DOCKET NO. 97 - An application submitted by Northeast Utilities Service Company, as Agent for the Connecticut Light & Power Company, for a Certificate of Environmental Compatibility and Public Need for the reconstruction of an overhead 115-kV transmission line between Farmington Substation in Farmington and North Bloomfield Substation in Bloomfield.

Connecticut Siting Council

February 24, 1989

D I S S E N T I N G O P I N I O N

I respectfully dissent from the decision and order of the Connecticut Siting Council, dated February 14, 1989, granting a Certificate of Environmental Compatibility and Public Need in the above-captioned Docket 97. I am not persuaded that the evidence in the record of this Docket justifies this Certificate. The significant adverse environmental impacts of the proposed reconstruction and the risks to the public health and safety which it presents are not off set by the public need for this reconstruction, as proposed. Indeed, Applicant has consistently understated these impacts while admitting the unprecedented hypothetical character of that need and the extremely low likelihood of its occurring. By accepting Applicant's planned reconstruction virtually as proposed, the Council adopts the utility's backward-looking planning and environmental standards. These are inappropriate standards given the urgent environmental concerns of our future. In reaching my conclusion, I am mindful that I am a new member of the Council and do not pretend to have a greater concern for the environment or the public health and safety than my fellow Council members, most of whom have served for several years, with distinction. Apparently, I do bring a different perspective and I feel obliged to express it, given my responsibilities as a public member of this Council.

I regret that I was unable to participate in the preliminary deliberations of the Siting Council during January 1989, owing to my long planned absence from this country during that month. Consequently, my colleagues did not have the opportunity to hear my viewpoint prior to our final vote. Accordingly, I do not believe a full statement of my views is appropriate now. However, a decent respect for my colleagues' efforts compels an explanation. I believe that the brief submitted by the Sunridge Residents' Association adequately sets forth a clear basis for denying a Certificate to the Applicant, for the proposed reconstruction. I adopt that brief, including its specific reliance on the record, reasoning, authorities and conclusions. In addition, I must emphasize the most disturbing deficiencies of the Applicant's presentation:

1. The failure to acknowledge the obvious, significant, adverse environmental impacts which the proposed reconstruction necessitates.

I refer to Applicant's virtual dismissal of its proposed clearing of almost 40 acres of forest (not mentioned in the 62 page report until page 54), the crossing of extensive, significant wetlands, and the deployment of heavy equipment on and near erosion-sensitive slopes. Applicant described these activities as having no or trivial adverse environmental impacts or as creating actual benefits. It is almost as if Applicant believes that the Public Utility Environmental Standards Act of 1971 does not apply to this reconstruction perhaps because the original 115-kV line which this project reconstructs, was built in 1955. The same extensive tree clearance and wetlands incursions occurred in 1955 as proposed now, but no permit was required then. The 1971 statute does not seem to have changed the situation all that much, notwithstanding the looming "greenhouse effect" and resulting need to carefully assess and prudently manage our forest and vegetative resources.

2. The summary denial in the application report that no overland alternative to the proposed reconstruction existed.

Applicant asserted categorically: "There is no alternative route for overhead construction from Farmington to North Bloomfield. Therefore, there is no other practical alternative for addition or construction of [these] 115-kv facilities..." (Report, p. 60) No reference whatsoever was made to the eminently reasonable pole-by-pole replacement alternatives which our Staff elicited by their Questions #107 and #108. Yet these options would have avoided clearing the 40 acres of forest to be sacrificed under the reconstruction as proposed. Applicant belatedly and sketchily presented them to the Council at the hearing itself. I personally feel misled by the Applicant's failure to identify these alternatives in the initial application report. It is not the Council's responsibility, even when aided by its alert and able staff, to make a legally sufficient record for the Applicant.

3. Perfunctory Consideration of Underground Alternatives

Despite the statute's clear preference for undergrounding transmission facilities wherever possible, Applicant did not seriously entertain these options. This is evidenced by its categorical assertion of their much higher costs, without weighing life cycle costs or stopping to consider that such higher costs may be the effective measure of appropriate environmental protection! For example, Applicant never identified a single off-setting benefit, saving or cost avoidance (except tree clearance) arising from the ostensibly more expensive underground alternatives, although they avoid disruption - repair costs of hurricane, icing or other weather-related events.

4. Applicant's apparent refusal to recognize its responsibility of prudent conduct and duty of care to the residents along its right-of-way.

Applicant's "neighbor beware" policy toward the Highwood Road residents is very disquieting to me, simply as a citizen. Applicant had the opportunity to propose "Alternate 4", the short pole-by-pole replacement, at the outset. This would at least preserve the status quo, leaving intact the 50 feet barrier of trees between their homes and young children, and the 115-kV line. As the State Consumer Counsel advised this Council, the cost of "Alternate 4" should count as the necessary prudent cost of the reconstruction at this juncture. Instead, Applicant has insisted that the home owners fork up almost $200,000 for this modest safety barrier. Although a daunting "tax" for the families, Applicant concedes it is too small to compute when spread over all its ratepayers, which include the homeowners.

As a Council member, I have a duty under General Statutes Section 16-50p to assure that "the location of the line will not pose an undue hazard to persons or property along the area traversed by the line." I respectfully submit that retaining the existing distance and trees between the residences there and the 115-kV reconstructed line, at Applicant's expense, is required by any reasonable view of that duty. Contrary to Applicant's warning, this is not a rate-busting "precedent", it is established, prudent policy.

This precaution is dictated both by the hazards of an exposed overhead 115-kV line located immediately adjacent to the Highwood Road backyards; the postulated health risks from such lines still under study by the prestigious Electric Power Research Institute (unbecomingly trivialized by Applicant's health witness); and the foreseeable risks to young potential "trespassers" such as live in the adjacent Highwood Road homes. These risks should be well known to the Applicant, a public utility. Our own site inspection made these hazards and considerations obvious to me. I am also doubtful of Applicant's legal position, unchallenged by the Council, that residential easements per se deprive the public of statutory rights otherwise warranting protection by this Council. If these homeowners are not members of the public, may Heaven help us!

Paulann H. Sheets

Paulann H. Sheets, Council Member

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