

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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 :

DOCKET NO. 272
RECEIVED
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CONNECTICUT
SITING COUNCIL

MARCH 16, 2005

BRIEF OF THE CITY OF MIDDLETOWN

I. Siting the Proposed Transmission Line Overhead in the Royal Oak Subdivision Would Violate P.A. 04-246.

Public Act 04-246 provides, in relevant part, as follows:

"For a facility described in subdivision (1) of subsection (a) of section 16-50i, as amended, 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 child 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." P.A. 04-246(7) amending C.G.S. §16-50p.

Public Act 04-246 also mandates that electric transmission lines must be: "contained within an area that provides a buffer zone that protects the public health and safety, as determined by the council. In establishing such buffer zone, the council shall take into consideration, among other things, residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds adjacent to the proposed route of the

overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone."

P.A. 04-246(3) amending C.G.S. §16-50p (a).

The Applicants have conceded that the Royal Oak Subdivision is a residential area as that term is used in Public Act 04-246. Exhibit 142, Applicants Response to Data Request AG-016, Attachment 1 at page 1.

Accordingly, it is undisputed that the requirements of P.A. 04-246 apply to the Royal Oak Subdivision. Therefore, there is a statutory presumption against placing the 345kV transmission lines overhead in the subdivision. The Applicants have the burden of rebutting this presumption by demonstrating that placing the facility underground is technologically infeasible.

The Applicants contend that it is not technologically feasible to bury more than 24 miles of transmission line and

that this undergrounding has already been reserved for other portions of the project. ROC Final Report.

The Siting Council's consultant has reported that it "continues to believe that additional undergrounding may be technologically feasible" if mitigation using C-Type Filters is employed. KEMA's Findings Based on Results Presented at Connecticut Siting Council's Technical Meeting on February 14, 2005, at page 3 (2/16/05).

In fact, KEMA's representatives testified to this point before the Siting Council on February 17, 2005. Transcript, 2/17/05 at pages 17 and 25. These experts testified that they agreed with the ROC group proposal that it would be appropriate to test the use of C-Type Filters on a small scale within the system. Id. at 17-18.

The amount of transmission line proposed for installation through the Royal Oak Subdivision is approximately three thousand feet or 0.57 miles (slightly

more than half a mile). Applicant 1/28/05 filing (CSC Mapping Homework dated 1/20/05 - Map Page 2 of 13).

The Royal Oak Subdivision affords the perfect opportunity to test the use of C-Type Filters contemplated by both the ROC group and the Council's own consultant.

Further, P.A. 04-246 mandates that electric transmission lines must be "contained within a buffer zone that protects the public health and safety". P.A. 04-246(3). The Applicants have conceded that the Royal Oak Subdivision is within the transmission line right of way. Exhibit 142, supra. Therefore, it is not possible to meet the Public Act's buffer zone requirement by locating the proposed facility above ground.

Further, Public Act 04-246 also requires that the Siting Council "shall administratively notice completed and ongoing scientific and medical research on electromagnetic fields." P.A. 04-246(8), amending C.G.S. §16-50o.

The Connecticut Department of Public Health has found that "prudent avoidance" of exposure to electromagnetic field (EMF) levels should begin at levels above 3 mG. Exhibit 6, Testimony of Dr. Gary Ginsberg, 6/17/04 and 10/14/04 (page 139).

The Applicants have conceded that homes adjacent to the proposed overhead right of way will be exposed to EMF levels of 6mG or greater at average system loading. Exhibit 92.

For the foregoing reasons, the Siting Council should require that the proposed 345kV transmission line be located underground as it passes through the Royal Oak Subdivision.

II. The Royal Oak Bypass is supported by the Towns of Middletown, Durham and Middlefield and the Applicants.

If the Siting Council determines that the Applicants are not required to bury the transmission line in the Royal Oak Subdivision, the Council should require that the facility be located in the proposed Royal Oak Bypass.

In response to questioning by Chairman Katz, Anne Bartosewicz, the Applicant's project director, testified that the utility company would construct the facility in the Royal Oak Bypass if the three towns requested it. Transcript, 1/19/05 at page 74.

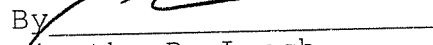
The three towns have communicated their preference for the Royal Oak Bypass to the Siting Council. An additional copy of Middletown's exhibit is attached hereto for the parties' convenience.

In addition to the proposed 345kV line, the towns have requested the Council to require that the existing 115 kV lines be relocated to the Royal Oak Bypass.

The Applicants plan to reconstruct the existing 115 kV lines and the record contains testimony that these lines could be relocated to the Royal Oak Bypass and even placed on the same poles as the proposed 345kV lines. Transcript, 1/2/05 at page 153; 2/1/05 at page 155.

For the foregoing reasons, the City of Middletown respectfully requests that the Siting Council require the Applicants to utilize the Royal Oak Bypass if the Council determines that undergrounding the proposed transmission line in the Royal Oak Subdivision is technologically infeasible and further that the Council require the relocation of the existing 115kV lines into the Bypass.

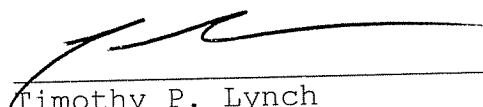
Respectfully Submitted,

By 
Timothy P. Lynch
Deputy City Attorney
245 DeKoven Drive
P.O. Box 1300
Middletown, CT 06457
Juris No. 37809
Tel. No. (860) 344-3422

CITY OF
MIDDLETOWN
LEGAL DEPARTMENT
P.O. BOX 1300
MIDDLETOWN, CT
06457
TEL. (860) 344-3422

CERTIFICATION

This is to certify that a copy of the foregoing was sent by U.S. Mail, postage prepaid, to all parties on the service list dated January 26, 2005 this 16th day of March, 2005.



Timothy P. Lynch

CITY OF
MIDDLETOWN
LEGAL DEPARTMENT
P.O. BOX 1300
MIDDLETOWN, CT
06457
TEL. (860) 344-3422



OFFICE OF THE MAYOR

City of Middletown

CONNECTICUT 06457

DOMENIQUE S. THORNTON
MAYOR

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

December 30, 2004

Re: 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

Dear Chairman Katz:

The purpose of this letter is to express the support of the City of Middletown for a bypass (the "Royal Oak Bypass") around the Royal Oak subdivision which includes a significant number of Middletown residents. Middletown wishes to be very clear, however, in stating that its preferred configuration for any facilities which may be approved in this proceeding is an all-underground configuration, insofar as such facilities pass through the City of Middletown.

Additionally, the Council should understand that the support expressed herein for the Royal Oak Bypass is conditioned upon a requirement that the existing 115 kV lines within the Royal Oak subdivision be relocated into the Royal Oak Bypass, so that the Middletown residents of the Royal Oak subdivision not be "bracketed" by the EMF and other adverse effects of both the existing 115kV lines and the 345 kV lines in the Royal Oak Bypass.

This support is without waiver of Middletown's preferred underground configuration previously communicated to the Council.

Middletown appreciates the Council's consideration of the requests set forth herein.

Very truly yours,

A handwritten signature in black ink that reads "Domenique S. Thornton".

Domenique S. Thornton, Mayor

DST/

cc: Maryann Boord, Durham First Selectwoman
Charles Augur, Middlefield First Selectman

Service List