

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

EVERSOURCE ENERGY APPLICATION FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE,
AND OPERATION OF A 115-KILOVOLT (KV)
BULK SUBSTATION LOCATED AT
290 RAILROAD AVENUE, GREENWICH,
CONNECTICUT, AND TWO 115-KV
UNDERGROUND TRANSMISSION CIRCUITS
EXTENDING APPROXIMATELY 2.3 MILES
BETWEEN THE PROPOSED SUBSTATION
AND THE EXISTING COS COB SUBSTATION,
GREENWICH, CONNECTICUT, AND RELATED
SUBSTATION IMPROVEMENTS.

DOCKET NO. 461A

DATE: MAY 18, 2017

TOWN OF GREENWICH OBJECTION TO PETITION FOR RECONSIDERATION

The Town of Greenwich ("Town") submits this Objection to the Petition of Eversource Energy for Reconsideration of the Denial of a Certificate of Environmental Compatibility and Public Need for The Greenwich Substation and Line Project dated May 5, 2017 (the "Petition"). The Town objects to any attempt by Eversource to avoid its statutory burden of proving its entitlement to such a certificate, or limiting the evidentiary record that must be established before a certificate is granted. If the Petition is granted, the Town urges that Docket No. 461 be opened in its entirety.

BACKGROUND

On May 13, 2016, the Connecticut Siting Council ("Council") denied Eversource's application for a certificate of environmental compatibility and public need in Docket No. 461 (the "Initial Application"). The Town objected to the "Preferred Route" proposed by Eversource, which included construction that would have resulted in significant environmental harm to Bruce Park. More specifically, the "Preferred Route" in

Eversource's Initial Application proposed constructing a fluid-filled transmission line beneath pristine land in Bruce Park, while utilizing horizontal directional drilling, which would have created unacceptable environmental impact to Bruce Park in direct violation of the environmental protection purposes of The Public Utility Environmental Standards Act, Conn. Gen. Stat. §§16-50g, et seq. ("PUESA").

In addition, the Town contested whether Eversource had demonstrated the need for a new transmission line and substation. In the Initial Application, Eversource claimed that the supposed need for the project was based on a risk of overloads on transformers at the Cos Cob Substation. This alleged risk was premised on unrealistic and aggressive assumptions about the future load usage on the Cos Cob transformers. Eversource's projections of peak load were based on 2013 load data as a starting point, and then an assumption of 1% growth rate each year into the future. Contrary to Eversource's projections, the actual peak load usage on the Cos Cob transformers declined significantly in 2014 and 2015. Nevertheless, Eversource neglected to update its projections to reflect this decline in load usage. Similarly, Eversource over-projected the peak load usage on the Prospect Substation transformers, based solely on 2013 peak load data. As with the Cos Cob transformers, in 2014 and 2015, the peak load usage on the Prospect transformers declined, and Eversource failed to provide updated projections reflecting actual data in 2014 and 2015. Eversource steadfastly adhered to these arguments as the justification for the "need" for this project.

In denying the Initial Application, the Council ordered Eversource to work with the Town to identify upgrades that would provide reliable electric service in Greenwich. Over a number of months, Eversource met with Town officials to discuss Eversource

proposals. Significantly, during the course of those discussions, Eversource acknowledged that the “need” for this project was actually not based on the supposed risk of overloads on the Cos Cob transformers, but rather a new justification relating to a claimed need to improve aging infrastructure in the Prospect and Byram Substations. Yet despite these admissions in meetings with the Town, in the Petition Eversource continues to base its claim of need on the alleged risk of overloads on the Cos Cob and Prospect transformers, while ignoring the reality of actual load usage in the last 3 years. The Town is confident that discovery in this docket will demonstrate that the aggressive load assumptions in Eversource’s Initial Application have continued to be proven false by actual 2016 data as well, even though 2016 was the hottest summer on record. Accordingly, Eversource has still not demonstrated the need for this project.

The Proposed Modified Project is unacceptable to the Town

Despite the Council’s directive for Eversource to work collaboratively with the Town, Eversource has now proceeded to file the Petition seeking approval of the “Proposed Modified Project,” which the Town has made clear is not acceptable. One of the primary objections raised by the Town is based on the fact that Eversource proposed a new 115-kV transmission line that would directly interfere with the Town’s force main (the “Force Main”) to the south of the Metro North Railroad (“MNRR”) tracks. The Force Main conveys flow for almost half of the Town’s sewerage area, averaging approximately 4 million gallons of flow per day. Any leak in the Force Main would create a major environmental disaster.

Moreover, as the Town explained to Eversource on multiple occasions, the Town is a party to a Consent Decree entered in federal court and imposed by the United States Environmental Protection Agency, the Department of Justice and the State of Connecticut, which mandates that the Town replace the majority of the existing Force Main, subject to approval by a number of Federal and State agencies (the “Federal Consent Decree”). The Federal Consent Decree also requires the Town to maintain the Force Main under strict guidelines, which require eliminating and/or minimizing utility conflicts to the maximum extent possible to protect this infrastructure. The replacement Force Main will be installed within approximately 10 feet of the existing Force Main, which will be left in place as a potential backup in the event of an emergency. Indeed, with the approval of regulatory agencies monitoring the Federal Consent Decree, the Town has already installed infrastructure allowing connectivity between the existing and replacement Force Mains.

The Town’s position with respect to siting the transmission line in the same vicinity as the Force Main is consistent with the position it took throughout the proceedings in Docket No. 461. In the Town’s post-hearing Brief dated April 11, 2016, the Town stated:

If the MNRR Hybrid Route is approved, in Segment 2 one option is for the siting of the line overhead to the south of the railroad tracks in accordance with variation 2B. If this variation is approved, it is critical that the construction must not impede the Town’s ability to comply with the federal consent decree requiring that the Town replace and upgrade the force main in that location. Any siting of the line in that location must ensure that the Town will continue to have access to the force main to perform work that may be needed, now and into the future.

See Brief of the Town of Greenwich dated April 11, 2016 at p. 11.

In Finding of Fact 301 of the Council's May 13, 2016 Decision, the Council specifically stated:

If the Hybrid Alternative is approved, the overhead portion to the south of the MNRR tracks would require Eversource to construct the line in a way that would allow the Town to replace and upgrade its force main in accordance with the federal consent decree. Eversource would ensure that the Town would be able to access the force main to perform maintenance work.

Eversource's Proposed Modified Project, however, does not satisfy the requirements of Finding of Fact 301. The Proposed Modified Project conflicts with the Federal Consent Decree because the siting of steel poles in the vicinity of the Force Main jeopardizes the safety of the Town's sewer and wastewater system. This placement of the poles would prevent the Town from being able to freely and quickly access either the existing or new Force Main with the equipment necessary to make repairs in the event of a leak, or routine maintenance as may be required. As such, the Proposed Modified Project (including the Force Main Variation) conflicts with the Federal Consent Decree.

When the possibility of siting the transmission line in the MNRR corridor was discussed in Docket No. 461, no specific design information had been provided by Eversource to the Town regarding the placement of poles in this area. Importantly, the Council specifically found in Docket No. 461 that the Hybrid Alternative (upon which the Proposed Modified Project is based) was "not explored and fully vetted." See Docket No. 461 Opinion, at p. 6. Accordingly, at that time, the Town had no way to determine how its wastewater infrastructure would potentially be affected by such an option.

The first time Eversource presented these plans was in a meeting on April 21, 2017 – only weeks before the filing of the Petition. The Town learned at that meeting

that Eversource was proposing placing several poles in the corridor of the existing Force Main, and extremely close to the location of the new Force Main, which will be approximately 10 feet away. The Proposed Modified Project (including its proposed Force Main Variation) would impede the Town's access to the Force Main in the event of an emergency or for future maintenance or repair work, and will conflict with the Federal Consent Decree.

In addition, the Town raised concerns about: 1) the serious danger posed by locating a proposed new substation at 290 Railroad Avenue, next to a facility storing propane and other flammable industrial gasses, 2) the approximate 9 acres of vegetative removal that the proposal would require, and 3) the visual impact of the overhead steel poles proposed by Eversource.

The Town has expressed to Eversource its disappointment that an agreement on a new proposal was not reached, that the primary proposal advanced by Eversource in the Petition is not acceptable to the Town, and that the details of the Proposed Modified Project were not provided to the Town until the eleventh hour. This disappointment is magnified by the fact that the Town has indicated its willingness to accept the Alternate Modified Project which avoids nearly all of the problems identified by the Town with the Proposed Modified Project.

If the Docket is Reopened, and Eversource meets its burden of proving the need for this project, the Alternate Modified Project is acceptable to the Town

While Eversource must still meet its burden of proving the need for this project, if the Council does find that this burden has been met, the Town urges the Council to adopt the Alternate Modified Project for a number of reasons.

First, this proposal avoids the environmental harm to Bruce Park that would have resulted from construction of the Preferred Route in the Initial Application. Unlike the Initial Application, the Alternate Modified Project no longer proposes construction of a transmission line under the precious, undisturbed resources of Bruce Park. Based on the Town's input, the new Alternate Modified Project would construct an underground transmission line solely beneath roads situated in the park. These roads are obviously already environmentally disturbed, so there would be minimal incremental damage to the park by installing cables under those roads. Unlike the Initial Application, there would not be construction of a transmission line underneath pristine playgrounds, ball fields, lawn areas, walking paths and waterways. Further, unlike the proposed construction in the Initial Application, in the Alternate Modified Project there would be no horizontal directional drilling, thereby minimizing environmental impact to the park and the noise associated with construction. In addition, because there would be no construction in parkland, there would be no tree removal or trimming. By contrast the Proposed Modified Project contemplates approximately 9 acres of vegetation removal.

Second, unlike the Initial Application, the proposed underground transmission line in the Alternate Modified Project would use solid dielectric cables, and not fluid filled cables. Thus, one of the Town's primary objections to the Initial Application – the use of approximately 60,000 gallons of petroleum-based fluid, and the risk of an environmental disaster within Bruce Park – would be mitigated.

Third, the underground line proposed in the Alternate Modified Project would be more reliable than the overhead line proposed in the Proposed Modified Project. As Eversource acknowledges in their Petition, "underground supply lines are less

susceptible than overhead lines to faults caused by external sources, such as falling trees, lightning strikes, or vehicle collisions with support structures.” See Pre-Filed Testimony of Kenneth B. Bowes dated May 5, 2017 at p. 21. This point was proven by the fact that in August, 2012, the overhead feeders into the Cos Cob Substation failed due to a thunderstorm that caused trees to bring down the overhead wires. As a result, approximately 25,000 Greenwich customers lost power. As extreme weather events are more common each year, the prudent investment in a new transmission line is through underground cables that are impervious to these weather events.

Fourth, the location of the new Greenwich Substation in the Alternate Modified Project would be safer than the location proposed in the Proposed Modified Project. The new Greenwich Substation in the Alternate Modified Project at 281 Railroad Avenue would be entirely indoor and situated on the north side of Railroad Avenue. By contrast the proposed new Greenwich Substation in the Proposed Modified Project at 290 Railroad Avenue would be an open air substation, adjacent to a compressed gas storage area that contains propane and other flammable industrial gasses, a safety risk that can and should be avoided.

Fifth, as noted above, the Proposed Modified Project will directly impede the Town’s Force Main, and make it impossible for the Town to comply with the Federal Consent Decree. This significant issue is avoided entirely by the Alternate Modified Project.

Sixth, the Alternate Modified Project would consist of an underground transmission line, rather than the overhead structures in the Proposed Modified Project.

Therefore, aesthetic and visibility impacts would be avoided – factors that should be considered under PUESA.

Seventh, while Eversource asserts that the Alternate Modified Project would cost \$22 million more than the Proposed Modified Project, the Town contends that the costs of the Alternate Modified Project are inflated because Eversource failed to take into account significant cost-saving measures that can be implemented, and modifications that would in no way impact the performance of the new circuits.

“Reopening” this docket

Eversource couches its new proposal in the form of a Petition for Reconsideration, and seeks to limit the scope of the Council's review, in an apparent effort to avoid meeting its statutory burden of proving that the need for this project outweighs the protection of the Town's “ecological, scenic, historic and recreational values.” Conn. Gen. Stat. §16-50g. The Town objects to any attempt by Eversource to do an end-run around its burden of proving it is entitled to a Certificate of Environmental Compatibility and Public Need. Eversource must be required to submit evidence justifying the need for this project, particularly since its alleged claim of need in the Initial Application – filed approximately *two years ago* – has now been proven false.¹ Moreover, in the Petition, it appears that Eversource is compounding this problem by again relying on the same outdated 2013 data to justify the project, even though that data is now *four years old*, and the assumptions of load usage have all been proven to be over-stated. See Pre-Filed Testimony of Kenneth B. Bowes dated May 5, 2017 at pp. 5-8.

¹ For example, Eversource claims in its Petition that the Findings of Fact related to Load Forecasting (95-108) remain accurate and relevant but the Town strongly disputes that. To the contrary, the projections have already been proven to be false.

Given the scope of and changes to Eversource's proposals, the Town and all parties and intervenors must have a right to conduct discovery as to these proposals, to cross-examine Eversource's witnesses, to present their own evidence in response to Eversource's submissions, and to dispute Eversource's contentions that certain Findings of Fact and conclusions from the Council's decision on the Initial Application may be relied upon, in order to ensure that Eversource meets its burden and that an unacceptable project is not forced on the Town.

Accordingly, the Town objects to Eversource's Petition for Reconsideration and the constraints Eversource seeks to impose on the Council's consideration of Eversource's new proposals. However, if the Council grants the Petition, the Town respectfully urges that Docket No. 461 be opened in its entirety, that Eversource be required to provide updated evidence to meet its burden, and that the due process rights of all parties and intervenors be protected.

Respectfully submitted,

Town of Greenwich

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CERTIFICATE OF SERVICE

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