



# House of Representatives

General Assembly

**File No. 461**

February Session, 2024

Substitute House Bill No. 5453

*House of Representatives, April 11, 2024*

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE MEMBERSHIP AND PROCESSES OF THE CONNECTICUT SITING COUNCIL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-50j of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) There is established [a "Connecticut Siting Council"] the  
4 Connecticut Siting Council, hereinafter referred to in this title as the  
5 "council", which shall be within the Department of Energy and  
6 Environmental Protection for administrative purposes only.

7 (b) Except [for proceedings under chapter 445, this subsection and  
8 subsection (c) of this section, the] as provided in subsection (c) of this  
9 section, on and after October 1, 2024, the council shall consist of: (1) The  
10 Commissioner of Energy and Environmental Protection, or [his] the  
11 commissioner's designee; (2) the chairperson of the Public Utilities  
12 Regulatory Authority, or the chairperson's designee; (3) one designee of

13 the speaker of the House and one designee of the president pro tempore  
14 of the Senate; [and] (4) five members of the public, to be appointed by  
15 the Governor, at least two of whom [shall be] are experienced in the field  
16 of ecology [, and not more than one of whom] and at least three of whom  
17 are experienced in the field of engineering; and (5) four ad hoc members,  
18 three of whom are electors from the municipality in which the proposed  
19 facility is to be located and one of whom is an elector from a neighboring  
20 municipality likely to be most affected by the proposed facility. Such ad  
21 hoc members shall be appointed by the chief elected official of the  
22 municipality such member represents. Not more than three of the  
23 members designated or appointed under subdivisions (3) to (5),  
24 inclusive, of this subsection shall have affiliation, past or present, with  
25 (A) any utility or governmental utility regulatory agency, including any  
26 direct financial investment in any utility, other than a mutual fund, or  
27 [with] (B) any person owning, operating, controlling, or presently  
28 contracting with respect to a facility, a hazardous waste facility, as  
29 defined in section 22a-115, or an ash residue disposal area.

30 (c) For proceedings under chapter 445, [subsection (b) of this section  
31 and this subsection,] the council shall consist of (1) the Commissioners  
32 of Public Health and Emergency Services and Public Protection or their  
33 designated representatives; (2) the designees of the speaker of the House  
34 of Representatives and the president pro tempore of the Senate as  
35 provided in subsection (b) of this section; (3) the five members of the  
36 public as provided in subsection (b) of this section; and (4) four ad hoc  
37 members [, three of whom shall be electors from the municipality in  
38 which the proposed facility is to be located and one of whom shall be an  
39 elector from a neighboring municipality likely to be most affected by the  
40 proposed facility. The] as provided in subsection (b) of this section.

41 (d) For the appointment of ad hoc members in accordance with  
42 subsections (b) and (c) of this section, the municipality most affected by  
43 the proposed facility shall be determined by the permanent members of  
44 the council. If any one of the five members of the public or of the  
45 designees of the speaker of the House of Representatives or the  
46 president pro tempore of the Senate resides [(A)] (1) in the municipality

47 in which a hazardous waste facility is proposed to be located for a  
48 proceeding concerning a hazardous waste facility or in which a low-  
49 level radioactive waste facility is proposed to be located for a proceeding  
50 concerning a low-level radioactive waste facility, or [(B)] (2) in the  
51 neighboring municipality likely to be most affected by the proposed  
52 facility, the appointing authority shall appoint a substitute member for  
53 the proceedings on such proposal. If any appointee is unable to perform  
54 [his] such appointee's duties on the council due to illness, or has a  
55 substantial financial or employment interest which is in conflict with the  
56 proper discharge of [his] the appointee's duties under this chapter, the  
57 appointing authority shall appoint a substitute member for proceedings  
58 on such proposal. An appointee shall report any substantial financial or  
59 employment interest which might conflict with the proper discharge of  
60 [his] the appointee's duties under this chapter to the appointing  
61 authority who shall determine if such conflict exists. If any state agency  
62 is the applicant, an appointee shall not be deemed to have a substantial  
63 employment conflict of interest because of employment with the state  
64 unless such appointee is directly employed by the state agency making  
65 the application. Ad hoc members [shall be appointed by the chief elected  
66 official of the municipality they represent and] shall continue their  
67 membership until the council issues a letter of completion of the  
68 development and management plan to the applicant.

69 [(d)] (e) The [chairman] chairperson of the council shall be appointed  
70 by the Governor from among the five public members appointed by  
71 [him] the Governor, with the advice and consent of the House or Senate,  
72 and shall serve as [chairman] chairperson at the pleasure of the  
73 Governor.

74 [(e)] (f) The public members of the council, including the [chairman]  
75 chairperson, the members appointed by the speaker of the House and  
76 president pro tempore of the Senate and the four ad hoc members  
77 specified in [subsection] subsections (b) and (c) of this section, shall be  
78 compensated for their attendance at public hearings, executive sessions,  
79 or other council business as may require their attendance at the rate of  
80 two hundred dollars, provided in no case shall the daily compensation

81 exceed two hundred dollars.

82 (g) The council shall employ such employees as may be necessary to  
83 carry out the provisions of this chapter, provided not less than two of  
84 such employees shall have expertise in engineering and not less than  
85 three of such employees shall have expertise in financial analysis.

86 [(f)] (h) The council shall, in addition to its other duties prescribed in  
87 this chapter, adopt, amend, or rescind suitable regulations to carry out  
88 the provisions of this chapter and the policies and practices of the  
89 council in connection therewith, and appoint and prescribe the duties of  
90 such staff as may be necessary to carry out the provisions of this chapter.  
91 The [chairman] chairperson of the council, with the consent of five or  
92 more other members of the council, may appoint an executive director,  
93 who shall be the chief administrative officer of the Connecticut Siting  
94 Council. The executive director shall be exempt from classified service.

95 [(g)] (i) Prior to commencing any hearing pursuant to section 16-50m,  
96 the council shall consult with and solicit written comments from (1) the  
97 Department of Energy and Environmental Protection, the Department  
98 of Public Health, the Council on Environmental Quality, the  
99 Department of Agriculture, the Public Utilities Regulatory Authority,  
100 the Office of Policy and Management, the Department of Economic and  
101 Community Development and the Department of Transportation, and  
102 (2) in a hearing pursuant to section 16-50m, for a facility described in  
103 subdivision (3) of subsection (a) of section 16-50i, the Department of  
104 Emergency Services and Public Protection, the Department of  
105 Administrative Services and the Labor Department. Copies of such  
106 comments shall be made available to all parties prior to the  
107 commencement of the hearing. Subsequent to the commencement of the  
108 hearing, said departments and council may file additional written  
109 comments with the council within such period of time as the council  
110 designates. All such written comments shall be made part of the record  
111 provided by section 16-50o. Said departments and council shall not  
112 enter any contract or agreement with any party to the proceedings or  
113 hearings described in this section or section 16-50p, as amended by this

114 act, that requires said departments or council to withhold or retract  
115 comments, refrain from participating in or withdraw from said  
116 proceedings or hearings.

117 Sec. 2. Subsections (a) and (b) of section 16-50l of the general statutes  
118 are repealed and the following is substituted in lieu thereof (*Effective*  
119 *October 1, 2024*):

120 (a) To initiate a certification proceeding, an applicant for a certificate  
121 shall file with the council an application, in such form as the council may  
122 prescribe, accompanied by a filing fee of not more than twenty-five  
123 thousand dollars, which fee shall be established in accordance with  
124 section 16-50t, and a municipal participation fee of twenty-five  
125 thousand dollars to be deposited in the account established pursuant to  
126 section 16-50bb, except that an application for a facility described in  
127 subdivision (5) or (6) of subsection (a) of section 16-50i shall not pay such  
128 municipal participation fee. An application shall contain such  
129 information as the applicant may consider relevant and the council or  
130 any department or agency of the state exercising environmental controls  
131 may by regulation require, including the following information:

132 (1) In the case of facilities described in subdivisions (1), (2) and (4) of  
133 subsection (a) of section 16-50i: (A) A description, including estimated  
134 costs, of the proposed transmission line, substation or switchyard,  
135 covering, where applicable underground cable sizes and specifications,  
136 overhead tower design and appearance and heights, if any, conductor  
137 sizes, and initial and ultimate voltages and capacities; (B) a statement  
138 and full explanation of why the proposed transmission line, substation  
139 or switchyard is necessary and how the facility conforms to a long-range  
140 plan for expansion of the electric power grid serving the state and  
141 interconnected utility systems, that will serve the public need for  
142 adequate, reliable and economic service; (C) a map of suitable scale of  
143 the proposed routing or site, showing details of the rights-of-way or site  
144 in the vicinity of settled areas, parks, recreational areas and scenic areas,  
145 residential areas, private or public schools, child care centers, as  
146 described in section 19a-77, group child care homes, as described in

147 section 19a-77, family child care homes, as described in section 19a-77,  
148 licensed youth camps, and public playgrounds and showing existing  
149 transmission lines within one mile of the proposed route or site; (D) a  
150 justification for adoption of the route or site selected, including  
151 comparison with alternative routes or sites which are environmentally,  
152 technically and economically practical; (E) a description of the effect of  
153 the proposed transmission line, substation or switchyard on the  
154 environment, ecology, and scenic, historic and recreational values; (F) a  
155 justification for overhead portions, if any, including life-cycle cost  
156 studies comparing overhead alternatives with underground  
157 alternatives, and effects described in subparagraph (E) of this  
158 subdivision of undergrounding; (G) a schedule of dates showing the  
159 proposed program of right-of-way or property acquisition,  
160 construction, completion and operation; (H) an identification of each  
161 federal, state, regional, district and municipal agency with which  
162 proposed route or site reviews have been undertaken, including a copy  
163 of each written agency position on such route or site; and (I) an  
164 assessment of the impact of any electromagnetic fields to be produced  
165 by the proposed transmission line; [and]

166 (2) In the case of facilities described in subdivision (3) of subsection  
167 (a) of section 16-50i: (A) A description of the proposed electric  
168 generating or storage facility; (B) a statement and full explanation of  
169 why the proposed facility is necessary; (C) a statement of loads and  
170 resources, as described in section 16-50r; (D) safety and reliability  
171 information, including planned provisions for emergency operations  
172 and shutdowns; (E) estimated cost information, including plant costs,  
173 fuel costs, plant service life and capacity factor, and total generating cost  
174 per kilowatt-hour, both at the plant and related transmission, and  
175 comparative costs of alternatives considered; (F) a schedule showing the  
176 program for design, material acquisition, construction and testing, and  
177 operating dates; (G) available site information, including maps and  
178 description and present and proposed development, and geological,  
179 scenic, ecological, seismic, biological, water supply, population and load  
180 center data; (H) justification for adoption of the site selected, including  
181 comparison with alternative sites; (I) design information, including a

182 description of facilities, plant efficiencies, electrical connections to the  
183 system, and control systems; (J) a description of provisions, including  
184 devices and operations, for mitigation of the effect of the operation of  
185 the facility on air and water quality, for waste disposal, and for noise  
186 abatement, and information on other environmental aspects; and (K) a  
187 listing of federal, state, regional, district and municipal agencies from  
188 which approvals either have been obtained or will be sought covering  
189 the proposed facility, copies of approvals received and the planned  
190 schedule for obtaining those approvals not yet received; and

191 (3) In addition to the requirements of subdivisions (1) and (2) of this  
192 subsection, in the case of any facility described in subdivision (1) of  
193 subsection (a) of section 16-50i, an analysis of: (A) The costs compared  
194 to the benefits of the proposed facility for ratepayers of this state while  
195 also comparing the proposed location and type of proposed facility to  
196 any feasible alternative locations or types of facilities; (B) how the costs  
197 of the proposed facility will be reimbursed to or distributed among  
198 ratepayers of this state compared to how such costs will be reimbursed  
199 or distributed by other states; and (C) the benefits to the ratepayers of  
200 this state from the construction of the proposed facility compared to any  
201 benefits to individuals in other states.

202 (b) Each application shall be accompanied by proof of service of a  
203 copy of such application on: (1) Each municipality in which any portion  
204 of such facility is to be located, both as primarily proposed and in the  
205 alternative locations listed, and any adjoining municipality having a  
206 boundary not more than two thousand five hundred feet from such  
207 facility, which copy shall be served on the chief executive officer of each  
208 such municipality and shall include notice of the date on or about which  
209 the application is to be filed, and the zoning commissions, planning  
210 commissions, planning and zoning commissions, conservation  
211 commissions and inland wetlands agencies of each such municipality,  
212 and the regional councils of governments which encompass each such  
213 municipality; (2) the Attorney General; (3) each member of the  
214 legislature in whose assembly or senate district the facility or any  
215 alternative location listed in the application is to be located; (4) any

216 agency, department or instrumentality of the federal government that  
217 has jurisdiction, whether concurrent with the state or otherwise, over  
218 any matter that would be affected by such facility; (5) each state  
219 department, agency and commission named in subsection [(g)] (i) of  
220 section 16-50j, as amended by this act; and (6) such other state and  
221 municipal bodies as the council may by regulation designate. A notice  
222 of such application shall be given to the general public, in municipalities  
223 entitled to receive notice under subdivision (1) of this subsection, by the  
224 publication of a summary of such application and the date on or about  
225 which it will be filed. Such notice shall be published under the  
226 regulations to be promulgated by the council, in such form and in such  
227 newspapers as will serve substantially to inform the public of such  
228 application and to afford interested persons sufficient time to prepare  
229 for and to be heard at the hearing prescribed in section 16-50m. Such  
230 notice shall be published in not less than ten-point type. A notice of such  
231 an application for a certificate for a facility described in subdivision (3),  
232 (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by  
233 certified or registered mail, to each person appearing of record as an  
234 owner of property which abuts the proposed primary or alternative sites  
235 on which the facility would be located. Such notice shall be sent at the  
236 same time that notice of such application is given to the general public.  
237 Notice of an application for a certificate for a facility described in  
238 subdivision (1) of subsection (a) of section 16-50i shall also be provided  
239 to each electric distribution company customer in the municipality  
240 where the facility is proposed to be placed. Such notice shall (A) be  
241 provided on a separate enclosure with each customer's monthly bill for  
242 one or more months, (B) be provided by the electric distribution  
243 company not earlier than sixty days prior to filing the application with  
244 the council, but not later than the date that the application is filed with  
245 the council, and (C) include: A brief description of the project, including  
246 its location relative to the affected municipality and adjacent streets; a  
247 brief technical description of the project including its proposed length,  
248 voltage, and type and range of heights of support structures or  
249 underground configuration; the reason for the project; the address and  
250 a toll-free telephone number of the applicant by which additional



251 information about the project can be obtained; and a statement in print  
252 no smaller than twenty-four-point type size stating "NOTICE OF  
253 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC  
254 TRANSMISSION LINE".

255 Sec. 3. Section 16-50l of the general statutes is amended by adding  
256 subsection (g) as follows (*Effective October 1, 2024*):

257 (NEW) (g) Any applicant submitting an initial application under this  
258 section for a facility described in subdivision (1) of subsection (a) of  
259 section 16-50i where the applicant intends to submit one or more  
260 additional applications under this section within the next five years for  
261 additional facilities described in said subdivision that will either be  
262 physically connected to the facility included in the initial application or  
263 located within five miles of such facility shall indicate such intention in  
264 the initial application, and provide any information regarding such  
265 additional facilities required by the council.

266 Sec. 4. Subdivision (3) of subsection (a) of section 16-50p of the  
267 general statutes is repealed and the following is substituted in lieu  
268 thereof (*Effective October 1, 2024*):

269 (3) The council shall file, with its order, an opinion stating in full its  
270 reasons for the decision. The council shall not grant a certificate, either  
271 as proposed or as modified by the council, unless it shall find and  
272 determine, using a clear and convincing standard of evidence:

273 (A) Except as provided in subsection (b) or (c) of this section, a public  
274 need for the facility and the basis of the need;

275 (B) The nature of the probable environmental impact of the facility  
276 alone and cumulatively with other existing facilities, including a  
277 specification of every significant adverse effect, including, but not  
278 limited to, (i) electromagnetic fields that, whether alone or cumulatively  
279 with other effects, impact on, and conflict with the policies of the state  
280 concerning the natural environment, (ii) ecological balance, (iii) public  
281 health and safety, (iv) scenic, historic, aesthetic and recreational values,

282 (v) agriculture, (vi) forests and parks, (vii) air and water purity, [and]  
283 (viii) fish, aquaculture and wildlife, and (ix) economic value;

284 (C) Why the adverse effects or conflicts referred to in subparagraph  
285 (B) of this subdivision are not sufficient reason to deny the application;

286 (D) In the case of an electric transmission line, (i) what part, if any, of  
287 the facility shall be located overhead, (ii) that the facility conforms to a  
288 long-range plan for expansion of the electric power grid of the electric  
289 systems serving the state and interconnected utility systems and will  
290 serve the interests of electric system economy and reliability, (iii) that  
291 the benefits of the facility outweigh the costs to ratepayers of the state  
292 when compared to any reasonable alternative locations or types of  
293 facilities; (iv) that the plan for the facility is the most cost-effective  
294 method when compared to reasonable alternatives; (v) that the division  
295 of the costs of the facility to be distributed among the ratepayers of the  
296 state is reasonable when compared to the costs borne by ratepayers of  
297 other states that will benefit from the facility; and [(iii)] (vi) that the  
298 overhead portions, if any, of the facility are cost effective and the most  
299 appropriate alternative based on a life-cycle cost analysis of the facility  
300 and underground alternatives to such facility, are consistent with the  
301 purposes of this chapter, with such regulations or standards as the  
302 council may adopt pursuant to section 16-50t, including, but not limited  
303 to, the council's best management practices for electric and magnetic  
304 fields for electric transmission lines and with the Federal Power  
305 Commission "Guidelines for the Protection of Natural Historic Scenic  
306 and Recreational Values in the Design and Location of Rights-of-Way  
307 and Transmission Facilities" or any successor guidelines and any other  
308 applicable federal guidelines and are to be contained within an area that  
309 provides a buffer zone that protects the public health and safety, as  
310 determined by the council. In establishing such buffer zone, the council  
311 shall consider, among other things, residential areas, private or public  
312 schools, licensed child care centers, licensed youth camps or public  
313 playgrounds adjacent to the proposed route of the overhead portions  
314 and the level of the voltage of the overhead portions and any existing  
315 overhead transmission lines on the proposed route. At a minimum, the

316 existing right-of-way shall serve as the buffer zone;

317 (E) In the case of an electric or fuel transmission line, that the location  
318 of the line will not pose an undue hazard to persons or property along  
319 the area traversed by the line;

320 (F) In the case of a facility described in subdivision (6) of subsection  
321 (a) of section 16-50i that is (i) proposed to be installed on land under  
322 agricultural restriction, as provided in section 22-26cc, that the facility  
323 will not result in a material decrease of acreage and productivity of the  
324 arable land, (ii) proposed to be installed on land near a building  
325 containing a school, as defined in section 10-154a, or a commercial child  
326 care center, as described in subdivision (1) of subsection (a) of section  
327 19a-77, that the facility will not be less than two hundred fifty feet from  
328 such school or commercial child care center unless the location is  
329 acceptable to the chief elected official of the municipality or the council  
330 finds that the facility will not have a substantial adverse effect on the  
331 aesthetics or scenic quality of the neighborhood in which such school or  
332 commercial child care center is located, or (iii) proposed to be installed  
333 on land owned by a water company, as defined in section 25-32a, and  
334 which involves a new ground-mounted telecommunications tower, that  
335 such land owned by a water company is preferred over any alternative  
336 telecommunications tower sites provided the council shall, pursuant to  
337 clause (iii) of this subparagraph, consult with the Department of Public  
338 Health to determine potential impacts to public drinking water supplies  
339 in considering all the environmental impacts identified pursuant to  
340 subparagraph (B) of this subdivision. The council shall not render any  
341 decision pursuant to this subparagraph that is inconsistent with federal  
342 law or regulations; and

343 (G) That, for a facility described in subdivision (5) or (6) of subsection  
344 (a) of section 16-50i, the council has considered the manufacturer's  
345 recommended safety standards for any equipment, machinery or  
346 technology for the facility.

347 Sec. 5. Section 16-50p of the general statutes is amended by adding  
348 subsection (k) as follows (*Effective October 1, 2024*):

349 (NEW) (k) In reviewing a certificate for a solar photovoltaic facility  
350 that has a generating capacity greater than two megawatts of electricity  
351 that is proposed to be located within a five-mile radius of any solar  
352 photovoltaic facility that has a generating capacity greater than one  
353 hundred megawatts, the council shall be bound by the approval,  
354 disapproval or conditions concerning such facility that any chief  
355 executive officer of any municipality in which such facility is located  
356 submits to the council, provided the chief executive officer submits such  
357 approval, disapproval or conditions not later than thirty days after such  
358 chief executive officer is served a copy of the application for such  
359 certificate pursuant to subsection (b) of section 16-50l, as amended by  
360 this act. The provisions of this subsection shall not apply to any  
361 certificate for a solar photovoltaic facility that is proposed as part of an  
362 expansion of an existing facility pursuant to an existing certificate issued  
363 by the council, whether such expansion is proposed on the site of the  
364 existing facility or on land or parcels contiguous to the parcel or parcels  
365 that comprise the site of the existing facility.

366 Sec. 6. Section 16-50s of the general statutes is repealed and the  
367 following is substituted in lieu thereof (*Effective October 1, 2024*):

368 The council [may] shall give appropriate consideration in all  
369 proceedings to (1) the amounts expended by a utility for research on  
370 generation and transmission of the form of energy furnished by it and  
371 the environmental effect thereof, (2) the amounts expended by such  
372 utility for promotion, including advertising, of the use of the form of  
373 energy furnished by it and (3) the relationship between such  
374 expenditures.

375 Sec. 7. Subsection (c) of section 16-50z of the general statutes is  
376 repealed and the following is substituted in lieu thereof (*Effective October*  
377 *1, 2024*):

378 (c) When a public service company intends to acquire residential real  
379 property by condemnation, [and the owner of such property disputes  
380 the company's need to acquire such property, the owner may bring the  
381 issue of the purpose for which the property is being acquired to the

382 Siting Council not later than thirty days following the owner being  
383 informed of the company's intention] the company shall notify the  
384 owner of the property not less than sixty days prior to the intended date  
385 of condemnation, by certified mail, with the envelope marked in not less  
386 than twelve-point size bold type, as follows: "NOTICE REGARDING  
387 POTENTIAL CONDEMNATION OF YOUR PROPERTY", and send a  
388 second such notice by certified mail not less than thirty days prior to the  
389 intended date of condemnation. The company shall include in its  
390 [notification] notifications under this section to the owner of its intention  
391 to acquire such property by condemnation, a statement that the owner  
392 may bring the issue of the purpose for which the property is being  
393 acquired to the Connecticut Siting Council. [The company shall send  
394 such notification to the owner by certified mail.] If the owner of such  
395 property disputes the company's need to acquire such property, the  
396 owner may bring the issue of the purpose for which the property is  
397 being acquired to the Connecticut Siting Council not later than thirty  
398 days following the second notice to the owner under this section. Upon  
399 written request by the owner, the council shall initiate a proceeding to  
400 determine whether the proposed taking is necessary and consistent with  
401 the provisions of section 16a-35k. The council shall (1) provide the  
402 owner of the property and the public service company with notice of the  
403 proceeding, (2) hold a hearing in accordance with the provisions of  
404 chapter 54 as part of such a proceeding, and (3) render a decision upon  
405 the record not later than ninety days following the council's receipt of  
406 the written request for such a proceeding, provided the parties may  
407 agree to a longer period, which decision shall state whether the  
408 proposed taking is necessary and consistent with the provisions of  
409 section 16a-35k and include appropriate findings. The public service  
410 company shall pay the expenses incurred by the council in conducting  
411 a proceeding pursuant to this subsection. If a public service company  
412 and the owner of real property agree that the proposed taking is  
413 necessary and consistent with the provisions of section 16a-35k but  
414 cannot agree on fair compensation for the property, or if the public  
415 service company or owner disagrees with the decision of the council  
416 regarding whether the proposed taking is necessary and consistent with

417 the provisions of section 16a-35k, the public service company or the  
 418 owner may petition the Superior Court to determine the issue in  
 419 question. Such a petition shall be submitted to the superior court for the  
 420 judicial district in which the property is located.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	16-50j
Sec. 2	October 1, 2024	16-50l(a) and (b)
Sec. 3	October 1, 2024	16-50l(g)
Sec. 4	October 1, 2024	16-50p(a)(3)
Sec. 5	October 1, 2024	16-50p(k)
Sec. 6	October 1, 2024	16-50s
Sec. 7	October 1, 2024	16-50z(c)

**Statement of Legislative Commissioners:**

In Section 1(b), a reference to "October 1, 2024" was added and Section 1(b)(5) was reordered for clarity; in Section 1(e), "him" was changed to "the Governor" for consistency; and in Section 2(a)(3), repetitive references to "an analysis of" were deleted for consistency with standard drafting conventions.

**GAE**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
CT Siting Council	SCF - Cost	Up to 38,400	Up to 38,400

Note: SCF=Siting Council Fund

**Municipal Impact:** None

**Explanation**

The bill adds four ad hoc members to the Siting Council proceedings and results in a cost of up to \$38,400 in FY 25 and FY 26 to the Siting Council Fund.

This cost is associated with providing compensation of \$200 or less per meeting for the additional representatives.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of meetings held and representation required from municipalities.

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**OLR Bill Analysis**

**HB 5453**

***AN ACT CONCERNING THE MEMBERSHIP AND PROCESSES OF THE CONNECTICUT SITING COUNCIL.***

**SUMMARY**

This bill makes various changes to the Connecticut Siting Council's membership, requires applicants for proposed electric transmission facilities to include additional information with their applications to the council, and expands the issues the council must consider when deciding whether to approve an application. By law, the council has jurisdiction over siting electric transmission lines, certain substations, electric generating and storage facilities, telecommunications facilities, and hazardous waste facilities. It generally approves applications by granting a certificate of environmental compatibility and public need.

More specifically, the bill (1) adds to the council four ad hoc members who represent the municipalities affected by a proposed facility and (2) generally expands a prohibition on member's affiliations with utility companies. It requires applications for electric transmission facilities to include, among other things, information about how the facility's costs and benefits will be shared by Connecticut ratepayers and those in other states. It also requires the council to consider a proposed facility's adverse effects on aesthetic and economic values (for any type of facility) and whether a transmission facility's benefits outweigh its costs when compared to reasonable alternatives.

For certificates to site certain specific solar facilities, the bill also requires the council to follow the approval, disapproval, or conditions set by the local chief elected municipal officer, as long as they meet certain conditions.



The bill also sets notice requirements for public utility companies looking to acquire residential real property by condemnation.

Lastly, current law allows the council to give appropriate consideration in all proceedings to (1) how much a utility spent for research on generation and transmission of the form of energy furnished by it, and its environmental effect; (2) how much the utility spent to promote this energy use, including advertising; and (3) the relationship between the expenditures. The bill instead requires the council to give this consideration in its proceedings (§ 6).

EFFECTIVE DATE: October 1, 2024

### **§ 1 — COUNCIL MEMBERS AND EMPLOYEES**

Under current law, the council typically has nine members: the commissioner of energy and environmental protection and the chairperson of the Public Utilities Regulatory Authority (or their designees); one selected by the speaker of the House and another selected by the Senate president pro tempore; and five members of the public appointed by the governor, at least two of which must have experience in ecology. The bill additionally requires that three of these public members have experience in engineering.

The bill expands the council's membership by adding four ad hoc members. Three of these must be electors from the municipality where the proposed facility would be located, and the fourth must be an elector from a neighboring municipality likely to be most affected by the proposed facility. All four must be appointed by the chief elected official of the municipality they represent.

The bill's addition of these four ad hoc members generally matches the council's composition when it considers hazardous waste facilities under existing law. And as under that law, (1) the council's permanent members must determine which municipality will be most affected by a proposed facility and (2) public members are paid up to \$200 per day for attending council-related business.

Under current law, only one of the five public members appointed by the governor may have a past or present affiliation with (1) a utility or governmental utility regulatory agency or (2) any person who owns, operates, controls, or contracts with a facility regulated by the council. The bill expands this limitation to also (1) cover the two members appointed by the legislative leaders and the four new ad hoc members and (2) specify that a prohibited affiliation with a utility includes direct financial investments in them (other than a mutual fund).

The bill explicitly requires the council to hire the employees it needs to carry out its purposes, and requires that at least (1) two of them have expertise in engineering and (3) three of them have expertise in financial analysis.

### **§§ 2 & 3 — APPLICATIONS**

The bill expands the type of information that must be included in applications for siting electric transmission facilities. To start a certificate proceeding with the council under current law, an application for a transmission facility must include, among other things, a description of the proposed transmission line, an explanation of why it is needed, and a justification for the selected route. The bill requires these applications to additionally include analyses of the following:

1. the costs and benefits for state ratepayers while also comparing the proposed location and type of proposed facility to any feasible alternatives,
2. how the proposed facility's costs will be reimbursed or distributed among Connecticut ratepayers and those in other states, and
3. the benefits to Connecticut ratepayers compared to those for people in other states.

The bill also requires an applicant submitting an initial application for electric transmission facilities to indicate if it intends to submit additional applications within the next five years for additional

transmission facilities that will either be physically connected to the initial facility or located within five miles of it. If so, then the applicant must also give the council any information about the additional facilities it requires.

#### **§ 4 — COUNCIL DECISIONS**

By law, the council must issue an opinion when it decides a certificate application and it cannot grant a certificate unless it makes certain findings and determinations. The bill requires that these be made using a clear and convincing standard of evidence (i.e., highly and substantially more likely to be true than untrue). Current law does not specify a standard of evidence that must be used.

Current law requires the council, for any type of facility, to make findings and determinations about the facility's probable environmental impact, including every significant adverse effect, such as ecological balance, public health and safety, and air and water purity. The bill specifies that these adverse effects also include aesthetic and economic values.

More specifically for electric transmission facilities, the bill expands the council's required findings and determinations to include that the (1) facility's benefits outweigh the costs to Connecticut ratepayers when compared to reasonable alternatives, (2) facility's plan is the most cost-effective method when compared to reasonable alternatives, and (3) share of the facility's costs among Connecticut ratepayers is reasonable when compared to the costs borne by ratepayers of other states that will benefit from it. Current law also requires the council's findings and determinations on electric transmission facilities to cover (1) what part of the facility will be located overhead and if they are cost appropriate and (2) whether the facility conforms to long-range plans for expanding the power grid and serves the state's interests for electric system economy and reliability.

#### **§ 5 — MUNICIPAL CONDITIONS FOR CERTAIN SOLAR FACILITIES**

The bill generally allows certain municipal chief elected officials to

approve, disapprove, or set conditions for the Siting Council's approval of certificates for certain solar facilities in their municipalities. More specifically, for proposed solar photovoltaic facilities with over two megawatts (MW) capacity located within five miles of a 100 MW solar facility, the bill binds the council's decision to the approval, disapproval, or conditions that the chief elected officer in the municipality where the facility is located submits to the council. However, the officer must submit these to the council within 30 days after he or she is served a copy of the certificate application for the facility as required by law. (Existing law, unchanged by the bill, requires the council to approve certain distributed resources projects by declaratory ruling. Presumably, these projects would not be subject to requirements the bill adds to certificate proceedings (see BACKGROUND).)

The bill also excludes from this provision applications for solar photovoltaic facilities that are proposed as part of an expansion of an existing facility under an existing certificate, whether it is proposed on the same site or on contiguous parcels with the existing facility.

#### **§ 7 — NOTICE REQUIREMENTS FOR UTILITY CONDEMNATION**

Existing law generally allows electric transmission companies to acquire real property through eminent domain (i.e., condemnation) to (1) relocate a transmission facility or right-of-way required by a public highway project or other governmental action; (2) acquire additional rights or title to property already subject to an easement or other rights for electric transmission lines; or (3) widen a portion, up to one mile long, of a transmission right-of-way for public safety or convenience.

Under current law, when a utility company wants to acquire residential real property by condemnation, and the property's owner disputes the company's need to acquire the property, the owner may bring the issue to the Siting Council within 30 days after being informed about the company's intention. The company's notification to the owner about its intention to acquire the property by condemnation must include a statement that the owner may bring the issue of the purpose for which the property is being acquired to the Siting Council.

The bill more specifically requires the company to give the property owner two separate notices about the potential condemnation, with one required at least 60 days before the intended condemnation date (it is unclear if this deadline is based on when the notice is sent or received), and the second sent at least 30 days before that date. Both must be in an envelope with “NOTICE REGARDING POTENTIAL CONDEMNATION OF YOUR PROPERTY” written in at least 12-point bold type. As under current law, the notices must be sent by certified mail and include a statement that the owner may bring the issue of the purpose for which the property is being acquired to the Siting Council. The bill further specifies that the property owner must bring the issue to the council within 30 days after the second notice (it is unclear if this deadline is based on when the notice is sent or received).

## **BACKGROUND**

### ***Facilities Approved by Declaratory Ruling***

Existing law requires the Siting Council to approve the following types of projects by declaratory ruling, rather than through the certificate process:

1. an electric generation facility, other than one fueled by coal or nuclear materials, at a site where an electric generating facility operated before July 1, 2004;
2. a fuel cell, unless the council finds a substantial adverse environmental effect; and
3. a customer-side distributed resources project or facility or a grid-side distributed resources project or facility with a capacity up to 65 MW, as long as the project meets air and water quality standards, the council finds no substantial adverse environmental effect, and, if applicable, the project complies with certain requirements for siting on prime farmland or core forest (CGS § 16-50k).

A customer-side distributed resource is a generating unit of up to 65 MW on a retail end user’s premises within the transmission and

distribution system (e.g., fuel cells, solar facilities, and small wind turbines) or a retail end user’s reduction in demand for electricity through conservation and load management (CGS § 16-1(a)(34)).

A grid-side distributed resource is a generating unit of up to 65 MW that is connected to the transmission or distribution system, including units primarily used to generate electricity to meet peak demand (CGS § 16-1(a)(37)).

**Related Bills**

sSB 198 (File 184), favorably reported by the Environment Committee, adds to the Siting Council an elector from the municipality where a proposed facility would be located.

sHB 5361, favorably reported by the Energy and Technology Committee, requires, among other things, the Siting Council to consider the testimony of the chief elected official of any municipality in which a proposed facility would be located.

sHB 5507, favorably reported by the Judiciary Committee, among other things, (1) brings electric transmission line projects under the law for environmental justice communities, (2) expands requirements for developers to consult with certain local and state officials before applying to the Siting Council, (3) expands the information that must be included in applications for transmission lines, and (4) requires the council to consider additional information when deciding applications for transmission lines.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 19    Nay 0    (03/22/2024)