

State of Connecticut

SENATE

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

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CONNECTICUT
SITING COUNCIL

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ASSISTANT MINORITY WHIP
THIRTY-FOURTH DISTRICT

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APPROPRIATIONS COMMITTEE
GENERAL LAW COMMITTEE
PROGRAM REVIEW & INVESTIGATIONS COMMITTEE

January 17, 2005

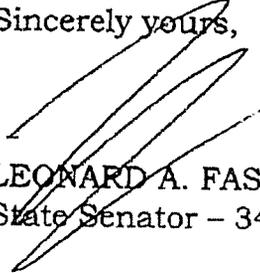
Pamela B. Katz, P.E., Chairwoman
Siting Council
State of Connecticut
10 Franklin Square
New Britain, Connecticut 06051

Telefaxed only

Dear Chairman Katz:

Enclosed is my proposed testimony which I will give on January 18, 2005.

Sincerely yours,

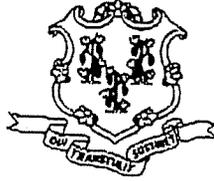

LEONARD A. FASANO
State Senator - 34th District

LAF/cam

Enclosure

cc: S. Derek Phelps, Executive Director (via e-mail)

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January 17, 2005

Pamela B. Katz, P.E., Chairwoman
 Siting Council
 State of Connecticut
 10 Franklin Square
 New Britain, Connecticut 06051

Dear Chairman Katz:

I am State Senator Len Fasano. I would like to make a few remarks about the role of the Applicants involved in docket 272 as well as some of the outside parties who have spoken on behalf of the Applicants, and the role of the Siting Council in setting state energy policy.

In September of 2003 the CEO of ISO New England testified before the United States House of Representative's Energy and Commerce Committee, saying:

" ..If state regulators are unable to conclude siting proceedings within a certain period of time federal authorities should take over the process."

Having raised the issue of the timeliness of the state regulatory approval process what did ISO New England, do to aide in the timeliness of this Application in Connecticut?

ISO New England essentially caused docket 272 to come to a halt for five months while it "concluded" a report on the maximum amount of undergrounding which was technologically feasible. Mind you ISO New England's objection to this Application only happened AFTER the legislature passed PA 04-246.

Pamela B. Katz, P.E., Chairwoman

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Before PA 04-246, ISO New England had over 10 months to comment on the feasibility of undergrounding the initial 24 miles but somehow neglected to do so. It was only after the Connecticut legislature passed PA 04-246 which asked for more undergrounding did ISO New England step in to question the feasibility of undergrounding the original 24 miles.

As a sidenote, as I know that you are aware, in the Phase 1 application, Docket 217, the 20+ miles undergrounding that was approved was not put under as rigorous engineering analysis that the 24 miles in Phase II was subjected to by ISO New England in the ROC Report.

In the Application before you, ISO New England in took over 5 months of the 18 month statutory time table to create the ROC report and to reach the conclusion that not one 1 more inch of undergrounding could be approved than the original 24 miles proposed by the Applicant. What a remarkable coincidence!!!

Then ISO New England, a non-governmental body comprised of regional transmission owners of whom Northeast Utilities is its' largest member, had the audacity to tell the State of Connecticut's Siting Council that if the if the State of Connecticut reached any decision regarding undergrounding other than the original 24 miles originally proposed by its largest member, that the entire application would be essentially rejected by ISO New England.

Compounding the problem, is that you, the Siting Council, appear to be rewarding, rather than sanctioning, the behavior by ISO New England and Northeast Utilities by first allowing the statutory clock to run while the delayed ROC report was created and then by not even considering an extension to allow for the towns and citizens of the State of Connecticut sufficient time to prepare a meaningful review of the ROC report and it's conclusion. The lack of time afforded by you, the Siting Council, to the towns and citizens to respond to the ROC report, may have denied the citizens of Connecticut their rights of due process in this proceedings by mandating that the towns and citizens provide all of their objections to this delayed report in a highly expedited fashion.

Clearly this is not the outcome the Legislature intended by the passage of PA 04-246!!!

Pamela B. Katz, P.E., Chairwoman

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In passing PA 04-246, we were concerned with protecting the health of our most innocent constituents, the children of the State of Connecticut. We intended for you, the Siting Council, to find a way to underground the transmission line, wherever technically possible, and if not possible, then in those areas close to the line where children live, learn and play to provide adequate safety buffers between the transmission lines and those areas. We had prominent independent scientists, who are concerned citizens of Connecticut, come to Hartford to state based upon their analysis of the EMF childhood leukemia data, in accordance with the position of the Department of Health of our State, that they were very concerned about exposing children to the levels of EMF that are projected to be in close proximity to the proposed transmission line.

In enacting PA 04-246, we envisioned that you, the Siting Council, would look at the maximum amount of power that could flow through the lines, throughout the lifetime of the lines, and set a safety buffer to protect generations of children to come from the hazards of EMF to be emitted from the line.

Instead, we have seen you the Siting Council devote much time in this process to listening to the Applicants, whose only motive is to create profit for its shareholders, try to dismiss the health concerns of the citizens of our great State for their children. You have listened to the Applicants ask you to set the safety buffer based upon power levels that have already been exceeded in the year 2004. You have listened to the Applicants claim that they have lowered the projected EMF levels based upon unproven parking lot experiments, all the while dismissing the legitimate concerns of the citizens of our Great State for their children.

Your own council thoughtfully commissioned the KEMA report, in an effort to provide an independent third party voice to the questions of technological feasibility. When the report was issued in October of 2004 the executive director of the SC expressed his hope that the report would:

"Spark a thorough and probing fact finding effort." When KEMA independently concluded that up to 44 miles of the proposed line might be eligible to be undergrounded the parents of the children of the State of Connecticut thought that perhaps the government was listening and that their prayers had been heard.

Pamela B. Katz, P.E., Chairwoman

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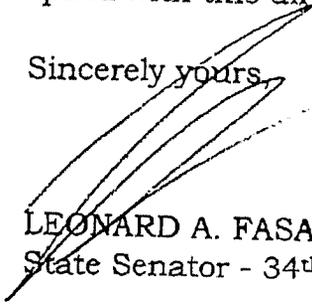
January 17, 2005

Yet, you, the Siting Council, seem ready to cut off the necessary follow up studies and debate of the KEMA report that concluded that up to 44 miles of the proposed 345 kw line could be placed underground. This unwillingness to commission the extra necessary reports to try to maximize the amount of undergrounding hardly seems to be consistent with those October sentiments nor with the purpose of the legislature enacting PA 04-246.

At a time when the State of Connecticut is trying to recover from the perception that actions by our government can be bought by contractors who have financial interests in the outcome of the government decision making process, an outsider looking in on these proceedings these past few months would certainly question the ethical integrity of your council and its decision makes process by the seeming unwillingness of your Council to afford time for our State to attempt to maximize the amount of undergrounding cited as a possibility in the KEMA Report and to protect our children from possible exposure to cancer causing agents.

In passing PA 04-246, we asked you, the Siting Council, to review the relevant scientific data and maximize undergrounding, without regard to cost considerations, to create meaningful safety buffers between children and the transmission lines for the lifetime of the proposed line.....at this point.. I must truly question whether or not you have complied with this directive.

Sincerely yours,



LEONARD A. FASANO
State Senator - 34th District

LAF/cam

cc: S. Derek Phelps, Executive Director (via e-mail)