

<p><b>DOCKET 192B-</b> CPV Towantic, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut.</p>	<p>} } Connecticut } Siting } Council } May 14, 2015</p>
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**OPINION**

**Introduction**

On June 23, 1999, in Docket No. 192, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) to Towantic Energy, LLC for the construction, maintenance, and operation of a 512 megawatt (MW) combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut. A Development and Management Plan (D&M Plan) for construction of the facility was approved by the Council on March 1, 2001. Based on the most recently approved extension of time, the current deadline for construction is June 1, 2016.

On February 2, 2012, CPV Towantic Holding Company, LLC and Towantic Energy Holdings, LLC, the parent company of Towantic Energy, LLC, entered into an agreement pursuant to which CPV Towantic Holding Company, LLC acquired a majority interest in Towantic Energy, LLC. Thereafter, Towantic Energy, LLC was renamed CPV Towantic, LLC (hereinafter referred to as “CPV” or “Certificate Holder”). On April 12, 2012, pursuant to a Notification of Name Change submitted by the Certificate Holder on March 7, 2012, the Council approved the transfer of the Certificate to CPV.

On November 3, 2014, the Certificate Holder submitted to the Council and the service list for the original Docket 192 proceeding a Petition to Reopen and Modify the June 23, 1999 Certificate based on changed conditions pursuant to C.G.S. §4-181a(b) (Motion to Reopen). Specifically, the Certificate Holder identifies the following changed conditions since the June 23, 1999 Certificate was issued:

- a. The creation and evolution of the New England wholesale electric market, including recent significant changes to the design of the ISO-New England Forward Capacity Market (FCM);
- b. The need for new electric capacity in New England and the need to procure that capacity through market mechanisms;
- c. Advances in combustion turbine technology that increase efficiency, lower emission rates, and provide additional operating flexibility;
- d. Changes in the regulation of wholesale and retail electric markets;
- e. Changes in natural gas supply, transportation infrastructure and pricing;
- f. Changes in environmental regulation of electric generating facilities, including new and emerging regulations limiting carbon dioxide; and
- g. Changes in financial market requirements for obtaining project financing for electric generating facilities.

The updated proposal included with the Motion to Reopen is for a 785 MW combined cycle electric generating facility. The Certificate Holder, as part of its November 4, 2014 Motion to Reopen, also requests an extension of the construction deadline to June 1, 2019 to provide reasonable time to permit, engineer, finance, and construct the updated facility.

On November 12, 2014, the Council granted the Certificate Holder's Motion to Reopen and reopened Docket No. 192 in its entirety and did not limit its proceedings to the Certificate Holder's contentions. Twenty-three parties and intervenors participated in the proceedings, and seven public hearings were held on this matter.

### **Proposed Project**

The plant is proposed to be located on a primary 20.3-acre parcel located immediately east of the Woodruff Hill Road cul-de-sac. The property is owned by CPV, and it is the same parcel as the certificated project. In May 2014, CPV entered into an Option Agreement for the Purchase of Real Property associated with a new 6.2-acre parcel, designated Lot 9A, in the Woodruff Hill Industrial Park. This additional parcel abuts the original parcel and is located immediately to the south. This additional parcel would be used primarily to accommodate the Department of Energy and Environmental Protection's (DEEP) current stormwater management guidelines.

The new composite site, now totaling about 26.5 acres, is located in the Town of Oxford's Woodruff Hill Industrial Park and is generally bounded to the north by an Eversource electrical transmission right-of-way (ROW) and an Algonquin Gas Transmission ROW, both present in 1999; to the east and south by a Spectra Energy (Spectra) gas compressor station and access road, which have been built since 1999; and to the west by Woodruff Hill Road. The site is dominated by a complex of mature, even-aged, hardwood forests and open fields with wetland inclusions primarily isolated to the northern and western portions of the site.

Electricity from the plant is proposed to be supplied to the grid via an overhead interconnection with three existing 115-kV transmission lines passing through the northwest corner of the primary site parcel. CPV would also have a proposed 115-kV switchyard on the subject property. CPV would own a disconnect switch on the high-side of its step-up transformers. That disconnect switch would represent the demarcation point between CPV and Eversource Energy d/b/a The Connecticut Light and Power Company (Eversource).

### **Public Benefit: A Reliable Power Supply**

Under Connecticut General Statutes Section 16-50p, the Council must find a public benefit for a proposed project in order to grant approval. A public benefit is found to exist if the proposed project is determined to be necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity.

At the end of the '90s and into the next decade, the approved project was seen to satisfy a clear reliability need in Connecticut and the New England region. A reliable power supply is still needed. In the past, reliability concerns focused primarily on capacity. Flexibility and fuel diversity also are important as components of reliable supply. The proposed project uses state-of-the-art combustion turbines that have a lower heat rate than the combustion turbines originally approved and are claimed to be the most efficient currently available. A lower heat rate translates into higher efficiency because less fuel is required to generate a given amount of electrical power. The higher the efficiency of the turbines, then the greater their capacity is at a given physical scale. The greater their speed to ramp up or down the amount of power they generate, the faster they can switch between alternate fuels. In turn, this facilitates integration onto the grid of generators using intermittent renewable fuels. In short, the advanced combustion technology used in the proposed project assures greater public benefits than the approved project in terms of reliable supply.

### Capacity

Reliable capacity in electric supply is of great importance to Connecticut as well as the New England region, which also includes Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. In the proceeding, several references were made to the Council's Forecast of Connecticut Electric Loads and Resources Report (Forecast Report) in Docket No. F-2012/2013 and dated December 12, 2013, particularly the conclusion quote that, "This Council has considered Connecticut's electric energy future and finds that even taking into account the most conservative prediction, the ISO-NE 90/10 forecast, the electric generation supply during 2013-2022 will be adequate to meet demand." However, the Council notes that this analysis is based on Connecticut only and is not an analysis of the New England region. In the Forecast Report, on the supply side, the electric generating capacity in Connecticut is added to import capacity coming into Connecticut via transmission line connections to bordering states, and then such electric supply (with allowances for reserves and unavailable generation) is compared to the projected load detailed in the conservative ISO-NE 90/10 forecast for the State of Connecticut only. For a detailed analysis of the New England region, the Council defers to the 2014 ISO-NE Regional System Plan (2014 RSP).

The output from the proposed CPV plant will be sold into the competitive wholesale energy market in New England and dispatched by ISO-NE wherever needed in the region, including Connecticut. ISO-NE holds an annual auction to acquire the power system resources needed to meet future demand for the New England region. The annual Forward Capacity Market Auction (FCA) is held three years before each capacity commitment period to provide time for new resources to be developed. CPV qualified for, bid into, and cleared ISO-NE's ninth FCA (FCA9), which began and ended on February 2, 2015. This auction is for the June 1, 2018 through May 31, 2019 commitment period. Approximately 1,427 MW of new resources cleared, with the proposed CPV facility counting for 725 MW, which is close to the summer rating of the plant of 740 MW at 90 degrees Fahrenheit (F) and burning natural gas. The Council believes that meeting the requirements of ISO-NE's FCA is essential to securing sufficient capacity for reliability of the New England electric power system, which includes serving Connecticut.

More specifically, according to the 2014 RSP the New England region is expected to require 424 MW in 2019/2020 to meet its installed capacity requirement. This is expected to increase to a shortage of 1,155 MW by 2023/2024, taking into account load and energy efficiency forecasts and known retirements totaling approximately 3,200 MW. A 785 MW addition to the New England generating plan would help to address this shortage.

### Flexibility and Fuel Diversity

The proposed General Electric 7HA.01 combustion turbines would have a ramp rate of 40 MW per minute each. This is twice the ramp rate of the approved GE 7FA.03 turbines, which have a ramp rate of 20 MW per minute each. The ability of the proposed facility to quickly ramp its output up or down would afford it unprecedented flexibility in adjusting to varying levels of generation from renewable facilities that are being added to the grid, helping to maintain system reliability.

### Dual Fuel Capability

Initially, this Council required CPV's predecessor to operate on natural gas as the primary fuel and stand ready to utilize distillate fuel oil for up to a period of 30 days as allowed by a DEEP air permit. CPV has proposed to continue this operational protocol. ISO-NE has stated that while natural gas is a predominant fuel of choice electric generators should have an alternative back-up fuel. The Council, too, believes this functional fuel diversity is important and increases the reliability of electric generation.

CPV's proposed facility would have interruptible natural gas service supplied from the Spectra Energy Algonquin natural gas transmission line located immediately north of the proposed facility. CPV is currently working with Spectra Energy regarding the details of the natural gas connection. A gas compressor on the subject property may be necessary. The final details of the natural gas connection and gas compressor (if required) would be provided in the D&M Plan.

Natural gas service is expected to be available for at least 335 days per year. Thus, CPV may experience a total of roughly 30 days per year of natural gas unavailability. Region-wide, the natural gas-fueled electric generation fleet in New England faces a high probability of experiencing critical natural gas shortages on 24 to 34 days every winter by 2020. In order to operate when natural gas is not available to the plant, the CPV facility would be capable of operating on ultra-low sulfur distillate fuel (ULSD). CPV would be limited to an annual total of 30 days or 720 hours per year by DEEP permit.

During a given natural gas unavailability event, the plant could, in theory, run for up to 68 hours based on its 1,500,000-gallon ULSD on-site storage tank. Operating on ULSD has the trade-off of increased emissions, particularly nitrogen oxides or NO<sub>x</sub>. In order to control emissions, the plant would require considerably more water consumption while operating on ULSD, and water supply is the limiting factor for CPV's run-time on ULSD. So while dual-fuel capability increases system reliability, water constraints are projected by CPV to limit the run time on ULSD to less than 68 hours.

### **Water Supply**

CPV would receive "city water" service from Heritage Village Water Company (HVWC). HVWC is a franchised water company with the legal duty to serve all customers in its exclusive franchise area. Specifically, CPV proposes not to withdraw more than 218,000 gallons per day (gpd) or approximately 152 gallons per minute (gpm) from HVWC in order to keep the same withdraw limit as the approved 512 MW project. Despite the considerably larger power output of the proposed plant, CPV plans to maintain the existing water usage rate limit by incorporating water saving features into the plant design such as recycling process water and eliminating a wet-surface air cooler for auxiliary plant cooling and replacing it with a dry fin fan system.

CPV would operate year-round on natural gas except for short periods during the winter when natural gas may not be available. Water use on natural gas would typically range between 58,752 gpd and 147,168 gpd. This amount is well within HVWC's currently permitted capability.

At times when CPV would operate using ULSD, the plant would use large quantities of water for NO<sub>x</sub> emissions control. CPV would have two 875,000-gallon water supply tanks on-site, for a total on-site storage of 1,750,000 gallons of water. Given this reserve supply in addition to the daily supply from HVWC, CPV proposes that it could operate on ULSD for a maximum of 52 hours.

Assuming the very worst-case water consumption under ULSD operations of 1,025,280 gpd, and 52 hours (or about 2.17 days) of proposed run time, CPV would require 2,221,440 gallons of water. Subtracting the 1,750,000 gallons of on-site water storage, a total of about 471,440 gallons of incoming water from HVWC would be required. At a maximum withdrawal rate of 218,000 gpd times 2.17 days, HVWC would supply roughly 473,000 gallons. Thus, the Council finds that CPV's proposed on-site water storage plus HVWC water delivery service could meet or exceed its proposed 52 hours.

The Council notes that HVWC was not a party or intervenor in this proceeding and thus could not testify on water supply issues. Furthermore, the latest HVWC Water Supply Plan was from 2009, reviewed and approved by the Public Utility Regulatory Authority and Department of Public Health. HVWC's permit from DEEP has a withdrawal limit of 2.05 million gpd. To confirm the availability of such water from HVWC, CPV filed a request letter with HVWC dated November 20, 2014 that included the request for

218,000 gallons during the winter season (when ULSD may be required). By letter dated December 23, 2014, HVWC has indicated that it has adequate water supply at this time to meet CPV's request, subject to certain conditions. In particular, the availability of water relies on the Diversion and Sales of Excess Water permits that authorize the Connecticut Water Company (CWC) to sell up to 500,000 gallons per day to HVWC. If HVWC is unable to renew and/or extend these permits or otherwise secure an alternative water supply source of similar quantity, then HVWC could not guarantee that sufficient water supply would be available to satisfy the requests of CPV. These permits would expire in 2017 unless renewed or extended. While the Council is concerned about the future of the sale of water from CWC to HVWC, the Council believes that this is an issue to be resolved between the two water companies.

The Council is also concerned about possible impacts to the Pomperaug River. While water would not be directly drawn from the river, but from the Pomperaug Aquifer, the Council, as a precaution, will still require monitoring of the river via gauges approved in 1999. The Council will also require an updated and detailed Water Management Plan in the D&M Plan.

### Air Quality

The proposed project must meet air-quality requirements for New Source Performance Standards (NSPS), and Prevention of Significant Deterioration (PSD). The PSD regulations require compliance with Best Available Control Technology (BACT) emission rate limits and Connecticut Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS). Major new stationary sources of non-attainment pollutants in non-attainment areas must demonstrate compliance with Lowest Achievable Emission Rate (LAER) limits and obtain emission offsets. The proposed project would meet all of these requirements.

The project would be subject to LAER for NO<sub>x</sub>. Dry low-NO<sub>x</sub> combustion in conjunction with selective catalytic reduction (SCR) would control NO<sub>x</sub> emissions when the plant is firing natural gas. Water injection with selective catalytic reduction (SCR) would control NO<sub>x</sub> emissions when the plant is firing ULSD.

The proposed combustion turbines would have lower emissions rates than the approved combustion turbines for all pollutants except sulfur dioxide (SO<sub>2</sub>) and sulfuric acid (H<sub>2</sub>SO<sub>4</sub>). The exception for the sulfur pollutants does not result from an actual increase in emissions. Rather, it results from a change in the formula for calculating emissions: the US Environmental Protection Agency (EPA), under its regulations for acid rain, increased the sulfur content assumed for pipeline-quality natural gas supplied to New England. This change is beyond CPV's control.

One particular area of concern in this proceeding has been emissions of particulate matter with a diameter of less than 2.5 microns, known as PM<sub>2.5</sub>. The Council notes that CPV's modeling of PM<sub>2.5</sub> emissions is very conservative, since it assumes ULSD operation all year, rather than the 720 hours permitted. Even calculated at this extreme, PM<sub>2.5</sub> levels, while highest near the fenceline of the project, are in compliance with the NAAQS standard for the area.

The proposed project will continue to meet air quality standards that are protective of human health and the environment, even with the additional power output. Accordingly, CPV has submitted its Permit Application to DEEP for the Stationary Sources of Air Pollution New Source Review. The Council will require that a copy of such permit be provided to the Council after it has been obtained.

### **Public Safety**

Extensive safety measures have been incorporated in the plant's design. The plant would be equipped with emergency gas shut-off valves, natural gas detectors, and other safety-related instrumentation, including pressure sensors to detect a loss of natural gas pressure. The plant's transformers would be separated by fire walls.

CPV would comply with the most current Occupational Safety and Health Administration standards, including National Fire Protection Association 56 PS "Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Pipeline System," which requires that only inert gasses or compressed air be used for all cleaning of pipes. Flammable natural gas would not be used to clear CPV's natural gas lines. CPV anticipates using compressed air for such a purpose. Such measures would be in compliance with the findings and recommendations in the executive report issued by the Thomas Commission. CPV would also retain a special inspector to assist the municipal fire marshal in reviewing the construction plans and conducting inspections pursuant to CGS §16-50ii. CPV would remit a fee to the Code Training Fund to be used in the training of local fire marshals on complex issues of electric generating facility construction in accordance with CGS §29-251c.

Aqueous ammonia would be stored in an area on site for emissions-related purposes to control NO<sub>x</sub> emissions. Hydrogen would be used as a cooling medium within the generators. Curbing designed to contain 110 percent of the storage capacity for ammonia would be built around the area to protect against accidental release. Details of safe storage and/or containment measures for aqueous ammonia and hydrogen would be included in the D&M Plan.

### **Visibility**

The tallest and most visible objects associated with the plant would be the two 150-foot exhaust stacks. CPV reconfigured plant structures to reducing previous heights of 116 feet and 110 feet to 85 feet and 52 feet, respectively. The heat recovery steam generator building increased in height from 90 feet to 120 feet, which includes a silencer for noise mitigation. The stack height was determined by balancing three main factors: compliance with ambient air quality standards, FAA considerations, and visibility concerns. Within a two-mile study area, approximately 90 residences would have year-round views of the exhaust stacks. Within the same study area, conservatively, about 538 residences would have seasonal views of the stacks. Some seasonal and year-round views of the stacks are possible from the nearby Bridle Trail to the south and southeast of the proposed plant. Overall, however, CPV has achieved a ten-foot reduction in stack height versus the 160-foot stack heights in the approved facility. CPV's proposed design relocates the stacks within the footprint of the plant in order to address FAA determinations issued since 1999. While this relocation may change near views, the more distant views would remain essentially the same. In summary, the Council believes that the reduction in stack and other structure heights are a net improvement in terms of visibility.

### **Noise**

The proposed site is in an industrially zoned area, Class C, and the nearest noise-sensitive area is the Class A residential area beginning with the Middlebury Town Line, approximately 535 feet north of the proposed project. State of Connecticut Noise Standards for a Class C source emitting to a Class A receiver are 61 dBA daytime and 51 dBA nighttime. Noise emitted cannot exceed 70 dBA at an industrial noise zone. CPV performed a noise assessment study, taking into account ambient noise monitoring and noise modeling. The modeling includes preliminary noise mitigation measures to verify that compliance with State standards would be achieved. However, the final noise mitigation measures would be provided in the D&M Plan.

In this proceeding, concerns about noise on the Bridle Trail were expressed. However, based on the modeling performed by CPV, the Bridle Trail (approximately 1,940 feet to the southeast of the nearest fenceline of the proposed facility) is located outside of the 45 dBA sound contour. This means that all State noise standards relative to plant operations would be met on the Bridle Trail.

### **Wetlands**

The site contains four wetlands, three of which have altered since the original approval. Direct impacts to Wetlands 1 and 4 would result from the project and cannot be avoided. Accordingly, CPV proposes to compensate for these impacts by making a payment into the Connecticut In-Lieu Fee Program. In addition, at the request of DEEP, CPV redesigned the two stormwater detention basins as extended shallow wetland basins that would create emergent, semi-aquatic and aquatic habitats to provide additional stormwater quality benefits as well as support wildlife habitat. The Council believes that both measures are reasonable to address wetland impacts that cannot be avoided.

### **Wildlife**

The nearest Important Bird Area is the Naugatuck State Forest, located approximately 1.65 miles to the southeast of the proposed facility. Because the Naugatuck State Forest is quite far from the subject property, and because the subject property's open field is not large enough to support grassland bird species habitat, the Naugatuck State Forest Preserve IBA would not experience an adverse impact resulting from the development of the proposed facility.

There are no federally-listed threatened or endangered species, critical habitat, or National Wildlife Refuges located within the vicinity of the project. Four State-designated Species of Special Concern are known to occur on or within the vicinity of the proposed facility site. These species are the Red bat, Hoary bat, Silver-haired bat, and Eastern box turtle. All three bat species roost in trees.

In its comments, DEEP provided recommendations to protect the four species, including but not limited to a seasonal work restriction requesting that work not be performed during May 1<sup>st</sup> through August 15<sup>th</sup> and maintaining large diameter trees.

Due to the proposed project's long construction schedule, which would cover about 2.5 years, CPV believes that the seasonal restriction recommended by DEEP is not feasible. However, in order to avoid impact to bat roosting habitat, CPV proposes the following protective measures that are equally protective of bats. The measures are listed below.

- a) Tree clearing activities shall be completed between November 1 and April 30 to avoid potential impact to bat roost habitat through the removal of possible roosting trees prior to the start of the bats' active roosting season (May 1 to August 15).
- b) If clearing activities are not completed by May 1<sup>st</sup>, the recommended seasonal restriction would be observed.

In either case, the bats will not lack available tree-roosting sites, since, per DEEP's recommendation, CPV plans to protect mature trees beyond the project's limits of disturbance. The Council believes that CPV's approach to protect bat species is reasonable and will require that the protective measures be included in the D&M Plan.

While it is possible that Eastern box turtles may be found at the site, the likelihood is low because they are not typically found at the project's designed elevations. Notwithstanding, CPV has been consulting with DEEP about how to protect turtles from construction impacts, and in its 401 Water Quality Certification letter to CPV DEEP specified conditions to protect the Eastern box turtle. CPV believes that placement of

staggered erosion and sedimentation controls to allow passage through the construction zone would not be protective, and recommends an isolation barrier instead. To resolve this matter, the Council will require that CPV provide its Eastern box turtle protection plans in the D&M Plan and comply with the DEEP's recommendations to the extent reasonably feasible.

The site contains habitat suitable for the eastern ribbon snake, a State-designated Species of Special Concern and the spotted turtle, a species anticipated to be listed as a Species of Special Concern in 2015. As a result, CPV proposes to perform biological surveys for these target species, along with the Eastern box turtle, during spring 2015. CPV also proposes a breeding bird survey to be conducted between May 20<sup>th</sup> and June 15<sup>th</sup>.

Of the approximately 26.5-acre site, approximately 22.1 acres would be disturbed by construction, leaving only 4.4-acres, or 16.6 percent of the site undisturbed. The Council is concerned about the significant clearing and any possible wildlife habitat loss and/or disruption associated with the clearing. Following completion of both site surveys and evaluation of their results, any further recommended wildlife impact mitigation plans shall be provided in the D&M Plan.

### **Historic**

The State Historic Preservation Office (SHPO) has determined that no historic properties would be affected by the proposed project. Furthermore, the Mashantucket Pequot Tribal Nation and the Mohegan Tribal Historic Preservation Office concur with SHPO.

### **Stormwater**

The site is located in FEMA Zone X, an area outside of the 100-year or 500-year flood zones. Thus, the risk of flooding of the plant's equipment is expected to be low.

The plant's stormwater detention structures would be designed for a 100-year storm event. However, the Council is concerned about some stormwater being included in the wastewater for the plant. Accordingly, the Council will require that CPV evaluate the possibility of modifying the stormwater design so as to avoid mixing stormwater with wastewater. CPV has been in discussions with the Borough of Naugatuck Water Pollution Control Authority to resolve this matter. A final determination of CPV's wastewater permit from WPCA can be submitted in the D&M Plan.

### **Aviation**

Given the proximity of the Waterbury-Oxford Airport located to the west of the proposed facility, this proceeding included a significant focus on aircraft safety, particularly with respect to potential hazards associated with aircraft flying through the exhaust plumes of the two stacks. CPV has filed with the FAA for a circularization review process, which is underway. While we appreciate all of the expert testimony offered on aircraft safety issues, the Council believes that it is more appropriate to defer to the expertise of the FAA. Accordingly, in order to protect aircraft safety, and not unduly delay this proceeding, the Council will take under advisement any determinations of Hazard/No Hazard for the plant issued by the FAA as a result of its circularization review.

### **Construction**

CPV estimates that construction would commence in the second half of 2015 to support a commercial operation date of June 2018. It is also possible, based on market conditions, that construction could be delayed for one year, initiating construction in the second half of 2016 and anticipating commercial operation by June 2019, with no greater delays anticipated.

The Council, however, is concerned that neither of these schedules is consistent with the construction of CPV's proposed traffic route to the site, E-Commerce Road, which has an estimated completion date of 2017, roughly two years after commencement of the plant's construction. Accordingly, the Council will require that CPV resolve this issue in the D&M Plan. It may be possible to make E-Commerce Road passable for construction vehicles before its final completion, or CPV could consider a different route to reach the proposed site.

### **Electric Interconnection**

In this proceeding, Eversource requests that it be authorized to construct, own and operate all equipment associated with the interconnection, including but not limited to the switching station and six proposed monopole transmission structures. While the Council appreciates Eversource's request to combine its interconnection project with CPV's power plant project, the Council notes that Eversource is not a co-applicant in CPV's project. Accordingly, the Council will require that Eversource file its interconnection project proposal as a Petition for a Declaratory Ruling (Petition). This would include the full details of the proposed interconnection project that Eversource would control and include electric and magnetic field (EMF) data. In addition, at least one of the existing transmission lines may require an upgrade, such as a possible re-conductoring with some structure replacements. Such a modification would also require that a Petition be submitted to the Council. Eversource may combine the transmission upgrade Petition with the interconnection Petition or file them separately for Council review and approval, depending on Eversource's preference and the timing of the final designs.

### **Conclusion**

CPV holds the certificate for an approved electric power generation facility. Over the 15 years since the Towantic plant was originally approved, many conditions have changed: population has increased in the area of the site, bringing substantial residential and commercial development that challenges environmental resources in varied ways; the electric grid has matured from a patchwork of state networks to an integrated regional system; new markets for electricity have emerged and grown; clean renewable resources have been introduced into the electric grid; and, most generally, the concept of electric supply has widened to include energy efficiency, storage, conservation, and demand response. Regulatory standards and practices have sometimes led these changes, sometimes followed. In any case, the Council's job is to keep its eye on three constants. One is a reliable power supply. Another is the protection of natural resources. Third is the advancement of technology—for power production or environmental protection alike.

The original Towantic project approved in 1999 was debated by the public right up through modifications in its D&M phase, underwent judicial scrutiny as well as several episodes of Council review, and survived multiple certificate transfers up to the present day. In the Council's view, the current CPV proposal significantly improves on that original project. CPV's project utilizes state-of-the-art combustion technology to increase the reliability of the power supply. It is equally as protective of natural resources as the approved project, and, in a few cases, more so, as the technical standards for measuring, monitoring and maintaining protection have risen. Notwithstanding continued public opposition, which the Council both acknowledges and has tried to use constructively in this decision, it is the Council's opinion that improvements offered by CPV's proposal do provide significant benefit to the public.

Based on the record in this proceeding, we find that conditions have changed since 1999. We further find that the effects associated with the construction, operation, and maintenance of the electric generating facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to benefit, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the proposed project. In addition, the Council grants CPV's request for an extension of time to complete construction of the facility no later than June 1, 2019.