

**STATE OF CONNECTICUT
SITING COUNCIL**

IN RE: 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 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)

Docket 272

RECEIVED
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CONNECTICUT
SITING COUNCIL

March 16, 2005

POST-HEARING BRIEF OF THE CITY OF MERIDEN

The Applicants' proposed route for the 345kV transmission lines through Meriden runs from the Black Pond Junction to the East Meriden Substation, a distance of 1.4 miles. From the East Meriden substation, the proposed route runs another .9 miles to the Wallingford town line. This route, as proposed by the Applicants, traverses through an area of Meriden containing a 30 unit condominium complex, a 60 bed nursing home and 38 units of elderly housing, a day care facility, a girls' softball complex, two summer

◇ camps and a residential neighborhood comprised of a mix of modest, middle class and newer, upscale homes. The residential area runs along the entire proposed route, from Black Pond Junction to the Wallingford town line. Both the girls' softball complex and the day care facility have been identified as "statutory facilities" within the meaning of Public Act 04-246, and Section 16-50p(i) of CT General Statutes, in addition to the existence of the residential neighborhood which is located along the entire length of the proposed route in Meriden.

Section 16-50p(i) of CT General Statutes and P.A. 04-246 states, in pertinent part that “[f]or a facility described in subdivision (1) of subsections (a) of section 16-50i, with a capacity of three hundred forty-five kilovolts or greater, there shall be a presumption that a proposal to place the overhead portions, if any of such facility adjacent to residential areas, private or public schools, licensed day care facilities, licensed youth camps or public playgrounds is inconsistent with the purposes of this chapter. An applicant may rebut this presumption by demonstrating to the council that it will be technologically infeasible to bury the facility. In determining such infeasibility, the council shall consider the effect of burying the facility on the reliability of the electric transmission system of the state.”

◇ It is undisputed that a day care as well as a girls’ softball complex are located adjacent to the proposed transmission lines, and that these are considered “statutory

facilities” under the terms of PA 04-246 and Section 16-50p of CT General Statutes. In addition, the proposed configuration would be adjacent to a nursing home, condominium complex and numerous residences, comprising a ‘residential area’ as set forth in CT General Statutes Section 16-50p. Given the existence of the “statutory facilities” and the residential area, the requirements of Public Act 04-246 and Section 16-50p(i) of the CT General Statutes unquestionably apply to the proposed transmission lines in Meriden. The presumption against locating the power lines overhead in the City of Meriden is triggered, and must be rebutted by the Applicants’ demonstration that it is technologically infeasible to bury the power lines.

It is the position of the City of Meriden that allowing the proposed transmission lines to be located overhead in Meriden would be inconsistent with the meaning and spirit of Public Act 04-246 and Section 16-50p(i). The Applicants' position not to locate the transmission line underground in the City of Meriden containing the 'statutory facilities' as well as the nursing home, condominium complex and numerous homes is based on its decision to place other portions of the transmission line underground in other municipalities. There was no evidence presented that it was "technologically infeasible" to place the power lines underground in the City of Meriden, in accordance with the language of P.A. 04-246 and CT General Statutes Section 16-50p(i). The Applicants cannot argue that it is technologically infeasible to place the power lines underground in

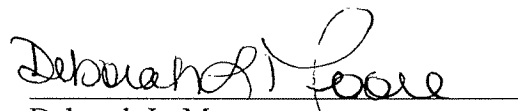
the City of Meriden adjacent to the statutory facilities and in the residential areas simply because the Applicants have decided to locate the buried portions of the transmission lines elsewhere in the state. The Applicants have failed to meet their burden of rebutting the presumption as set forth in PA. 04-246 and CT General Statutes Section 16-50p(i) in favor of burying the power lines adjacent to “statutory facilities” and residential areas. They have failed to show that placing the transmission lines underground in the City of Meriden is technologically infeasible, other than presenting evidence that because the Applicants have determined that portions of the proposed transmission lines are to be placed underground in other locations, the transmission lines cannot be buried in the City of Meriden.

The City of Meriden believes that, and has been a constant proponent of the proposal that the transmission lines should be buried underground along Research Parkway in the City of Meriden. Research Parkway runs parallel to the proposed route, approximately 1/3 mile to the west of the proposed route. It is an industrial park, with the commercial buildings set away from the road. There is little, if any, foot traffic. There are no residences. Research Parkway is a two-lane road that runs south from East Main Street into Wallingford. The City of Meriden retains a 60 foot right of way along the road, with ample space for an additional two lanes. The transmission lines can be buried underground in the City of Meriden’s right-of-way along Research Parkway. By placing

the power lines underground along Research Parkway, the configuration completely avoids the two statutory facilities as well as the entire residential area. The buried lines would run from the Black Pond Junction to the East Meriden substation, and the length of the buried lines would be approximately two miles. The issue of the 'buffer zone' is rendered moot by the proposed burial of the transmission lines.

For the foregoing reasons, the City of Meriden respectfully requests that the Siting Council require that the portions of the 345kV transmission line that is located in Meriden be located underground between the Black Pond Junction and the East Meriden Substation, and that the lines be buried in the City of Meriden's right-of-way along Research Parkway.

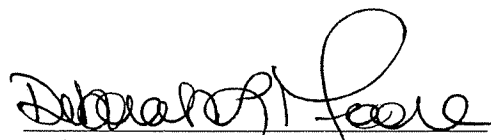
Respectfully submitted,
THE CITY OF MERIDEN



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CERTIFICATION

This is to certify that a copy of the foregoing was sent via email and by US mail, postage prepaid to all parties and intervenors of record.



Deborah L. Moore
Commissioner of Superior Court