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STATE OF CONNECTICUT

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January 19, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

SDP/ef

RE: **DOCKET NO. 272** - The Connecticut Light and Power Company and The United Illuminating Company 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. **Amendment to the Certificate – Proposed Route Change in the City of Norwalk.**

As stated at the hearing in Norwalk on November 29, 2006, after the Council issues its draft findings of fact, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of fact and the record; however, no new information, evidence, argument, or reply briefs will be considered by the Council.

Parties and Intervenors may file written comments with the Connecticut Siting Council on the Draft Findings of Fact issued on this docket by February 2, 2007.

SDP/CML/laf

Enclosure



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NOTICE OF SERVICE

I hereby affirm that a photocopy of this document was sent to each Party and Intervenor on the service list dated October 31, 2006.

Dated: January 19, 2007

A handwritten signature in cursive script, reading "Lisa Fontaine", written over a horizontal line.

Lisa Fontaine
Custodian of Docket No. 272

DOCKET NO. 272 - The Connecticut Light and Power Company and The United Illuminating Company 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. Amendment to the Certificate – Proposed Route Change in the City of Norwalk.	} } } } } } } } }	Connecticut Siting Council January 5, 2007
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DRAFT Findings of Fact for the Norwalk Amendment

INTRODUCTION

1. On July 21, 2006, The Connecticut Light and Power Company (CL&P) and the United Illuminating Company (UI) collectively referred to as the “Applicants”, pursuant to Connecticut General Statutes (CGS) §16-50l(d), submitted an application to the Connecticut Siting Council (Council) for an amendment to the Certificate of Environmental Compatibility and Public Need (Certificate) issued on April 7, 2005 in Docket No. 272. (Applicants 1, p. 1)
2. On April 7, 2005, the Council issued a Decision and Order (D&O) approving Docket 272, which is the CL&P and UI Certificate 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. (Council Admin. Notice 1)
3. The Docket 272 D&O, Condition number 9 (b) states that “...construction of an alternate Norwalk River crossing that would begin approximately 1,000 feet south of the original location to mitigate impacts to the Riverside Cemetery Association.” (Council Admin. Notice 1)
4. The Applicants now propose to modify the portion of the approved underground route through Norwalk that includes two crossings of the Norwalk River and replace it with an upland construction route. The relevant portion of the route is the last approximately one mile of the route as it goes into the Norwalk Substation. (Applicants 1, p. 1; Transcript 1 [Tr. 1], November 29, 2006, 3:10 p.m., p. 26)
5. Pursuant to provisions of CGS §§ 4-181a(b) and 16-50m and § 16-50j-21 of the Regulations of Connecticut State Agencies, after giving due notice thereof, the Council held a public hearing on November 29, 2006, beginning at 3:10 p.m. and continued at 7:00 p.m. in the auditorium of Brien McMahon High School, 300 Highland Avenue, Norwalk, Connecticut. The Council and its staff made an inspection of the amended route through Norwalk on November 29, 2006. (Record, Tr. 1, p. 12; Transcript 2 [Tr.2], November 29, 2006, 7:00 p.m., p. 12)

6. The Applicants provided notice of the proposed amendment to CL&P customers in the City of Norwalk in one or more monthly electric bills, within 60 days prior to July 21, 2006. Notice was also provided to the South Norwalk Electric Works and the Third Taxing District Electric Division (East Norwalk) with enough copies to allow those companies to distribute the notice to each of their electric customers in one or more monthly bills within 60 days prior to July 21, 2006. CL&P has received information that these other electric companies did provide their customers with notice of the proposed amendment. (Affidavit Regarding Notice Provided to Electric Customers, received August 7, 2006)
7. The Applicants published notice of the proposed amendment in The Advocate (Stamford); and The Hour (Norwalk) on July 18, 2006. (Affidavit Regarding Publication of Legal Notice, received August 7, 2006)
8. Pursuant to CGS § 16-501 (b), the Applicants provided notice to all federal, state and local officials and agencies listed therein. (Affidavit Service of Application, received August 7, 2006)
9. Pursuant to General Statutes §16-50j (h), on October 26, 2006, the Council requested that the following state agencies submit written comments regarding the proposed modification; Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)
10. Comments were received from the DOT Bureau of Engineering and Highway Operations on November 28, 2006. (DOT comments dated November 28, 2006)
11. No comments were received from: DEP, DPH, CEQ, DPUC, OPM or DECD. (Record)

APPROVED ROUTE

12. The route approved by the Council in the D&O for Docket No. 272 extends through the center of Norwalk and crosses the Norwalk River twice. The route extends along and adjacent to Route 1 (Cross Street/Belden Avenue) and crosses the Norwalk River. On the west side of the Norwalk River the route turns north-northwest to follow Route 809 (Riverside Avenue). Opposite of the Riverside Cemetery, the route turns north and diagonally crosses the Norwalk River, for the second time, and extends across New Canaan Avenue running parallel to the southbound exit ramp of Route 7 then entering the Norwalk Substation. Figure 1 of this document shows the Council approved cable route and the proposed modified route. (Applicants 1, p. 2; Applicants 3, p. 2)
13. Initially, the Applicants and their consultants determined that the route through Norwalk would have included installing the transmission cables along the now proposed modified route. Norwalk officials requested that the cables be located along a route that would cross the Norwalk River at Belden Avenue, travel north along Riverside Avenue, and cross the Norwalk River again at New Canaan Avenue. The Norwalk officials stated that they believed this route was preferred because even though it was longer and involved two river crossings, it would have less impact on residents and businesses. The Applicants then included Norwalk's preferred route in the Docket 272 application. (Applicants 1, p. 3; Applicants 3, p. 3)

14. In the Docket 272 application, the Applicants proposed to cross the Norwalk River using horizontal directional drilling or jacking and boring at both locations. During the proceeding, the Applicants discovered that these crossing techniques were not feasible for the northerly crossing and; therefore, proposed an open cut for the northerly crossing. The Applicants also proposed a change in the technique used for the southerly crossing, by which the cables would be attached to a highway bridge. (Applicants 1, pp. 3, 4)
15. Following certification of the Docket 272 application, the DOT informed the Applicants that co-location of the 345-kV cables on any bridge is not acceptable due to engineering and safety design. The Applicants investigated the use of a self-supporting bridge for the cable system, which would have been located to the south of the Route 1 bridge and within the planned Norwalk Center redevelopment area and the state coastal boundary. In late 2005/early 2006, as the United States Army Corps of Engineers (ACOE) was reviewing the permit application for the river crossing, the City of Norwalk expressed concern regarding the location of the proposed bridge structure within the Norwalk Center Urban Redevelopment Area. (Applicants 1, pp. 4, 5)
16. The open cut at the northern crossing of the Norwalk River would cut through approximately two acres of riparian wetlands. In January of 2006, the DOT Environmental Planning staff commented that the wetland that would be impacted is a DOT wetland mitigation area that was created along the Norwalk River pursuant to an ACOE permit condition for the construction of Route 7. (Applicants 1, p. 5; Tr. 1, p. 30)

AGENCY POSITIONS

17. To obtain approval from the ACOE and the DEP, the Applicants are required to demonstrate that the proposed route is the "least environmentally damaging practicable alternative" to wetlands and watercourses. The ACOE has stated that, since the crossings of the Norwalk River and their wetlands has associated impacts that are avoidable by use of the upland route now proposed, it would not likely issue a permit for a route that includes two crossings. (Applicants 1, p. 5; Applicants 3, pp. 3, 4)
18. DOT does not object to the proposed route modification, provided that the Applicants continue to consult with DOT. Additionally, DOT expects the Applicants to conform to the terms and conditions of the Encroachment Agreement with regard to any route deviations. (Applicants 1, p. 5; DOT comments dated November 28, 2006)
19. The City of Norwalk now has no objection to the currently proposed upland route. (Applicants 1, p. 5)
20. During the public comment portion of the public hearing held on November 29, 2006, Mr. Tad Diesel (Director of Business Development and Marketing of the City of Norwalk) spoke on behalf of the Mayor of Norwalk. Mr. Diesel stated that the city supports the proposed change and that it is a better route for the city than the approved route. (Tr. 1, p. 33)

PROPOSED AMENDMENT

21. The proposed modification would turn away from the approved route at the intersection of Route 123 (Main Street) and Route 1 (Cross Street). The route modification would turn to the north-northwest, following under or adjacent to Route 123. At a point just north of Catherine Street, the route would turn to the west onto private property where the route would be placed between two commercial buildings and then under Metro-North Railroad's Norwalk-Danbury line. The proposed modified route would continue west across CL&P's Norwalk Service Center property and then north along Grand Street to Route 123 (New Canaan Avenue). The proposed route would then turn west along Route 123, passing under Route 7, then turning north parallel to the CL&P property and a southbound exit ramp from Route 7, and continuing to the Norwalk Substation. (Applicants 1, p. 2)
22. The proposed modified route would cross between two commercial properties. One is located on Route 123 and owned by Drew Friedman. This property has a business store front with a steakhouse restaurant located in the back of the building. The other property is CL&P's area work center for the Norwalk service center, which is located on Tindall Avenue. The modified route would also cross under a Metro North rail line. (Tr. 1, p. 34)
23. The Applicants have not discussed necessary easements with Mr. Friedman. The normal process is that the Applicants would discuss this if they receive approval for the modified route from the Council. (Tr. 1, p. 35)
24. The proposed route modification would extend approximately 5,800 feet through the City of Norwalk and replace approximately 7,200 feet of the approved route. (Applicants 1, p. 2)
25. The proposed cable duct banks would be primarily aligned within Route 123 and the cable splice vaults would be installed outside the travel portion of the road. The Applicants would consult with DOT regarding the final design in the Norwalk area. (Applicants 1, p. 6)
26. Land use in the area surrounding the proposed route modification consists of the Route 7 underpass and associated on/off ramps, commercial development and scattered residential uses. There are no statutory facilities adjacent to the proposed modified route. Statutory facilities, as defined by CGS §16-50p(a)(2)(D), include residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds. (Applicants 1, p. 6)
27. Construction of the proposed route along state roads would be done in accordance with DOT requirements. In locations where the route deviates from state roads for off-street vault locations or where the proposed cable route goes on to private property, the Applicants would work with the property owners. (Tr. 1, p. 38)
28. Construction on state roads would take place between the hours of 6:00 p.m. and 6:00 a.m. (Tr. 1, p. 39)
29. Construction at the steakhouse, on the Friedman property, would probably take place during the day to have less impact on the business. (Tr. 1, p. 47)

30. The duct bank would be installed within a five-foot deep trench. The top of duct bank would be installed 30 inches below the surface of the road. In locations where utilities would be encountered underground the duct bank would be installed deeper to avoid the utilities, which could be as deep as 10 to 12 feet. (Tr. 1, p. 40)
31. Steel plating and other temporary structures would be put down in areas of construction to allow access to businesses. (Tr. 1, p. 43)
32. An additional splice vault would have to be installed along the proposed cable route to match cable impedances in segments of the cable. The cable segments must be in groups of three between vaults and the distances between the three segments of cable have to match to within ten percent of each other. Due to the DOT requirement that the vaults be located off the road, the Applicants shortened the distances between the last set of vaults on the circuit to make the distances between the cable segments equal. (Tr. 1, p. 44)

COSTS

33. The cost of the proposed route modification would be less than the relevant section of the approved route due to its shorter length and avoidance of river crossings. The reduction in cost would be partially offset by the need for additional vaults and splices, easements over private property and additional design costs. The relevant section of the approved project would cost \$23.3 million. The budget for the proposed modified route is \$18.7 million. (Applicants 1, p. 7)

ENVIRONMENTAL ISSUES

34. The proposed route modification would not cross water resources. The proposed route modification would eliminate impact to two acres of riparian forested wetland that the approved route would create. (Applicants 1, p. 6; Tr. 1, p. 31)
35. There are no cultural resources along the proposed route modification. (Applicants 1, p. 6)
36. A comparison of the Council approved route and the proposed modified route is shown below:

FEATURE	MODIFIED ROUTE	APPROVED ROUTE
Segment length	5,800 feet	7,200 feet
Primary adjacent land use	Urban commercial and residential	Norwalk Center urban area; commercial and residential, Norwalk River; Riverside Cemetery
Water crossings	0	2
Wetland crossings	0	1
Railroad crossings	1	1
Water resource impacts due to construction (wetlands and water crossings)	0	2 acres (Norwalk River north crossing)

(Applicants 1, p. 7)

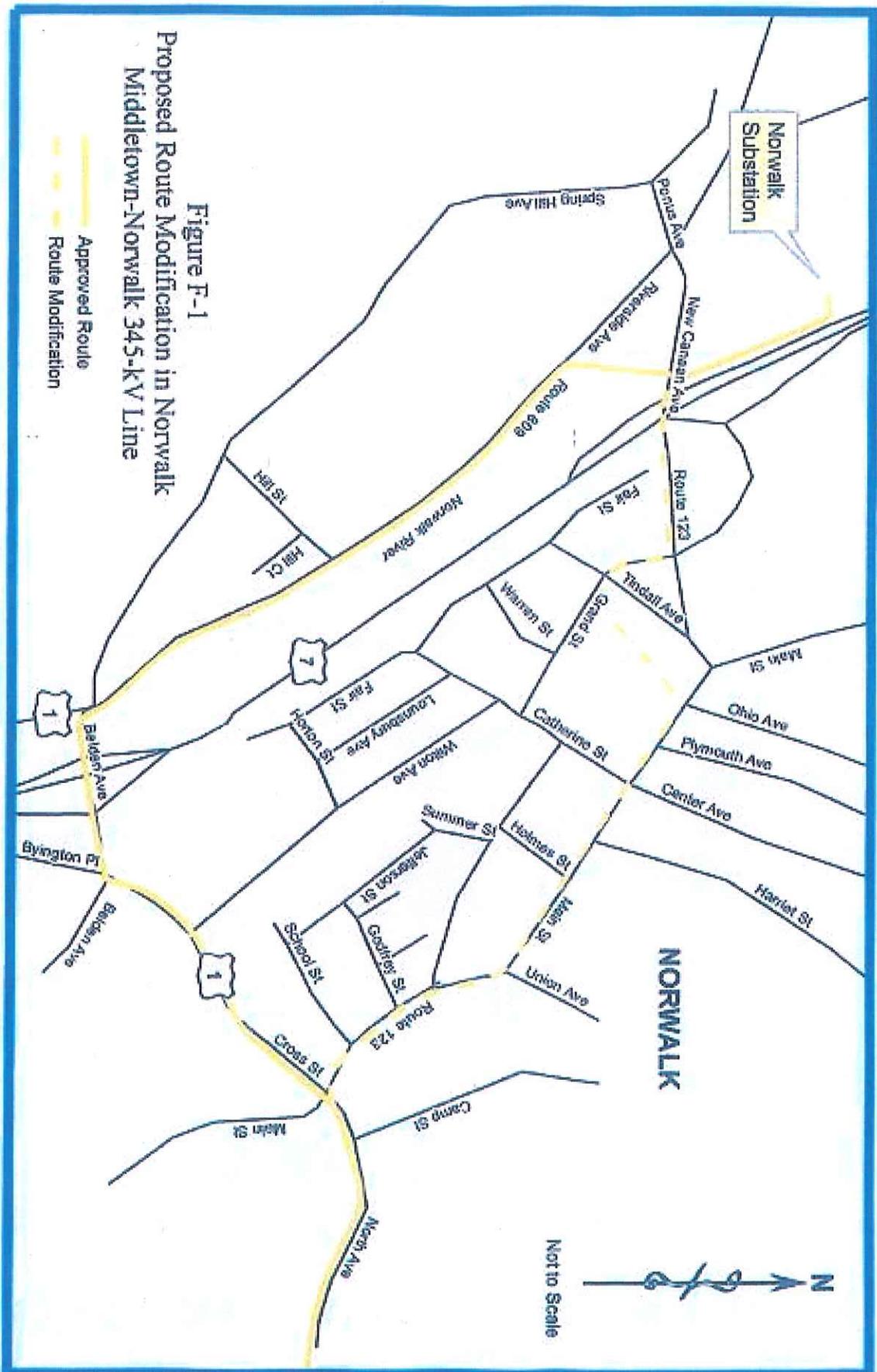


Figure 1. Proposed route modification and Council approved route in Norwalk. (Applicants 1, Appendix A-1)