



House of Representatives

General Assembly

File No. 493

February Session, 2024

Substitute House Bill No. 5507

House of Representatives, April 15, 2024

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING STATE AGENCY AND COURT
PROCEEDINGS RELATING TO ELECTRIC TRANSMISSION LINES.***

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

1 Section 1. Subdivision (2) of subsection (a) of section 22a-20a of the
2 2024 supplement to the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2024*):

4 (2) "Affecting facility" means any (A) electric generating facility with
5 a capacity of more than ten megawatts; (B) sludge or solid waste
6 incinerator or combuster; (C) sewage treatment plant with a capacity of
7 more than fifty million gallons per day; (D) intermediate processing
8 center, volume reduction facility or multitown recycling facility with a
9 combined monthly volume in excess of twenty-five tons; (E) new or
10 expanded landfill, including, but not limited to, a landfill that contains
11 ash, construction and demolition debris or solid waste; (F) medical
12 waste incinerator; [or] (G) major source of air pollution, as defined by
13 the federal Clean Air Act; or (H) an electric transmission line of a design
14 capacity of sixty-nine kilovolts or more. "Affecting facility" shall not
15 include (i) the portion of an electric generating facility that uses
16 nonemitting and nonpolluting renewable resources such as wind, solar
17 and hydro power or that uses fuel cells, (ii) any facility for which a

18 certificate of environmental compatibility and public need was obtained
19 from the Connecticut Siting Council on or before January 1, 2000, or (iii)
20 a facility of a constituent unit of the state system of higher education that
21 has been the subject of an environmental impact evaluation in
22 accordance with the provisions of sections 22a-1b to 22a-1h, inclusive,
23 and such evaluation has been determined to be satisfactory in
24 accordance with section 22a-1e;

25 Sec. 2. Subsection (b) of section 16-50bb of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective July 1,*
27 *2024*):

28 (b) Payments from the account shall be made upon authorization by
29 the State Treasurer. An application for reimbursement shall be
30 submitted not later than sixty days after the conclusion of a certification
31 proceeding, except for a facility described in subdivisions (5) and (6) of
32 subsection (a) of section 16-50i, by each municipality entitled to receive
33 a copy of an application under section 16-50l, as amended by this act, in
34 order to defray expenses incurred by such municipalities in
35 participating as a party to a certification proceeding, except for a
36 proceeding on an application for a facility described in subdivision (5)
37 or (6) of subsection (a) of section 16-50i. Any moneys remaining after
38 payments to municipalities in accordance with this section shall be
39 refunded to the applicant in even amounts. Where more than one
40 municipality seeks moneys from such account, the council shall evenly
41 distribute such moneys among the municipalities. No municipality may
42 receive moneys from the account in excess of [twenty-five] seventy-five
43 thousand dollars. No municipality may receive moneys from the
44 account in excess of the dollar amount such municipality has expended
45 from its own municipal funds.

46 Sec. 3. Section 16-50l of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective July 1, 2024*):

48 (a) To initiate a certification proceeding, an applicant for a certificate
49 shall file with the council an application, in such form as the council may
50 prescribe, accompanied by a filing fee of not more than twenty-five

51 thousand dollars, which fee shall be established in accordance with
52 section 16-50t, and a municipal participation fee of [twenty-five]
53 seventy-five thousand dollars to be deposited in the account established
54 pursuant to section 16-50bb, as amended by this act, except that an
55 application for a facility described in subdivision (5) or (6) of subsection
56 (a) of section 16-50i shall not pay such municipal participation fee. An
57 application shall contain such information as the applicant may
58 consider relevant and the council or any department or agency of the
59 state exercising environmental controls may by regulation require,
60 including the following information:

61 (1) In the case of facilities described in subdivisions (1), (2) and (4) of
62 subsection (a) of section 16-50i: (A) A description, including estimated
63 costs, of the proposed transmission line, substation or switchyard,
64 covering, where applicable underground cable sizes and specifications,
65 overhead tower design and appearance and heights, if any, conductor
66 sizes, and initial and ultimate voltages and capacities; (B) a statement
67 and full explanation of why the proposed transmission line, substation
68 or switchyard is necessary and how the facility conforms to a long-range
69 plan for expansion of the electric power grid serving the state and
70 interconnected utility systems, that will serve the public need for
71 adequate, reliable and economic service; (C) a map of suitable scale of
72 the proposed routing or site, showing details of the rights-of-way or site
73 in the vicinity of settled areas, parks, recreational areas and scenic areas,
74 residential areas, private or public schools, child care centers, as
75 described in section 19a-77, group child care homes, as described in
76 section 19a-77, family child care homes, as described in section 19a-77,
77 licensed youth camps, and public playgrounds and showing existing
78 transmission lines within one mile of the proposed route or site; (D) a
79 justification for adoption of the route or site selected, including
80 comparison with alternative routes or sites which are environmentally,
81 technically and economically practical; (E) a description of the effect of
82 the proposed transmission line, substation or switchyard on the
83 environment, ecology, and scenic, historic and recreational values; (F) a
84 justification for overhead portions, if any, including life-cycle cost
85 studies comparing overhead alternatives with underground

86 alternatives, and effects described in subparagraph (E) of this
87 subdivision of undergrounding; (G) a schedule of dates showing the
88 proposed program of right-of-way or property acquisition,
89 construction, completion and operation and, in the case of a proposed
90 transmission line, (i) any appraisal completed by an independent
91 appraiser on behalf of the applicant concerning fair compensation that
92 is to be provided to an owner of real property in connection with the
93 necessity of entering a right-of-way, including any easement or land
94 acquisition, and (ii) for property that the applicant does not own, lease
95 or otherwise have access to, the applicant shall exercise due diligence to
96 seek permission to gain access to such property. Evidence of due
97 diligence shall be established by the submission of: (I) Certified mail, a
98 return receipt requested letter sent to the owner or owners of record
99 requesting access to the property; and (II) an affidavit from the applicant
100 stating that the applicant was not provided access to the property and,
101 in the absence of permission to access the property, the applicant made
102 a visual inspection of the property to document existing conditions from
103 public rights-of-way, existing utility rights-of-way or other accessible
104 properties within or surrounding the proposed facility site; (H) an
105 identification of each federal, state, regional, district and municipal
106 agency with which proposed route or site reviews have been
107 undertaken, including a copy of each written agency position on such
108 route or site; [and] (I) an assessment of the impact of any
109 electromagnetic fields to be produced by the proposed transmission
110 line; and (J), in the case of a proposed transmission line, (i) for the ten-
111 year period preceding the date of the application, the actual loads for
112 existing transmission lines in the area where the proposed transmission
113 line is to be located, (ii) for the ten-year period following the date of the
114 application, the projected load for any proposed transmission line, (iii)
115 for the ten-year period preceding the date of application, the
116 performance of any electric circuit at issue, including a description of
117 any service outage or disruption, the cause or causes of such outage or
118 disruption and the time required to restore service following such
119 outage or disruption, and (iv) a statement of loads and resources, as
120 described in subsection (a) of section 16-50r, and any planning study

121 conducted by the regional independent system operator or the applicant
122 associated with the proposed facility; and

123 (2) In the case of facilities described in subdivision (3) of subsection
124 (a) of section 16-50i: (A) A description of the proposed electric
125 generating or storage facility; (B) a statement and full explanation of
126 why the proposed facility is necessary; (C) a statement of loads and
127 resources as described in section 16-50r; (D) safety and reliability
128 information, including planned provisions for emergency operations
129 and shutdowns; (E) estimated cost information, including plant costs,
130 fuel costs, plant service life and capacity factor, and total generating cost
131 per kilowatt-hour, both at the plant and related transmission, and
132 comparative costs of alternatives considered; (F) a schedule showing the
133 program for design, material acquisition, construction and testing, and
134 operating dates; (G) available site information, including maps and
135 description and present and proposed development, and geological,
136 scenic, ecological, seismic, biological, water supply, population and load
137 center data; (H) justification for adoption of the site selected, including
138 comparison with alternative sites; (I) design information, including a
139 description of facilities, plant efficiencies, electrical connections to the
140 system, and control systems; (J) a description of provisions, including
141 devices and operations, for mitigation of the effect of the operation of
142 the facility on air and water quality, for waste disposal, and for noise
143 abatement, and information on other environmental aspects; and (K) a
144 listing of federal, state, regional, district and municipal agencies from
145 which approvals either have been obtained or will be sought covering
146 the proposed facility, copies of approvals received and the planned
147 schedule for obtaining those approvals not yet received.

148 (b) Each application shall be accompanied by proof of service of a
149 copy of such application on: (1) Each municipality in which any portion
150 of such facility is to be located, both as primarily proposed and in the
151 alternative locations listed, and any adjoining municipality having a
152 boundary not more than two thousand five hundred feet from such
153 facility, which copy shall be served on the chief executive officer of each
154 such municipality and shall include notice of the date on or about which

155 the application is to be filed, and the zoning commissions, planning
156 commissions, planning and zoning commissions, conservation
157 commissions and inland wetlands agencies of each such municipality,
158 and the regional councils of governments which encompass each such
159 municipality; (2) the Attorney General; (3) each member of the
160 legislature in whose assembly or senate district the facility or any
161 alternative location listed in the application is to be located; (4) any
162 agency, department or instrumentality of the federal government that
163 has jurisdiction, whether concurrent with the state or otherwise, over
164 any matter that would be affected by such facility; (5) each state
165 department, agency and commission named in subsection (g) of section
166 16-50j, as amended by this act; and (6) such other state and municipal
167 bodies as the council may by regulation designate. A notice of such
168 application shall be given to the general public, in municipalities
169 entitled to receive notice under subdivision (1) of this subsection, by the
170 publication of a summary of such application and the date on or about
171 which it will be filed. Such notice shall be published under the
172 regulations to be promulgated by the council, in such form and in such
173 newspapers as will serve substantially to inform the public of such
174 application and to afford interested persons sufficient time to prepare
175 for and to be heard at the hearing prescribed in section 16-50m. Such
176 notice shall be published in not less than ten-point type. A notice of such
177 an application for a certificate for a facility described in subdivision (3),
178 (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by
179 certified or registered mail, to each person appearing of record as an
180 owner of property which abuts the proposed primary or alternative sites
181 on which the facility would be located. Such notice shall be sent at the
182 same time that notice of such application is given to the general public.
183 Notice of an application for a certificate for a facility described in
184 subdivision (1) of subsection (a) of section 16-50i shall also be provided
185 to each electric distribution company customer in the municipality
186 where the facility is proposed to be placed. Such notice shall (A) be
187 provided on a separate enclosure with each customer's monthly bill for
188 one or more months, (B) be provided by the electric distribution
189 company not earlier than sixty days prior to filing the application with

190 the council, but not later than the date that the application is filed with
191 the council, and (C) include: A brief description of the project, including
192 its location relative to the affected municipality and adjacent streets; a
193 brief technical description of the project including its proposed length,
194 voltage, and type and range of heights of support structures or
195 underground configuration; the reason for the project; the address and
196 a toll-free telephone number of the applicant by which additional
197 information about the project can be obtained; and a statement in print
198 no smaller than twenty-four-point type size stating "NOTICE OF
199 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC
200 TRANSMISSION LINE".

201 (c) An application for a certificate shall contain information on the
202 extent to which the proposed facility has been identified in, and is
203 consistent with, the annual forecast reports and life-cycle cost analysis
204 required by section 16-50r and other advance planning that has been
205 carried out, and shall include an explanation for any failure of the
206 facility to conform with such information.

207 (d) An amendment proceeding may be initiated by an application for
208 amendment of a certificate filed with the council by the holder of the
209 certificate or by a resolution of the council. An amendment application
210 by a certificate holder shall be in such form and contain such
211 information as the council shall prescribe. A resolution for amendment
212 by the council shall identify the design, location or route of the portion
213 of a certificated facility described in subdivisions (1) or (2) of subsection
214 (a) of section 16-50i which is subject to modification on the basis of stated
215 conditions or events which could not reasonably have been known or
216 foreseen prior to the issuance of the certificate. No such resolution for
217 amendment of a certificate shall be adopted after the commencement of
218 site preparation or construction of the certificated facility or, in the case
219 of a facility for which approval by the council of a right-of-way
220 development and management plan or other detailed construction plan
221 is a condition of the certificate, after approval of that part of the plan
222 which includes the portion of the facility proposed for modification. A
223 copy and notice of each amendment application shall be given by the

224 holder of the certificate in the manner set forth in subsection (b) of this
225 section. A copy and notice of each resolution for amendment shall be
226 given by the council in the manner set forth in subsection (b) of this
227 section. The council shall also provide the certificate holder with a copy
228 of such resolution. The certificate holder and the council shall not be
229 required to give such copy and notice to municipalities and the
230 commissions and agencies of such municipalities other than those in
231 which the modified portion of the facility would be located.

232 (e) At least [~~sixty~~] ninety days prior to the filing of an application with
233 the council, the applicant shall consult with the municipality in which
234 the facility may be located and with any other municipality required to
235 be served with a copy of the application under subdivision (1) of
236 subsection (b) of this section concerning the proposed and alternative
237 sites of the facility. Such consultation with the municipality shall
238 include, but not be limited to, good faith efforts to meet with the chief
239 elected official of the municipality, or such official's designee, the
240 legislative body of the municipality in which the facility may be located
241 and each member of the legislature in whose assembly or senate district
242 the facility or any alternative location listed in the application is to be
243 located. At the time of the consultation, the applicant shall provide the
244 chief elected official, or such official's designee, the legislative body of
245 the municipality in which the facility may be located and each member
246 of the legislature in whose assembly or senate district the facility or any
247 alternative location listed in the application is to be located with (1) a
248 public engagement plan that shall include the effect of the project on
249 community services and infrastructure and the impact of the project on
250 proposed development and the municipal tax base, and (2) any technical
251 reports concerning the public need, the site selection process and the
252 environmental effects of the proposed facility. In the case of a proposed
253 transmission line, at the time of the consultation, the applicant shall
254 provide the chief elected official, or such official's designee, the
255 legislative body of the municipality in which the proposed transmission
256 line may be located and each member of the legislature in whose
257 assembly or senate district the facility or any alternative location listed
258 in the application is to be located with a report that includes a summary

259 of the status of any negotiation with an owner of real property
260 concerning the total amount of compensation to be paid to such owner
261 to secure any required right-of-way access, easements or land
262 acquisition. The municipality may conduct public hearings and
263 meetings as it deems necessary for it to advise the applicant of its
264 recommendations concerning the proposed facility. Within sixty days of
265 the initial consultation, the municipality shall issue its
266 recommendations to the applicant. No later than fifteen days after
267 submitting an application to the council, the applicant shall provide to
268 the council all materials provided to the municipality and a summary of
269 the consultations with the municipality including all recommendations
270 issued by the municipality.

271 (f) (1) For a facility described in subdivision (6) of subsection (a) of
272 section 16-50i, at least ninety days before filing an application with the
273 council, the applicant shall consult with the municipality in which the
274 facility is proposed to be located and with any other municipality
275 required to be served with a copy of the application under subdivision
276 (1) of subsection (b) of this section. Consultation with such municipality
277 shall include, but not be limited to, good-faith efforts to meet with the
278 chief elected official of the municipality or such official's designee. At
279 the time of the consultation, the applicant shall provide the municipality
280 with any technical reports concerning the need for the facility, including
281 a map indicating the area of need, the location of existing surrounding
282 facilities, a detailed description of the proposed and any alternate sites
283 under consideration, a listing of other sites or areas considered and
284 rejected, the location of all schools near the proposed facility, an analysis
285 of the potential aesthetic impacts of the facility on said schools, as well
286 as a discussion of efforts or measures to be taken to mitigate such
287 aesthetic impacts, a description of the site selection process undertaken
288 by the prospective applicant and the potential environmental effects of
289 the proposed facility. The applicant shall also provide copies of such
290 technical reports to such municipality's planning commission, zoning
291 commission or combined planning and zoning commission and inland
292 wetland agency.

293 (2) Not later than sixty days after the initial municipal consultation
294 meeting, the municipality, in cooperation with the applicant, may hold
295 a public information meeting. If the municipality decides to hold a
296 public information meeting, the applicant shall be responsible for
297 sending notice of such meeting to each person appearing of record as an
298 owner of property which abuts the proposed or alternate facility
299 locations and for publishing notice of such meeting in a newspaper of
300 general circulation in the municipality at least fifteen days before the
301 date of the public information meeting. Such applicant shall pay all
302 administrative expenses associated with such public information
303 meeting.

304 (3) The municipality shall present the applicant with proposed
305 alternative sites, which may include municipal parcels, for its
306 consideration not later than thirty days after the initial consultation
307 meeting. The applicant shall evaluate these alternate sites presented as
308 part of the municipal consultation process and include the results of its
309 evaluations in its application to the council. The applicant may present
310 any such alternatives to the council in its application for formal
311 consideration.

312 Sec. 4. Subsection (c) of section 16-50p of the general statutes is
313 repealed and the following is substituted in lieu thereof (*Effective July 1,*
314 *2024*):

315 (c) (1) The council shall not grant a certificate for a facility described
316 in subdivision (3) of subsection (a) of section 16-50i, either as proposed
317 or as modified by the council, unless it finds and determines a public
318 benefit for the facility and considers neighborhood concerns with
319 respect to the factors set forth in subdivision (3) of subsection (a) of this
320 section, including public safety.

321 (2) The council shall not grant a certificate for a facility described in
322 subdivision (1) of subsection (a) of section 16-50i, that is substantially
323 underground or underwater except where such facility interconnects
324 with existing overhead facilities, either as proposed or as modified by
325 the council, unless it finds and determines a public benefit for a facility

326 substantially underground or a public need for a facility substantially
327 underwater.

328 (3) For purposes of this section, a public benefit exists when a facility
329 is necessary for the reliability of the electric power supply of the state or
330 for the development of a competitive market for electricity and a public
331 need exists when a facility is necessary for the reliability of the electric
332 power supply of the state.

333 (4) Any application for an electric transmission line with a capacity of
334 three hundred forty-five kilovolts or more that is filed on or after May
335 1, 2003, and proposes the underground burial of such line in all
336 residential areas and overhead installation of such line in industrial and
337 open space areas shall have a rebuttable presumption of meeting a
338 public benefit for such facility if the facility is substantially underground
339 and meeting a public need for such facility if the facility is substantially
340 above ground. Such presumption may be overcome by evidence
341 submitted by a party or intervenor to the satisfaction of the council.

342 (5) The council shall not grant a certificate for a facility described in
343 subdivision (1) of subsection (a) of section 16-50i, either as proposed or
344 as modified by the council, unless the council finds and determines a
345 public need for the facility and considers neighborhood concerns with
346 respect to the factors set forth in subdivision (3) of subsection (a) of this
347 section, including public safety and the contribution that the proposed
348 facility is anticipated to have on the municipality's tax base.

349 Sec. 5. Section 16-50q of the general statutes is repealed and the
350 following is substituted in lieu thereof (*Effective July 1, 2024*):

351 Any party or intervenor may obtain judicial review of an order issued
352 on an application for a certificate or an amendment of a certificate in
353 accordance with the provisions of section 4-183. Any judicial review
354 sought pursuant to this chapter shall be privileged in respect to
355 assignment for trial in the Superior Court. If a municipality seeks
356 judicial review under this section, and such municipality is a prevailing
357 party in the action, the court may award the municipality reasonable

358 attorneys' fees and costs.

359 Sec. 6. Subsection (g) of section 16-50j of the general statutes is
360 repealed and the following is substituted in lieu thereof (*Effective July 1,*
361 *2024*):

362 (g) Prior to commencing any hearing pursuant to section 16-50m, the
363 council shall consult with and solicit written comments from (1) [the
364 Department of Energy and Environmental Protection, the Department
365 of Public Health, the Council on Environmental Quality, the
366 Department of Agriculture, the Public Utilities Regulatory Authority,
367 the Office of Policy and Management, the Department of Economic and
368 Community Development and the Department of Transportation] the
369 Departments of Energy and Environmental Protection, Public Health,
370 Agriculture, Economic and Community Development and
371 Transportation, and the Council on Environmental Quality, the Public
372 Utilities Regulatory Authority, the Office of Policy and Management
373 and the Office of Consumer Counsel, and (2) in a hearing pursuant to
374 section 16-50m, for a facility described in subdivision (3) of subsection
375 (a) of section 16-50i, the Department of Emergency Services and Public
376 Protection, the Department of Administrative Services, [and] the Labor
377 Department and the Office of Consumer Counsel. Copies of such
378 comments shall be made available to all parties prior to the
379 commencement of the hearing. Subsequent to the commencement of the
380 hearing, said departments and council may file additional written
381 comments with the council within such period of time as the council
382 designates. All such written comments shall be made part of the record
383 provided by section 16-50o. Said departments and council shall not
384 enter any contract or agreement with any party to the proceedings or
385 hearings described in this section or section 16-50p, as amended by this
386 act, that requires said departments or council to withhold or retract
387 comments, refrain from participating in or withdraw from said
388 proceedings or hearings.

389 Sec. 7. Section 16-50gg of the general statutes is repealed and the
390 following is substituted in lieu thereof (*Effective July 1, 2024*):

391 When notifying a municipality pursuant to section 16-50l, as
 392 amended by this act, of an application for a telecommunications tower
 393 or a proposed transmission line in [said] such municipality, the
 394 Connecticut Siting Council shall request that the municipality provide
 395 [to said council, within thirty days, any location preferences or criteria
 396 for the siting of said telecommunications tower. The] the council with
 397 any location preferences and criteria for the siting of such
 398 telecommunications tower or proposed transmission line. The
 399 municipality shall provide such location preferences or criteria to the
 400 council not later than thirty days after the date of such request. In
 401 addition, the council may consider regional location preferences from
 402 neighboring municipalities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	22a-20a(a)(2)
Sec. 2	July 1, 2024	16-50bb(b)
Sec. 3	July 1, 2024	16-50l
Sec. 4	July 1, 2024	16-50p(c)
Sec. 5	July 1, 2024	16-50q
Sec. 6	July 1, 2024	16-50j(g)
Sec. 7	July 1, 2024	16-50gg

Statement of Legislative Commissioners:

In Section 3(e), in the second and third sentences, "legislative body of the municipality" was changed to "legislative body of the municipality in which the facility may be located" for clarity; and in Section 3(e), in the fourth sentence, "legislative body of the municipality" was changed to "legislative body of the municipality in which the proposed transmission line may be located" for clarity.

JUD Joint Favorable Subst.

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: None

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below

Explanation

The bill alters procedures in the Sitting Council's review process to increase municipal participation, include additional considerations, and increase existing reporting requirements for Sitting Council approval resulting in no direct fiscal impact to the state and potential revenue gain for some municipalities.

The bill increases existing grants distributed from the municipal participation account within the General fund from \$25,000 to \$75,000 for municipalities to offset some participation costs. The bill also increases the cost of the municipal participation fee for certain applicants from \$25,000 to \$75,000 with any unused funding returned to the applicant upon completion of the Sitting Council process. This results in potential revenue to some municipalities to the extent that the additional funding offsets current participation costs.

Ratepayer Impact Statement¹

The bill creates a variety of new requirements for certain applicants

¹ The state and municipalities are ratepayers and therefore may be impacted by policy changes that affect electric rates.

to receive Sitting Council approval concerning, land acquisition, easements, municipal participation, and electric load and system performance and results in a potential rate increase. Additional reporting and survey requirements may result in a cost to electric distribution companies that would be passed onto ratepayers through the rate recovery process. The actual impact would depend on the additional recoverable costs incurred.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of proceedings that are required.

OLR Bill Analysis**sHB 5507****AN ACT CONCERNING STATE AGENCY AND COURT PROCEEDINGS RELATING TO ELECTRIC TRANSMISSION LINES.****SUMMARY**

This bill makes changes to laws affecting the Siting Council and its process for granting a certificate of environmental compatibility and public need (a “certificate”). Among other things, it:

1. makes certain transmission lines “affecting facilities” under the state’s environmental justice law, thus subjecting them to the law’s requirements (§ 1);
2. increases, from \$25,000 to \$75,000, the municipal participation fee certain certificate applicants must pay when filing their applications (§ 3);
3. increases, from \$25,000 to \$75,000, the maximum amount a municipality may receive from the municipal participation account to defray expenses related to certificate proceedings (§ 2);
4. adds to the information applicants for transmission lines must provide with their certificate application to include certain information on property appraisals, electric load, and system performance (§ 3);
5. expands municipal consultation requirements for certificate applicants (§ 3);
6. requires the council to consider certain neighborhood concerns before granting a certificate for a transmission line project (§ 4);
7. allows (a) intervenors in council proceedings to appeal a decision to Superior Court and (b) the court to award a municipality reasonable attorneys’ fees and costs if it prevails in its appeal (§

- 5);
8. requires the council to consult with and solicit comments from the Office of Consumer Council (OCC) before starting a hearing for a certificate application (§ 6); and
 9. requires the council to request a municipality's location preferences or siting criteria for transmission line projects and requires municipalities to provide this information within 30 days after the request (§ 7).

EFFECTIVE DATE: July 1, 2024

SITING IN ENVIRONMENTAL JUSTICE COMMUNITIES

The bill makes transmission lines of at least 69 kilovolts in capacity "affecting facilities" under the state's environmental justice law, which generally requires applicants seeking to construct, expand, or site certain facilities in environmental justice communities to engage in a public participation process (see BACKGROUND). Existing law, unchanged by the bill, exempts from these requirements any facility that received a Siting Council certificate on or before January 1, 2000.

MUNICIPAL PARTICIPATION ACCOUNT PAYMENTS

By law, certain facilities must pay a municipal participation fee when filing their application for a certificate from the council. This requirement applies to applications for electric transmission lines, fuel transmission facilities, electric generation or storage facilities, and certain electric substations or switchyards. The bill increases this fee from \$25,000 to \$75,000.

Under existing law, these fees are deposited into the General Fund's municipal participation account. Municipalities may apply for reimbursement from the account to defray expenses incurred from participating as a party to a certificate proceeding. The bill increases the maximum amount a municipality may receive from the account from \$25,000 to \$75,000. Existing law prohibits municipalities from receiving any more from the account than the funds they spent.

TRANSMISSION LINE APPLICATION REQUIREMENTS

Land Acquisitions and Easements

By law, a certificate application for a transmission line project must include, among other things, a schedule showing the proposed program of right-of-way or property acquisition, construction, completion, and operation. The bill additionally requires the application to include any appraisal on fair compensation provided to a real property owner in connection with entering a right-of-way, including easements or land acquisition, completed by an independent appraiser on the applicant's behalf. It requires applicants to use due diligence to seek permission to gain access to any property the applicant does not own, lease, or otherwise have access to, as shown by the following materials submitted with the application:

1. certified mail, return receipt requested letters, sent to the property owners of record and
2. an affidavit stating that the applicant was not given access to the property and, without permission to access the property, the applicant made visual inspections to document existing conditions from public rights-of-way, existing utility rights-of-way, or other nearby accessible properties.

Electric Load and System Performance

The bill requires certificate applications for transmission line projects to include the following information:

1. actual loads for existing transmission lines in the project's proposed location for the previous 10 years;
2. the proposed transmission line's projected load for the 10-year period after the application date;
3. performance of the electric circuits at issue over the previous 10 years, including service outages or disruptions, their causes, and the length of time to restore service; and
4. planning studies conducted by ISO-New England or the applicant about the proposed project.

By law, companies generating, transmitting, or distributing electricity must annually report a 10-year load and resources forecast to the council (CGS § 16-50r). The bill requires certificate applications for transmission projects to also include this report.

MUNICIPAL CONSULTATION REQUIREMENTS

Under current law, applicants must consult with certain municipalities 60 days before filing an application with the council and, at the consultation, give the municipality's chief elected official any technical reports on the proposed facility's public need, site selection process, or environmental effects.

The bill pushes this consultation back to 90 days before filing an application and also requires the applicant to consult the municipality's legislative body and each state legislator whose district includes a proposed or alternative facility location. This consultation must include good faith efforts to meet with these officials. The bill allows the chief elected official to designate someone for the consult.

In addition to the technical reports mentioned above, the bill requires applicants to provide a public engagement plan at the consultation that includes the project's (1) effects on community services and infrastructure and (2) impact on proposed development and the municipal tax base. For transmission line project applications, the bill requires the applicant to also provide a report summarizing the status of any negotiation with real property owners on total compensation amounts to be paid to secure any required right-of-way access, easements, or land acquisition.

COUNCIL DETERMINATIONS FOR CERTIFICATE APPROVAL

Existing law identifies the factors the council must consider and the findings it must make before approving a certificate. For all facilities, this generally includes a finding that there is a public need for the facility and that its environmental impacts are not sufficient reason to deny the application, among other things. For transmission line projects, this also includes finding that the facility conforms to a long-range plan for electric power grid expansion and that the project serves the interest of

electric system economy and reliability. The council must also consider which portions of the facility will be located overhead and determine that these portions are cost effective and the most appropriate alternative. It must find that the line's location will not pose an undue hazard to people or property along the area the line traverses.

The bill prohibits the council from approving a certificate for a transmission line, as proposed by the applicant or modified by the council, unless it considers neighborhood concerns with the factors and findings described above, including public safety and the proposed facility's anticipated contribution to the municipality's tax base.

JUDICIAL REVIEW

Current law allows parties in council proceedings for certificates or certificate amendments to appeal a council decision to Superior Court under the Uniform Administrative Procedure Act. The bill (1) extends this right to intervenors in council proceedings and (2) allows the court to award reasonable attorneys' fees and costs to a municipality that prevails in its appeal.

Parties to proceedings include the applicant, anyone required to receive notice of the proceeding, and certain nonprofit organizations, among others. By law, the council may allow other people to participate as intervenors if they submit a petition showing that their participation is in the interest of justice and will not impair the proceeding's orderly conduct. But it may also limit an intervenor's participation to specific issues and define or restrict an intervenor's rights to inspect and copy records, introduce evidence, or cross examine other parties (CGS §§ 60-50n(b) & 4-177a).

OCC CONSULTATION BEFORE HEARING

Current law requires the council to (1) schedule a public hearing on a certificate application at least 30 days but no more than 150 days after it receives the application and (2) consult with and solicit comments from certain agencies before the hearing (e.g., the Department of Energy and Environmental Protection and the Department of Public Health). The bill adds the OCC to the list of agencies the council must consult

and solicit comments from before starting the hearing.

MUNICIPAL LOCATION PREFERENCES FOR TRANSMISSION PROJECTS

Current law requires the council to request that municipalities provide any location preferences or criteria for proposed telecommunication tower projects within 30 days after receiving notice of the project. The bill extends this requirement to proposed transmission lines. It requires municipalities to provide their location preferences or criteria within 30 days after the council's request. The bill similarly extends to proposed transmission lines a provision that allows the council to consider regional location preferences from neighboring municipalities.

BACKGROUND

Environmental Justice Law

By law, an "environmental justice community" is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality.

Among other things, the law requires certificate applicants for affecting facilities in environmental justice communities to:

1. file and receive approval for a meaningful public participation plan before filing their certificate application;
2. make a reasonable and good faith effort to give the public clear, accurate, and complete information about the affecting facility proposal at an informal public meeting;
3. consult with the chief elected officials of the towns in which the proposed facility will be located or expanded to evaluate the need for a community environmental benefit agreement; and
4. enter into a community environmental benefit agreement if the facility will be in a municipality that already has at least five

affecting facilities.

The law allows the Siting Council to deny a certificate application for a proposed affecting facility if it finds that approving it would, together with other environmental or public health stressors affecting the environmental justice community involved, produce adverse cumulative stressors that are higher than those experienced by other communities in the state, county, or other geographic area, as the council determines. Under certain conditions, it also allows the council to apply reasonable conditions on a new certificate for an affecting facility related to its construction and operation to protect the environment and public health (CGS § 22a-20a).

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 (File 365), 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.

HB 5453, favorably reported by the Government Administration and Elections Committee, makes various changes to the council’s membership, requires applicants for proposed electric transmission facilities to include additional information with their applications, and expands the issues the council must consider when deciding whether to approve an application.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 1 (03/26/2024)