

July 16, 2004

VIA CERTIFIED MAIL

S. Derek Phelps, Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

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 transmission system from Middletown to Norwalk.

Dear Mr. Phelps:

I am responding to the Connecticut Siting Council's request for comments from East Haven Mayor Joseph Maturo, Jr. dated June 10, 2004. On behalf of the Town of East Haven, I should like to address the Town's concerns associated with the newly proposed "East Shore Route" and register the Town's strong opposition to said route. We submit that the municipalities affected by the proposed alternative route were denied their constitutional right to due process because they were not provided with proper notice and a public forum to be heard. In addition, we submit that the project is not environmentally friendly or cost effective.

I. Due Process was denied.

Municipalities that "host" the "newly prospective" route were denied due process because they were not provided with proper statutory notice and an opportunity to be heard. The proposed Route was admittedly not part of the application as either a proposed route or alternative route to extend Connecticut's existing 345-kV transmission system from Middletown to Norwalk. Therefore, despite the Council's efforts suggesting that the "East Shore Route" is part of the application because it is proximate to the proposed route in Wallingford, the newly prospective Route should be treated as an entirely new application.

Pursuant to Connecticut General Statutes Sec. 16-501 (b), municipalities affected by the newly proposed "East Shore Route," and the relevant commissions that would be involved, should have received a copy of the new application¹ as well as proof of service of a copy of the application on the other governmental parties specified in Sec. 16-501 (b). In addition, proper notice of the application should have been provided to the public and a hearing should have been

¹ Connecticut General Statutes Sec. 16-501 (a) requires that each application contain pertinent information such as a complete description of the route, including the costs associate with the new route; a statement and full explanation regarding the necessity of the new route; a map detailing the proposed and alternate routes; and justification for adoption of the proposed route in light of the environmental, technical and economic concerns.

held “not less than thirty days nor more than one hundred fifty days” after receipt of the new application. See C.G.S. Sec. 16-50m (a).

The Town of East Haven submits that it never received notice of the new application pursuant to Sec. 16-50l (b) and that, through its representatives, it was never afforded the opportunity to be heard in a public forum with respect to said application. See C.G.S. Sec. 16-50m (a). Therefore, the Town of East Haven objects strongly to the proposed new route because it was denied its constitutional right to be heard.

II. The proposed East Shore Route adversely affects the quality of the environment.

The Town of East Haven fervently objects to the proposed “East Shore Route” because the required deforestation of approximately 150 acres of land to accommodate a second 345k-V line along the existing right of way would severely impact sensitive ecological areas around Lake Saltonstall and areas used for recreational purposes.

The Public Utility Environmental Standards Act (the “Act”) was enacted in part “[t]o provide for the balancing of the need for adequate and reliable public utility services . . . with the need to *protect the environment and ecology of the state* and to *minimize damage to the scenic, historic, and recreational values.*” (Emphasis added.) The Town of East Haven submits that the proposed route directly conflicts with the purpose of the Act because the clearing of approximately 150 acres of land in the existing right of way cannot help the environment but only have a significant adverse environmental effect.

III. The East Shore Route is not an economically sound proposition.

The proposed “East Shore Route” is not cost effective because it is estimated that to run cable from Beseck to the East Shore substation in New Haven and then on to East Devon, it will cost approximately \$150 to \$200 million more than the proposed route, increasing overall project costs by up to one-third. It is unrealistic to believe that these additional costs would not be passed on to the consumer in the form of higher rates.

For the foregoing reasons, the Town of East Haven strongly urges the Council to reject the proposed “East Shore Route.”

Sincerely

Lawrence C. Sgrignari
Town Attorney

c. Mayor Joseph Maturo, Jr.
Arthur DeSorbo, Director of Administration