

One Financial Plaza, Suite 1430  
Providence, RI 02903-2485  
Direct (401) 709-3314  
Fax (401) 709-3377  
placouture@rc.com

*Via Hand Delivery*

February 24, 2014

Patricia S. Lucarelli, Esq.  
Energy Facility Siting Board  
89 Jefferson Boulevard  
Warwick, RI 02888

**Re: Docket No. SB-2014-1**  
**In re: The Narragansett Electric Company d/b/a National Grid**  
**G-185S 115kV Transmission Line Reconductoring Project**

Dear Patti:

I am enclosing for filing an original and four (4) copies of National Grid's Pre-Hearing Memorandum in the above referenced matter.

Please acknowledge receipt of this filing on the enclosed copy of this letter and the memorandum and return them to me. Thank you.

Sincerely,



Peter V. Lacouture

PVL/blv  
Enclosures

Copy to: Chairperson Margaret E. Curran, Esq. *(via hand delivery)*  
Janet Coit *(via hand delivery)*  
Kevin Flynn *(via hand delivery)*  
Service List *(via electronic mail)*



*Law Offices*

BOSTON

PROVIDENCE

HARTFORD

NEW LONDON

STAMFORD

WHITE PLAINS

NEW YORK CITY

ALBANY

SARASOTA

*www.rc.com*

12730239-v1

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ENERGY FACILITY SITING BOARD

In re: The Narragansett Electric Company :  
d/b/a National Grid :  
(G-185S 115kV Transmission Line : Docket No. SB-2014-01  
Reconductoring Project) :

PRE-HEARING MEMORANDUM SUBMITTED BY  
THE NARRAGANSETT ELECTRIC COMPANY  
D/B/A NATIONAL GRID

Counsel:

Peter V. Lacouture  
George W. Watson, III  
Robinson & Cole LLP  
One Financial Plaza  
Suite 1430  
Providence, RI 02903  
(401) 709-3314

Bess Gorman  
Assistant General Counsel and Director  
National Grid  
40 Sylvan Road  
Waltham, MA 02451-1120  
(781) 907-1834

February 24, 2014

## OVERVIEW

The Narragansett Electric Company d/b/a National Grid (“National Grid” or “Applicant”) has filed a Notice of Intent Application (the “Application”) for approval of the reconductoring of an existing transmission line (the “Project”) with the Energy Facility Siting Board (the “Board” or “EFSB”) pursuant to R.I.G.L. §§ 42-98-1, et seq., and Rule 1.6(f) of the Board’s Rules of Practice and Procedure (“EFSB Rules”). Pursuant to Rule 1.6(f), the Board must make a determination as to whether the Project “may have a significant impact on the environment or the public health, safety and welfare.” If the Board determines that the Project will not have such an impact, the Project may proceed without further review. If it is determined that the Project may have such an impact, it constitutes an alteration of a major energy facility and the application is converted to the full EFSB process, pursuant to EFSB Rule 1.9.

The purpose of this memorandum is to provide the Board with an overview of the process under Rule 1.6(f) and a summary of National Grid’s Application. As explained below, the Applicant’s position is that this Project is not an alteration because the proposed modification of the transmission line will not significantly impact the environment or the public health, safety and welfare.

## ANALYSIS

### A. SCOPE OF THE PROPOSED TRANSMISSION LINE MODIFICATION

National Grid requests permission to reconductor approximately 5.3 miles of the existing G-185S 115 kV Transmission Line (the “G-185S Line”) between the Kent County Substation in Warwick and the Old Baptist Road Tap Point in East Greenwich. This portion of the transmission line is located within an approximately 300 foot wide right-of-way located in Warwick, East Greenwich, and North Kingstown. The proposed modification consists of replacing all of the existing single circuit wood structures with steel structures in approximately the same alignment, replacing 5 of the existing double circuit steel structures in approximately

the same alignment, replacing portions of the Optical Ground Wire, and replacing the conductors (wire) with larger conductors.

In support of its Application, National Grid filed an Environmental Report on the Project entitled “G-185S 115kV Transmission Line Reconductoring Project; Warwick, East Greenwich, and North Kingstown Rhode Island (January, 2014)” (the “ER”) which includes a detailed explanation of the Project’s purpose, construction, and potential impact upon the surrounding area. As explained in the ER, the “impacts to environmental resources and the social environment will be negligible.” See Chapter 7.1.<sup>1</sup>

B. THE BOARD’S REVIEW UNDER RULE 1.6(f)

National Grid filed its Application pursuant to Rule 1.6(f) which provides an abbreviated Board review for certain modifications or relocations of power lines. Rule 1.6(f) provides for an abbreviated application followed by a public hearing “in one or more of the cities or towns affected by [the] application” and a determination within sixty (60) days of the filing, as to whether the project “may result in a significant impact on the environment or the public health, safety and welfare,” thereby requiring full EFSB review. If the Board determines that the project will not result in a significant impact on the environment or the public health, safety and welfare, the project does not constitute an “alteration” and the project may proceed without further review. See Rule 1.2(d) and Rule 1.6(f).

Transmission lines of 69kV and above are included in the definition of “major energy facilities.” See Rule 1.2(p). The “modification” of a transmission line includes “reconductoring and rebuilding an existing power line.” See Rule 1.2(d). However, this rule states that “the modification or relocation of an existing power line shall not be an alteration unless the Board determines that the project may result in a significant impact on the environment or the public health, safety and welfare.” See Rule 1.2(d) (emphasis added.) Thus, National Grid’s proposed modification of its transmission line would constitute the

---

<sup>1</sup> The reconductoring project is needed to maintain firm and reliable electric supply to the loads of the southern Rhode Island area by avoiding overload of the transmission line conductors during certain contingency operating conditions. The need for the project is addressed in Chapter 2 of the ER.

alteration of a major energy facility and be subject to the full 12-18 month EFSB permitting process only if the Board determines that the reconductoring “may result in a significant impact on the environment or the public health, safety and welfare.”

In determining whether the Project will have a significant impact, the Board must rely on the evidence before it. As we have done in the past, the most recent example being the 2008 public hearing for the reconductoring of the T7 115 kV Transmission Line, at the public hearing National Grid will present testimony from the project manager and environmental scientist who will summarize the application and address any outstanding questions. The testimony, the Application, and the ER will show that the Project will not have a significant impact on the environment or the public health, safety and welfare.

C. THE IMPACT UPON THE ENVIRONMENT AND PUBLIC HEALTH, SAFETY AND WELFARE IS NOT SIGNIFICANT

Although the term “environment” is not defined within the Board’s enabling statute or the Board’s Rules, “environment” is usually defined broadly. For example, the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) states that the term “environment” means navigable waters, waters of a contiguous zone, oceans, surface water, ground water, drinking water supply, land surface, subsurface strata, and/or ambient air. See 42 U.S.C. § 9608(b). Additionally, the phrase “health, safety and welfare” is a colloquialism which combines multiple commonly used terms. This phrase typically refers to one’s well being and usually concerns one’s enjoyment of a sound body and state of mind.” See Black’s Law Dictionary, 721, 1594 (6th ed. 1990).

The ER thoroughly analyzes the potential impact of the proposed modification of the transmission line upon the environment and the public health, safety and welfare, and it concludes that the impact is “negligible.” As a threshold matter, the ER thoroughly discusses the scope of construction. See ER Chapter 3. The ER also describes the natural environment (see ER Chapter 5) and social environment (see ER Chapter 6) of the area adjacent to the existing transmission lines. The ER then analyzes the potential impact of the proposed reconductoring on the environment and the public health, safety and welfare (e.g. surface waters, groundwater,

vegetation, wetlands, wildlife, land use and recreation, visual resources, noise, transportation, safety and public health, and electric and magnetic fields). See ER Chapter 7.<sup>2</sup>

The transmission lines will be recondotored in accordance with the National Electrical Safety Code, guidelines established by the Institute of Electrical and Electronic Engineers, the American Society of Civil Engineers, the American Concrete Institute, the American National Standards Institute, the Rhode Island Soil Erosion and Sediment Control Handbook, and National Grid's Right-of-Way Vegetation Management Policies and Procedures. See ER Chapters 3.4.2, 3.4.5 and 8.2.1.2.

The construction work will incorporate practices routinely used to minimize disturbances to vegetation and soil (e.g. swamp mats, straw wattles, and compost mulch tubes.) There also will be no additional tree removal within the right-of-way, and existing maintenance roads will be used. Therefore, the proposed work activities will not significantly impact potentially erodible soils or hydric soils. See ER Chapter 7.2. Similarly, the use of erosion control measures in accordance with "Best Management Practices" that will be overseen by an "Environmental Monitor" will ensure that the surface waters, groundwater, vegetation, wetlands, and wildlife will not be significantly impacted by the construction. See ER Chapters 3.4, 7.2, and 8.2.1.2.

Upon completion of the Project no significant impacts to the visual resources are anticipated. See ER Chapter 7.9. Additionally, any noise and transportation impacts will be minimal, and will only exist during the construction phase which is common for any construction project. See ER Chapter 7.10.

Moreover, based upon the projected 2015 loads, the electric and magnetic field levels will not materially change from the existing levels. Thus, there is no impact with respect to electric and magnetic field levels. See ER Chapter 7.14.

A review of the ER reveals that its analysis is consistent with the generally accepted definitions of "environment" and "health, safety and welfare." It is also evident that the

---

<sup>2</sup> Rule 1.6(0)(3) allows an applicant to omit a detailed analysis of baseline conditions for resources on which the proposed project "will have only negligible impact . . . (e.g., geology, air quality or population)." The ER does not discuss certain environmental resources such as geology, climate and weather and air quality, See ER, Chapter 5.1. It also does not discuss regional population trends or employment conditions. See ER, Chapter 6.1.

proposed modification will not significantly impact the environment and the public health, safety and welfare.

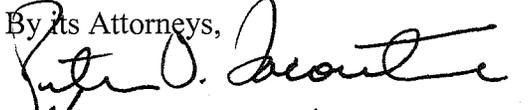
CONCLUSION

National Grid's Application for the modification of the G-185S Line demonstrates that the Project will not constitute a significant impact upon the environment or the public health, safety and welfare. Therefore, the Board should determine that the Application is not an alteration, that only a Rule 1.6(f) public hearing is necessary, and that the full EFSB review process pursuant to Rule 1.9 is not required. Accordingly, the Board should render a decision approving the Application in accordance with Rule 1.6(f).

Respectfully submitted,

THE NARRAGANSETT ELECTRIC COMPANY  
d/b/a NATIONAL GRID

By its Attorneys,


Peter V. Lacouture

George W. Watson, III

Robinson & Cole LLP

One Financial Plaza

Suite 1430

Providence, RI 02903

(401) 709-3314

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within was sent by e-mail to the following on this 24th day of February, 2014.

**SB-2014-1 Narragansett Electric Co. – G-185S 115kV Transmission Line Reconductoring Project – SERVICE LIST AS OF 1/23/14**

<b>NAME/ADDRESS</b>	<b>E-MAIL</b>	<b>PHONE/FAX</b>
Peter V. Lacouture, Esq. Robinson & Cole LLP One Financial Plaza Suite 1430 Providence, RI 02903	<a href="mailto:placouture@rc.com">placouture@rc.com</a>	401-709-3314 401-709-3399
Ms. Bess Gorman, Esq. Assistant General Counsel and Director	<a href="mailto:Bess.Gorman@nationalgrid.com">Bess.Gorman@nationalgrid.com</a>	781-907-1834 781-907-5701 (fax)
Christopher J. Novak, Esq. Counsel Legal Department National Grid 40 Sylvan Road Waltham, MA 02451	<a href="mailto:Chri.Novak@nationalgrid.com">Chri.Novak@nationalgrid.com</a>	781-907-2112
James H. Reilly, Esq. City Solicitor Town of North Kingstown Kelly, Kelleher, Reilly & Simpson 146 Westminster Street, Ste. 500 Providence, RI 02903	<a href="mailto:jreilly@kkrs.com">jreilly@kkrs.com</a>	401-272-1312
Peter D. Ruggiero, Esq. City Solicitor Ruggiero Brochu 20 Centerville Road Warwick, RI 02886	<a href="mailto:peter@rubroc.com">peter@rubroc.com</a>	401-737-8700
Peter A. Clarkin, Esq. City Solicitor City of East Greenwich McKenney, Quigley, Izzo & Clarkin 95 Chestnut Street Providence, RI 02903	<a href="mailto:pclarkin@mjqiclaw.com">pclarkin@mjqiclaw.com</a>	401-490-2650

Mr. Leo Wold, Esq.	<a href="mailto:LWold@riag.ri.gov">LWold@riag.ri.gov</a>	401-222-2424 ext 2218
Karen Lyons, Esq. Department of Attorney General 150 South Main Street Providence, RI 02903	<a href="mailto:klyons@riag.ri.gov">klyons@riag.ri.gov</a>	
Ms. Janet Coit, Director Dept. of Environmental Management 235 Promenade Street Providence, RI 02908	<a href="mailto:Janet.coit@dem.ri.gov">Janet.coit@dem.ri.gov</a>  <a href="mailto:Rayna.maguire@dem.ri.gov">Rayna.maguire@dem.ri.gov</a>	401-222-4700 Ext 2409
Ms. Margaret E. Curran Chairperson 89 Jefferson Boulevard Warwick, RI 02886	<a href="mailto:Margaret.Curran@puc.ri.gov">Margaret.Curran@puc.ri.gov</a>	401-941-1690
Mr. Kevin Flynn, Assoc. Director for Division of Planning Department of Administration One Capitol Hill, 3 <sup>rd</sup> Floor Providence, RI 02903	<a href="mailto:Kevin.flynn@doa.ri.gov">Kevin.flynn@doa.ri.gov</a>	401-222-6496
Mr. John J. Spirito, Esq. (e-mail only) Division of Public Utilities and Carriers	<a href="mailto:jspirito@dpuc.ri.gov">jspirito@dpuc.ri.gov</a>  <a href="mailto:sscialabba@dpuc.ri.gov">sscialabba@dpuc.ri.gov</a>  <a href="mailto:tkogut@dpuc.ri.gov">tkogut@dpuc.ri.gov</a>	401-780-2152
Patricia S. Lucarelli, Esq. Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02886	<a href="mailto:Patricia.lucarelli@puc.ri.gov">Patricia.lucarelli@puc.ri.gov</a>	401-780-2104

*Brenda L. Vucci*