



Town of Fairfield

**Office of the First Selectman
William A. Gerber**

For Immediate Release

Contact: Lisa Clair

475-342-9787

Lclair@fairfieldct.org

Town of Fairfield Files Appeal in Superior Court Against Connecticut Siting Council Decision on Monopoles

Fairfield, CT, March 26, 2024--The Town of Fairfield has officially filed an appeal in Superior Court challenging the legality of the Connecticut Siting Council’s decision dated February 16, 2024, granting United Illuminating (UI) a Certificate of Environmental Compatibility and Public Need for the construction of overhead transmission lines along a new route to the north side of Metro-North train tracks, entitled the “Hannon-Morissette Alternative.” The appeal comes after months of Siting Council hearings where the Town and other impacted intervenors repeatedly raised concerns about UI’s plan to install massive monopoles on the south side of the Metro North train tracks and challenged whether there was any need at all for this project.

Throughout the proceedings in Docket 516, the Town argued that UI’s southern overhead design would have caused devastating impacts to the environment and precious religious, cultural, historic and scenic resources in the Town of Fairfield. The Town’s arguments prevailed before the Siting Council, as not one Council member voted in favor of UI’s southern overhead design. However, on February 16, the Council instead approved the Hannon-Morissette Alternative, a double-circuit overhead route to the north side of the tracks. The Council approved this route even though UI never presented a design for that option, and even though UI stated that siting its transmission lines to the north was not viable.

The Town’s appeal raises two main arguments. First, the Town argues that the Siting Council violated its statutory obligation to balance the supposed need for the project with the environmental impact of a route to the north of the railroad tracks. Indeed, UI never submitted any evidence of impacts on the properties abutting the north of the tracks, thereby making it impossible for the Council to engage in this required balancing. Second, the Town argues that the Siting Council violated due process as none of the abutters on the north side of the railroad tracks had any notice of the Hannon-Morissette Alternative, and therefore were deprived of the ability to exercise their right to participate in the hearing and contest this potential route. The Town was also denied its due process rights to contest the merits of the Hannon-Morissette Alternative, as UI never presented a design for this route to the Council. The Town asks the Court to render a judgment vacating the Council’s decision.

Because UI never submitted a design of the Hannon-Morissette Alternative, the Town has no information as to what the pole heights will be, where they will be located, and what the potential impact will be to property owners on the north side of the tracks, including whether UI would require permanent easements over private and Town-owned property.

“We believe that the Siting Council has failed to meet its obligation to satisfy the requirement to balance the alleged public need with the environmental impact, and has done a disservice to our residents,” First Selectman William Gerber said. “There was never any prior notice to any of the abutting property owners to the north of the Metro-North Railroad tracks that UI may be constructing new transmission lines to the north, nor did UI provide any evidence of the impacts of this route, including whether property owners may now be facing permanent easements. This is a blatant due process violation.”

He continued, “We are committed to fight for the rights of our community. Ratepayers as well as residents have a right to understand and weigh in on the impacts of potentially having new giant monopoles erected in their backyards.”

The Town of Fairfield remains steadfast in its commitment to protect the rights of its residents.

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