DOCKET NO. 272—The Connecticut Light and Power Company and 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 the Scovill Rock Switching Station in Middletown and the Norwalk Substation in Norwalk, Connecticut.

PREFILED TESTIMONY FOR THE SITING COUNCIL SEPTEMBER 29, 2004 EVIDENTIARY HEARING

CONCERNING

THE CONNECTICUT DEPT. OF TRANSPORTATION PREFERRED ROUTES

TESTIMONY SUBMITTED ON BEHALF OF Kenneth A. Flatto, First Selectman, Town of Fairfield

and

William Hurley, P.E., Town Engineer, Town of Fairfield

While the Town of Fairfield is in agreement with the letter filed by the Town Attorney of Westport asserting that this matter is not properly before the Council as a procedural matter, Fairfield wishes to submit the following prefiled testimony in the event the Council still chooses to take this matter up at its hearing on September 29, 2004.

The Connecticut Department of Transportation (ConnDOT), in a letter to the Siting Council dated July 19, 2004, proposed an alternative routing to the Northeast Utilities (NU) preferred route for the 345 kV transmission line that will be constructed between Middletown and Norwalk. In a subsequent submission to NU, ConnDOT proposed two (2) additional alternative routes.

Thus Fairfield and the other involved communities, as well as NU, have been reviewing three (3) proposed ConnDOT alternative routes.

The Town of Fairfield opposes the three alternative ConnDOT routes and supports the applicants' original submitted route, for the following reasons.

In its July 19 letter, ConnDOT provided three (3) reasons for proposing the then first of its alternative routes (and we assume that similar reasoning would apply to their other proposed alternatives). These were:

First, the proposed alternative offers a minimized number of turns to accommodate the proposed high-pressure, fluid-filled transmission system, a consideration that still would be applicable if XPLE cable is used.

Fairfield responds by stating that the NU preferred route along US Route 1 is the straightest route anyone could possibly find between the start and end points of the project. Conversely, the ConnDOT alternative actually adds a substantial number of acute-angle turns that do not exist in the current NU preferred route (This is also true of all subsequent alternatives that ConnDOT has proposed.)

Thus this reason argues effectively for NOT adopting the ConnDOT proposed alternative.

Second, the DOT claims that the proposed alternative offers lower volume roadways in non-commercial areas.

Fairfield responds by stating that although traffic volumes on the highly residential streets may be less than that on US Route 1 during normal business hours, it is nonetheless intense from sunrise to sunset. The original alternative route runs on narrow two lane roads while US 1 has four lanes, two of which could be closed to traffic during

nighttime hours when traffic volume on Route 1 is at its lowest. Furthermore, there are no reasonable alternative routes through the areas where the original proposal runs. All subsequent alternatives that ConnDOT has proposed pose the traffic volume problem to an even greater degree as they are on roads that are alternates to Route 1 especially during rush hours.

More specifically, the original proposed atlternate either goes over or requires diversion of traffic to the following weight restricted bridges: Brookside Drive near Samp Mortar Dam, Mill Plain Road near Brookside Drive, which will be undergoing replacement from 2006 through at least 2007, and Hulls Farm Bridge on the Fairfield-Westport line. This route also affects the reconstruction of the Merritt Street Bridge as Merritt Street is an alternate to Wilson Avenue. In addition, the Town has just paved Park Avenue and Wilson Street, work which would be undone by this alternative.

The more recently proposed alternatives, including a proposal apparently made by the City of Bridgeport affects several other projects that are or will be ongoing during the construction of the transmission line, namely, the Commerce Drive widening, paving and reconstruction which has already resulting in crowding of existing underground utilities, the new railroad station near Commerce Drive and the Black Rock Turnpike, and the DOT's own project of constructing a flyover bridge at Franklin Street for the new railroad station. Further more the Kings Highway proposal goes over the railroad tracks, which we understood to be an obstruction to the Applicant's ability to construct the project. Finally, the Old Post Road alternative would take the project through a historic district that is largely residential and, in addition, has just been paved.

Third, the DOT claims the proposed alternative offers reasonable terrain.

Fairfield responds that the terrain of the first proposed alternative goes over twisting, winding, and hilly roads. The other DOT alternative routes contains many acute angles through the historic district

In addition to rebutting these three claims raised by the DOT, the Town of Fairfield opposes the DOT alternatives for the following additional reasons.

During the coordination meeting of August 19, 2004 held at NU's corporate offices in Berlin, ConnDOT was more forthright in its real purpose for proposing the alternative(s): to minimize the involvement of, and impact on, state roadways. Roughly 66% of the NU route is along state roads while only 19% of the original proposed ConnDOT alternative route involves state roads. ConnDOT stated that it wished to avoid disruption and congestion during construction. ConnDOT also stated that allowing such construction in its right-of-way would significantly increase the cost and complexity of future repairs and/or expansions.

Fairfield and the other communities along the route can empathize with ConnDOT's position since they must deal with the same concerns as regards municipal infrastructure repairs and expansions. But let's be clear: the ConnDOT proposal does not eliminate this planning and traffic management complexity; it simply shifts the burden to the communities, who are much less capable of dealing with it.

The most important reason Fairfield opposes all of the ConnDOT alternatives is that all of the alternatives add to the length of the lines from Middletown to Norwalk and therefore would sabotage the widely-recognized goal of reliably placing underground as much of this transmission facility as possible.

Allowing the DOT to make the line longer would be acutely and concertedly contrary to the huge efforts of NU, Independent System Operators – New England (ISONE), the Reliability and Operability Committee (ROC) and all concerned communities over the past weeks to find a solution for a reliable system that maximizes underground construction.

Additional transmission line lengths of this magnitude simply will prejudice and overburden that solution.

Although ConnDOT has provided traffic counts at various points along the two routes, these numbers, by themselves, are undefined absolutes that provide no basis for meaningful comparison of the traffic impacts of construction on the routes. Meaningful comparisons can only be drawn from volume-to-capacity ratios. The most meaningful comparison would be based on a nighttime ratio on the NU route and daytime ratios on the various ConnDOT proposed routes.

The NU preferred route is largely comprised of four traffic lanes while the ConnDOT alternatives are comprised largely of two lanes. Assuming that all other factors are equal, closing one lane for construction in a four-lane road creates far less disruption than closing one lane in a two-lane road. At numerous locations on the ConnDOT proposed alternative routes, accommodation of construction would require complete closure of extremely narrow roads.

Although day or night construction could be accommodated on US 1, the wider highway and reduced traffic at night suggest that night construction on US 1 remains the least disruptive of the various options..

ConnDOT has also provided lists of planned projects along the NU route, suggesting that construction along the NU route would disrupt those project schedules; the number of planned projects appears to have grown since July 19th.

In considering DOT's argument, one must first question the firmness of the project schedules. Scheduled ConnDOT projects have a long history of extension or postponement. When questioned during the August 19th meeting about one specific project, ConnDOT admitted that the dates had already slipped from those that had just been provided.

Again, Fairfield and the other communities can empathize with ConnDOT on the potential impacts on planned projects for we too must deal with this complexity. It is not at all uncommon for municipal projects to be scheduled in coordination with one or more utility company projects.

The Town of Fairfield, along with the other impacted communities, was an active participant in good faith at the August 19 meeting at NU, where the parties attempted to find compromise positions.

Additionally, the Town of Fairfield met, on September 22, with NU and ConnDOT to examine in even more detail numerous variations of alternative routes. Although Fairfield can empathize with many of the ConnDOT concerns and has listened to those concerns and reviewed with care all of ConnDOT's proposals, there is simply no apparent compelling reason for adopting any of the ConnDOT proposed alternative routes.

CONCLUSION

All of the analysis and discussion clearly indicate that the NU original preferred route is SHORTER, FLATTER, WIDER and STRAIGHTER than the ConnDOT proposed alternatives.

Given that technical feasibility, reliability, operability, constructability, cost, minimal impact on all parties and—most importantly—maximization of underground installation as a whole are key goals of the Siting Council, then SHORTER, FLATTER, WIDER and STRAIGHTER are the clear compelling reasons for retaining the NU preferred route for Docket No. 272.

Respectfully Submitted on September 24, 2004 by Fairfield First Selectman Kenneth Flatto and by Fairfield Town Engineer William Hurley, P.E.

CERTIFICATION

This is to certify that the original and twenty (20) copies of the foregoing has been mailed, postage prepaid, on this 24th day of September 2004, to the Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051, in addition to electronic service on this 24th day of September 2004 at 4:15 p.m. Additionally, an electronic copy of the foregoing was provided to all other known parties and intervenors on September 24, 2004.

Eileen Kennelly Assistant Town Attorney Town of Fairfield Date: August 26, 2004 Docket
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	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Status Granteu	(name, address & phone number)	(name, address & phone number)
Applicant	Northeast Utilities Service Company	Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP 50 Leavenworth St., P.O. Box 1110 Waterbury, CT 06721-1110 (203) 573-1200 (203) 575-2600 - fax afitzgerald@carmodylaw.com bhenebry@carmodylaw.com tranmn345docket272@nu.com
Applicant	The United Illuminating Company	Linda L. Randell, Esq. Bruce L. McDermott, Esq. Wiggin & Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4322 (203) 782-2889 - fax lrandell@wiggin.com bmcdermott@wiggin.com
Intervenor (granted 11/20/03)	Norwalk Association of Silvermine Homeowners ~STATUS WITHDRAWN 03/26/04~	Norwalk Association of Silvermine Homeowners c/o Leigh Grant 99 Comstock Hill Road Norwalk, CT 06850 (203) 846-4577 (203) 846-4577 - fax cartellino@aol.com

Party (granted 11/20/03)	<u> </u>	
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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 11/20/03)	Honorable Al Adinolfi State Representative 103 rd District 235 Sorghum Mill Drive Cheshire, Connecticut 06410 (203) 272-9701 - Home 1-800-842-1423 - Capitol (860) 240-0207 - fax Alfred.adinolfi@housegop.state.ct	(name, address & phone number)
Party (granted 11/20/03)	Town of Middlefield	Eric Knapp, Esq. Branse & Willis, LLC 41-C New LondonTurnpike Glen Lochen East Glastonbury, CT 06033-2038 (860) 659-3735 (860) 659-9368 – fax eknapp@bransewillis.com
Party (granted 11/20/03)	Town of Milford	Julie Donaldson Kohler, Esq. Hurwitz & Sagarin, LLC 147 North Broad St. Milford, CT 06460 (203) 877-8000 (203) 878-9800 - fax jdk@hurwitz-sagarin.com
Party (granted 11/20/03)	Town of Wallingford	Peter G. Boucher, Esq. Halloran & Sage, LLP 225 Asylum Street Hartford, CT 06103 (860) 297-4650 (860) 548-0006 fax boucher@halloran-sage.com

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted 11/20/03)	Town of Wallingford continued	Janis M. Small, Esq. Town Attorney Wallingford Town Hall 45 South Main St. Wallingford, CT 06492 (203) 294-2140 (203) 294-2112 – fax wlfdlaw@sbcglobal.net
Party (granted 11/20/03)	Town of Durham	Peter G. Boucher, Esq. Halloran & Sage, LLP 225 Asylum Street Hartford, CT 06103 (860) 297-4650 (860) 548-0006 fax boucher@halloran-sage.com Maryann Boord First Selectwoman Durham Town Hall 30 Townhouse Rd. Durham, CT 06422 (860) 349-3625 (860) 349-8391 – fax mboord@townofdurhamct.org
Party (granted 11/20/03)	City of Norwalk	Louis S. Ciccarello Corporation Counsel P.O. Box 798 Norwalk, CT 06856-0798 (203) 854-7750 (203) 854-7901 fax lciccarello@norwalkct.org
Party (granted	Town of Westport	Town of Westport c/o Ira W. Bloom, Esq.

11/20/03)	27 Imperial Avenue
	Westport, CT 06880
	(203) 227-9545
	(203) 227-2443 - fax
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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 11/20/03)	Honorable Mary G. Fritz State Representative - 90 th District 43 Grove Street Yalesville, CT 06492 (203) 289-1169 1-800-842-1902 (860) 240-0206 - fax mary.fritz@po.state.ct.us	
Party (granted 11/20/03)	Town of Woodbridge	David A. Ball, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 337-4134 (203) 576-8504 fax dball@cohenandwolf.com
Party (granted 11/20/03)	City of Meriden	Deborah L. Moore, Esq. Legal Department City Hall 142 East Main Street Meriden, CT 06450 (203) 630-4045 (203) 630-7907 - fax dmoore@ci.meriden.ct.us
Party (granted 11/20/03)	Attorney General Richard Blumenthal	Michael C. Wertheimer Assistant Attorney General Office of the Attorney General 10 Franklin Square New Britain, CT 06051 (860) 827-2603 (860) 827-2893

	michael.wertheimer@po.state.ct.us

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 11/20/03)	Honorable Raymond Kalinowski State Representative – 100 th District P.O. Box 391 Durham, CT 06422 1(800)842-1423 860) 240-0207 - fax repkalinowski@aol.com	•
Party (granted 11/20/03)	City of Bridgeport	Melanie J. Howlett Associate City Attorney Office of the City Attorney 999 Broad Street Bridgeport, CT 06604-4328 (203) 576-7647 (203) 576-8252 – fax Howlem0@ci.bridgeport.ct.us
Party (granted 11/20/03)	Communities for Responsible Energy	Trish Bradley, President Ed Schwartz, Treasurer Comunities for Responsible Energy, Phase II 45 Ironwood Lane Durham, CT 06422 (860) 349-9137 thebradco7@aol.com
Party (granted 11/20/03)	Office of Consumer Counsel	Bruce C. Johnson Litigation Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 (860) 827-2900 (860) 827-2929 – fax

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Status Cuantad	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Intervenor (granted 11/20/03	Honorable Themis Klarides State Representative – 114 th District 23 East Court Derby, CT 06418 (203) 735-5911 1-800-842-1423 (860) 240-0207 - fax Themis.klarides@housegop.state.ct.us	
Party (granted 11/20/03)	The Woodlands Coalition for Responsible Energy, Inc.	Lawrence J. Golden, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4346 (860) 424-4370 lgolden@pullcom.com Ruthann@woodlandscoalition.com
Intervenor (granted 12/9/03)	ISO New England Inc.	Anthony M. Macleod, Esq. Whitman Breed Abbott & Morgan LLC 100 Field Point Road Greenwich, CT 06830 (203) 869-3800 (203) 869-1951 – fax amacleod@wbamct.com
Party (granted 12/9/03)	Department of Transportation	Charles H. Walsh Assistant Attorney General Juris. No. 402623 55 Elm St., P.O. Box 120 Hartford, CT 06141-0120

(860) 808-5090 (860) 808-5384 fax charles.walsh@po.state.ct.us Arthur.gruhn@po.state.ct.us
Artnur.grunn@po.state.ct.us

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 12/9/03)	Honorable John E. Stripp State Representative – 135 th District 4 Scatacook Trail Weston, CT 06883 1(800)842-1423 (860)240-0207 – fax john.stripp@housegop.state.ct.us ~STATUS WITHDRAWN 01/04~	(nume, unaress et phone number)
Party (granted 12/9/03)	Town of Fairfield	Honorable Kenneth A. Flatto First Selectman Independence Hall 725 Old Post Road Fairfield, CT 06824 (203) 256-3030 (203) 256-3008 – fax firstselectmanffld@town.fairfield.ct.us ekennelly@town.fairfield.ct.us
Party (granted 12/9/03)	PSEG Power Connecticut LLC	David A. Reif Jane K. Warren Joel B. Casey McCarter & English, LLP CityPlace I Hartford, CT 06103 (860) 275-6700 (860) 724-3397 – fax dreif@mccarter.com jwarren@mccarter.com jcasey@mccarter.com h.borden@pseg.com
Party (granted 12/22/03)	Town of Wilton	Monte E. Frank, Esq. Cohen and Wolf, P.C. 158 Deer Hill Avenue

Danbury, CT 06810 (203) 337-4134 (203) 576-8504 fax mfrank@cohenandwolf.com
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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted 12/22/03)	Town of Weston	David A. Ball, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 337-4134 (203) 576-8504 fax dball@cohenandwolf.com
Party (granted 12/22/03)	South Central Connecticut Water Authority	Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 29th Floor 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-6150 alord@murthalaw.com
Party (granted 12/22/03)	Town of Orange	Brian M. Stone,Esq. Sousa, Stone & D'Agosto, LLC 375 Bridgeport Avenue Shelton, CT 06484 (203) 929-8283 (203) 548-0006 brianstone@snet.net Mitchgoldblatt@aol.com
Intervenor (granted 01/12/04)	Connecticut Business & Industry Association (CBIA)	Robert E. Earley Connecticut Business & Industry Assoc. 350 Church Street Hartford, CT 06103-1106 (860) 244-1900 (860) 278-8562 fax earleyr@cbia.com

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	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Party (granted 01/12/04)	Town of Cheshire	Richard J. Buturla, Esq. Town Attorney Berchem, Moses & Devlin, PC 75 Broad Street Milford, CT 06460 (203) 783-1200 (203) 878-4912 fax rbuturla@bmdlaw.com mmilone@cheshirect.org
Party (granted 1/12/04)	Town of Hamden	Joaquina Borges King Assistant Town Attorney Hamden Government Center 2750 Dixwell Avenue Hamden, CT 06518 (203) 287-7050 (-7053) (203) 287-7051 fax jborgesking@hamden.com jgruen@hamden.com
Party (approved 2/3/04)	City of Middletown	Timothy P. Lynch Deputy City Attorney City Attorney's Office 245 deKoven Drive, P.O. Box 1300 Middletown, CT 06457-1300 (860) 344-3422 (860) 344-3521 timothy.lynch@cityofmiddletown.com

Party (approved 2/3/04) Town of Bethany Honorable Derrylyn Gorski First Selectman Bethany Town Hall 40 Peck Road Bethany, CT 06524-3378 (203) 393-2100 ext. 100 DGorski@Bethany-CT.com Kevin195774@yahoo.com	
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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (approved 2/3/04)	Town of Easton	William J. Kupinse, Jr. First Selectman Easton Town Hall 225 Center Road, P.O. Box 61 Easton, CT 06612 (203) 268-6291 (203) 268-4928 fax w kupinse@eastonct.org
Intervenor (approved 2/18/04	Honorable William A. Aniskovich State Senate – 12 th District 15 Grove Avenue Branford, CT 06405 (860) 240-0596 William.A.Aniskovich@po.state.ct.us	
Party (approved 2/18/04)	Town of North Haven	David J. Monz Updike, Kelly & Spellacy, P.C. One Century Tower 265 Church Street New Haven, CT 06510 (203) 786-8303 (203) 772-2037 fax dmonz@uks.com
Party (approved 3/17/04)	Woodbridge Jewish Organizations (Ezra Academy, B'Nai Jacob, the Jewish Community Center of Greater New Haven, the Jewish Federation of Greater New Haven, and the Department of Jewish Education).	David R. Schaefer, Esq. Brenner Saltzman & Wallman, LLP 271 Whitney Avenue New Haven, CT 06511 (203) 772-2600 (203) 562-2098 fax dschaefer@bswlaw.com

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (approved 3/17/04)	Senator Joseph J. Crisco, Jr. 17 th District State Capitol Hartford, CT 06106-1591 (860) 240-0189 (860) 240-0027 – fax Crisco@senatedems.state.ct.us	
Intervenor (approved 3/23/04)	First District Water Department	Franco Chieffalo General Supervisor First District Water Department P.O. Box 27 Norwalk, CT 06852 (203) 847-7387 (203) 846-3482 fax fchieffalo@norwalkfdwd.org
Intervenor (approved 4/15/04)	Honorable Leonard A. Fasano State Senator – 34 th District 7 Sycamore Lane North Haven, CT 06473 Len.Fasano@po.state.ct.us	
Party (approved on 7/13/04)	City of New Haven	Elizabeth Gilson, Esq. 383 Orange Street New Haven, CT 06511 (203) 777-4050 (203) 787-3259 – fax egilson@snet.net

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Grand Control	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Intervenor (approved 7/13/04)	Branford Conservation and Environment Commission	Karyl Lee Hall, Esq. Co-Chairman Branford Conservation & Environment Comission c/o Box 3072 Branford, CT 06405 860-262-5044 Karylleehall1@aol.com
Party (approved 07/13/04)	Town of Branford	Honorable John E. Opie, First Selectman Branford Town Hall P.O. Box 150, Town Hall Branford, CT 06405 (203) 488-8394 jopie@branford-ct.gov
Intervenor (approved on 08/26/04)	Linda Wilson	Sebastian N. Giuliano, Esq. Giuliano, Rafala & Scalora P.O. Box 820 Middletown, CT 06457-0820 (860) 344-9045 (860) 344-8397 fax sscalora@aol.com
Intervenor (approved on 8/26/04)	The Honorable Kevin M. DelGobbo, Ranking Member Energy and Technology Committee Legislative Office Building, Room 3904 Hartford, CT 06106-1591 (860) 240-8700 (860) 240-0207 fax Kevin.delgobbo@housegop.state.ct.us	