16-50l.”

alternative remaining under consideration by the Council, the Applicants and the other parties and intervenors to this docket is the so-called East Shore Alternative.

B. Railroad Alternatives

The two primary railroad routes that were considered for siting the 345-kV transmission facilities were the Amtrak rail corridor that extends from Hartford to New Haven and that portion of the Metro-North/Amtrak rail corridor between New Haven and Norwalk. However, in the opinion of the Connecticut Department of Transportation (“CTDOT”) neither aerial nor underground installation of the 345-kV transmission line within either railroad corridor was feasible. See Testimony of Harry Harris dated April 16, 2004, p.1. The CTDOT concluded that (i) the installation of a new line, either above or below ground, would be disruptive to normal railroad operations both during and after any proposed construction, (ii) the railroad corridors themselves pose certain physical limitations, such as bridge supports, water and wetlands, narrow rights-of-way and tunnels, (iii) the current catenary structures that support the 115-kV transmission line would not support the weight of a new 345-kV transmission line, and (iv) separate utility towers at a height of one hundred and five (105) feet would have to be installed and would most likely violate zoning regulations of the towns along the New Haven Line. See id. Based largely on this testimony, and on mutual agreement between the Council, the Applicants and the municipal parties to this docket, it was decided that the use of the Railroad Alternatives was not viable.

C. Highway Alternatives

The primary highways that were considered for the siting of the 345-kV transmission facilities were Interstate Highways 91 and 95, and Route 15. However, the CTDOT testified that “[e]xcept for special cases, under strictly controlled conditions, new utilities will not be permitted to be installed longitudinally within [the right-of-way].” See Testimony of Arthur Gruhn, P.E., dated April 8, 2004, p.5. CTDOT further testified that “[i]t is desirable that no poles or other aerial facilities . . . be located within the right-of-way.” See id. During cross examination at the June 16, 2004 hearing, the CTDOT articulated the following specific concerns with the Highway Alternatives: (i) due to the spatial constraints of the right-of-ways, the possible locations for placement of the facilities were quite limited, (ii) siting along one or more of the alternatives would require the acquisition of a significant number of homes, and (iii) physical limitations, such as steep slopesides, bridge supports, water and wetlands, heavy vegetation buffers, shallow rock, rock cuts, tunnels and an elevated river crossing, severely restricted “constructability.” The CTDOT also expressed concerns over the disruption of major highway routes during the period of installation and the potential economic burden for the taxpayers in the event that the lines, particularly if undergrounded, would have to be relocated at some point in the future due to the expansion of the roadways or improvements to drainage or sewer systems.

Based on the foregoing, it is the understanding of North Haven that none of the Highway Alternatives is considered by the Council to be viable. Accordingly, North Haven’s remaining comments are directed toward the so-called East Shore Alternative.

D. East Shore Alternative

After both statutory notice had been given in accordance with Section 16-501(b) of the Connecticut General Statutes and the submission of the Application, the Applicants identified a potential route to connect the following three terminal points: (i) the strong source at Beseck Switching Station in Wallingford (“Beseck”), (ii) a new termination facility (either a substation or switching station containing overhead to underground transition facilities) adjacent to the existing East Shore Substation in New Haven (“East Shore”), and (iii) the East Devon Substation in Milford (“East Devon”). See generally Supplemental Filing dated December 16, 2003, as further supplemented in Addendum #1 dated January 7, 2004, Addendum #2 dated January 30, 2004 and Addendum #3 dated February 20, 2004. The route connecting these terminal points, which, from Beseck to East Shore, lies to the east of the Original Route, became known generically as the “East Shore Alternative.”

After the identification of the East Shore Alternative by the Applicants, a number of municipalities including, Cheshire, Durham, Milford, Orange, Wallingford, Woodbridge and North Haven, commenced a study of a configuration that would not require the construction of a second transmission line along the 387 Line right-of-way (the “Municipal East Shore Route”). Instead, it would require (i) limited reconductoring of the existing transmission line that traverses municipalities that were not noticed and have not participated in this proceeding, e.g. Branford, North Branford and East Haven, and (ii) the construction of a new 345-kV transmission line within the limits of the municipalities that have already received notice of the Application, e.g. Wallingford, Cheshire, Hamden, Bethany, Woodbridge, Orange, West Haven, Milford and New Haven.

i. Substantive Issues

In order to satisfy various national and regional reliability standards, it is undisputed that the East Shore Alternative would require the construction of a second 345-kV transmission line on separate structures within the existing right-of-way of the 387 Line between Beseck and East Shore. See Supplemental Filing dated December 16, 2003, p.13; see also Direct Testimony of Roger Zaklukiewicz, Anne Bartosewicz, John Prete, Cyril Welter, and James Hogan Regarding the East Shore Route, p.2. Construction would (i) require extensive clearing of forested vegetation within the right-of-way, (ii) traverse or abut numerous residential areas, and (iii) traverse or abut numerous areas of concern as designated by Section 16-50l(a)(1)(C) of the Connecticut General Statutes, including residential areas, private or public schools, licensed child day care facilities, licensed youth camps and public playgrounds. See Direct Testimony of Roger Zaklukiewicz, Anne Bartosewicz, John Prete, Cyril Welter, and James Hogan Regarding the East Shore Route, p.2. The East Shore Alternative would also require the construction of a new termination facility – either a new substation or switching station containing overhead to underground transition facilities – adjacent to East Shore. See id., p.9.

Significantly, when compared to the Original Route, the East Shore Alternative (assuming that an underground/overhead hybrid configuration is utilized from East Devon to Norwalk) would place approximately twenty additional homes within one hundred fifty (150) feet of the 387 Line right-of-way and one additional area of concern, as designated in Section 16-50l(a)(1)(C) of the Connecticut General Statutes, within twelve hundred (1,200) feet of the 387 Line right-of-way. See Comparative Analysis “Proposed Route” vs. “East Shore Route” dated June 3, 2004. In addition, given the mix of residential subdivisions, rural residential areas, and agricultural and forested lands along the route of the East Shore

Alternative, it is also estimated that approximately three times more vegetation will need to be cleared in comparison to that which would need to be cleared for the Original Route. Finally, the cost associated with the East Shore Alternative is nearly double that of the Original Route. Accordingly, to the extent that any portion of the cost of this project would be passed along to the ratepayers of Connecticut, it would not be economically prudent for the Council to approve the East Shore Alternative.

Although the Applicants contend that the current 387 Line right-of-way is wide enough to accommodate the additional 345-kV transmission line without requiring an expansion of the current right-of-way in North Haven, it is undisputed that the East Shore Alternative would require the erection of new towers and/or monopoles within the right-of-way in addition to those already in existence. See Direct Testimony of Roger Zaklukiewicz, Anne Bartosewicz, John Prete, Cyril Welter, and James Hogan Regarding the East Shore Route, p.13, lines 347-52. It is also undisputed that the erection of the new towers and/or monopoles would involve the removal of a significant amount of vegetation in an environmentally sensitive portion of eastern North Haven. As such, the placement of an additional overhead transmission line would seriously diminish both the value and the character of the residences abutting the current right-of-way.

Based on the foregoing, the East Shore Alternative appears to have significant cultural, environmental and economic shortcomings in comparison to the Original Route.

ii. Procedural Issues

Section 16-501(b) of the Connecticut General Statutes requires that an Applicant in a certification proceeding serve a copy of the Application on “[e]ach municipality in which any portion of such facility is

to be located, both as primarily proposed and in the alternative locations, listed, and any adjoining municipality having a boundary not more than two thousand five hundred feet from such facility, which copy shall be served on the chief executive officer of each such municipality and shall include notice of the date on or about which the application is to be filed, and the zoning commissions and inland wetlands agencies of each such municipality, and the regional planning agencies which encompass each such municipality.” Notice of an application for a certificate for a transmission line of a design capacity of 69-kV or more must also be provided to each electric company or electric distribution company customer in the municipality where the line, and associated equipment, is proposed to be placed.

The Segment 2 Overhead Line of the Original Route traverses the municipalities of Wallingford, Cheshire, Hamden, Bethany, Woodbridge, Orange, West Haven and Milford. These municipalities, along with North Haven and New Haven, received notice pursuant to Section 16-501(b) of the Connecticut General Statutes in connection with the submission of the Application. The East Shore Alternative, which, as noted above, was raised during the instant proceeding, directly affects a number of municipalities, including Branford, North Branford and East Haven, that were not provided the required statutory notice. In the absence of this statutory notice, various elected officials and the citizens of these municipalities were effectively foreclosed from participating in this proceeding in any meaningful way. Accordingly, the Town does not believe that the Council has the authority to consider the East Shore Alternative in this proceeding.

The Municipal East Shore Route obviates the concerns raised herein with respect to statutory notice. Although this configuration does not propose a second 345-kV transmission line through the municipalities of North Haven, East Haven, Branford or North Branford, it does propose the reconductoring of the existing 387 Line as it runs through these municipalities. Additionally, this configuration would require (i)

the construction of a new 345-kV transmission line between East Shore and East Devon, (ii) the construction of a new 345-kV transmission line from Beseck to Black Pond Junction in Meriden and Oxbow Junction in Haddam, (iii) the construction of a new 345-kV transmission line from Scovill Rock to Chestnut Junction in Middletown, and (iv) the reconfiguration of East Shore. Each of the municipalities wherein the facilities noted in (i) through (iv) above are sited received notice from the Applicant of this proceeding.

For all of the foregoing reasons, North Haven strongly prefers the route that was initially proposed by the Applicants in their October 9, 2003 Application; provided that the Council requires the Applicants to underground the transmission line to the maximum extent technically possible, and at a minimum, in and around all sensitive areas as set forth in Public Act 04-246, as codified in Section 16-501(a)(1)(C) of the Connecticut General Statutes. However, in the event that the Council is considering an East Shore Route, North Haven would support only the Municipal East Shore Route, and only if all of the towns impacted by the construction along such route have received notice and an opportunity to be heard before the Council.

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CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed and/or hand-delivered to all known parties and intervenors of record this 19th day of July, 2004.

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