



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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[www.ct.gov/csc](http://www.ct.gov/csc)

April 12, 2017

Kristina Newman-Scott  
State Historic Preservation Officer  
Department of Economic and Community Development  
505 Hudson Street  
Hartford, CT 06106

RE: **PETITION NO. 1293** - Eversource Energy declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for all transmission facility asset condition maintenance improvements to comply with the updated National Electrical Safety Code clearance requirements.

Dear Ms. Newman-Scott:

The Connecticut Siting Council (Council) is in receipt of your April 7, 2017 correspondence concerning Petition No. 1293. A decision was rendered on this petition for a declaratory ruling (petition) on March 31, 2017. A copy of the Council's March 31, 2017 declaratory ruling is enclosed for your convenience.

In reaching a final decision on a petition, the Council carefully considers all of the facts contained in the evidentiary record that is developed by the Council, the petitioner, and sister state agencies and members of the public who submit written statements to the Council. A final decision is rendered after the Council deliberates and votes on the petition during a public meeting.

Please be advised that the above-referenced petition did not request the Council to issue a declaratory ruling that the replacement of existing electric transmission line structures throughout the state will "have no substantial adverse environmental effect." This petition requested the Council to consider and approve a case-by-case process for the Council's review and evaluation of forthcoming Eversource requests to replace individual, existing electric transmission line structures throughout the state that are exhibiting deterioration due to cracking, splitting, rot, woodpecker damage, etc. to comply with updated National Electrical Safety Code standards.

In 2011 and 2013, Eversource and United Illuminating (UI) submitted similar petitions for declaratory rulings from the Council to consider and approve a case-by-case process for the Council's review and evaluation of forthcoming Eversource and UI requests to conduct electric transmission line remediation activities throughout the state to comply with the

North American Electric Reliability Corporation (NERC)<sup>1</sup> nationwide conductor clearance standards to protect electric transmission lines from overheating under excessive electric load. The Council issued declaratory rulings in Petition No. 1000 and Petition No. 1073 that require Eversource and UI to submit site-specific requests to the Council for review and approval of each electric transmission line remediation activity to comply with the NERC conductor clearance standards.

In 2015, Eversource and UI jointly submitted a similar petition for a declaratory ruling from the Council to consider and approve a case-by-case process for the Council's review and evaluation of forthcoming Eversource and UI requests to conduct electric substation remediation activities throughout the state to comply with the NERC nationwide, mandatory reliability standards for critical infrastructure protection. The Council issued a declaratory ruling in Petition No. 1157 that requires Eversource and UI to submit site-specific requests to the Council for review and approval of each electric substation remediation activity to comply with the NERC reliability standards.

With reference to Petition No. 1293, to comply with the National Electrical Safety Code and minimize environmental impacts, Eversource plans to:

1. Conduct all work on Eversource property or within existing Eversource rights-of-way;
2. Minimize vegetation removal within the right-of-way to the extent practicable and restore temporarily disturbed areas in accordance with Eversource's September 2016 Best Management Practices Manual for Massachusetts and Connecticut (BMPs);
3. Locate replacement structures out of wetland areas, to the extent possible, except where new foundations for replacement transmission line structures are already located in wetland areas;
4. Install one-for-one replacements of transmission line structures located within 15 feet of the existing transmission line structures;
5. Increase heights of replacement transmission line structures no more than 10 feet, when necessary;
6. Employ erosion and sediment controls in accordance with the 2002 *Connecticut Guidelines for Soil Erosion and Sediment Control* and Eversource BMPs;
7. Use existing access, where possible, retain work pads in upland areas unless the property owner requests removal, and remove matting from wetland areas after construction; and
8. Restore disturbed/exposed areas upon completion of construction with topsoil, landscaping or seed.

On March 31, 2017, the Council issued a declaratory ruling in Petition No. 1293 that requires Eversource to submit site-specific requests to the Council for review and approval of each electric transmission line structure replacement to comply with the National Electrical Safety Code that include, but are not limited to, the following:

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<sup>1</sup> NERC is certified by the Federal Energy Regulatory Commission as the federal regulatory authority whose mission is to ensure, maintain and enforce mandatory standards relative to the reliability of the electric transmission grid in North America.



1. The exact location and reason for the site-specific transmission line maintenance activity;
2. Description of the transmission line maintenance activity, including, but not limited to, site drawings and plans depicting current field conditions and access routes to areas of maintenance activities;
3. An impact statement relating to the potential environmental effects of construction as follows:
  - a. Wetlands and watercourses;
  - b. Flood zones;
  - c. Department of Energy and Environmental Protection Natural Diversity Database areas; and
  - d. Vegetation management;
4. A mitigation plan for any identified environmental impacts, including, but not limited to, best management practices, erosion and sediment controls, re-vegetation and site stabilization; and
5. Notification to the host municipality and abutting property owners of the proposed transmission line maintenance activity indicating comments or concerns should be submitted to the Council within 30 days of the date the request is sent to the host municipality and abutting property owners.

The Council's March 31, 2017 declaratory ruling contemplates requests for additional information, public field reviews and public hearings on any site-specific request that is filed by Eversource.

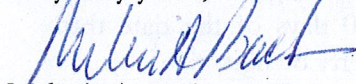
With reference to the photos attached to your April 7, 2017 correspondence, the Council did not receive, review or approve any petition for the existing electric transmission lines in South Windsor and Stonington. Routine general maintenance and vegetation management of electric transmission lines is under the exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC) and is exempt from Council review unless there is a facility modification. However, on December 9, 2016, in Petition No. 1251, the Council issued a declaratory ruling for the rebuilding and reconductoring of approximately 8 miles of the existing No. 900 electric transmission line within the existing Eversource right-of-way in Coventry with the conditions that Eversource reduce any upland access road areas to no more than 16 foot total width, reduce any wetland access road areas to no more than 12 foot total width, implement temporary and permanent erosion and sedimentation (E&S) controls, seed disturbed areas and remove temporary E&S controls after stabilization is achieved.

Please also be advised that the Council takes it statutory charge under Connecticut General Statutes §16-50g to balance the public need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and the ecology of the state very seriously. Due to its interstate nature, electric transmission is subject to a multitude of mandatory federal and regional electric reliability standards. Failure to comply with these mandatory electric reliability standards can result in penalties, sanctions or mandated remedial actions. Costs of non-compliance and the burden of compromised electric reliability are borne by the electric ratepayers.

Electric transmission lines are the backbone of the North American electric grid. In its Report on Transmission Facility Outages during the Northeast Snowstorm of October 29-30, 2011: Causes and Recommendations, the FERC and NERC determined that 50% of transmission outages in the New England Region occurred in Connecticut.<sup>2</sup> One damaged Connecticut electric transmission line was out of service for 8 days due to difficulty of access.<sup>3</sup> Connecticut is 1 of 6 states in the New England Region among Maine, Vermont, New Hampshire, Massachusetts and Rhode Island. Electric transmission lines in Connecticut impact power flows throughout the 6 state region and faults on an electric transmission line in Connecticut could produce cascading effects on other system elements throughout the region. For example, failure to increase the height of an existing electric transmission structure that is located in an historic district in Connecticut no more than 10 feet to comply with the National Electrical Safety Code invites an unreliable asset condition that could potentially cause cascading electric outages throughout the entire New England Region.

Thank you for your interest and concern in this very important matter. Your letter will be entered in the public comment file related to this declaratory ruling.

Very truly yours,



Melanie A. Bachman  
Executive Director

MAB/lm

Enclosure: Petition No. 1293 Final Decision, dated March 31, 2017

- c Council Members
  - Benjamin Barnes, Office of Policy and Management
  - Robert Gilmore, DEEP
  - Commissioner Robert Klee, DEEP
  - Susan Lee, United States Army Corps of Engineers
  - James Quinn, Mohegan THPO
  - Marissa Turnbull, Mashantucket Pequot THPO
  - Karl Wagener, Council on Environmental Quality
  - Kathleen Shanley, Eversource Energy
  - Kimberly D. Bose, Federal Energy Regulatory Commission
  - Commissioner Catherine Smith, DECD
  - Catherine Labadia, SHPO

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<sup>2</sup> Federal Energy Regulatory Commission and the North American Electric Reliability Corporation, *Report on Transmission Facility Outages during the Northeast Snowstorm of October 29-30, 2011: Causes and Recommendations*, May 31, 2012, available at <https://www.ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>

<sup>3</sup> *Id.*





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**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

March 31, 2017

Kathleen Shanley  
Manager-Transmission Siting  
Eversource Energy  
P.O. Box 270  
Hartford, CT 06141-0270

**RE: PETITION NO. 1293** - Eversource Energy petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for all transmission facility asset condition maintenance improvements to comply with the updated National Electric Safety Code clearance requirements.

Dear Ms. Shanley:

At a public meeting held on March 30, 2017, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need. This proposal is approved subject to the following conditions:

1. Eversource shall file with the Council a sub-petition for each site-specific transmission line maintenance activity for Council staff review that includes the following information:
  - a. The exact location and reason for the site-specific transmission line maintenance activity (ex. Replacement of wood structure damaged by woodpecker activity);
  - b. Description of the transmission line maintenance activity, including, but not limited to, site drawings and plans depicting current field conditions and access routes to areas of maintenance activities;
  - c. An impact statement relating to the potential environmental effects of construction as follows, where applicable:
    - i. Wetlands and watercourses
    - ii. Flood zones
    - iii. Department of Energy and Environmental Protection Natural Diversity Database areas;
    - iv. Vegetation management; and
  - d. A mitigation plan for any identified environmental impact, including, but not limited to best management practices, erosion and sediment controls, re-vegetation and site stabilization.
2. Eversource shall provide notice to the town(s) and abutting property owners of the proposed transmission line maintenance activity with a copy of the site-specific sub-petition indicating that comments or concerns should be submitted to the Council within 30 days of the date that the sub-petition is sent to the town(s) and abutting property owners. Proof of such notice shall be provided to the Council at the time the site-specific sub-petition is filed with the Council. If Eversource identifies field conditions that require immediate attention to replace a compromised transmission structure and Eversource submits to the Council with the site-specific sub-petition proof of notice to the town(s) and abutting property owners, and also submits written permission to proceed with the transmission line maintenance activity from the town, the 30-day comment period may be waived.



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This decision is under the exclusive jurisdiction of the Council. The Council shall have discretion to request additional information, conduct field reviews, deliberate during a regular meeting, or hold a public hearing on any site-specific sub-petition that is filed. All work is to be implemented in accordance with the 2017 National Electric Safety Code, as amended, and as specified in the petition, dated March 2, 2017.

Enclosed for your information is a copy of the staff report on this petition.

Very truly yours,

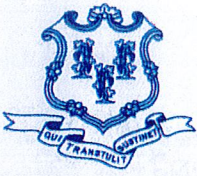
A handwritten signature in blue ink that reads "Robert Stein" followed by the letters "MAB" in a slightly larger, bolder script.

Robert Stein  
Chairman

RS/MAB/lm

Enclosure: Staff Report dated March 30, 2017





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### Petition No. 1293

#### **The Connecticut Light and Power Company d/b/a Eversource Energy Statewide – National Electrical Safety Code Transmission Line Maintenance Activities**

#### **Staff Report**

**March 30, 2017**

On March 2, 2017, the Connecticut Siting Council (Council) received a Petition (Petition) from The Connecticut Light and Power Company, d/b/a Eversource Energy (Eversource) for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is required for all statewide transmission line maintenance activities to comply with the updated National Electrical Safety Code (NESC) standards, including, but not limited to, conductor clearance requirements. The NESC is the authoritative code for ensuring the continued practical safeguarding of persons and utility facilities during the installation, operation and maintenance of electric power and communications utility systems, including substations, overhead lines and underground lines.

The NESC is updated and published every five years to keep the code up-to-date with changes in the industry and technology. Specifically, in August 2016, the Institute of Electrical and Electronic Engineers (IEEE) Standards Association published the 2017 (100<sup>th</sup> Anniversary Edition) NESC. Changes in the 2017 NESC include, but are not limited to, revised requirements for substation impenetrable fences, consideration of Aeolian vibration for conductors, changes to accommodate new industry ratings and revisions to align the code with changes made to Occupational Safety and Health Administration rules.

Standards for the design of transmission line structures have changed over the years since electric transmission lines were originally constructed. These changes frequently result in necessary height increases of replacement transmission line structures to comply with new standards, including, but not limited to, compliance with NESC conductor clearance requirements. This requires utilities to evaluate installation of a replacement transmission line structure in accordance with all of the new applicable codes and standards. Due to compromised asset conditions, transmission line structures exhibiting cracking, splitting, rot, woodpecker holes, etc. must be replaced. As a result of recent surveys, Eversource has targeted wood transmission line structures in several locations throughout the state that are in need of replacement. The replacement of compromised transmission line structures will directly enhance the resiliency and reliability of the bulk power system.

No line upgrades or reconductoring work is proposed as part of this Petition. Improvements include, but are not limited to, replacement of wood structures with weathering steel structures that are similar in appearance, a slight increase in structure height of some of the new replacement structures to comply with NESC conductor clearance requirements, installation of new foundations for the replacement structures and relocation of existing lines to the new replacement structures.

To comply with the NESC and minimize environmental impacts, Eversource plans to:

1. Conduct all work on Eversource property or within existing Eversource rights-of-way;
2. Minimize vegetation removal within the right-of-way to the extent practicable and restore temporarily disturbed areas in accordance with Eversource's September 2016 Best Management Practices Manual for Massachusetts and Connecticut (BMPs). No removal of mature trees is required;



3. Locate replacement structures out of wetland areas, to the extent possible, except where new foundations for replacement transmission line structures are already located in wetland areas. No permanent wetland impacts are expected;
4. Install one-for-one replacements of transmission line structures located within 15 feet of the existing transmission line structures;
5. Increase heights of replacement transmission line structures no more than 10 feet, when necessary;
6. Employ erosion and sediment controls in accordance with the 2002 *Connecticut Guidelines for Soil Erosion and Sediment Control* and Eversource BMPs;
7. Use existing access, where possible, retain work pads in upland areas unless the property owner requests removal, and remove matting from wetland areas after construction; and
8. Restore disturbed/exposed areas upon completion of construction with topsoil, landscaping or seed.

The statewide transmission line maintenance activities will not have substantial adverse environmental effects. There would be no impacts to cultural resources. Visual impacts would be limited to slight differences in the appearance and height of the replacement transmission line structures. There would also be no substantial changes to electric and magnetic field levels or noise levels at all points along the right-of-way property lines.

Consistent with Council Petition Nos. 1000 and 1073, Connecticut Light and Power Company and the United Illuminating Company declaratory rulings that no Certificate is required for all transmission remediation activities pursuant to the North American Electric Reliability Corporation (NERC) facility ratings recommendation to industry, and consistent with Council Petition No. 1157, Eversource Energy and the United Illuminating Company joint declaratory ruling that no Certificate is required for all transmission substation remediation activities to comply with the NERC Reliability Standards for Critical Infrastructure Protection, staff recommends the following process for submission, evaluation and approval of statewide transmission line maintenance activities to comply with the updated NESC standards:

1. Eversource shall file with the Council a sub-petition for each site-specific transmission line maintenance activity for Council staff review that includes the following information:
  - a. The exact location and reason for the site-specific transmission line maintenance activity (ex. Replacement of wood structure damaged by woodpecker activity);
  - b. Description of the transmission line maintenance activity, including, but not limited to, site drawings and plans depicting current field conditions and access routes to areas of maintenance activities;
  - c. An impact statement relating to the potential environmental effects of construction as follows, where applicable:
    - i. Wetlands and watercourses;
    - ii. Flood zones;
    - iii. Department of Energy and Environmental Protection Natural Diversity Database areas; and
    - iv. Vegetation management; and
  - d. A mitigation plan for any identified environmental impacts, including, but not limited to, best management practices, erosion and sediment controls, re-vegetation and site stabilization.
2. Eversource shall provide notice to the town(s) and abutting property owners of the proposed transmission line maintenance activity with a copy of the site-specific sub-petition indicating that comments or concerns should be submitted to the Council within 30 days of the date that the sub-petition is sent to the town(s) and abutting property owners. Proof of such notice shall be provided to the Council at the time the site-specific sub-petition is filed with the Council. If Eversource identifies field conditions that require immediate attention to replace a compromised transmission structure and Eversource submits to the Council with the site-specific sub-petition proof of notice to



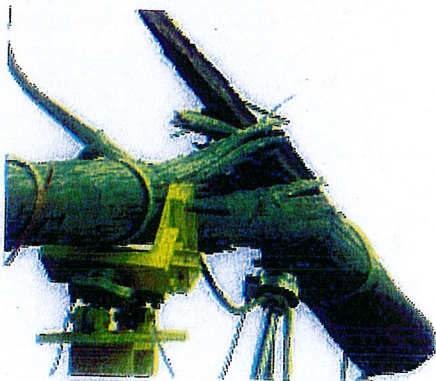
the town(s) and abutting property owners, and also submits written permission to proceed with the transmission line maintenance activity from the town, the 30-day comment period may be waived.



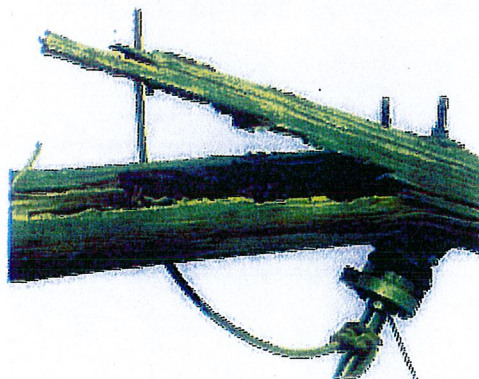
Woodpecker damage



Wood rot



Wood cracking and splitting

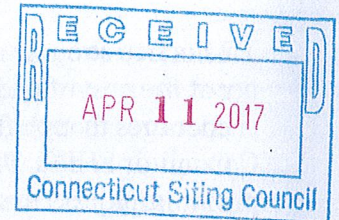






April 7, 2017

Robert Stein, Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051



Subject: Petition 1293 by Eversource Energy for a Declaratory Ruling  
Finding of No Substantial Adverse Environmental Effect

Dear Chairman Stein:

The State Historic Preservation Office (SHPO) reviewed the referenced petition as posted at the Siting Council's website as of April 3, 2017. SHPO is concerned with the claim that the proposed improvements that would fall under this submission would, "have no substantial adverse environmental effect." This office previously contacted the Connecticut Siting Council (Council) with regards to "maintenance projects" completed by Eversource that also were described as having no impacts, but involved significant landscape modifications for access roads, work pads, and pole replacements. More recently, these same concerns have also been forwarded to the United States Army Corps of Engineers pursuant to federal permitting and requirements because the Council failed to offer any resolution. SHPO anticipates that these types of related construction activities (i.e., access roads and work pads), although not explicitly enumerated, would be covered by Petition 1293. If Council members have not seen an active structure replacement project, I would encourage you to do so. Until such an opportunity may arise, I have attached pictures to this letter taken by concerned citizens, SHPO staff, or submitted reports to demonstrate the impactful nature of what is being proposed.

It is the responsibility of the Council to balance the energy needs of the public with the, "need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values" (CGA 16-50 g). SHPO urges the Council to take this latter requirement into strong consideration when it considers Petition 1293. Further, we request the Council's support in assisting SHPO with the responsibility of our office for overseeing the governmental program of historic preservation for Connecticut's citizens. Based on prior investigations and review of projects being completed by Eversource, SHPO strongly objects to the petition's claim that structure replacements with increased heights and new foundations will not have a substantial effect. Specifically, Section 5, part 4 of the petition states, "There would be no impacts to cultural resources." Based on the Line 900 project completed by Eversource in Coventry, and submitted to SHPO for review, pole replacements of a greater height can impact historic districts. Further, upon review of a report recently submitted to SHPO, it was clear that at least six archeological sites were identified in close proximity (less than 15 feet) to existing poles being replaced by Eversource along Line 1448/3642 in South Windsor. Thus, past projects demonstrate that the claim of "no impacts to cultural resources" is false.

State Historic Preservation Office

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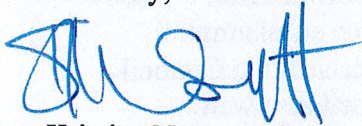
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This office strongly supports streamlining of the review processes for energy related project, but not at the cost of undermining federal laws, state statutes, or agency missions. As such, SHPO encourages thoughtful project planning that does not undermine the statutory obligations of the Council or SHPO. The dismissive statements made in Petition 1293 do not appear to reflect a planning process that takes into consideration its project effects in a meaningful manner. As a result, SHPO does not support this petition and urges the Council to carefully contemplate its responsibilities when it considers Petition 1293.

This office appreciates the opportunity to comment on this petition and everyone's cooperation in the management of Connecticut's important cultural heritage. For additional information, please contact Catherine Labadia, Environmental Reviewer and Deputy State Historic Preservation Officer, at (860) 256-2764 or [catherine.labadia@ct.gov](mailto:catherine.labadia@ct.gov).

Sincerely,



Kristina Newman-Scott  
State Historic Preservation Officer

cc: Benjamin Barnes, Office of Policy and Management  
Robert Gilmore, DEEP  
Susan Lee, United States Army Corps of Engineers  
James Quinn, Mohegan THPO  
Kathleen Shanley, Eversource  
Marissa Turnbull, Mashantucket Pequot THPO  
Karl Wagener, Council on Environmental Quality





Line 1465 in Stonington



Line 1448/3642 in South Windsor

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Line 1448/3642 in South Windsor



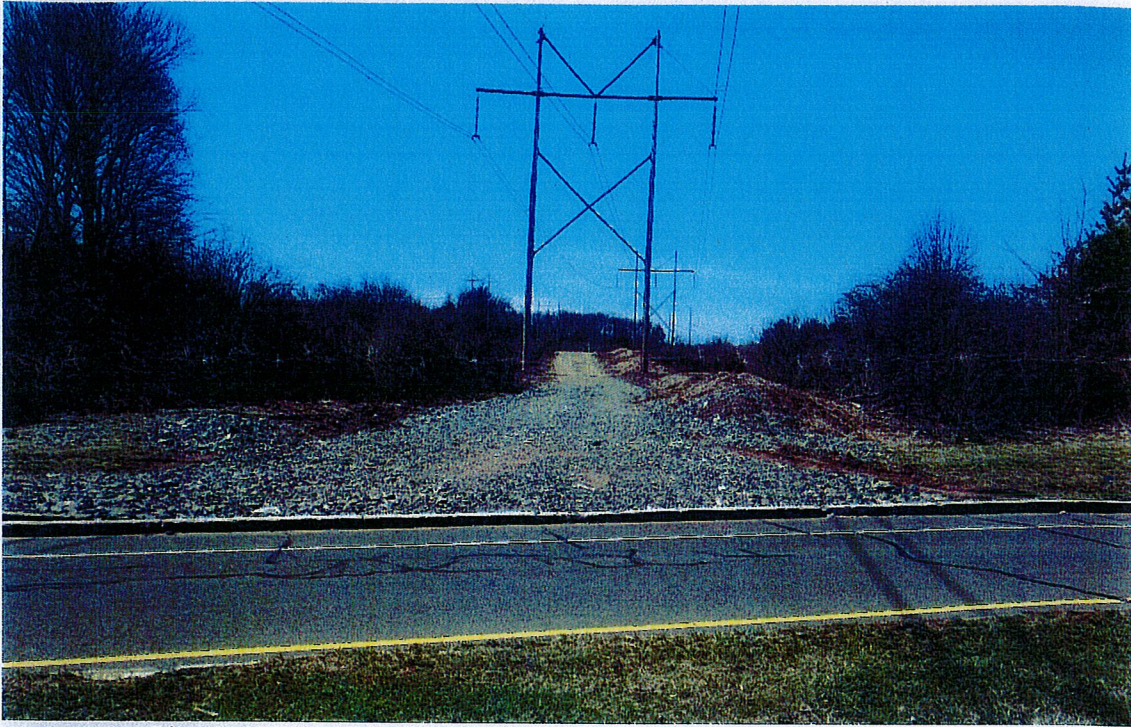
Line 1448/3642 in South Windsor

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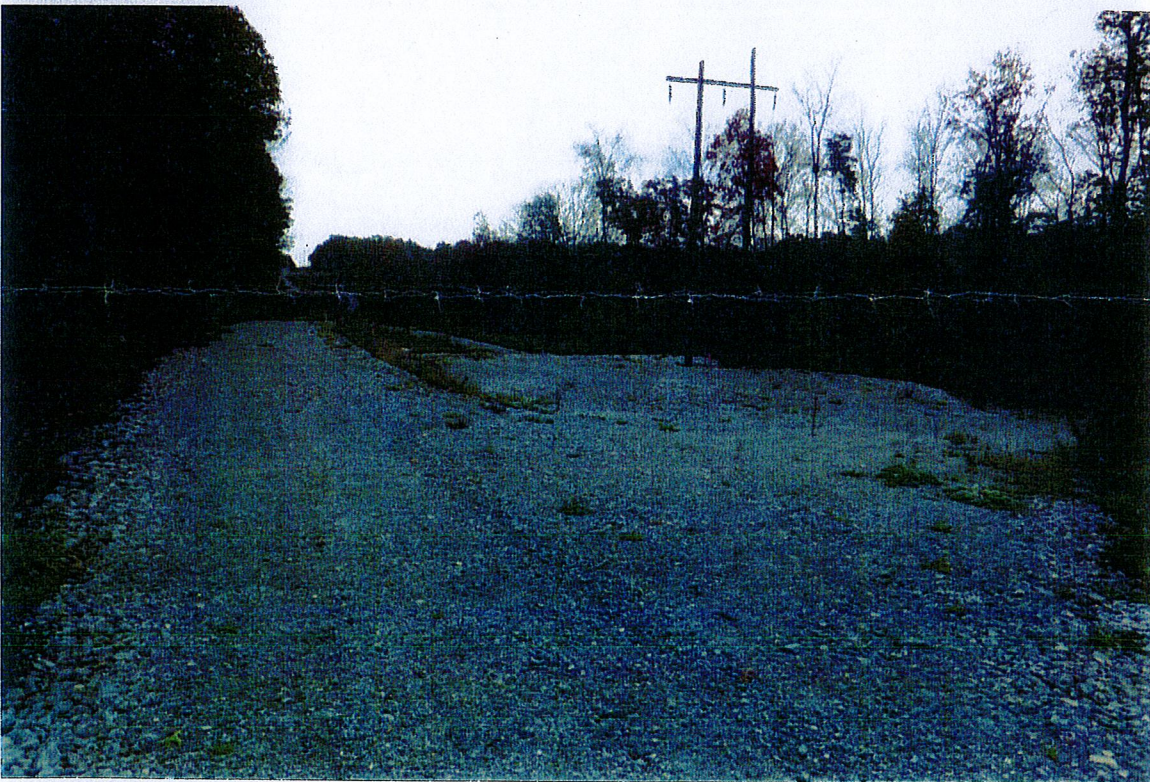
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Line 1448/3642 in South Windsor



Line 900 in Coventry

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