



General Assembly

February Session, 2024

***Raised Bill No. 5507***

LCO No. 3057



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***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2 2024 supplement to the general statutes is repealed and the following is  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 combustor; (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26 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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 easements or land  
94 acquisition, and (ii) the applicant's certification that such applicant has  
95 completed negotiations on the amount of fair compensation to be  
96 provided to an owner of real property in connection with the necessity  
97 of entering a right-of-way, including any easements or land acquisition;  
98 (H) an identification of each federal, state, regional, district and  
99 municipal agency with which proposed route or site reviews have been  
100 undertaken, including a copy of each written agency position on such  
101 route or site; [and] (I) an assessment of the impact of any  
102 electromagnetic fields to be produced by the proposed transmission  
103 line; and (J), in the case of a proposed transmission line, (i) for the ten-  
104 year period preceding the date of the application, the actual loads for  
105 existing transmission lines in the area where the proposed transmission  
106 line is to be located, (ii) for the ten-year period following the date of the  
107 application, the projected load for any proposed transmission line, and  
108 (iii) for the ten-year period preceding the date of application, the  
109 performance of all electric circuits at issue, including a description of all  
110 service outages or disruptions, the cause or causes of such outages or  
111 disruptions and the time required to restore service following such  
112 outages or disruptions; and

113 (2) In the case of facilities described in subdivision (3) of subsection  
114 (a) of section 16-50i: (A) A description of the proposed electric  
115 generating or storage facility; (B) a statement and full explanation of

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

138 (b) Each application shall be accompanied by proof of service of a  
139 copy of such application on: (1) Each municipality in which any portion  
140 of such facility is to be located, both as primarily proposed and in the  
141 alternative locations listed, and any adjoining municipality having a  
142 boundary not more than two thousand five hundred feet from such  
143 facility, which copy shall be served on the chief executive officer of each  
144 such municipality and shall include notice of the date on or about which  
145 the application is to be filed, and the zoning commissions, planning  
146 commissions, planning and zoning commissions, conservation  
147 commissions and inland wetlands agencies of each such municipality,  
148 and the regional councils of governments which encompass each such  
149 municipality; (2) the Attorney General; (3) each member of the

150 legislature in whose assembly or senate district the facility or any  
151 alternative location listed in the application is to be located; (4) any  
152 agency, department or instrumentality of the federal government that  
153 has jurisdiction, whether concurrent with the state or otherwise, over  
154 any matter that would be affected by such facility; (5) each state  
155 department, agency and commission named in subsection (g) of section  
156 16-50j; and (6) such other state and municipal bodies as the council may  
157 by regulation designate. A notice of such application shall be given to  
158 the general public, in municipalities entitled to receive notice under  
159 subdivision (1) of this subsection, by the publication of a summary of  
160 such application and the date on or about which it will be filed. Such  
161 notice shall be published under the regulations to be promulgated by  
162 the council, in such form and in such newspapers as will serve  
163 substantially to inform the public of such application and to afford  
164 interested persons sufficient time to prepare for and to be heard at the  
165 hearing prescribed in section 16-50m. Such notice shall be published in  
166 not less than ten-point type. A notice of such an application for a  
167 certificate for a facility described in subdivision (3), (4), (5) or (6) of  
168 subsection (a) of section 16-50i shall also be sent, by certified or  
169 registered mail, to each person appearing of record as an owner of  
170 property which abuts the proposed primary or alternative sites on  
171 which the facility would be located. Such notice shall be sent at the same  
172 time that notice of such application is given to the general public. Notice  
173 of an application for a certificate for a facility described in subdivision  
174 (1) of subsection (a) of section 16-50i shall also be provided to each  
175 electric distribution company customer in the municipality where the  
176 facility is proposed to be placed. Such notice shall (A) be provided on a  
177 separate enclosure with each customer's monthly bill for one or more  
178 months, (B) be provided by the electric distribution company not earlier  
179 than sixty days prior to filing the application with the council, but not  
180 later than the date that the application is filed with the council, and (C)  
181 include: A brief description of the project, including its location relative  
182 to the affected municipality and adjacent streets; a brief technical  
183 description of the project including its proposed length, voltage, and  
184 type and range of heights of support structures or underground

185 configuration; the reason for the project; the address and a toll-free  
186 telephone number of the applicant by which additional information  
187 about the project can be obtained; and a statement in print no smaller  
188 than twenty-four-point type size stating "NOTICE OF PROPOSED  
189 CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC  
190 TRANSMISSION LINE".

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

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

219 required to give such copy and notice to municipalities and the  
220 commissions and agencies of such municipalities other than those in  
221 which the modified portion of the facility would be located.

222 (e) At least [~~sixty~~] ninety days prior to the filing of an application with  
223 the council, the applicant shall consult with the municipality in which  
224 the facility may be located and with any other municipality required to  
225 be served with a copy of the application under subdivision (1) of  
226 subsection (b) of this section concerning the proposed and alternative  
227 sites of the facility. Such consultation with the municipality shall  
228 include, but not be limited to, good faith efforts to meet with the chief  
229 elected official of the municipality, the legislative body of the  
230 municipality and each member of the legislature in whose assembly or  
231 senate district the facility or any alternative location listed in the  
232 application is to be located. At the time of the consultation, the applicant  
233 shall provide the chief elected official, the legislative body of the  
234 municipality and each member of the legislature in whose assembly or  
235 senate district the facility or any alternative location listed in the  
236 application is to be located with any technical reports concerning the  
237 public need, the site selection process and the environmental effects of  
238 the proposed facility. In the case of a proposed transmission line, at the  
239 time of the consultation, the applicant shall provide the chief elected  
240 official, the legislative body of the municipality and each member of the  
241 legislature in whose assembly or senate district the facility or any  
242 alternative location listed in the application is to be located with any  
243 independent appraisal completed at the request of the applicant due to  
244 the necessity of entering a right-of-way, including any easements or  
245 land acquisition, required for the construction of a proposed  
246 transmission line. The applicant shall also provide a copy of any such  
247 appraisal to the owner of any real property affected by the necessity of  
248 entering a right-of-way, including any easements or land acquisition.  
249 Such appraisal shall include the total projected costs associated with  
250 securing any required right-of-way access, easements or land  
251 acquisition. The cost of any such appraisal shall be borne solely by the  
252 applicant. In addition, at the time of the consultation, the applicant shall



253 provide the chief elected official, the legislative body of the municipality  
254 and each member of the legislature in whose assembly or senate district  
255 the facility or any alternative location listed in the application is to be  
256 located with a report that includes a summary of the (1) status of any  
257 negotiation with the owner of real property concerning the total amount  
258 of compensation to be paid to such owner to secure any required right-  
259 of-way access, easements or land acquisition, and (2) economic impact  
260 that the proposed facility is anticipated to have on the municipality,  
261 including the impact on the municipality's tax base. The municipality  
262 may conduct public hearings and meetings as it deems necessary for it  
263 to advise the applicant of its recommendations concerning the proposed  
264 facility. Within sixty days of the initial consultation, the municipality  
265 shall issue its recommendations to the applicant. No later than fifteen  
266 days after submitting an application to the council, the applicant shall  
267 provide to the council all materials provided to the municipality and a  
268 summary of the consultations with the municipality including all  
269 recommendations issued by the municipality.

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

287 by the prospective applicant and the potential environmental effects of  
288 the proposed facility. The applicant shall also provide copies of such  
289 technical reports to such municipality's planning commission, zoning  
290 commission or combined planning and zoning commission and inland  
291 wetland agency.

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

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

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

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

319 section, including public safety.

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

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

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

341 (5) The council shall not grant a certificate for a facility described in  
342 subdivision (1) of subsection (a) of section 16-50i, that includes  
343 expanded easements over state or federally designated historic  
344 properties unless it: (A) Considers neighborhood concerns with respect  
345 to public safety and the economic impact that the proposed facility is  
346 anticipated to have on the municipality, including the impact on the  
347 municipality's tax base; and (B) finds and determines that any adverse  
348 impact caused by the proposed facility to the municipality and such  
349 historic properties is substantially outweighed by the public benefit  
350 described in subdivision (3) of this subsection.

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

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

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

**Statement of Purpose:**

To amend a statutory provision relating to the rights of parties and intervenors in proceedings before the Siting Council relating to the construction of electric transmission lines.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*