

Citizens Against Overhead Power Line Construction

January 13, 2010

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<p>The Connecticut Light & Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consists of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation project in Manchester, Connecticut.</p>	<p>CT DOCKET No. 370</p>
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Brief Filed On Behalf Of Citizens Against Overhead Power Line Construction.

PREFACE:

As someone speaking in proxy for the families of East Granby and Suffield, and as a West Suffield property owner whose life will be significantly and adversely altered by the proposed GSRP overhead towers, I have given a lot of thought to the content of our final commentary. I did plan to comment on CT General Statute §16-50 regarding the undergrounding of transmission lines, but it would be foolish (especially for a layperson) to try to add anything to the excellent brief from Attorney Holtman of East Granby.

I wish that that I could also offer such a well written legal brief but that is not my profession. That said, perhaps a few comments on how East Granby and Suffield residents perceive the issues and the process of docket 370 proceedings could be of value to the CSC in its deliberations. We respectfully submit them to the CSC.

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PUBLIC NEED:

We do not feel that CL&P has demonstrated a clear and persuasive public need for the GSRP in CT as the best single option to solve the problems the GSRP was designed to address. From CL&P's July 2009 testimony, CL&P said that the GSRP is designed to fix reliability issues in MA and CT and will serve to import power into CT from low cost, out of state generation sources. Testimony was also offered (Carberry) that if one portion, either the MA portion or the CT portion of the GSRP was not approved, the entire project could not go forward and would be worthless. As hearings progressed, CL&P did admit that the GSRP had little influence or merit as a power import conduit to CT, that the power import function of NEEWS will almost exclusively be done by the proposed IRP portion of NEEWS.

The GSRP is largely designed to address reliability problems in Springfield, MA. The majority of the \$700 million dollar cost of the GSRP is MA based. It is not clear from the Applicant's presentation that if the MA portion of GSRP is completed and MMWEC is thus qualified to supply and does supply additional power to the Greater Springfield, MA area whether or not that would adequately address reliability and thermal issues. Nor is it clear whether or not a GSRP MA/MMWEC and NRG CT solution would be the superior option in terms of functionality, reliability and rate reduction¹ for CT consumers along with the ancillary benefits of providing additional tax revenue to the city of Meriden and long term jobs to CT workers.

It is however clear from the testimony of ISO-NE witnesses under questioning from Attorney Kleefeld, that unlike the view presented by CL&P's witness panel that the need is critical and immediate and that the GSRP must be immediately constructed, that "the lights will not go out in Springfield" if the GSRP is not immediately done, and/or not done in its entirety, meaning the CT portion of GSRP.

Further it is the view of the residents that the highest possible cost option is being proposed above all others. Are less costly and less environmentally and socially invasive solutions on the table? No. Has an extensive study of upgrading and fixing the existing 115 kV transmission lines been done? No. Are FACTS and STATCOM and other new technology solutions designed to stabilize and improve transmission functions and reliability really on the table in a meaningful way? Our opinion is No.

¹ Especially in terms of retiring high cost and higher pollution RMR (Reliability Must Run) generation facilities.

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And this is an important point that we want to make: Is the CSC equipped to independently make those determinations? Throughout the hearings, when Mr. Ashton would qualify an expert witness, he would ask questions such as "Are you able to perform power flow studies?" He did that specifically with Mr. Chernik. To the best of our knowledge, the only individuals capable of conducting power flow studies are CL&P. NU and CL&P has a huge vested financial interest in the project, and will probably earn hundreds of millions of dollars in profits over the life span of the GSRP/NEEWS projects. NU has a fiduciary duty to its shareholders, not its customers and CT consumers. How can NU and CL&P be objective?

In docket 272, Norwalk to Middletown, CSC Chairman Katz sought an independent expert opinion from KEMA. The net result was that CL&P's projections were very conservative and the project was improved on behalf of CT citizens. We ask that the same be done for docket 370. To not have this type of independent peer to peer appraisal of CL&P engineering work would be inconsistent, and at odds with, the CSC's governing mandate and the will of the CT legislature.

ADVERSE EFFECTS OF THE GREATER SPRINGFIELD RELIABILITY PROJECT

EMFs, APPROPRIATE LOW COST DESIGN AND CONSERVATION SOLUTIONS:

It is arguable, because the science is not yet complete, whether or not EMFs are harmful. The CSC 2007 EMF Best Management Practices document does clearly state:

"For childhood leukemia, WHO concluded recent studies do not alter the existing position taken by the International Agency for Research on Cancer (IARC) in 2002, that ELF-MF is "possibly carcinogenic to humans."

and **"In the U.S., there are no state or federal exposure standards for 60-Hz MF based on demonstrated health effects. Nor are there any such standards world-wide."**

CAOPLC offered two documents as a part of our testimony to update those statements. The first (Reference exhibit 1) shows that researchers found that one in 20 children has a genetic mutation that makes them particularly susceptible to EMF induced diseases, especially leukemia. Reference Exhibit Two shows the position adopted by many EU countries, particularly Spain where the judiciary ruled that EMF hazards are a violation of human rights. In stark contrast to what CAOPLC families are facing in docket 370, the burden of proof (we feel is correctly placed since it is a strict liability situation) on the utility to prove that EMFs are safe before power lines are placed in residential areas and not on the

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families exposed to EMF radiation, or those injured or dying to prove that their injuries were caused by EMFs. (See Melissa Bullock v. CL&P)

This refers back to our point on public need – what happens if or when the USA follows a path similar to the EU position? Would a simpler and less drastic solution such as aggressive demand management not be more prudent, at least as a first low cost solution, rather than a new billion dollar transmission line? As an experiment, I have for the past year introduced some simple energy conservation measures at our home, mostly replacing incandescent lights with CFL light bulbs and being more aware about our energy usage. Our 2009 vs. 2008 monthly energy usage is on average 30% to 40% less.

There were statements made at the Suffield public hearings about how the additional expense of undergrounding would disadvantage poor and minority ratepayers. Instead of building a transmission line that will without argument increase the transmission component of the CT electricity rates², why don't we invest the money in an aggressive conservation program, even offering free CFL light bulbs to those in economic need before we spend a billion dollars on another transmission line? Why not? Because the NU business model does not embrace conservation (a polite way of saying they can't make their huge profits other than by building transmission lines) and much the same applies for ISO-NE. Testimony showed that ISO-NE is like the NYSE or NASDAQ of energy, it racks up transactional fees, the more transactions, the more "non-profit" fees generated. Why can't renewable energy solutions be justified and implemented even if the cost per kWh is initially higher, the payback time is less than the life span of a transmission line and we help push total electricity demand down. Other utilities such as Duke are doing this very thing.

Testimony showed that as electric demand rises, and less and less efficient generation resources are called for, the overall costs for electricity rise for all CT consumers to the level set by the highest cost, least efficient generator. If most CT consumers were aware of this fact the public outcry would be deafening and similar to outrage now seen regarding excessive Wall Street compensation. It is counterintuitive, it is also unfair to consumers. It is beyond the scope of this brief to comment in detail on that situation but it seems appropriate to say that if we are seeking to reduce electric power costs, if reduced electricity costs are good for the Connecticut economy and for Connecticut businesses, it seems

² See January 9, 2010 Courant article. It seems that no matter what investments are in transmission infrastructure, electricity rates continue to rise. Is it time for a different solution or do we do the same thing over and over hoping for a different result?

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logical to seek demand reduction solutions and invest in and implement local renewable energy solutions rather than build yet another transmission line. Further if we do not have enough renewable energy in the generation portfolio, punitive costs come into play that would negate any purported benefits of the transmission line. That situation was not modeled and it should be for a complete evaluation of all options.

As Mr. Ashton said, "We have only so much money that we can rob from the public." Truer words have not been spoken at the docket 370 proceedings.

Since so many of New England's non-nuclear generation sources are dependent on natural gas as a fuel and use the same relative CCGT technology, the argument that a highly competitive market exists is specious. There was also no substantive economic modeling on the demands that would come into play from emerging economies such as China and India on the fuels we use in New England to generate power, chiefly natural gas for the CCGT plants. We should be able to look at that data too.

The argument that spending a billion dollars to build a power line to go to those power generation sources when NRG is proposing to build a large local generation facility is preposterous. The economic modeling LEI presented to the CSC shows only the purported benefits of the GSRP. LEI testified under cross examination from Attorney McGrath that no adverse economic results were considered because that was not in the scope of work asked for and commissioned by NU. It is a very incomplete and misleading body of economic testimony in front of the CSC. If we are to accurately examine the cost/benefit relationship of overhead vs. undergrounding the GSRP project and fulfill the will of the CT legislature, the CSC must not rule without having the adverse impact economic impacts of the GSRP modeled and analyzed.

We feel the situation is ultimately this:

- Springfield MA does have an outdated and unreliable power grid. The utilities have allowed it to deteriorate to the point of a possible impending crisis. It does need fixing though a 345 kV transmission project does not appear to be the exclusive or best possible solution.

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- By proposing a power line that is regional in nature solves a cost prohibitive situation to MA consumers. Instead of MA ratepayers paying for an intrastate solution for Springfield power grid, let's get CT and the rest of New England to help pay for it too. All that needs to be done to "socialize" the MA GSRP. Once MS GSRP is magically designated a "regional reliability solution" the dollars flow, but at the expense of new high tech CT based CCGT generation. LEI did testify NRG's plant would have a significant impact on lowering CT rates especially in the early years of operation.
- FERC requires that in order to regionalize or socialize costs, a 345 kV or greater transmission line must be built. So even if a less expensive, less environmentally and socially invasive solution would be adequate in CT, NU and ISO-NE want to create an artificial subsidy and financing subterfuge through "a robust reliability transmission solution" (meaning expensive and overbuilt) for "socialization"³ purposes.

Local residents are asked to put our health and safety at risk for these economic and regulatory gyrations and in deference to the one trick pony NU business model and core competence of building transmission lines. We are asked to suffer huge personal financial losses, without compensation, in the names of "progress" and "reliability."

If we have to choose between our personal safety and aesthetics, we want the towers as high as possible and the EMF mitigation measure as strong as possible.

It has been frustrating that our pleas to CL&P have been ignored to understand that measuring EMFs at the edge of the ROW are, for many residents and their children, meaningless calculations because so many of us have to go under the power lines in our daily routines. We hope this one last statement does resonate and that our pleas and fears about excessive EMFs directly under the power lines are heard and addressed by the CSC. And we do respectfully want to bring to the CSC's attention that the Bio-Initiative report has been noticed and is included in the record. (See Reference exhibit seven.)

³ If the CSC is unaware, Maine is considering withdrawing from ISO-NE because of the unfair way urban oriented (Boston especially) energy costs are socialized and disproportionately placed on Maine ratepayers. Beware of the law of unintended consequences.

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Property Values:

This is another arguable point, one of dueling expert witnesses. Do high voltage transmission power lines close to a residential property create a loss of value? We feel they do. Common sense says they do. How many people would prefer to buy a property with an ugly view? The call sheets submitted by CL&P as their "community outreach sheets" have notes showing calls from local realtors about losing sales and prospective homebuyers because of fears of the existing 115 kV lines and the possibility of the overhead new GSRP power lines.

CL&P when it asserts its rights to the ROW easement admits that power lines caused a loss of value. The homebuyer gets that benefit of the bargain of a reduced price when his or her home near a ROW is purchased and thus CL&P has a right to the ROW. Paradoxically, when it comes to the new and much more conspicuous GSRP power lines, CL&P says no loss of value will occur.

This is an easy situation to remedy, one adopted by other utilities. If CL&P is confident there is no loss of value, purchase the home of any resident who wants to leave at fair market value. If CL&P can resell the home and make a profit, good for them. We respectfully ask that the CSC make this a condition if overhead lines are approved.

But the construction of overhead GSRP power lines should not financially and discriminatorily devastate the 100 or so local families and the tax base of East Granby and Suffield. And testimony from East Granby and Suffield First Selectmen showed that CL&P has never spoken to, or tried to work with local officials on zoning and development issues along the right of way⁴. CL&P has adopted a "head in the sand" position of non-involvement except to vigorously and aggressively defend any lawsuit from

⁴ As an example, I found that when I visited ISO-NE as a guest of the CEAB that 745 kV power lines are under consideration for use in many CT ROW areas even those in residential areas like ours in East Granby and Suffield.

There is a massive difference in the adverse impacts of a 345 kV line and a 745 kV power line. Is CL&P and NU and ISO-NE proactively working with and advising local and state agencies of this impending development and working in advance to understand and mitigate local concerns or even restrict or stop local development along the ROW? If this is news to the CSC, I will have made my point.

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residents with the overwhelming and disproportionate legal resources worthy of the Tobacco industry litigation.

Visual Impacts and Local Zoning:

The GSRP will have an adverse impact on the local landscape. It is impossible and ridiculous to argue otherwise. The CSC has to decide how important it is to preserve the historic Newgate and Metacomet area and a federally designated National Heritage Trail. We feel undergrounding is the best option.

Testimony showed that Suffield is one of the leading communities in Connecticut in preserving agricultural lands. The top of the Metacomet ridge is zoned as a "no ridgeline development" area (reference exhibit three). Does CL&P have the right to ignore all of the laws and regulations the rest of the community and the state of Connecticut follows? If CL&P's argument or solution is "while we will ruin one area we will offer some money to help fix another area in town," that is not an acceptable solution. It is not a quid pro quo. It is bribery and a part of the community is still irreparably ruined.

To tie this section's commentary with the former section, when showing the costs of undergrounding to the CSC, CL&P shows an "all-in or kitchen sink cost estimate." That is as high a cost as can possibly be conceived. When the costs for overhead transmission lines are calculated, they are as low and as stripped down and non-inclusive as possible. Which is why CL&P refuses to acknowledge responsibility for property value losses. In the past two new transmission projects, groups of residents have sued CL&P post-construction. It may be a less expensive route for CL&P to travel, that of defending lawsuits from families who have no other recourse than to sue, assuming they even have the money to pursue a lawsuit in the first place. Most do not, an inarguable fact. Documentation of this litigation strategy is shown in CL&P's answers to CAOPLC's interrogatory questions. It seems probable that this will be the case for the GSRP if we are left financially bereft and have no other option.

Erosion and Statutory facilities:

CL&P's finding of fact identified the Newgate Road area as the prime area for erosion. That is not accurate. Newgate Road residents do have erosion concerns but it is Phelps Road that is severely impacted and the ground zero area for erosion. The CSC should be aware of this.

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CL&P also says there are no day care centers or schools along the GSRP route and right of way. That is incorrect, there are. It is the McGurk property. See exhibit 4.

It does not fill us with confidence that CL&P is sloppy or misleading on such easily researchable and discernable facts like this. If they cannot get the small things right, what can we expect in the construction of a billion dollar transmission line? If CL&P is intentionally omitting material facts to win siting approval for its transmission power line, even worse. We are not equipped to answer when a sloppy work product becomes a misrepresentation and when that misrepresentation crosses the line to worse offenses but for the sake of brevity we do not find many of CL&P's findings of fact to be very factual at all.

Worst Case Solutions:

If the GSRP overhead power lines approved are proposed, I would like to ask on a personal case basis that the towers at 1204 and 1208 Newgate Road be replaced and sited westward of the two homes. If a third transmission line is sited in the ROW, it will be even closer (sited eastward) to our homes and as noted in a footnote, it is likely a new transmission line will be a 745 kV line. See CAOPLC photos 14 to 20 for images of this area. Doing so would also not require the demolition of the Harris barn.

I have attached reference exhibit five, statements from CL&P's spokesperson Frank Poirot to Canton CT residents concerned about the visual impacts of the CCRP. It seems that CL&P embraces a policy of doing this for residents. Docket 370 testimony also showed that CL&P relocated a transmission power pole for Mr. Lomenza in Bloomfield when he was concerned that his cows would not be able to reach a water source. We ask that this consideration also be done for the 1204 and 1208 Newgate Road properties, to jog the power lines away from our homes rather than have them continue in a straight line close to our homes.

Expert Testimony:

I would like to comment on what I feel has been a very creative interpretation of expert testimony by Attorney Fitzgerald. I included information in my testimony on my 30 year background in risk

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management, insurance and real estate professional liability matters. I think it is clear that I have specialized knowledge beyond that of the average person⁵. In presenting material on the issues of Fall Zones (in capitals) with regard to the monetary impacts of transmission towers sited close to homes that the FHA imposes financing restrictions, that testimony was initially rebuffed by CL&P and the CSC because I was not an expert.

I do not understand the reasoning as to why this is so. The information is such that any person can go on the Internet and look it up. It is factual information. It is not complicated information. I do not think it rises to the level of expert testimony. If I were to offer to the CSC formulas and methodologies for calculating the actual amount of diminished value of a home based on factors such as distance, size of the home, locality, residential incomes and presented numeric data, that is expert testimony. That testimony was not offered. I am not qualified to offer such testimony. Fall Zone testimony was eventually accepted in our October 2009 testimony but was again rebuffed in the captions for CAOPLC's photographs. We respectfully submit, that seems logically inconsistent. Perhaps the CSC will revisit this position in its deliberations?

On fall zone issues, with a small "f" and small "z", that commentary centered on non-pecuniary issues. That commentary was devoted to the wisdom or lack thereof on placing a transmission tower so close to a home that the occupants are in danger. That testimony too was rebuffed. After 30 years of experience in the commercial insurance industry and with some of those years in executive positions, I am more than qualified to offer expert testimony on that issue. If the small "f" fall zone term is confusing, perhaps the CSC will accept testimony about the inadvisability of siting transmission towers on top of residences if we refer to it as "**circle or circumference of lethality**," or a "**collapse radius**" or something similar. Ironically, page 46 of the December 2009 Transmission and Distribution Magazine shows a collapsed 345 kV wooden tower similar to what CL&P advocates. (Reference Exhibit Six.)

The CSC should promulgate restrictions regarding siting a transmission tower in this fashion. To fail to do so puts CT residents at risk. And it is not a high cost mitigation solution to refrain from siting a tower so close to a family that it become a physical threat.

⁵ When I first made mention of Fall Zones, Chairman Caruso said the CSC was unaware of the term and asked for me to explain it. That should be prima facie evidence of some specialized knowledge and expertise if I was asked to help educate the CSC.

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BIFURCATION AND ARBITRARY PROJECT DIVISIONS:

One of the first things I thought of when I began a review of the GSRP application materials is why aren't all of the NEEWS projects being considered as a single project. I later on found arguments in prior CSC dockets for the consolidation of other transmission projects, but none of the arguments were successful. I am not sure why, but that is beyond the scope of this commentary. Consolidation seems logical and of benefit to CT consumers. Here is why:

Allowing CL&P to dictate artificial divisions in the NEEWS projects serves to limit the CSC's options for modifying a transmission project and the available technology that can be employed or deployed to modify it to the benefit of CT ratepayers. I may have just answered my own question.

It also segregates and isolates community and grass roots opposition. For example, the GSRP and CCRP is really one transmission project going in essentially a straight path from Ludlow, MA to Watertown, CT. It has been entered into testimony that our power grid is designed around "loops". All of NEEWS could be constructed as one big underground HVDC loop and there would be no arguments made about EMFs, environmental, social or cultural concerns. It would be the most environmentally friendly and least invasive and state of the art transmission solution. But it is too expensive says CL&P. Do we really know that as fact, has that homework been done? What if it is a better and less expensive solution. Has a firm such as KEMA been engaged to evaluate that option? No.

Allowing the Ludlow to Watertown transmission line to be bifurcated into the GSRP and CCRP is not in keeping with CT General Statute §16-50 regarding the undergrounding of transmission lines because it limits and restricts available options. Economies of scale and solutions that become viable because of project scale are discounted or eliminated. CL&P and NU are selling CT and the CSC a used car one wheel at a time. We don't get to test drive it, we don't even know what it ultimately costs until we buy the final wheel. And there is a good chance that we won't like the car once we drive it but there is a no-refund policy unless we absorb billions in stranded costs.

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And the ultimate irony is if the CSC would review NU's discussions with industry analysts and investment bankers, that plans are progressing to acquire and build new right of ways for dedicated HDVC lines for renewable energy sources. It is like CT DOT planning to build a new four lane road right next to a new eight lane super highway. It makes sense only when you view infrastructure as an investment vehicle and as a way to annuitize decades of secure profit streams.

If the CSC desired because of social and cultural concerns to designate the Bloomfield to Agawam corridor as a HVDC only corridor (we mention it because it is a great option for the area) and route the GSRP through the alternative Manchester route, unless all of the plans for transmission infrastructure are on the table for the next decade, 745 kV and HVDC lines included, the CSC is kept in the dark and a designated HVDC only corridor may not seem as viable an option as it could be. These artificial divisions restricts the CSC to a "city block view" and not to a "world view." The CSC will make the best decision it can on the data in front of it, but CL&P and its legal advisors are so adept at slicing and dicing information and options until they are so microscopically dilute that it frustrates the intent of the legislature and it works to the detriment of CT consumers.

I do not have a suggestion to the CSC as to how to address this situation, other than it should not be the case. It is a liberty CL&P and NU should not be allowed to enjoy especially at the expense of CT rate payers and our economy.

EX PARTE CONCERNS:

We feel that before ending this brief we must address a situation that occurred during CAOPLC's testimony. It was when Mr. Ashton introduced evidence on behalf of CL&P⁶. Admittedly, we are novices in the conduct of administrative hearings but it seemed shockingly inappropriate for a member

⁶ Mr. Ashton introduced a very early CSC docket document, I do not have the exact docket number it seemed like it was number 10. The purpose was to refute my written testimony, lines 1419 to 1443 that said residents, including my wife personally called CL&P and asked due diligence questions about the power lines. I testified that we were given incorrect information and based our decision to purchase on that misinformation.

Apparently Mr. Aston was compelled to offer the argument that EACH and EVERY CL&P employee was on the same page about the plans for the right of way years into the future. This is simple to refute, look at the CL&P community outreach call sheets, does it say anywhere that CL&P advised anything other than "the new lines will be site away from the existing lines." Or as previous mentioned, is CL&P and ISO-NE advising about the use of 745 kV lines? This is not a responsibility that should be avoided or diminished as CL&P has done.

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of the Siting Council, a trier and arbiter of fact, to act as both jurist and prosecutor. It certainly exposes a tremendous bias in favor of one party and against another.

And for Mr. Ashton and Attorney Fitzgerald to then joke about the "coincidence" of both of them having the same obscure and ancient CSC docket evidence to introduce on behalf of CL&P, with Mr. Ashton essentially beating Attorney Fitzgerald to the punch to introduce evidence to support CL&P, it gives the appearance of a substantive and inappropriate ex parte conversation. We think that evidence should not be in the record, formally object to it, and ask that it be removed.

Prior to the commencement of the docket 370 hearings, a letter was circulated asking if anyone objected to Mr. Ashton participating in this docket. At that point in time, I had no idea who any of the CSC members were, and letters from the OCC and Attorney General said "no problem" thus it seemed prudent to follow along. So I did not comment. On the day of my cross examination (July 28, 2009) I asked the Chairman if I could ask a few questions of the CSC members. The answer was, "No".

My intent was to ask Mr. Ashton as a former NU group executive officer (1) if he held any shares of NU stock or other financial instruments, (2) if he did, would that effect or impair his ability to be unbiased, (3) would he benefit in any way financially or otherwise if the GSRP was approved. I realize I can't ask those questions now, but perhaps Mr. Ashton in light of his assuming a dual capacity role as jurist/prosecutor may want to volunteer to answer to numbers one and three for the sake of avoiding the appearance of a conflict of interest?

CONCLUSION:

As local residents have said at the very beginning of the GSRP process, we have no objection to a power line, especially if it is proven that there is a demonstrable need, as long as it is sited in an environmentally safe, socially and culturally responsible way.

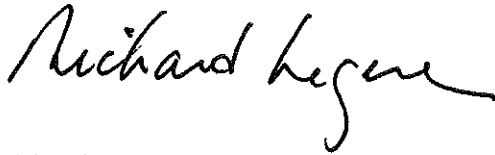
Local residents should not have to assume huge personal financial losses in the name of progress when that cost should properly be included in and borne as a part of the cost of constructing the transmission lines. When properties are taken by eminent domain the law requires just compensation. Local zoning would not permit me to operate a business inconsistent with Suffield's residential zoning nor can I

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conduct activities that would put my neighbors in peril without some liability attaching for the damages I create.

CL&P should not be exempt from abiding by the same laws and social contracts that govern our lives and our behaviors.

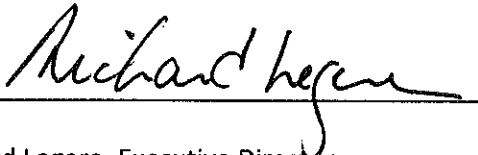
Respectfully submitted;



Richard Legere
Executive Director, CAOPLC

Certification

This is to certify that a copy of the foregoing has been served on this 15th day of January 2010 on all parties and intervenors referenced in the Connecticut Siting Council's Service list as of November 13, 2009.



Richard Legere, Executive Director
CAOPLC

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REFERENCE EXHIBITS

CAOPLC Exhibit #1

[Click here to print](#)

MailOnline

Faulty gene makes children who live near power lines more likely to develop leukaemia

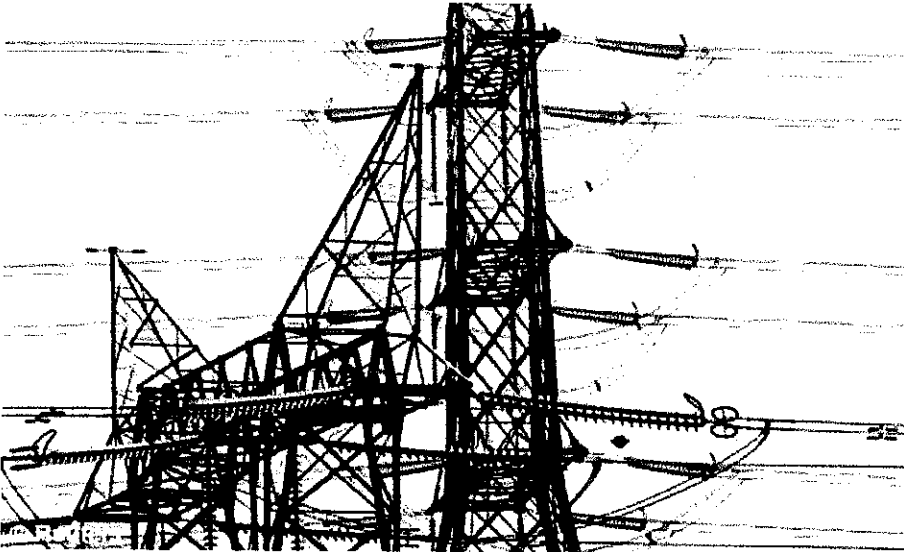
By [Nic Fleming](#)

Last updated at 11:28 PM on 20th December 2008

Scientists have found new evidence of a link between overhead power lines and childhood leukaemia.

They have identified a defective gene that quadruples the risk of cancers of the blood and bone marrow for carriers who live within 330ft of an overhead cable.

The discovery could help explain the findings of a Government-funded study published three years ago.



Living near high-voltage power lines increases the risk of childhood leukaemia

It concluded that children who grew up near high-voltage power lines were, on average, almost 70 per cent more likely to be diagnosed with leukaemia than those living further away.

Previous studies have suggested that exposure to the electromagnetic fields (EMFs) created around power lines can cause damage to the DNA, or genetic blueprint, of animal cells.

The latest research, which is from China, shows that one in 20 children inherits a faulty copy of a gene that normally helps repair DNA damage, making them more vulnerable to developing leukaemia when young.

Last year, an expert committee set up by the Government urged Ministers to ban new homes and schools from being built near high-voltage lines.

Alasdair Philips, who runs the campaign group Powerwatch, said: 'Previous studies have shown a clear association between childhood leukaemia and EMFs from power lines.'

'The new study supports this, along with a genetic explanation, and we should urgently replicate this research in the UK.

'In the meantime, the Government should implement a five-year building moratorium to keep homes and schools at least 200ft away from power lines.'



Health minister Dawn Primarolo and fellow ministers were due to discuss the risk of living near power lines this week, but the meeting was cancelled

Scientists at the Jiao Tong University School of Medicine in Shanghai studied 123 children under 15 with leukaemia and found that those with a faulty variant of the XRCC1 gene were 4.3 times more likely to develop leukaemia if they lived within 330ft of a power line or an electricity transformer.

The defective variant gene has previously been linked to increases in the risk of breast and prostate cancer developing.

Louis Slesin, editor of Microwave News, a US website that reports on EMFs and their health risks, said: 'The study will need to be repeated, but it is like finding the missing piece of the jigsaw.'

Last Wednesday, Health Minister Dawn Primarolo was due to meet Housing Minister Iain Wright and Energy Minister Mike O'Brien to discuss the Government's response to the conclusions reached by the expert committee last year, but the meeting was postponed 'due to a busy parliamentary timetable'.

Chantelle Roberts of the charity Children With Leukaemia said: 'The risk of childhood leukaemia associated with EMFs from high-voltage power lines cannot be ignored.

'The Government should act now to ban the building of new houses under high-voltage power lines to protect children's health.'

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- [Worst rated](#)

EU directive on cell phones and masts expected

The Portugal News has obtained a copy of a confidential document outlining the details of an EU investigation into the health dangers caused by radioactive electromagnetic fields (EMF's) generated by mobile phones, telephone masts and electricity pylons. It will be of special interest to the many readers who during the past few months have contacted our offices to complain about masts and pylons that have been built close to their homes and schools. MAIN - 22/03/2003

The document coincides with a decision by the world's largest insurance body, Lloyds of London, to refuse insurance cover to cell phone and power generating companies against damage to workers and consumers' health. It also comes at a time when the Dutch Parliament has called for an urgent investigation into the health dangers posed by EMF emissions.

A meeting of the European Employment, Social Policy, Health and Consumer Affairs Council (ESHAC) took place on March 6th. The ESHAC has appointed a working party to look into the findings of a meeting of radiation experts held in Luxembourg last September. The Danish and Greek governments have called for these findings to be included in an EU Directive concerning safety limits on EMF emissions.

As far back as 1992 concerns were growing regarding radiation emissions in the workplace and residential areas. It was at this time that the Commissioners requested that the Council of Ministers issue a directive on the minimum requirements for workers who are being exposed to noise, vibration and EMF's. The council subsequently issued a directive on noise and vibration but chose to deal with radiation as a separate issue.

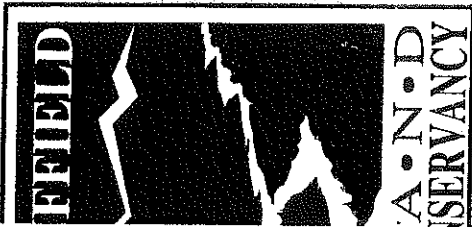
It is anticipated that the question of EMF's will be included in the forthcoming meeting of EU ministers scheduled for next June. But in a confidential communiqué, a copy of which has been obtained by The Portugal News, Luis Amorim, Press Officer for the Council of the European Union, has informed a London based freelance journalist, that any firm decision to set legally binding EMF emission limits will not come into force until mid 2004.

The present recommended international safety limits of EMF emissions are considered by many experts as being far too high. Research by American and Swedish scientists has shown that these limits are forty times higher than is otherwise safe. A major concern for campaigners against radiation pollution is that the EMF levels set by the EU Directive will fall in line with the existing unsafe international safety limits. This would do no more than protect power suppliers and cell phone companies from prosecution.

But Les Wilson, Managing Director of the radiation shielding company Microshield Industries, told The Portugal News that the EU initiative is a step in the right direction. According to Mr. Wilson once the EU Directive becomes law it would then be up to pressure groups and scientists to continue to lobby the EU Commissioners to reduce these limits to levels that have already been scientifically proved to be safe.

He recommended that EU member states follow the example of Spain, where the judiciary has ruled that exposure to EMF emissions is an infringement of an individual's human rights. The burden of proof has been firmly placed on cell phone and power suppliers to prove that radiation levels produced by telephone masts and electricity pylons are not a health hazard. The ruling has already led to hundreds of masts and pylons being removed from residential areas.

until this happens Wilson said he would continue in his campaign to have masts and pylons removed from residential areas as well as hospitals and schools.



Know Mission?

...to preserve
Suffield's environment
in acquisition and maintenance
of ecologically significant
undeveloped land
in Suffield and West Suffield.

...to preserve
natural beauty
farmlands, woodlands,
wetlands
and rare generations.

Suffield Land Conservancy
P. O. Box 421
Suffield, CT 06078

You're Invited...

Each fall the Conservancy plans an Annual Meeting which is open to the public. We secure speakers to open our eyes to the natural beauties, wonders and concerns in our Connecticut landscape.

Join us for our annual wildflower walk or tree walks in both wooded and residential areas. Learn the tricks of identifying native species and cultivated plantings. Experts note plant differences when fully leaved in summer or in their stark winter appearances. Of course, we welcome you to enjoy our Conservancy trails throughout the seasons.

In 1998, we were proud to sponsor the labeling of 35 different tree species along a two-mile stretch of Main Street. Financed by a gift to the Conservancy, we hope this assists all in identifying the beauty that shades our town center.

Our Board of Directors was active in encouraging town planners to set goals in protecting open space and to budget funds to achieve them. SLC Directors lobbied for the regulations to clarify the definition of the Suffield ridgetop and its preservation. Following definition by the Zoning and Planning Commission, our town Conservation Commission signed a protection compact with other ridgeline towns. Nine of our properties sit astride the traprock ridge. We're eager to work with additional land owners to assure its protection in a natural state.

We mail a seasonal newsletter to Conservancy members alerting them to our activities and current news important to those who value preserving Suffield's natural environment.

Please Remember Us...

The quality of life in Suffield is enhanced by the woodlots, wildlife preserves, and open spaces that help maintain our rural character. The Suffield Land Conservancy has been a vital part of the preservation of the character of our community.



The SLC's first land acquisition was the purchase of the Spencer Woods Wildlife Preserve in 1980. Other properties have been gifts. The Conservancy welcomes offers of additional significant open space for preservation - exchange or sale. Often such gifts have favorable tax considerations for the donor. Financial contributions to further the purposes of the Conservancy are also welcome.

You can continue to help the Suffield Land Conservancy by considering a Planned Giving Program in your estate planning. A planned gift is a contribution made in your will that can benefit your estate as well as the Conservancy. Your estate planning attorney and financial planner should be consulted so that your estate will realize the full benefits of a Planned Giving Program.

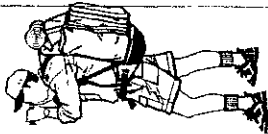
Your gift will allow the Conservancy to continue its stewardship of natural habitats in Suffield. The Conservancy is a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code. Inquiries should be addressed to the President, Suffield Land Conservancy, P.O. Box 421, Suffield, CT 06078.

CAORLC
Exhibit 3

CAORLC
Exhibit 3

me V i i t U s

Many of our properties have hiking trails and are the perfect spot for enjoying some of Suffield's natural treasures. SLC members receive notices of guided hikes that help you learn to identify native species or just enjoy breathtaking views and abundant wildlife on your own. We ask only that you respect these special habitats: take only pictures and leave only footprints.



MOUNTAIN BROOK NATURE PRESERVE

...Valuable wetlands on either side of the Mountain Brook provide habitat for wood ducks, ducks, mallards, heron, grouse, and even bittern. Near the junction of Copperhill Phelps Roads, this 27-acre preserve has a small island in the brook accessible during dry months. Level and walkable, the property has a parking lot off North Hill Road.

2 PHELPS TRUST PARSONS WETLAND PRESERVE

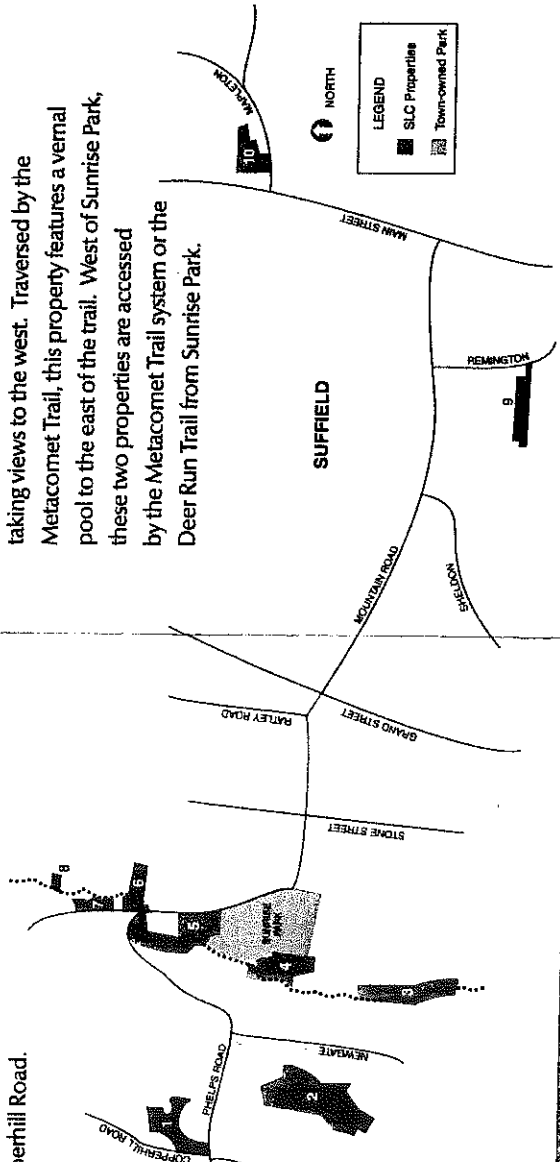
...Two adjacent landlocked properties totalling 70 acres between Newgate and Copperhill Roads. Once lush agricultural lands, this area was flooded as a result of fill associated with a failed railroad construction effort during the 19th century. The resulting wetlands are significant for water retention and aquifer recharge. No trails.

3 RIDGETOP PRESERVE

...Nearly a half-mile long this property is accessed through the Metacomet Trail right-of-way. High along the traprock ridge, the 25-acre parcel provides significant vistas to the west.

4 ARA & MARTHA DILDILIAN WOODLOT GEORGE HARMON WOODLOT

...Twenty-two acres of woodland with breathtaking views to the west. Traversed by the Metacomet Trail, this property features a vernal pool to the east of the trail. West of Sunrise Park, these two properties are accessed by the Metacomet Trail system or the Deer Run Trail from Sunrise Park.



July 21, 2009

Chester C. McGurk
851 North Stone Street
West Suffield, CT 06093

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket 370 – Written Statement – Public Hearing

Dear Connecticut Siting Council,

My name is Chester C. McGurk and I reside at 851 North Stone Street, West Suffield, CT 06093. I have been a landowner in Suffield since 1971 and a resident since 1973. The CL&P right-of-way on the parcels comprising this property is quite extensive and encompasses the existing tower structures numbered 3225 to 3231 as detailed on Mapsheets 37, 38 & 39 of Volume 11.2 of the Application. The residence is located on Mapsheet 39 to the south of Structure # 3231.

I also represent in the capacity of General Manager, The File of Life Foundation, Inc., (hereinafter referred to as FOL) a Connecticut Non-Stock Corporation organized in 2000 as a Not-For-Profit Corporation with it's main corporate office at 851 North Stone Street, West Suffield, CT and recognized as a 501 (c)(3) by the Internal Revenue Service. FOL distributes an emergency medical information record system through a network of over 3,500 organizations throughout the United States and presently has over 12 million users of it's products in all 50 states. The products are utilized by EMS and ER personnel in emergency situations and have been directly responsible for saving thousands of lives.

In 2006 it was determined that the FOL home office space at 851 North Stone Street was becoming inadequate in view of the continued expansion of the distribution network and in 2007 Architects plans were completed, accepted and construction commenced with a completion date scheduled for Fall 2009. The 8,400+ square foot addition was located directly north of the existing residence. Some sections of the new addition are located approximately 210-220 feet from the proposed 345-kV line. If the Greater Springfield Reliability Project (GSRP) had been identified as a realistic potential possibility at the time the new addition was designed it surely would have been sited elsewhere on the 80 acre property.

The design of the building addition incorporated provisions for future multi-use including portions for home office functions, data and file storage and areas for meeting and child daycare facilities. The child daycare outside playground location was sited in an area that is now within 100' of the proposed 345-kV line. In 2008 when we learned of the new transmission line the construction of our new addition was too far along to consider any option other than completion. As the construction process winds down we have

commenced the licensing procedure for the child daycare facility, Natures Way Daycare and Learning Center LLC (CT ID # 0971851) and expect to be fully licensed by late Fall of 2009 for operation in 2010.

We have extensively reviewed the Application for the Greater Springfield Reliability Project, studied a number of NU internal and external reports and attended several of the public hearings. While economic factors both pro and con appear dominant in much of the public hearing arguments our primary concern rests in two areas. Having worked in the past as an independent system design consultant under contract with an electric utility I am familiar with the utility mind-set on proposing and implementing projects.

My first area of concern is the lack of justification for the project itself. Everything I have researched and read indicates that Connecticut will have declining electrical power needs as both manufacturing capacity continues to decrease, population growth remains small and conservation efforts increase. Recent events indicate that Northeast Utilities appears convinced it's best opportunity for business profits are in the transmission of cheap imported electricity to it's existing customer base. Could the old high-cost electrical generating plants in Connecticut be scheduled for closing in the not too distant future? In view of the past history of imported oil is it a wise decision to be dependent on imported electricity?

My second and greater area of concern is health safety. I work every day for an organization, The File of Life Foundation, where the corporate philosophy is that every life is precious and must be protected by whatever means are possible. The high voltage line EMF issue is real and it will be a very long time before the full effects of EMF are investigated and known. In 1968 when I was in college I worked part-time repairing open hearth furnaces as a masons helper at US Steel in Fairless Hills, PA. We used asbestos insulation for the brickwork repairs and we were told to be careful not to breathe too much of the asbestos dust since it "might" make us sick. Asbestos has moved from a potential health risk 40 years ago to a very real and very expensive health cost today. Future EMF issues may eventually cost far more than asbestos. Based on CL&P data the potential EMF problem with high voltage power lines can be somewhat mitigated by burying the lines underground. If it is determined that there is a definite need for the construction of this transmission line it seems only prudent to require that the lines be placed underground and the potential EMF effects reduced.

Obviously CL&P is aware of the potential problems with EMF issues. The CL&P Application did indicate that they would comply with the provisions of CT Public Act 04-246 and it appeared that they were seeking some clarification as to whether the CSC would rule that overhead portions of the transmission line would indeed be inconsistent with the purposes of the Act. CL&P has indicated in their Application there are no technological issues involved in burying the lines – only economic issues.

If this project is approved there will be major disruptions along the entire transmission route for a considerable period of time. As a property owner I recognize this cannot be avoided and accept that this was a consequence of purchasing a property with an existing

right of way. Homeowners will be adversely affected by this project but every effort should be made to respect their property, maintain their property values and recognize their rights as Connecticut citizens. CL&P customers will pay higher rates for transmission costs but may find that the rate has dropped for the imported electricity. Economic sacrifices can and will be made for the sake of this transmission project but cost considerations should not put any life at risk when there are viable alternatives readily available.

If it is determined that the Greater Springfield Reliability Project is deemed necessary to meet the present and future needs of Connecticut I urge the Connecticut Siting Council to protect the current and future citizens of Connecticut by invoking the provisions of Public Act 04-246 and to direct CL&P to construct the 345-kV power lines underground throughout East Granby and Suffield.

Sincerely,

Chester C. McGurk

cc: Attorney General Richard Blumenthal

CROPCC

Exhibit 5

See next page →

The local improvement project reaches town and raises questions among property owners

Canton LIFE JAN 10 3

part of the focus of
Light &
reliability
powerful
be completed until
a question-
also on the bill
are needed for this

They were developed by Northeast Utilities, CL&P's parent company, the National Grid and ISO-New England, the regulator of power transmission in the area and manager of regional planning processes.

It was an ISO study that concluded there are problems with the transmission of power across the grid in New England and that additional lines were needed to solve the difficulties in moving electricity across Connecticut, Massachusetts and Rhode Island, and particularly east to west within Connecticut.

To illustrate the unreliability of existing transmission, Mr. Poirot said "in August 2003 there was a major power outage in New England. It started in Ohio with a tree branch falling on a line and that cascaded across to this area. It resulted in greater clearance being required for transmission lines."

This town is included within the goal of constructing about 36 miles of new overhead transmission lines on existing rights of way from the Frost Bridge substation in Watertown to the North

Bloomfield substation in Bloomfield. Canton's portion represents about five miles of the project and will include 46 new structures of 125 feet in height.

The three stages that are typical to the construction process begin with the clearing of the right of way and the creation of an access road to the site, followed by the drilling of foundations for the new poles, then the installation of the poles and lines.

Jeff Martin, CL&P project manager, presented the specifics at a board of selectmen meeting last October at which CL&P staff stated that "there will be communication with residents throughout all aspects of the project" and "open house invitations will be sent to abutters," according to the minutes of the meeting. The presentation has been added to the town's website. Alyce Walker expressed her concerns to Mr. Martin in a recent letter.

"I am a resident ... whose property contains a right of way for overhead power transmission lines ... ne-

ther I nor any of my neighbors, whose properties also contain power line rights of way, have received any notification about the CCRP ... I don't know whose responsibility it is to notify property owners about this project, but I find it deeply disturbing that no one I've talked with knows anything about it. It seems reasonable to me that those people who may experience loss of property value as a result of this project should be notified immediately and directly."

Although she admitted that buyers of properties with these kinds of rights of way are made aware at the time of purchase that the power company may come in at any time to make changes, the kinds of changes being proposed with this project are of a magnitude that should require notification and ongoing communication with those involved in the project.

"Some people could find themselves in a situation where they unwittingly make a major financial investment in their property (e.g. put an addition on their home) without knowing that it is about to lose significant curb appeal when the new power lines are installed, and as a result they will not be able to regain the cost of their investment when they later try to sell

their property," she added.

Mr. Poirot said "the town chief, whether it's a first selectman or a town manager, has the choice on whether there is a full presentation with an open house or another format. The more inclusive presentations will be made in late 2010 or early 2011 with an identification of the structures, location of wetlands and the project's impact on them, and access points."

CL&P will also consider the advisability of burying new power lines, although, according to Mr. Poirot, the project team "is required by the (Connecticut) Siting Council to use existing rights of way." If it is determined that they are not suitable, the utility may look for appropriate underground areas.

"If we are burying, we could not do that within existing rights of way because there would be too much of an environmental impact, such as on wetlands," he said.

After the town presentations, the project team will file an application with the Connecticut Siting Council, which will hold its own round of public hearings. The council will seek local and public comments in 2011 or 2012.

"No firm decisions have been made yet. We are still working through the technical problems. And there are still plenty of opportunities for public comment," said Mr. Poirot.

where the new poles will be located. If they come forward during the design phase and before construction begins, Mr. Poirot said the workers will be willing to move the structures to accommodate the owners' concerns as to views and obstructions.

"We had a friendly negotiation with a husband and wife who wanted us to move a pole 10 feet in one direction. We could do that easily," he said.

"If aesthetics is important, and the owners are standing at their kitchen window looking out, we could move here and there. We try to make it a collaboration and we don't take requests of residents lightly."

First Selectman Richard Barlow was present at the CL&P presentation on the project and is well aware of the schedule, as well as the issues for property owners. He is surprised that there are property owners who have not heard about the project yet because CL&P workers are already out in the field.

"The town is not the decision maker here. The proposal will go before the Connecticut Siting Council for approval," said Mr. Barlow.

"We will continue to monitor the process and apprise the homeowners with information as we receive it. The town is just a member of the public in this case. This is a statewide upgrade project."

He refers the public to the town website where updates will be posted and to the CL&P website for the transmission project, where contact may be made with staff who will respond to inquiries within 24 hours of receipt.

The next step involves the submission of the municipal consultation filing to Canton, which was projected for the end of this year. But a recent communication from Northeast Utilities explains that, because of "current market conditions, the MCF has been delayed pending a reassessment on the timing for the project ... being conducted by ISO-New England," which is expected sometime during the first half of this year.

It appears that the delay in this filing will impact

For more information about the project presentation visit www.townofcanton.org. To learn more about the overall project visit the CL&P website at www.cl-p.com or www.nu.com and click on Transmission Projects.

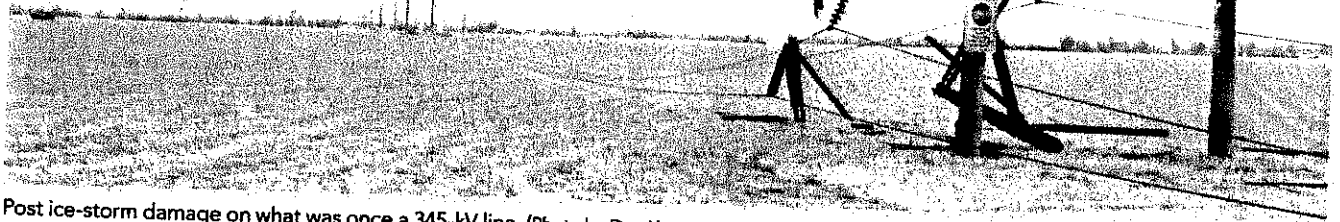
For information on the entire transmission upgrade plan visit www.nuenergy.com or call 1-866-99news. To speak with Jeff Martin, CL&P project manager for the Canton portion, call 860-665-5930 or e-mail him at marjtz@nu.com. For information on lobbying for installing power lines underground visit www.nuopowertowers.info. **CL**

the timing of the rest of the project. The MCF is a vehicle for towns to use in submitting their comments to CL&P. Tom Sevigny, president of Canton Advocates for Responsible Expansion (CARE), said his organization has not taken a formal position on the project.

"We sympathize with homeowners whose property abuts the CL&P right of way, but since CL&P is not attempting to acquire new property, there is really nothing CARE or the town can do about the situation," he said.

Affected property owners can have some impact on

CAOPLC
Exhibit 6



Post ice-storm damage on what was once a 345-kV line. (Photo by Dan Kopp, M&A Electric Power Cooperative.)

A New Take on Mutual Aid

Missouri cooperatives help G&T purchase materials for rebuild after a major ice storm.

By **Jim Hixson**, *N.W. Electric Power Cooperative*, **Mark Weber**, *Central Electric Power Cooperative*, and **Stephen Pogue**, *M&A Electric Power Cooperative*

JANUARY ICE STORMS ARE NOT UNUSUAL IN MISSOURI, BUT THE ONE THAT HIT IN 2009 caused unprecedented damage to the state's transmission system. Wide-scale assistance efforts are the typical response to massive outages, but what the other Missouri generation and transmission (G&T) cooperatives did to help their fellow G&T cooperative puts a new spin on the definition of mutual aid.

THE STORM

On Jan. 26, 2009, a major winter storm crawled across the southeast corner of Missouri, northern Arkansas and Kentucky. When it was over, there were 1.5 to 2 inches (38 to 51 mm) of radial ice load on the power lines. To put that in perspective, in Missouri, lines are typically designed to withstand ice loads of 0.5 inches (12.7 mm).

At M&A Electric Cooperative (Poplar Bluff, Missouri, U.S.), the hardest-hit G&T, engineer Dan Kopp brought a piece of ice into the office that was 2 inches thick. Employees who spent their entire careers working for M&A had never seen ice like

that. The ice took its toll, bringing down both transmission and distribution lines. With the transmission falling, power plants began to shut down.

The storm caused wide-scale outages, impacting entire communities. On Jan. 26, Missouri Gov. Jay Nixon declared a state of emergency. On Jan. 28, with 100,000 customers without power and six storm-related deaths, he activated the National Guard and asked President Obama to approve his request for an expedited major disaster declaration. By the next day, Gov. Nixon upped the number of troops from 100 to 150. On Jan. 30, that number increased to 200. On the Jan. 31, the number was up to 300. By Feb. 1, the number topped out at 365.

THE AFTERMATH

When it was over, eight deaths were attributed to the storm and 135,000 customers were without power — and that was just in Missouri. Along the southeast edge of the state, the cooperative distribution systems were devastated, with miles of transmission line literally on the ground.

CAOPLC
Exhibit 7

Richard Legere

From: Richard Legere [rlegere@cox.net]
Sent: Thursday, December 17, 2009 10:36 AM
To: 'Bachman, Melanie'
Cc: Matthew McGrath, Esq. (McGrath@McGrathLaw.Pro)
Subject: RE: Final Hearing Program for Docket 370

Attorney Bachman:

Thank you for clarifying CAOPLC's question about the Bio Initiative Report and the Grunwald article. I am glad to know that those documents are formally a part of the docket 370 record and are able to be referenced by CAOPLC when we write our findings of fact.

Thank you.

Respectfully,

Richard Legere, Executive Director
Citizens Against Overhead Power Line Construction (CAOPLC)
www.nopowertowers.info
email: rlegere@cox.net
phone: 860-668-0848

From: Bachman, Melanie [mailto:Melanie.Bachman@ct.gov]
Sent: Thursday, December 17, 2009 10:22 AM
To: Richard Legere; Matthew McGrath, Esq.
Cc: Phelps, Derek; Walsh, Christina
Subject: Final Hearing Program for Docket 370

Good morning, Mr. Legere.

Ms. Walsh forwarded me your message pertaining to your exhibits as shown on the final hearing program. As Ms. Walsh informed you, since the BioInitiative Report and the Michael Grunwald article are contained in your Request for Party Status and your pre-filed testimony, those exhibits were taken in and are part of the record. If you have any further questions, please feel free to contact me. Thank you.

Melanie Bachman

Melanie A. Bachman
Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051
(860) 827-2951

