



General Assembly

Substitute Bill No. 5507

February Session, 2024



**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2 2024 supplement to the general statutes is repealed and the following is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26 repealed and the following is substituted in lieu thereof (*Effective July 1,*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 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	<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
Sec. 6	<i>July 1, 2024</i>	16-50j(g)
Sec. 7	<i>July 1, 2024</i>	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.*