

July 19, 2004

Ms. Pamela Katz, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 272 – The Connecticut Light and Power Company and The United Illuminating 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

Dear Ms. Katz:

This letter is submitted on behalf of the Town of Durham (“Durham”). Its purpose is to respond to the Council’s June 4, 2004 request for the following: (1) a preferred overhead route through Durham; (2) a preferred underground route through Durham; and (3) a preferred overhead/underground route through Durham.

Durham appreciates this opportunity to respond to the Council’s request for preferred routes. Durham agrees that it is essential that the Council be provided with input from the towns affected by the transmission facilities at issue in this proceeding, concerning specific siting issues in each town. However, Durham has neither the resources nor the technical expertise needed to provide the Council with complete route configurations, taking into account such issues as route analysis, EMF mitigation, and optimal structure design (including pole height and conductor configuration). Moreover, the record has not yet been developed with respect to EMF mitigation techniques. It is therefore impossible for Durham to provide complete responses at this time. For those reasons and notwithstanding this submission, Durham explicitly reserves all of its legal and equitable rights in this proceeding, and suggests that the towns be afforded the opportunity to supplement these responses at a future date when the record is more fully developed. Durham also takes this opportunity to reiterate its previously-stated

position that legal and equitable considerations obligate the Council to review both Phase I and Phase II of the 345 kV "Loop" proposed for Southwestern Connecticut in a single proceeding.

I. Preferred Overhead/Underground Route

Durham has reached a preliminary agreement with the Town of Middlefield ("Middlefield") and the City of Middletown ("Middletown") with respect to a preferred overhead/underground route (Item 3 *supra*). For that reason, Durham will describe that route first. That route is as follows:

Overhead/Underground Route for Durham, Middlefield and Middletown

Keep in place the existing 345kv line (presently proposed for removal) between Oxbow Junction to Chestnut Junction in Middletown.

Add an additional (fourth) overhead 345kV line from Chestnut Junction to Route 17, just west of Dooley Pond.

Cross Route 17. This is where a transition station would be built. Transition underground and continue south along Route 17 for approximately 1 ½ miles to Little Lane.

Turn right onto Little Lane.

Turn right at the first stop sign. Continue down Little Lane around a left turn bend to the next right bend. At this point, which is a total of 0.2 miles on Little Lane, bear left onto the existing dirt access road (which runs parallel to the existing CL&P ROW), and follow to the Durham/Middlefield Transfer Station. This is where a second transition station would be built.

At this point transition above ground and continue along the proposed route.¹

Durham does not propose an additional (fourth) 345 kV line in the existing right-of-way west of Dooley Pond through the Town of Middlefield.

II. Preferred Underground Route

Durham previously provided CL&P Project Director Anne Bartosewicz with maps depicting four proposed underground routes through Durham ("Underground Proposals"). By letter dated July 13, 2004, Ms. Bartosewicz and UI Project Director John J. Prete advised Durham First Selectwoman Maryann P. Boord that CL&P and UI (collectively the "Companies") had completed a "preliminary and general constructability

1/ The discussion in Section III *infra* re: overhead transmission lines generally is applicable to the overhead portions of this route in Durham. Additionally, EMF issues in the Powder Hill Road /Skeet Club Road/Elihu Drive residential area, as discussed in Section III, would need to be addressed with respect to this route as well.

review” of the Underground Proposals and concluded that all four “are viable from a constructability viewpoint.” In a ranking of the Underground Proposals, one proposal (identified in the letter as “Durham Alternate 2”) having both the shortest total length and the shortest length on busy roadways (as determined by the Companies), was ranked first. A description of Durham Alternate 2 (as described in the Companies’ letter) is provided *infra* and is Durham’s preferred underground route. However, Durham reserves the right to substitute a different route or routes in the event subsequent analysis reveals construction, engineering or other issues with respect to Durham Alternate 2.

Durham Underground Route

Begins at Oxbow Road Junction, follows along Oxbow Road and then Haddam Quarter Road

Turns right on Oak Terrace (which is just prior to intersection with Main Street (Rte. 17))

Turns left at the end and cross over Main Street (Rte 17) to Little Lane

Follows Little Lane to the intersection with Snell Road, then follows the dirt road paralleling the right-of-way

Follows the dirt road into the Transfer and Recycling Center for the towns of Durham and Middlefield

Overall route length is approximately 4.6 miles, of which only the crossing of Main Street (Rte. 17) is on a heavily traveled road. The portion of the route that is in the dirt road next to the right-of-way will require the duct bank to be structurally enhanced in order to accommodate heavy equipment.

Additionally, Durham is aware that Middlefield and Middletown are proposing an underground route through Durham (the “Middlefield/Middletown Route”) as those municipalities’ preferred underground route. Durham has no objection to the Middlefield/Middletown Route (as described by Middlefield *infra*), as an alternative to the routes proposed by Durham:

Middlefield/Middletown Route

The underground route shown by the Applicants as an alternative in the documents submitted at the time of the application would be acceptable to Middlefield and Middletown. The yellow line shown as “2u” on “Route Analysis Map, Middletown – Norwalk, 345 kV Transmission Line, Dwg. No. RAA-001 Sheet 1 of 2” runs along a state highway and very rural area. The precise streets that the route would run along in Durham, running from east to west, are as follows: commencing at Oxbow Junction (at the Durham/Haddam line), on Haddam Quarter Road; at the intersection of Haddam Quarter Road and Johnson Lane, the line would turn left and proceed along Johnson Lane until it ended at Maiden Lane; at that point the line would continue westerly under Maiden Lane until it ended at Main Street; the line would turn left on Main Street, travel

Ms. Pamela Katz, Chairman
July 19, 2004
Page 4

very briefly under Main Street and then turn right on Route 68 (Wallingford Road); the line would continue under Route 68 (Wallingford Road) until it reached the border of Wallingford. Once in Wallingford, the line would eventually hook up with the Proposed Beseck Switching Station.

III. Preferred Overhead Route

Connecticut law now imposes a presumption that placing overhead portions of 345 kV (or greater) transmission lines adjacent to certain specific areas and structures (including residential areas), is inconsistent with the purposes of Chapter 277a of the General Statutes (Public Utility Environmental Standards Act). See, Conn. Gen. Stat. § 16-50p(h), as amended by Public Act 04-246 (the "Public Act"). Durham believes that an overhead route in Durham is inconsistent with the Public Act, due to the enormous EMF impacts of such a route on residential areas in Durham.

Subject to the foregoing, Durham states as follows with respect to any overhead route in Durham: The proposed bypass around the Royal Oak neighborhood presented to the Council by the Companies on June 2, 2004, must be a component of any such route. However, the Royal Oak bypass is only a partial solution to the EMF issues presented by an overhead route in Durham. EMF issues in the residential areas of Foot Hills Road/Arbutus Street and Powder Hill Road /Skeet Club Road/Elihu Drive must also be addressed in any overhead route. With respect to the remaining portions of any 345 kV overhead route in Durham, Durham believes that there must be proper mitigation of EMF where required by the Public Act.

Very truly yours,

Peter G. Boucher

PGB/pab
cc: Service List

570373.2