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 FACILITES BETWEEN THE SCOVILLE ROCK SWITCHING STATION IN MIDDLETOWN AND THE 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 WALLINFORD, 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 MARCH 16, 2005

TOWN OF WOODBRIDGE POST-HEARING BRIEF

The Town of Woodbridge ("Town") submits this Post-Hearing Brief to address Woodbridge-specific issues. In addition, the Town adopts and incorporates by reference herein the Joint Brief on Selected Issues filed on this date by the Towns of Cheshire, Durham, Wallingford and Woodbridge. and the City of Milford (the "Towns' Joint Brief").

For the reasons set forth in this brief, the Town urges the Siting Council to bury the new transmission line in Woodbridge, to protect the Town's precious institutions and homes from the enormous impact and health risk of a 345-kV overhead transmission line, and to avoid the other environmental impacts that would result from a new overhead line.

I. A 3.4 mile porpoise in Woodbridge is technologically feasible

Under Section 7 of P.A. 04-246, Conn. Gen. Stat. §16-50p was amended 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.

In the Town of Woodbridge, in addition to the multitude of homes that abut the right of way, there are two significant facilities where children congregate: B' Nai Jacob/Ezra Academy and the Jewish Community Center. These institutions comprise the most significant of the statutory facilities along the proposed overhead portion of the transmission line, in light of the number of children who spend significant hours per day at them. Under P.A. 04-246, there is a presumption that the new transmission line will be buried to avoid these facilities.

The Town takes no position on where the line should be buried along the 69 mile route. Indeed, that is a policy determination for the Siting Council in connection with its obligation to maximize undergrounding. The Town believes that the record supports burying more than just the 24 miles initially proposed in Segments 3 and 4. Under any circumstance, compliance with P.A. 04-246 requires that the line be buried in Woodbridge to avoid the devastating impact of an overhead line on the statutory facilities in Woodbridge, including B' Nai Jacob/Ezra Academy and the Jewish Community Center.

A. The underground route identified by the Town is constructible.

The Town submitted to the Applicants a specific underground route, beneath public roads, including locations for two transition stations in the Town to enable the line to be porpoised. See, letter from David Ball to Anthony Fitzgerald and Linda Randell dated May 25, 2004, which has been admitted into the record as a supplement to the Town's municipal consultation comments[1]. The route which the Town identified would result in 3.4 miles of undergrounding within Woodbridge. *Tr. 6-15-04 @ 189*. The first transition station would be located on the 180 acres of property currently owned by the Regional Water Authority in Southern Woodbridge, which the Town is in the process of purchasing.[2] This property has been designated as Class III property; it is not a part of the RWA watershed, is considered excess land and is not needed for the public water supply. From this point, the underground route could traverse Northerly from Johnson Road, to Pease Road, then East on Route 114, across Route 63, North on Cedar Road or Route 63, until reaching CL&P's property near the intersection of Route 63 and Clark Road, where a second transition station could be constructed. See, letter from David Ball to Anthony Fitzgerald and Linda Randell dated May 25, 2004.

If this configuration is approved by the Council, it will avoid overhead lines at B'Nai Jacob/Ezra Academy and the Jewish Community Center, as well as residential areas protected by P.A. 04-246. *Tr. 6-15-04 @ 191; Woodbridge Exhibit ___, entered into Record on 1/20/05. See Tr. 1/20/05 @ 13-16*. It would also avoid environmental impacts to some of the most sensitive wetlands identified in this docket, including Wetland 133, as designated by Land Tech. *Id.*

[1] A copy of this letter is attached to this memorandum as Exhibit A for the convenience of the Council.
[2] The Town expects to close on its purchase within the next few weeks.

The Applicants conceded that this route could be constructed. *Id.* Further, the Applicants testified that it would be possible to use XLPE cables for the 3.4 miles of underground lines, which carry less capacitance than HPFF cables. *Id. @ 191-92.* Finally, the Applicants testified that it would be possible to bury both the new 345-kV line and the existing 115-kV line beneath the roads identified for this route, in two separate trenches. *Id. @ 192.*

B. The Applicants have not proven that the porpoise configuration in the Town of Woodbridge is technologically infeasible.

In light of the Applicants' testimony that the 3.4 mile underground route identified by the Town can be constructed, the Council should approve this configuration because the Applicants have not met their new, statutory burden of establishing that the route is technologically infeasible.

1) The October 18, 2004 KEMA Report

Although the ROC Group refuses to consider another inch beyond the 24 underground miles that the Applicants initially proposed, the record suggests that at least an additional 5 miles of underground lines can be achieved. In its initial Harmonic Impedance Study for Southwest Connecticut Phase II Alternatives dated October 18, 2004 (the "KEMA Report"), KEMA concluded that by employing C-Type Filters as a mitigation device, an additional 20 miles of underground lines would be technically feasible. *Tr. 12-14-04 @ 86.*

KEMA also identified other mitigation devices that should have been studied, but were not. The existence of capacitor banks on the system contributes to the harmonics

problem by increasing the amount of capacitance in the system. *Tr. 12-14-04 @ 87*. KEMA testified that in order to thoroughly research the issue of the maximum amount of underground miles, a study should be conducted modeling the removal of capacitor banks from the system. *Tr. 12-14-04 @ 89-90*. KEMA specifically stated that by removing capacitor banks from the system, it is possible that the end result would be that even more undergrounding could be achieved. *Tr. 12-14-04 @ 90*.

KEMA also identified STATCOMs as a potential device to maximize undergrounding. KEMA described a STATCOM as providing voltage support, like a capacitor, but without the capacitance of a capacitor. *Tr. 12-14-04 @ 90-91*. KEMA concluded that "[a] combined mitigation solution, using one or two STATCOMs, together with a number of C-Type Filters in place of most large capacitor banks should add excellent harmonic and dynamic voltage performance to the system." *KEMA Report @ p.* 69.

Although the ROC Group concluded that the addition of four STATCOMs to the system would not be a feasible mitigation device due to the operational complexity of this many STATCOMs (Case 7), it made no such conclusions about the addition of 1-2 STATCOMs, as recommended by KEMA. Further, KEMA testified that the operational complexity of just 1-2 STATCOMs would be "greatly reduced." *Tr. 12-14-04 @ 94*. The benefit of an additional STATCOM is in providing voltage support. *Tr. 12-14-04 @ 96*.

The Applicants also concede that STATCOMs provide voltage support, and, significantly, Mr. Zaklukiewicz admitted that adding STATCOMs to the system could have a positive effect on the temporary overvoltage problem. *Tr. 1-13-05 @ 120*. Mr.

Zaklukiewicz also admitted that the Applicants did not run any studies assuming the installation of C-Type Filters and one additional STATCOM. *Id.*

2) KEMA's opinion of the ROC Final Report

Following the submission of the ROC Final Report on December 20, 2004, KEMA prepared a "white paper" containing its critique of the ROC Final Report, entitled "Observations on the Reliability and Operability Committee's Final Report" dated January 18, 2005 (the "KEMA White Paper"). In the ROC Final Report, the ROC Group identified temporary overvoltages ("TOV"s) as a potential obstacle to the ability to add underground miles. Aware of the TOV issue identified by the ROC Group, KEMA continued to advocate C-Type Filters as a key mitigation device. In the White Paper, KEMA called for further studies which included optimized C-Type Filters to address the issues raised in the ROC Final Report. *KEMA White Paper @ p. 5* Further, KEMA defended C-Type Filters as a mitigation device:

> It should be noted that the application of C-Type Filters is not a novel concept. In the UK, Europe, South Africa, USA, Canada, and others, these C-Type designs are the preferred design in AC systems to minimize harmonic resonance impacts and to add system damping for new capacitor bank installations.

Id. @ p. 6.

In the White Paper, KEMA concluded that the ROC Group's studies do not justify the conclusion that additional undergrounding beyond the base 24 miles is not technologically feasible, and that the results actually support KEMA's prior conclusion that an additional 10 to 20 miles of undergrounding would be technically feasible. *Id. @ p. 7.*

3) KEMA' s February 17, 2005 opinion

At the last hearing on February 17, 2005, KEMA was no longer willing to support the notion of an additional 10-20 miles of undergrounding, presumably because it now had access to the ROC Group' s data and had changed its opinions.

However, the record continues to support a conclusion that an additional five miles can be buried. For months, KEMA advocated C-Type Filters as a technique to mitigate harmonics issues and TOVs. Yet, at the eleventh hour, without any rational explanation, KEMA suddenly backed down on its prior support of C-Type Filters as a mitigation solution. At the same time as it withdrew its support for C-Type Filters, KEMA admitted that if the Filters were employed, an additional five miles could be buried. The Town submits that this convoluted record supports the use of C-Type Filters, that at least five more miles can be buried, and that the Applicants have not met their statutory burden of proving otherwise.

At the February 14, 2005 technical session, KEMA stated that an additional five miles of undergrounding was probably technically feasible. *Tr. 2-17-05 @ 25*. Again at the February 17, 2005 evidentiary hearing, KEMA testified that "an additional five miles of undergrounding may be technically feasible using C-Type Filters." *Id*. Further, KEMA agreed that if C-Type Filters were employed as a mitigation device, there is no question that they would expect improved results with TOVs. *Tr. 2-17-05 @ 33*.

However, KEMA now was unwilling to stand behind C-Type Filters because, although C-Type Filters have been used in the industry for several years, there was a lack of “actual industry practice” in using C-Type Filters specifically to mitigate TOVs.

Under this novel definition of technological feasibility,[3] KEMA felt that for a large scale project such as this, C-Type Filters should not be used. *Tr. 2-17-05 @ 22*. KEMA testified that utilizing four to seven C-Type Filters is considered "large scale." *Tr. 2-17-05 @ 34*. Instead, KEMA testified that C-Type Filters should be tested on a smaller scale in selected locations in the system. *Tr. 2-17-05 @ 17-18*.

Significantly, KEMA testified that for a shorter length of undergrounding than five miles, fewer than four C-Type Filters would probably be required. *Tr. 2-17-05 @ 40*. Thus, notwithstanding KEMA' s concerns about using C-Type Filters for a large scale application, it would seem fully appropriate to use a smaller number of C-Type Filters to mitigate TOVs in connection with an additional 3.4 miles of undergrounding in Woodbridge.

In addressing the feasibility of porpoising, KEMA testified that a porpoise configuration does not weaken the system. *Tr. 2-17-05 @ 29*. Although it may be preferable to extend undergrounding from a substation from an operational point of view, KEMA testified that from a resonance and TOV point of view, it would be better to porpoise the line to add underground miles. *Tr. 2-17-05 @ 41*. Although KEMA stated that there is some risk in porpoising, it also testified that a porpoise is not in and of itself technologically infeasible. *Tr. 2-17-05 @ 31*.[4]

[3] Indeed, if "lack of industry practice" were the standard, no technological advances could ever be employed. With this definition, Docket 217's transition stations and extensive undergrounding could not have been approved. In this Docket, extensive use of XLPE cables could not even be considered. Of course, this cannot be the standard.

[4] There are no less than 4 transitions from overhead to underground in the porpoise configuration approved by the Council in Docket 217.

4) The Applicants have not met their burden of proving that the Town's proposed 3.4 mile porpoise is technologically infeasible.

In light of the testimony cited above, the Town urges the Council to approve the 3.4 mile porpoise route in Woodbridge, to protect the Town's precious statutory facilities. The Council has stated repeatedly that it will maximize undergrounding in this Docket in accordance with P.A. 04-246. For a number of reasons, the Applicants have not met their statutory burden of proving technological infeasibility with respect to additional undergrounding in Woodbridge.

First, although the Applicants are adept at identifying hurdles to undergrounding, they have not done enough to explore mitigation that would maximize undergrounding. KEMA provided a portfolio of mitigation options, including removing capacitor banks from the system, adding a STATCOM, and employing C-Type Filters. The Applicants never modeled studies assuming the addition of one STATCOM with C-Type Filters in place of most of the large capacitor banks on the system. The Applicants also admitted that adding a STATCOM could improve the TOV problem. In refusing to model mitigation techniques which they concede would improve the TOV problem -- and therefore add underground miles -- the Applicants have willfully ignored their burden. Additionally, even though the Town proposed the 3.4 mile porpoise route on May 25, 2004, and the Applicants conceded that it was constructible, the Applicants have intentionally chosen never to study this configuration. By failing to model potential mitigation options, and by ignoring the Town's proposed porpoise route, the Applicants have failed to meet their burden of demonstrating that the underground route within the Town of Woodbridge is technologically infeasible.

Second, KEMA testified that to achieve less than five additional underground miles, fewer than four C-Type Filters would probably be required. Even if the Council accepts KEMA' s reluctance to employ C-Type Filters on a "large scale", it should accept the use of the smaller number of Filters that would be needed for a smaller scale application -- such as a 3.4 mile porpoise in Woodbridge.

Third, KEMA has left no doubt that an additional five miles of undergrounding would be technologically feasible if C-Type Filters were used on a larger scale. KEMA was well aware of the ROC Final Report when it issued its White Paper calling for C-Type Filters as a means to mitigate the TOV problem. Absolutely nothing has changed in the interim to explain why KEMA will no longer support C-Type Filters, and KEMA has not presented any factual basis for its changed opinion. The Town submits that the rationale for using C-Type Filters is every bit as strong today as it was when KEMA filed the White Paper.

Further, as a matter of policy, KEMA' s new definition of technological feasibility as requiring "actual industry practice" should be rejected. If the Council approves a continuous route of 24 miles of XLPE cables -- even though there is limited actual industry experience of this cable length at 345-kV-- then it must also employ the same standard in evaluating C-Type Filters as a mitigation option. The record demonstrates that although C-Type Filters have not been used for the specific purpose of mitigating TOVs, they have been used in the industry world-wide, with success. Further, the studies that have been run in this docket using C-Type Filters have in fact *confirmed* that Filters will be successful in mitigating TOVs. *Tr. 2-17-05 @ 16-17*. There is more than enough

evidence in the record for the Council to require the use of C-Type Filters so that the maximum number of underground miles can be achieved.

P.A. 04-246 imposes on the Applicants the burden of overcoming the presumption of undergrounding. Since the statute requires the Council to maximize undergrounding, and the Applicants have not proven that an additional five miles of underground lines is technologically infeasible, the Council must approve this extended undergrounding. The Town of Woodbridge has proposed a 3.4 mile porpoise configuration which the Applicants concede can be constructed, and which will preserve the Woodbridge institutions as well as other statutory facilities. To comply with P.A. 04-246, the Council should certify this porpoise configuration.

II. The 3.4 mile porpoise will avoid unacceptable EMF exposure levels for children at B'Nai Jacob/Ezra Academy and the Jewish Community Center

Within the Town of Woodbridge are B' Nai Jacob/Ezra Academy and the Jewish Community Center. These institutions contain a school, a day camp, day care centers, and playgrounds. In light of the number of children who spend significant hours per day at these facilities, they are the most significant of the statutory facilities in this Docket. The construction of the proposed line will expose the children who spend time at these institutions to unacceptable levels of EMF; i.e., levels above background based on the 27.7 GW case.[5] The solution is to porpoise the line so as to avoid these important institutions.

[5] The Town of Woodbridge refers the Council to the Towns' Joint Brief @ pp. 22-33 for a detailed discussion on EMF exposure levels and the appropriate "case" for consideration.

A. B' Nai Jacob/Ezra Academy

The Town is highly skeptical of the EMF calculations provided by the Applicants. The calculations are subject to a great deal of variation depending upon the assumptions that are modeled, and there are significant questions as to whether split phase design will work as represented.[6]

However, even if the Council accepts the Applicants' EMF modeling and that split phasing will work to mitigate EMFs, the predicted EMF exposure levels at B' Nai Jacob/Ezra Academy would still be too high. Assuming split phasing works as represented and scores of 135' towers are constructed (the Application calls for 85' towers), the EMF exposure levels at Ezra Academy within the right of way ("ROW") are predicted to be as high as 21.9mG.[7]

At the edges of the ROW, the EMF exposure levels are predicted to be 6.0mG and 10.4mG.

At Ezra Academy's building, the EMF exposure level is predicted to be 4.6mG. 30' from the southeast corner of the ROW, which would place one inside the school itself, the EMF exposure level is predicted to be 3.6mG. In fact, it is not until one proceeds 45' from the edge of the ROW (deeper into the school building) that a calculation below 3.0mG is predicted, and it is not until one is 75' from the ROW that an EMF calculation below 2mG is predicted.

These exposure levels are unacceptable, and contrary to the intent of P.A. 04-246. *See Towns' Joint Brief @ pp. 18-33.*

[6] The Town of Woodbridge refers the Council to the Towns' Joint Brief @ pp. 34-36 for a detailed discussion as to why split-phasing should not be relied upon.

[7] The EMF predictions are based on the 27.7GW case. For compelling reasons presented in the Towns' Joint Brief @ pp. 28-33, the 15GW "case" should be ignored.

B. Jewish Community Center

Similarly, even if the Council accepts the Applicants' EMF modeling and the hypothesis that split phasing will work to mitigate EMFs, the predicted EMF exposure levels at the Jewish Community Center would still be too high. Assuming split phasing works as represented and scores of 135' towers are constructed, the EMF exposure levels within the ROW are predicted to be as high as 17.3mG. With respect to the JCC, children walk under the line to get to the ballfield and daycamp and back to the JCC building or bus area. Cars park under the line as well.

At the edges of the ROW, the EMF exposure levels are predicted to be 3.8 mG and 10.3 mG.

It is not until one proceeds 90' from the northwest edge of the ROW that a calculation below 3.0mG is predicted, and it is not until one is 135' from the northwest edge of the ROW that an EMF calculation below 2mG is predicted. From the southeast edge of the ROW, a predicted EMF calculation below 3mG is reached 30' from the ROW, and below 2mG is reached 60' away.

The JCC uses both sides of the ROW, however, as well as the ROW itself. As with B' Nai Jacob/Ezra Academy, these levels of exposure are unacceptable and contrary to the intent of P.A. 04-246.

C. Residential Areas

An appropriate buffer zone based on the 27.7 GW case and a threshold EMF exposure level of 3mG would significantly impact 24 residential properties. *Woodbridge Exhibit ___, entered into Record on 1/20/05. See Tr. 1/20/05 @ 13-16.*

The Applicants represented that only 5 properties would be impacted, but only counted structures, without taking into account backyards and other usable portions of peoples' properties. As argued in the Towns' Joint Brief @ pp. 57-60, the Legislature adopted the language "residential *areas*", making clear that the entirety of a residential parcel must be protected. If the Legislature intended for the definition to be limited to residential "dwellings" or "structures", it would have said so.

Significantly, the Applicants have not challenged or in any way refuted the Town's correction which conclusively shows that with an appropriate buffer zone based on the 27.7 GW case and a predicted EMF exposure level of 3mG, 24 residential properties would be impacted. *Woodbridge Exhibit ___, entered into Record on 1/20/05. See Tr. 1/20/05 @ 13-16*. Takings on this scale would violate the letter and spirit of P.A. 04-246.

III. The 3.4 mile porpoise configuration will minimize impacts to sensitive environmental resources

The 3.4 mile porpoise configuration will minimize impacts to sensitive environmental resources in Woodbridge by avoiding Wetland 133, 4 vernal pools, and an eastern box turtle habitat. The underground route proposed for the porpoise by Woodbridge is also outside of the RWA's watershed area. *Tr. 6-3-04 @ 142*.

Woodbridge retained Land-Tech Consultant, Inc. ("Land-Tech"), an environmental consulting firm, to evaluate the environmental resources in the ROW, and to evaluate the potential impacts to these resources.

Land-Tech determined that of the 6.2 mile length of ROW in Woodbridge, approximately 2.7 miles of the length of the ROW has wetlands. *Tr. 6-3-04 @ 230*.

With respect to the entire 6.2 mile length of the ROW, Land-Tech identified several significant natural resource areas:

- Wetland 133. This wetland is the largest wetland within the ROW in Woodbridge. The wetland extends for 8/10 mile along the ROW. *Tr. 6-3-04 @ 227.* The wetland system contains Race Brook which is a DEP stocked trout stream, possesses a large flood plain area capable of attenuating storm flows from Race Brook, and contains a large diverse mosaic of vegetative community types and wildlife habitat. *Woodbridge Exhibit 6*.
- Wetland 133 also contains two vernal pools, in which wood frog egg masses were identified. *Id*.
- Three other vernal pools are located in wetlands 124, 130, and 138, respectively. In addition, an amphibian breeding pool is located in wetland 122. *Id*.
- Two box turtle habitats. *Id*.
- The Glen Dam Reservoir is part of a public water supply and the associated area support the State Species of Special Concern Red-shouldered hawk. Id.

Land-Tech opined that "significant long and short term impacts to sensitive natural resources will occur," if the project were constructed. *Woodbridge Exhibit 6, Executive Summary*. Land-Tech determined that the project could result in approximately 7.3 acres of temporary wetland disturbance and 4.3 acres of wetland fill in

Woodbridge alone. *Id*. The 3.4 mile porpoise would minimize impacts to these resources by avoiding Wetland 133, 4 vernal pools, and an eastern box turtle habitat.

Of course, these opinions with respect to wetland impacts are based on the information provided with the Application, including the size of the foundations for the towers and the temporary work areas. Now that the Applicants propose higher towers in an effort to mitigate EMFs, the Applicants recognize that the higher towers will require larger foundations, more fill, and other construction related impacts. *See Letter from Attorney Fitzgerald to Siting Council dated February 1, 2005.* Incredibly, in this February 1, 2005 letter, the Applicants admit that they have no intention of providing updated environmental information in the record, but instead intend to wait until the D&M stage. However, contrary to the Applicants' position, deferring assessment of environmental impacts is fatal to the application, as Conn. Gen. Stat. § 16-50p(a)(2) prohibits the Council from issuing a Certificate unless it finds and determines the nature of the "probable environmental impact" of a proposed facility, and balances that impact against the public need for the facility. The Applicants' position is also contrary to the new Application Guidelines adopted by the Council in Docket 259, as recommended by the "Working Group" established by the Legislature.

As a result of the potential impacts, including an estimated 7.3 acres of wetland disturbance, Land-Tech opined that from an environmental perspective, an underground route is preferred. The installation of an underground line is not expected to significantly impact wildlife along the route, as minimal alteration to vegetation is required.[8] Access roads and pole installations, the major cause for concern in Woodbridge, would not be

[8] The Applicants' environmental witness, Louise Mango, agreed that an underground route in the existing road would avoid most natural resource impacts. Tr. 6-1-04 @ 73.

required. The only impact to the environment would be a narrow trench that will be placed beneath the existing roads. *Woodbridge Exhibit 6, page 12*.

Moreover, while the height of the Towers have grown from no more than 85 feet in the Application to 135 feet in the course of this Docket, the Applicants have not provided a viewshed analysis. More than 100 towers will now be significantly above the treeline, while the original proposal had them at or just above the treeline. The Applicants have also failed to provide an updated cultural resources assessment as a result of the impact of the taller towers on the historic resources in Woodbridge, including the Thomas Darling House, the New England Cement Co. Kiln and Quarry, and the Town Center, known as the Woodbridge Green Historic District, all of which are listed on the Natural Register of Historic Places. Moreover, the record is devoid of any comments from the Connecticut Historical Commission concerning the much taller towers. As a result, the record does not permit the Council to make any findings concerning the potential impact of the taller towers on the Town's scenic and historic resources as required by PUESA.

The 3.4 mile porpoise route proposed by the Town minimizes impacts to Woodbridge's sensitive resources by avoiding Wetland 133, 4 vernal pools, an eastern box turtle habitat, and scenic resources, and would effectuate the balancing required by Conn. Gen. Stat. §16-50g.

Conclusion

If the Council certifies a new 345-kV line in this Docket, it will impact the Town of Woodbridge for generations. In order for the Council to adhere to Public Act 04-246, it must find a way to bury the new line in Woodbridge to preserve its statutorily protected facilities, including B' Nai Jacob/Ezra Academy and the Jewish Community Center. The record supports a conclusion that an additional five miles of underground cables is feasible, and the Town has presented a porpoise configuration which the Applicants agree can be constructed.

Conversely, if the Council orders a new 345-kV overhead line through the Town, there is a real likelihood that B' Nai Jacob/Ezra Academy and the Jewish Community Center will not survive. This unacceptable result would be devastating to the Town, and would violate P.A. 04-246. Based on the arguments in this brief, and those asserted in the Towns' Joint Brief, the Town submits that unless the new line is buried within Woodbridge to achieve compliance with P.A. 04-246, the Application must be denied.

Respectfully submitted,

TOWN OF WOODBRIDGE

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