

STATE OF CONNECTICUT

SITING COUNCIL

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) Docket 272
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) August 21, 2006
Switching Station and Norwalk Substation and the)
Reconfiguration of Certain Interconnections)
)
**Supplemental Hearing Pursuant to Conn. Gen.)
Stats. § 4-181a(b))**

**POST-HEARING BRIEF OF CONGREGATION B'NAI JACOB,
EZRA ACADEMY, THE JEWISH FEDERATION OF GREATER NEW HAVEN,
THE JEWISH COMMUNITY CENTER OF GREATER NEW HAVEN
AND THE TOWN OF WOODBRIDGE**

**CONCERNING THE MODIFICATION PURSUANT TO
CONNECTICUT GENERAL STATUTES § 4-181a(b), OF THE
COUNCIL'S DECISION AND ORDER AND CERTIFICATE TO APPROVE
CERTAIN VARIATIONS OF THE OVERHEAD ROUTE THROUGH
WOODBRIDGE, CONNECTICUT**

INTRODUCTION

Congregation B'nai Jacob, Ezra Academy, The Jewish Federation of Greater New Haven and The Jewish Community Center of Greater New Haven (collectively, the "Woodbridge Organizations") and the Town of Woodbridge agree with the arguments made by the Connecticut Light & Power Company ("CL&P") and the United Illuminating

Company (“UI”) in their August 16, 2006 Post Hearing Brief, as well as the Proposed Findings of Fact submitted by CL&P and UI in this proceeding. The Woodbridge Organizations are submitting herewith additional proposed findings of fact (the “Woodbridge FOF”).

In the submissions by CL&P and UI and the accompanying Woodbridge FOF, the “changed conditions” that support the approval of the Woodbridge variations are set forth in detail. These proposed variations increase the buffer zone near statutory facilities utilized by hundreds of children daily and are consistent with the legislative purposes set forth in Public Act 04-246. While the Woodbridge Organizations and the Town of Woodbridge would have preferred that the new 345 kV transmission facilities be placed underground near these statutory facilities, and claim in their appeal of the Siting Council’s April 7, 2005 Decision and Order (“D&O”) that such undergrounding was required by Public Act 04-246, the proposed modifications are a result of extensive settlement negotiations conducted by Superior Court Judge Levine. The end result of Judge Levine’s efforts is a proposed settlement agreement which results in the withdrawal of the appeal of the Siting Council’s April 7, 2005 D&O if the power lines are moved further from the Woodbridge Organizations’ statutory facilities. This result was possible because of changed conditions since the Siting Council’s April 7, 2005 D&O.

In negotiating and agreeing to the settlement agreement, the Woodbridge Organizations were governed by the principle of moving the closest 345-kV transmission line 300 feet from the Woodbridge Organizations’ statutory facilities, while at the insistence of the Town of Woodbridge making sure that in doing so the closest 345-kV transmission line was not moved any closer than 300 feet to any nearby

residence. The proposed route accomplishes that goal. The route proposed in the D&M before the Siting Council maximizes the protection of the health and safety of all the residents and institutions in the Town of Woodbridge. (Town of Woodbridge Hearing Ex. 1, Test. of Sheehy at p. 3).

During the public hearing before the Siting Council on the proposed modification, two owners of neighboring residences opposed the modification. One, Peter Werth, owns a residence to the west of the B'nai Jacob Campus. During the course of the hearing, it became clear that the proposed modification does not in any way adversely impact on Mr. Werth or his residence. (Aft. Tr.¹ at 92-93 (Bartosewicz)). In fact, the proposed modification does not move the transmission facilities in any way closer to the Werth residence. (Id.). During Mr. Werth's testimony, it appeared that he had a dispute with Congregation B'nai Jacob that has nothing to do with the proposed transmission lines or any modification thereto. (Eve. Tr. at 59-60 (Werth)). At the conclusion of Mr. Werth's testimony before the Siting Council, in response to a question as to whether Mr. Werth could explain or identify any respect in which he was worse off as a result of the proposed modification than he would have been if there had been no change in the route ordered by the Siting Council, Mr. Werth responded "The modification doesn't bother me one bit." (Eve. Tr. at 63 (Werth)).

The second resident of Woodbridge who objected to the proposed modification was Mr. Root. The testimony at the hearing made clear that the proposed modification does not move the 345-kV transmission line any closer to Mr. Root's residence. (Aft. Tr. at 96 (Bartosewicz)). The testimony revealed that the modification moves the right of

¹ "Aft. Tr." = Transcript of the 3:00 p.m. hearing session on July 20, 2006. "Eve. Tr." = Transcript of 7:00 p.m. hearing session on July 20, 2006.

way 75 feet closer to the southeast rear corner of Mr. Root's property, but would still be 75 feet from the corner of that property. (Aft. Tr. at 99 (Bartosewicz); Eve. Tr. at 70-71 (Root)). The site visit by Council members showed that the area between the proposed right of way and that corner of Mr. Root's property is forested.

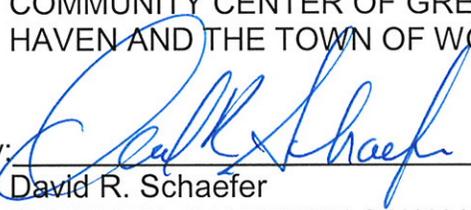
The record is clear that the Town of Woodbridge kept Mr. Root (and other nearby residents) informed of the proposed settlement and all proceedings of the Siting Council with respect thereto. (Eve. Tr. at 44-47 (Sheehy)). At Mr. Root's request, the Town of Woodbridge was able to have the route set forth in the proposed settlement modified to move it as far away from the rear southeast corner of Mr. Root's property as was possible while still providing the 300 foot buffer zone from the JCC building. (Aft. Tr. at 100-101 (Bartosewicz)). While Mr. Root complained about the loss of trees as a result of the modification, he acknowledged that any trees that would be cut down are on the JCC property and the JCC has a right to cut down trees on its own property. (Eve. Tr. at 69-70 (Root)).

None of the other owners of residences that are near the modified right of way as it passes through the B'nai Jacob Campus, the JCC Campus or the CL&P Parcel voiced any objection to the route modification.

In summary, approval of the route modification in Woodbridge will resolve the pending administrative appeal, will provide an increased buffer zone around statutory facilities used by hundreds of children daily, and will eliminate the risks and costs of delay and litigation. The Woodbridge Organizations and the Town of Woodbridge strongly urge the Siting Council to approve the proposed route variations in the Town of Woodbridge.

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ACADEMY, THE JEWISH FEDERATION OF
GREATER NEW HAVEN, THE JEWISH
COMMUNITY CENTER OF GREATER NEW
HAVEN AND THE TOWN OF WOODBRIDGE

By: _____


David R. Schaefer
BRENNER, SALTZMAN & WALLMAN LLP
Their Attorneys
271 Whitney Avenue
New Haven, CT 06511
Juris No. 06063
Tel. (203) 772-2600
Fax: (203) 562-2098
Email: dschaefer@bswlaw.com

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