



General Assembly

Amendment

February Session, 2024

LCO No. 5422



Offered by:

REP. STAFSTROM, 129th Dist.

REP. LEEPER, 132nd Dist.

REP. BLUMENTHAL, 147th Dist.

SEN. OSTEN, 19th Dist.

REP. STEINBERG, 136th Dist.

REP. FOSTER, 57th Dist.

To: Subst. House Bill No. 5507

File No. 493

Cal. No. 343

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (d) of section 16-50i of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective October*
5 *1, 2024*):

6 (d) "Modification" means a significant change or alteration in the
7 general physical characteristics of a facility, including any change or
8 alteration that requires the exercise of any right of eminent domain or
9 that expands any existing easement;

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 Section 16-50j of the general statutes is repealed and the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

12 (a) There is established [a "Connecticut Siting Council"] the

13 Connecticut Siting Council, hereinafter referred to in this title as the
14 "council", which shall be within the Department of Energy and
15 Environmental Protection for administrative purposes only.

16 (b) Except [for proceedings under chapter 445, this subsection and
17 subsection (c) of this section, the] as provided in subsection (c) of this
18 section, the council shall consist of: (1) The Commissioner of Energy and
19 Environmental Protection, or [his] the commissioner's designee; (2) the
20 chairperson of the Public Utilities Regulatory Authority, or the
21 chairperson's designee; (3) one designee of the speaker of the House and
22 one designee of the president pro tempore of the Senate; and (4) five
23 public members, [of the public,] to be appointed by the Governor, at
24 least two of whom shall be experienced in the field of ecology, [and not
25 more than one of whom shall have affiliation, past or present,] and all
26 five of whom shall, consistent with the provisions of section 4-9a, have
27 no substantial financial interest in, not be employed in or by, and not be
28 professionally affiliated with any (A) utility, [or governmental utility
29 regulatory agency, or with any person owning, operating, controlling,
30 or presently contracting with respect to a] (B) facility, [a] (C) hazardous
31 waste facility, as defined in section 22a-115, or [an] (D) ash residue
32 disposal area, and shall have had no professional affiliation with any
33 such utility, facility, hazardous waste facility or ash residue disposal
34 area for three years preceding such public member's appointment to the
35 council.

36 (c) For proceedings under chapter 445, [subsection (b) of this section
37 and this subsection,] the council shall consist of (1) the Commissioners
38 of Public Health and Emergency Services and Public Protection or their
39 designated representatives; (2) the designees of the speaker of the House
40 of Representatives and the president pro tempore of the Senate as
41 provided in subsection (b) of this section; (3) the five public members
42 [of the public] as provided in subsection (b) of this section; and (4) four
43 ad hoc members, appointed by the chief elected official of the
44 municipality each such member represents, three of whom shall be
45 electors from the municipality in which the proposed facility is to be
46 located and one of whom shall be an elector from a neighboring

47 municipality likely to be most affected by the proposed facility.

48 [The] (d) For the appointment of ad hoc members in accordance with
49 subsection (c) of this section, the municipality most affected by the
50 proposed facility shall be determined by the permanent members of the
51 council. If any one of the five public members [of the public] or of the
52 designees of the speaker of the House of Representatives or the
53 president pro tempore of the Senate resides [(A)] (1) in the municipality
54 in which a hazardous waste facility is proposed to be located for a
55 proceeding concerning a hazardous waste facility or in which a low-
56 level radioactive waste facility is proposed to be located for a proceeding
57 concerning a low-level radioactive waste facility, or [(B)] (2) in the
58 neighboring municipality likely to be most affected by the proposed
59 facility, the appointing authority shall appoint a substitute member for
60 the proceedings on such proposal. If any appointee is unable to perform
61 [his] such appointee's duties on the council due to illness, or has a
62 substantial financial or employment interest which is in conflict with the
63 proper discharge of [his] the appointee's duties under this chapter, the
64 appointing authority shall appoint a substitute member for proceedings
65 on such proposal. An appointee shall report any substantial financial or
66 employment interest which might conflict with the proper discharge of
67 [his] the appointee's duties under this chapter to the appointing
68 authority who shall determine if such conflict exists. If any state agency
69 is the applicant, an appointee shall not be deemed to have a substantial
70 employment conflict of interest because of employment with the state
71 unless such appointee is directly employed by the state agency making
72 the application. Ad hoc members [shall be appointed by the chief elected
73 official of the municipality they represent and] shall continue their
74 membership until the council issues a letter of completion of the
75 development and management plan to the applicant.

76 [(d)] (e) The [chairman] chairperson of the council shall be appointed
77 by the Governor from among the five public members appointed by
78 [him] the Governor, with the advice and consent of the House or Senate,
79 and shall serve as [chairman] chairperson at the pleasure of the
80 Governor.

81 [(e)] (f) The public members of the council, including the [chairman]
82 chairperson, the members appointed by the speaker of the House and
83 president pro tempore of the Senate and the four ad hoc members
84 specified in subsection (c) of this section, shall be compensated for their
85 attendance at public hearings, executive sessions, or other council
86 business as may require their attendance at the rate of two hundred
87 dollars, provided in no case shall the daily compensation exceed two
88 hundred dollars.

89 (g) The council shall employ such employees as may be necessary to
90 carry out the provisions of this chapter, and such employees shall, in the
91 aggregate, have sufficient expertise in engineering and financial
92 analysis to carry out the provisions of this chapter.

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

102 [(g)] (i) Prior to commencing any hearing pursuant to section 16-50m,
103 the council shall consult with and solicit written comments from (1) the
104 [Department of Energy and Environmental Protection, the Department
105 of Public Health, the Council on Environmental Quality, the
106 Department of Agriculture, the Public Utilities Regulatory Authority,
107 the Office of Policy and Management, the Department of Economic and
108 Community Development and the Department of Transportation]
109 Departments of Energy and Environmental Protection, Public Health,
110 Agriculture, Economic and Community Development and
111 Transportation and the Council on Environmental Quality, the Public
112 Utilities Regulatory Authority, the Office of Policy and Management
113 and the Office of Consumer Counsel, and (2) in a hearing pursuant to

114 section 16-50m, for a facility described in subdivision (3) of subsection
115 (a) of section 16-50i, the Department of Emergency Services and Public
116 Protection, the Department of Administrative Services, ~~[and] the Labor~~
117 ~~Department and the Office of Consumer Counsel~~. Copies of such
118 comments shall be made available to all parties prior to the
119 commencement of the hearing. Subsequent to the commencement of the
120 hearing, said departments, ~~[and council]~~ Council on Environmental
121 Quality, authority and offices may file additional written comments
122 with the ~~[council]~~ Connecticut Siting Council within such period of time
123 as the ~~[council]~~ Connecticut Siting Council designates. All such written
124 comments shall be made part of the record, ~~as provided [by] in~~ section
125 16-50o. Said departments, ~~[and council]~~ Council on Environmental
126 Quality, authority and offices shall not enter any contract or agreement
127 with any party to the proceedings or hearings described in this section
128 or section 16-50p, ~~as amended by this act~~, that requires said
129 departments, ~~[or council]~~ Council on Environmental Quality, authority
130 or offices to withhold or retract comments, refrain from participating in
131 or withdraw from said proceedings or hearings.

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

134 (a) To initiate a certification proceeding, an applicant for a certificate
135 shall file with the council an application, in such form as the council may
136 prescribe, accompanied by a filing fee of not more than twenty-five
137 thousand dollars, which fee shall be established in accordance with
138 section 16-50t, and a municipal participation fee of ~~[twenty-five]~~ forty
139 thousand dollars, or, if the proposed location of the facility is in more
140 than one municipality, eighty thousand dollars, to be deposited in the
141 account established pursuant to section 16-50bb, as amended by this act,
142 except that an application for a facility described in subdivision (5) or
143 (6) of subsection (a) of section 16-50i shall not pay such municipal
144 participation fee. An application shall contain such information as the
145 applicant may consider relevant, [and] such information that the council
146 or any department or agency of the state exercising environmental
147 controls may by regulation require, [including] and the following

148 information:

149 (1) In the case of facilities described in subdivisions (1), (2) and (4) of
150 subsection (a) of section 16-50i: (A) A description, including estimated
151 costs, of the proposed transmission line, substation or switchyard,
152 covering, where applicable underground cable sizes and specifications,
153 overhead tower design and appearance and heights, if any, conductor
154 sizes, and initial and ultimate voltages and capacities; (B) a statement
155 and full explanation of why the proposed transmission line, substation
156 or switchyard is necessary and how the facility conforms to a long-range
157 plan for expansion of the electric power grid serving the state and
158 interconnected utility systems, that will serve the public need for
159 adequate, reliable and economic service; (C) a map of suitable scale of
160 the proposed routing or site, showing details of the rights-of-way or site
161 in the vicinity of settled areas, parks, recreational areas and scenic areas,
162 residential areas, private or public schools, child care centers, as
163 described in section 19a-77, group child care homes, as described in
164 section 19a-77, family child care homes, as described in section 19a-77,
165 licensed youth camps, and public playgrounds and showing existing
166 transmission lines within one mile of the proposed route or site; (D) a
167 justification for adoption of the route or site selected, including
168 comparison with alternative routes or sites which are environmentally,
169 technically and economically practical; (E) a description of the effect of
170 the proposed transmission line, substation or switchyard on the
171 environment, ecology, and scenic, historic and recreational values; (F) a
172 justification for overhead portions, if any, including life-cycle cost
173 studies comparing overhead alternatives with underground
174 alternatives, and effects described in subparagraph (E) of this
175 subdivision of undergrounding; (G) a schedule of dates showing the
176 proposed program of right-of-way or property acquisition,
177 construction, completion and operation and, in the case of any facility
178 described in subdivision (1) of subsection (a) of section 16-50i, or any
179 modification of such a facility, (i) any appraisal completed by an
180 independent appraiser on behalf of the applicant concerning fair
181 compensation that is to be provided to an owner of real property in

182 connection with the necessity of entering a right-of-way, including any
183 easements or land acquisition, and (ii) for property that the applicant
184 does not own, lease or otherwise have access to, the applicant shall
185 exercise due diligence to seek permission to gain access to such
186 property. Evidence of due diligence shall be established by the
187 submission of: (I) Certified mail, return receipt requested, letters sent to
188 the owner or owners of record of such property requesting access to the
189 property; and (II) an affidavit from the applicant stating that the
190 applicant was not provided access to the property and, in the absence of
191 permission to access the property, the applicant made visual inspections
192 of the property to document existing conditions from public rights-of-
193 way, existing utility rights-of-way or other accessible properties within
194 or surrounding the proposed facility site; (H) an identification of each
195 federal, state, regional, district and municipal agency with which
196 proposed route or site reviews have been undertaken, including a copy
197 of each written agency position on such route or site; and (I) an
198 assessment of the impact of any electromagnetic fields to be produced
199 by the proposed transmission line; [and]

200 (2) In the case of facilities described in subdivision (3) of subsection
201 (a) of section 16-50i: (A) A description of the proposed electric
202 generating or storage facility; (B) a statement and full explanation of
203 why the proposed facility is necessary; (C) a statement of loads and
204 resources, as described in section 16-50r; (D) safety and reliability
205 information, including planned provisions for emergency operations
206 and shutdowns; (E) estimated cost information, including plant costs,
207 fuel costs, plant service life and capacity factor, and total generating cost
208 per kilowatt-hour, both at the plant and related transmission, and
209 comparative costs of alternatives considered; (F) a schedule showing the
210 program for design, material acquisition, construction and testing, and
211 operating dates; (G) available site information, including maps and
212 description and present and proposed development, and geological,
213 scenic, ecological, seismic, biological, water supply, population and load
214 center data; (H) justification for adoption of the site selected, including
215 comparison with alternative sites; (I) design information, including a

216 description of facilities, plant efficiencies, electrical connections to the
217 system, and control systems; (J) a description of provisions, including
218 devices and operations, for mitigation of the effect of the operation of
219 the facility on air and water quality, for waste disposal, and for noise
220 abatement, and information on other environmental aspects; and (K) a
221 listing of federal, state, regional, district and municipal agencies from
222 which approvals either have been obtained or will be sought covering
223 the proposed facility, copies of approvals received and the planned
224 schedule for obtaining those approvals not yet received; and

225 (3) In addition to the requirements of subdivisions (1) and (2) of this
226 subsection, in the case of any facility described in subdivision (1) of
227 subsection (a) of section 16-50i, or any modification of such a facility: (A)
228 A description of the estimated initial and life-cycle costs for the facility
229 or modification, as applicable, and for each feasible and practical
230 alternative; (B) an estimate of the regionalized and localized costs for the
231 facility or modification, as applicable, and for each feasible and practical
232 alternative, in accordance with the regional independent system
233 operator's procedure for pool-supported pool transmission facilities
234 cost review, or a successor procedure; (C) for any difference between the
235 estimated total costs and estimated localized costs, an analysis of the
236 benefits associated with such cost difference; (D) not later than forty-five
237 days after the filing of the application, an assessment from an
238 independent engineer selected by the council and paid for by the
239 applicant, that consists of (i) detailed cost estimates for the facility or
240 modification, as applicable, and (ii) an assessment of all feasible and
241 practical alternatives to the proposed facility or proposed modification,
242 as applicable, as determined by such independent engineer; (E) a
243 detailed analysis of any nontransmission alternatives to the proposed
244 facility or proposed modification, as applicable; and (F) (i) for the ten-
245 year period preceding the date of the application, the actual loads for
246 existing transmission lines in the area where the proposed transmission
247 line is to be located, (ii) for the ten-year period following the date of the
248 application, the projected load for any proposed transmission line, (iii)
249 for the ten-year period preceding the date of application, the

250 performance of all electric circuits for existing transmission lines in the
251 area where the proposed transmission line is to be located, including a
252 description of all service outages or disruptions, any cause for such
253 outage or disruption and the time required to restore service following
254 such outages or disruptions, and (iv) a statement of loads and resources,
255 as described in subsection (a) of section 16-50r, and all planning studies
256 conducted by the regional independent system operator or the applicant
257 associated with the proposed facility.

258 (b) Each application shall be accompanied by proof of service of a
259 copy of such application on: (1) Each municipality in which any portion
260 of such facility is to be located, both as primarily proposed and in the
261 alternative locations listed, and any adjoining municipality having a
262 boundary not more than two thousand five hundred feet from such
263 facility, which copy shall be served on the chief executive officer of each
264 such municipality and shall include notice of the date on or about which
265 the application is to be filed, and the zoning commissions, planning
266 commissions, planning and zoning commissions, conservation
267 commissions and inland wetlands agencies of each such municipality,
268 and the regional councils of governments which encompass each such
269 municipality; (2) the Attorney General; (3) each member of the
270 legislature in whose assembly or senate district the facility or any
271 alternative location listed in the application is to be located; (4) any
272 agency, department or instrumentality of the federal government that
273 has jurisdiction, whether concurrent with the state or otherwise, over
274 any matter that would be affected by such facility; (5) each state
275 department [,] and agency [and commission] named in subsection [(g)]
276 (i) of section 16-50j, as amended by this act; and (6) such other state and
277 municipal bodies as the council may by regulation designate. A notice
278 of such application shall be given to the general public, in municipalities
279 entitled to receive notice under subdivision (1) of this subsection, by the
280 publication of a summary of such application and the date on or about
281 which it will be filed. Such notice shall be published under the
282 regulations to be promulgated by the council, in such form and in such
283 newspapers as will serve substantially to inform the public of such

284 application and to afford interested persons sufficient time to prepare
285 for and to be heard at the hearing prescribed in section 16-50m. Such
286 notice shall be published in not less than ten-point type. A notice of such
287 an application for a certificate for a facility described in subdivision (3),
288 (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by
289 certified or registered mail, to each person appearing of record as an
290 owner of property which abuts the proposed primary or alternative sites
291 on which the facility would be located. Such notice shall be sent at the
292 same time that notice of such application is given to the general public.
293 Notice of an application for a certificate for a facility described in
294 subdivision (1) of subsection (a) of section 16-50i shall also be provided
295 to each electric distribution company customer in the municipality
296 where the facility is proposed to be placed. Such notice shall (A) be
297 provided on a separate enclosure with each customer's monthly bill for
298 one or more months, (B) be provided by the electric distribution
299 company not earlier than sixty days prior to filing the application with
300 the council, but not later than the date that the application is filed with
301 the council, and (C) include: A brief description of the project, including
302 its location relative to the affected municipality and adjacent streets; a
303 brief technical description of the project including its proposed length,
304 voltage, and type and range of heights of support structures or
305 underground configuration; the reason for the project; the address and
306 a toll-free telephone number of the applicant by which additional
307 information about the project can be obtained; and a statement in print
308 no smaller than twenty-four-point type size stating "NOTICE OF
309 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC
310 TRANSMISSION LINE".

311 (c) For a facility described in subdivision (3) of subsection (a) of
312 section 16-50i that is a solar photovoltaic facility, the applicant shall also
313 provide notice by certified or registered mail of each proposed site
314 configuration change that occurs after the filing of the application but
315 prior to the granting of a certificate for such facility, that is a material
316 change, as determined by the council, to each person appearing of
317 record as an owner of property that abuts the proposed primary or

318 alternative sites on which the facility would be located.

319 ~~[(c)]~~ (d) An application for a certificate shall contain information on
320 the extent to which the proposed facility has been identified in, and is
321 consistent with, the annual forecast reports and life-cycle cost analysis
322 required by section 16-50r and other advance planning that has been
323 carried out, and shall include an explanation for any failure of the
324 facility to conform with such information.

325 ~~[(d)]~~ (e) An amendment proceeding may be initiated by an
326 application for amendment of a certificate filed with the council by the
327 holder of the certificate or by a resolution of the council. An amendment
328 application by a certificate holder shall be in such form and contain such
329 information as the council shall prescribe. A resolution for amendment
330 by the council shall identify the design, location or route of the portion
331 of a certificated facility described in subdivisions (1) or (2) of subsection
332 (a) of section 16-50i which is subject to modification on the basis of stated
333 conditions or events which could not reasonably have been known or
334 foreseen prior to the issuance of the certificate. No such resolution for
335 amendment of a certificate shall be adopted after the commencement of
336 site preparation or construction of the certificated facility or, in the case
337 of a facility for which approval by the council of a right-of-way
338 development and management plan or other detailed construction plan
339 is a condition of the certificate, after approval of that part of the plan
340 which includes the portion of the facility proposed for modification. A
341 copy and notice of each amendment application shall be given by the
342 holder of the certificate in the manner set forth in subsection (b) of this
343 section. A copy and notice of each resolution for amendment shall be
344 given by the council in the manner set forth in subsection (b) of this
345 section. The council shall also provide the certificate holder with a copy
346 of such resolution. The certificate holder and the council shall not be
347 required to give such copy and notice to municipalities and the
348 commissions and agencies of such municipalities other than those in
349 which the modified portion of the facility would be located.

350 ~~[(e)]~~ (f) At least sixty days, or, in the case of a facility described in

351 subdivision (1) of subsection (a) of section 16-50i, ninety days prior to
352 the filing of an application with the council, the applicant shall consult
353 with the municipality in which the facility may be located and with any
354 other municipality required to be served with a copy of the application
355 under subdivision (1) of subsection (b) of this section concerning the
356 proposed and alternative sites of the facility. Such consultation with the
357 municipality shall include, but not be limited to, good faith efforts to
358 meet with the chief elected official of the municipality, or such official's
359 designee, the legislative body of the municipality and each member of
360 the legislature in whose assembly or senate district the facility or any
361 alternative location listed in the application is to be located. At the time
362 of the consultation, the applicant shall provide the chief elected official,
363 or such official's designee, the legislative body of the municipality and
364 each member of the legislature in whose assembly or senate district the
365 facility or any alternative location listed in the application is to be
366 located with any technical reports concerning the public need, the site
367 selection process and the environmental effects of the proposed facility.
368 In the case of a proposed transmission line, at the time of the
369 consultation, the applicant shall provide the chief elected official, or
370 such official's designee, the legislative body of the municipality and
371 each member of the legislature in whose assembly or senate district the
372 facility or any alternative location listed in the application is to be
373 located with a report that includes a summary of the status of any
374 negotiation with the owners of real property concerning any required
375 right-of-way access, easements or land acquisition. Any such summary
376 shall not include any confidential or proprietary information. The
377 municipality may conduct public hearings and meetings as it deems
378 necessary for it to advise the applicant of its recommendations
379 concerning the proposed facility. [Within] Not later than sixty days [of]
380 after the initial consultation, the municipality shall issue its
381 recommendations to the applicant. [No] Not later than fifteen days after
382 submitting an application to the council, the applicant shall provide to
383 the council all materials provided to [the] such chief elected official of
384 the municipality, such official's designee, such legislative body of the
385 municipality or any such member of the legislature, [and] a summary of

386 the consultations with the municipality, including [all] any meetings
387 with such chief elected official, such official's designee, such legislative
388 body of the municipality and any such member of the legislature and
389 any recommendations issued by the municipality.

390 [(f)] (g) (1) For a facility described in subdivision (6) of subsection (a)
391 of section 16-50i, at least ninety days before filing an application with
392 the council, the applicant shall consult with the municipality in which
393 the facility is proposed to be located and with any other municipality
394 required to be served with a copy of the application under subdivision
395 (1) of subsection (b) of this section. Consultation with such municipality
396 shall include, but not be limited to, good-faith efforts to meet with the
397 chief elected official of the municipality or such official's designee. At
398 the time of the consultation, the applicant shall provide the municipality
399 with any technical reports concerning the need for the facility, including
400 a map indicating the area of need, the location of existing surrounding
401 facilities, a detailed description of the proposed and any alternate sites
402 under consideration, a listing of other sites or areas considered and
403 rejected, the location of all schools near the proposed facility, an analysis
404 of the potential aesthetic impacts of the facility on said schools, as well
405 as a discussion of efforts or measures to be taken to mitigate such
406 aesthetic impacts, a description of the site selection process undertaken
407 by the prospective applicant and the potential environmental effects of
408 the proposed facility. The applicant shall also provide copies of such
409 technical reports to such municipality's planning commission, zoning
410 commission or combined planning and zoning commission and inland
411 wetland agency.

412 (2) Not later than sixty days after the initial municipal consultation
413 meeting, the municipality, in cooperation with the applicant, may hold
414 a public information meeting. If the municipality decides to hold a
415 public information meeting, the applicant shall be responsible for
416 sending notice of such meeting to each person appearing of record as an
417 owner of property which abuts the proposed or alternate facility
418 locations and for publishing notice of such meeting in a newspaper of
419 general circulation in the municipality at least fifteen days before the

420 date of the public information meeting. Such applicant shall pay all
421 administrative expenses associated with such public information
422 meeting.

423 (3) The municipality shall present the applicant with proposed
424 alternative sites, which may include municipal parcels, for its
425 consideration not later than thirty days after the initial consultation
426 meeting. The applicant shall evaluate these alternate sites presented as
427 part of the municipal consultation process and include the results of its
428 evaluations in its application to the council. The applicant may present
429 any such alternatives to the council in its application for formal
430 consideration.

431 (h) Any applicant that submits an initial application under this
432 section for a facility described in subdivision (1) of subsection (a) of
433 section 16-50i where the applicant intends to submit one or more
434 additional applications under this section within five years of the date
435 of the initial application for additional facilities described in said
436 subdivision that will either be physically connected to the facility
437 included in the initial application or located within five miles of such
438 facility shall indicate any such intention that is foreseeable in the initial
439 application, and provide any information regarding such additional
440 facilities required by the council.

441 Sec. 4. Section 16-50n of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective October 1, 2024*):

443 (a) The parties to a certification or amendment proceeding or to a
444 declaratory ruling proceeding shall include: (1) The applicant, certificate
445 holder, or petitioner; (2) each person entitled to receive a copy of the
446 application or resolution under section 16-50l, as amended by this act, if
447 such person has filed with the council a notice of intent to be a party; (3)
448 any domestic or qualified nonprofit corporation or association formed
449 in whole or in part to promote conservation or natural beauty, to protect
450 the environment, personal health or biological values, to preserve
451 historical sites, to promote consumer interests, to represent commercial

452 and industrial groups or to promote the orderly development of the
453 areas in which the facility is to be located, if it has filed with the council
454 a notice of intent to be a party; and (4) such other persons as the council
455 may at any time deem appropriate.

456 (b) The council may permit any person to participate as an intervenor,
457 in accordance with the provisions of section 4-177a, in a certification or
458 amendment proceeding or a declaratory ruling proceeding.
459 Notwithstanding the provisions of section 4-177a, for any proceeding
460 pursuant to section 16-50k concerning a facility described in subdivision
461 (1) of subsection (a) of section 16-50i, the council shall grant any person
462 status as an intervenor in such proceeding if such person: (1) Submits a
463 written petition to the council; and (2) is the owner of any property that
464 abuts the proposed facility, or that abuts a right-of-way in which the
465 proposed facility is to be located.

466 (c) The council in its discretion may provide for the grouping of
467 parties and intervenors with the same interests. If such a group does not
468 designate an agent for the service of notice and documents, the council
469 shall designate such an agent, and notice and documents need be served
470 only on the designated agent. Notwithstanding the provisions of this
471 subsection, any party or intervenor who has been included in a group
472 may, at any time by oral or written notice to the council, elect not to be
473 a member of the group to the extent specified in such notice.

474 (d) The Attorney General shall appoint an assistant attorney general
475 or a special assistant attorney general to act as counsel for the
476 Connecticut Siting Council.

477 (e) Upon receipt of the application, the council may employ one or
478 more independent consultants to study and measure the consequences
479 of the proposed facility on the environment. The council shall direct
480 such consultant or consultants to study any matter that the council
481 deems important to an adequate appraisal of the application. Any such
482 study and any report issued as a result thereof shall be part of the record
483 of the proceeding.

484 (f) Any person may make a limited appearance at a hearing held
485 pursuant to the provisions of section 16-50m, prior thereto or within
486 thirty days thereafter, entitling such person to file a statement in writing.
487 At the discretion of the council any person may make a limited
488 appearance at any such hearing to present an oral statement under oath.
489 All papers and matters filed by a person making a limited appearance
490 shall become part of the record. No person making a limited
491 appearance, and not otherwise entitled to be a party, shall be a party or
492 shall have the right to cross-examine witnesses, parties or intervenors.

493 Sec. 5. Section 16-50p of the general statutes is repealed and the
494 following is substituted in lieu thereof (*Effective October 1, 2024*):

495 (a) (1) In a certification proceeding, the council shall render a decision
496 upon the record either granting or denying the application as filed, or
497 granting it upon such terms, conditions, limitations or modifications of
498 the construction or operation of the facility as the council may deem
499 appropriate.

500 (2) The council's decision shall be rendered in accordance with the
501 following:

502 (A) Not later than twelve months after the filing of an application for
503 a facility described in subdivision (1) or (2) of subsection (a) of section
504 16-50i or subdivision (4) of said subsection (a) if the application was
505 incorporated in an application concerning a facility described in
506 subdivision (1) of said subsection (a); and

507 (B) Not later than one hundred eighty days after the filing of an
508 application for a facility described in subdivisions (3) to (6), inclusive, of
509 subsection (a) of section 16-50i, provided the council may extend such
510 period by not more than one hundred eighty days with the consent of
511 the applicant.

512 (3) The council shall file, with its order, an opinion stating in full its
513 reasons for the decision. The council shall not grant a certificate, either
514 as proposed or as modified by the council, unless it shall find and

515 determine:

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

518 (B) The nature of the probable environmental impact of the facility
519 alone and cumulatively with other existing facilities, including a
520 specification of every significant adverse effect, including, but not
521 limited to, (i) electromagnetic fields that, whether alone or cumulatively
522 with other effects, impact on, and conflict with the policies of the state
523 concerning the natural environment, (ii) ecological balance, (iii) public
524 health and safety, (iv) scenic, historic and recreational values, (v)
525 agriculture, (vi) forests and parks, (vii) air and water purity, and (viii)
526 fish, aquaculture and wildlife;

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

529 (D) (i) [In] From October 1, 2024, to September 30, 2025, inclusive, in
530 the case of an electric transmission line, [(i)] (I) what part, if any, of the
531 facility shall be located overhead, [(ii)] (II) that the facility conforms to a
532 long-range plan for expansion of the electric power grid of the electric
533 systems serving the state and interconnected utility systems and will
534 serve the interests of electric system economy and reliability, and [(iii)]
535 (III) that the overhead portions, if any, of the facility are cost effective
536 and the most appropriate alternative based on a life-cycle cost analysis
537 of the facility and underground alternatives to such facility, are
538 consistent with the purposes of this chapter, with such regulations or
539 standards as the council may adopt pursuant to section 16-50t,
540 including, but not limited to, the council's best management practices
541 for electric and magnetic fields for electric transmission lines and with
542 the Federal Power Commission "Guidelines for the Protection of
543 Natural Historic Scenic and Recreational Values in the Design and
544 Location of Rights-of-Way and Transmission Facilities" or any successor
545 guidelines and any other applicable federal guidelines and are to be
546 contained within an area that provides a buffer zone that protects the

547 public health and safety, as determined by the council. In establishing
548 such buffer zone, the council shall consider, among other things,
549 residential areas, private or public schools, licensed child care centers,
550 licensed youth camps or public playgrounds adjacent to the proposed
551 route of the overhead portions and the level of the voltage of the
552 overhead portions and any existing overhead transmission lines on the
553 proposed route. At a minimum, the existing right-of-way shall serve as
554 the buffer zone;

555 (ii) On and after October 1, 2025, in the case of an electric transmission
556 line, (I) what part, if any, of the facility shall be located overhead, (II)
557 that the facility conforms to a long-range plan for expansion of the
558 electric power grid of the electric systems serving the state and
559 interconnected utility systems and will serve the interests of electric
560 system economy and reliability, (III) the estimated initial and life-cycle
561 costs for the facility or modification, as applicable, and for any feasible
562 and practical project alternatives, (IV) the estimated regionalized and
563 localized costs for the facility or modification, as applicable, and for any
564 feasible and practical alternative, (V) for any estimated localized costs
565 for the facility or modification, as applicable, that such estimated
566 localized costs are reasonable compared to the benefits; and (VI) that the
567 overhead portions, if any, of the facility are cost effective and the most
568 appropriate alternative based on a life-cycle cost analysis of the facility
569 and underground alternatives to such facility, are consistent with the
570 purposes of this chapter, with such regulations or standards as the
571 council may adopt pursuant to section 16-50t, including, but not limited
572 to, the council's best management practices for electric and magnetic
573 fields for electric transmission lines and with the Federal Power
574 Commission "Guidelines for the Protection of Natural Historic Scenic
575 and Recreational Values in the Design and Location of Rights-of-Way
576 and Transmission Facilities" or any successor guidelines and any other
577 applicable federal guidelines and are to be contained within an area that
578 provides a buffer zone that protects the public health and safety, as
579 determined by the council. In establishing such buffer zone, the council
580 shall consider, among other things, residential areas, private or public

581 schools, licensed child care centers, licensed youth camps or public
582 playgrounds adjacent to the proposed route of the overhead portions
583 and the level of the voltage of the overhead portions and any existing
584 overhead transmission lines on the proposed route. At a minimum, the
585 existing right-of-way shall serve as the buffer zone;

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

589 (F) In the case of a facility described in subdivision (6) of subsection
590 (a) of section 16-50i that is (i) proposed to be installed on land under
591 agricultural restriction, as provided in section 22-26cc, that the facility
592 will not result in a material decrease of acreage and productivity of the
593 arable land, (ii) proposed to be installed on land near a building
594 containing a school, as defined in section 10-154a, or a commercial child
595 care center, as described in subdivision (1) of subsection (a) of section
596 19a-77, that the facility will not be less than two hundred fifty feet from
597 such school or commercial child care center unless the location is
598 acceptable to the chief elected official of the municipality or the council
599 finds that the facility will not have a substantial adverse effect on the
600 aesthetics or scenic quality of the neighborhood in which such school or
601 commercial child care center is located, or (iii) proposed to be installed
602 on land owned by a water company, as defined in section 25-32a, and
603 which involves a new ground-mounted telecommunications tower, that
604 such land owned by a water company is preferred over any alternative
605 telecommunications tower sites provided the council shall, pursuant to
606 clause (iii) of this subparagraph, consult with the Department of Public
607 Health to determine potential impacts to public drinking water supplies
608 in considering all the environmental impacts identified pursuant to
609 subparagraph (B) of this subdivision. The council shall not render any
610 decision pursuant to this subparagraph that is inconsistent with federal
611 law or regulations; and

612 (G) That, for a facility described in subdivision (5) or (6) of subsection
613 (a) of section 16-50i, the council has considered the manufacturer's

614 recommended safety standards for any equipment, machinery or
615 technology for the facility.

616 (H) For a facility described in subdivision (3) of section 16-50i that is
617 a solar photovoltaic facility, that the council has evaluated potential
618 noise levels of the proposed facility in conformance with scientifically
619 accepted methods for noise assessment.

620 (b) (1) Prior to granting an applicant's certificate for a facility
621 described in subdivision (5) or (6) of subsection (a) of section 16-50i, the
622 council shall examine, in addition to its consideration of subdivisions (1)
623 to (3), inclusive, of subsection (a) of this section: (A) The feasibility of
624 requiring an applicant to share an existing facility, as defined in
625 subsection (b) of section 16-50aa, within a technically derived search
626 area of the site of the proposed facility, provided such shared use is
627 technically, legally, environmentally and economically feasible and
628 meets public safety concerns, (B) whether such facility, if constructed,
629 may be shared with any public or private entity that provides
630 telecommunications or community antenna television service to the
631 public, provided such shared use is technically, legally, environmentally
632 and economically feasible at fair market rates, meets public safety
633 concerns, and the parties' interests have been considered, (C) whether
634 the proposed facility would be located in an area of the state which the
635 council, in consultation with the Department of Energy and
636 Environmental Protection and any affected municipalities, finds to be a
637 relatively undisturbed area that possesses scenic quality of local,
638 regional or state-wide significance, and (D) the latest facility design
639 options intended to minimize aesthetic and environmental impacts. The
640 council may deny an application for a certificate if it determines that (i)
641 shared use under the provisions of subparagraph (A) of this subdivision
642 is feasible, (ii) the applicant would not cooperate relative to the future
643 shared use of the proposed facility, (iii) the proposed facility would
644 substantially affect the scenic quality of its location or surrounding
645 neighborhood and no public safety concerns require that the proposed
646 facility be constructed in such a location, or (iv) no public safety
647 concerns require that a proposed facility owned or operated by the state

648 be constructed in that location. In evaluating the public need for a
649 cellular facility described in subdivision (6) of subsection (a) of section
650 16-50i, there shall be a presumption of public need for personal wireless
651 services and the council shall be limited to consideration of a specific
652 need for any proposed facility to be used to provide such services to the
653 public.

654 (2) When issuing a certificate for a facility described in subdivision
655 (5) or (6) of subsection (a) of section 16-50i, the council may impose such
656 reasonable conditions as it deems necessary to promote immediate and
657 future shared use of such facilities and avoid the unnecessary
658 proliferation of such facilities in the state. The council shall, prior to
659 issuing a certificate, provide notice of the proposed facility to the
660 municipality in which the facility is to be located. Upon motion of the
661 council, written request by a public or private entity that provides
662 telecommunications or community antenna television service to the
663 public or upon written request by an interested party, the council may
664 conduct a preliminary investigation to determine whether the holder of
665 a certificate for such a facility is in compliance with the certificate.
666 Following its investigation, the council may initiate a certificate review
667 proceeding, which shall include a hearing, to determine whether the
668 holder of a certificate for such a facility is in compliance with the
669 certificate. In such proceeding, the council shall render a decision and
670 may issue orders it deems necessary to compel compliance with the
671 certificate, which may include, but not be limited to, revocation of the
672 certificate. Such orders may be enforced in accordance with the
673 provisions of section 16-50u, as amended by this act.

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

680 (2) (A) On and after October 1, 2025, the council shall not grant a

681 certificate for a facility described in subdivision (1) of subsection (a) of
682 section 16-50i, either as proposed or as modified by the council, unless
683 the council finds and determines a public need for the facility and
684 considers neighborhood concerns with respect to the factors set forth in
685 subdivision (3) of subsection (a) of this section, including public safety
686 and the impact that the proposed facility is anticipated to have on the
687 tax base of any municipality where any part of such facility is proposed
688 to be located.

689 (B) The certificate holder shall include in any development and
690 management plan submitted to the council on and after October 1, 2025:
691 (i) The estimated cost for the facility or modification, as applicable,
692 based on the design in the development and management plan and
693 current cost information, and (ii) the estimated regionalized and
694 localized costs using such estimated cost. If either (I) such estimate of
695 costs based on the design in the development and management plan and
696 current cost information, or (II) such estimate of localized costs is greater
697 than one hundred ten per cent of the estimated initial, life-cycle or
698 localized costs for the facility or modification, as applicable, determined
699 by the council pursuant to subparagraph (D)(ii) of subdivision (3) of
700 subsection (a) of this section, the certificate holder shall include in the
701 development and management plan a detailed analysis of the difference
702 in cost estimates and shall provide any additional information
703 requested by any member of the council or by any intervenors to the
704 proceeding.

705 [(2)] (C) The council shall not grant a certificate for a facility described
706 in subdivision (1) of subsection (a) of section 16-50i, that is substantially
707 underground or underwater except where such facility interconnects
708 with existing overhead facilities, either as proposed or as modified by
709 the council, unless it finds and determines a public benefit for a facility
710 substantially underground or a public need for a facility substantially
711 underwater.

712 (3) For purposes of this section, a public benefit exists when a facility
713 is necessary for the reliability of the electric power supply of the state or

714 for the development of a competitive market for electricity and a public
715 need exists when a facility is necessary for the reliability of the electric
716 power supply of the state.

717 (4) Any application for an electric transmission line with a capacity of
718 three hundred forty-five kilovolts or more that is filed on or after May
719 1, 2003, and proposes the underground burial of such line in all
720 residential areas and overhead installation of such line in industrial and
721 open space areas shall have a rebuttable presumption of meeting a
722 public benefit for such facility if the facility is substantially underground
723 and meeting a public need for such facility if the facility is substantially
724 above ground. Such presumption may be overcome by evidence
725 submitted by a party or intervenor to the satisfaction of the council.

726 (5) The council shall not grant a certificate for a facility described in
727 subdivision (3) of subsection (a) of section 16-50i that is a solar
728 photovoltaic facility if it finds that (A) such facility will not comply with
729 any noise requirements established pursuant to chapter 442, or (B) the
730 distance between any inverters or transformers of such facility and the
731 property line is less than two hundred feet.

732 (6) The council shall not grant a certificate, either as proposed or as
733 modified by the council, unless it (A) provides summaries and written
734 responses to any comments that the Departments of Administrative
735 Services, Agriculture, Economic and Community Development, Energy
736 and Environmental Protection, Emergency Services and Public
737 Protection, Public Health and Transportation, the Labor Department,
738 the Council on Environmental Quality, the Public Utilities Regulatory
739 Authority, the Office of Policy and Management or the Office of
740 Consumer Counsel submits pursuant to subsection (i) of section 16-50j,
741 as amended by this act, and (B) provides written responses to the
742 positions of each intervenor that participated in the certification
743 proceeding concerning such certificate. The council shall specifically
744 address any environmental justice concerns raised in the comments of
745 said departments, Council on Environmental Quality, authority and
746 offices, or in the positions of any such intervenor, in such written

747 responses.

748 (d) If the council determines that the location of all or a part of the
749 proposed facility should be modified, it may condition the certificate
750 upon such modification, provided the municipalities affected by the
751 modification and the residents of such municipalities shall have had
752 notice of the application pursuant to subsection (b) of section 16-50l, as
753 amended by this act.

754 (e) In an amendment proceeding, the council shall render a decision
755 not later than ninety days after the filing of the application or adoption
756 of the resolution initiating the proceeding. The council shall file an
757 opinion with its order stating its reasons for the decision. The council's
758 decision shall include the findings and determinations enumerated in
759 subsection (a) of this section which are relevant to the proposed
760 amendment.

761 (f) The council shall serve a copy of the order and opinion issued
762 therewith upon each party and publish a notice of the issuance of the
763 order and opinion in such newspapers as will serve substantially to
764 inform the public of the issuance of such order and opinion. The name
765 and address of each party shall be set forth in the order.

766 (g) In deciding whether to issue a certificate, the council shall in no
767 way be limited by the applicant already having acquired land or an
768 interest therein for the purpose of constructing the facility that is the
769 subject of its application.

770 (h) For purposes of this section, a public need exists for an energy
771 facility if such facility is necessary for the reliability of the electric power
772 supply of the state.

773 (i) For a facility described in subdivision (1) of subsection (a) of
774 section 16-50i, with a capacity of not less than three hundred forty-five
775 kilovolts, the presumption shall be that a proposal to place the overhead
776 portions, if any, of such facility adjacent to residential areas, private or
777 public schools, licensed child care centers, licensed youth camps or

778 public playgrounds is inconsistent with the purposes of this chapter. An
779 applicant may rebut this presumption by demonstrating to the council
780 that burying the facility will be technologically infeasible. In
781 determining such infeasibility, the council shall consider the effect of
782 burying the facility on the reliability of the electric transmission system
783 of the state and whether the cost of any contemplated technology or
784 design configuration may result in an unreasonable economic burden
785 on the ratepayers of the state.

786 (j) Upon a motion of a party or intervenor or a council determination
787 that any party or intervenor relating to a facility described in
788 subdivision (5) or (6) of subsection (a) of section 16-50i has intentionally
789 omitted or misrepresented a material fact in the course of a council
790 proceeding, the council may, by majority vote, request the Attorney
791 General to bring a civil action against such party or intervenor. In any
792 such action, the Attorney General may seek any legal or equitable relief
793 the Superior Court deems appropriate, including, but not limited to,
794 injunctive relief or a civil penalty of not more than ten thousand dollars
795 and reasonable attorney fees and related costs.

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

798 (a) Any party may obtain judicial review of an order issued on an
799 application for a certificate or an amendment of a certificate in
800 accordance with the provisions of section 4-183. Any judicial review
801 sought pursuant to this chapter shall be privileged in respect to
802 assignment for trial in the Superior Court.

803 (b) On and after October 1, 2025, if a municipality seeks judicial
804 review under this section, and such municipality is a prevailing party in
805 the action, the court may award the municipality reasonable attorneys'
806 fees and costs. No public service company may recover any such
807 attorneys' fees or costs awarded by a court through rates if the court
808 finds that the public service company acted imprudently in the
809 application process or petition and such imprudence was the primary

810 cause of the municipality prevailing in such action.

811 Sec. 7. Section 16-50s of the general statutes is repealed and the
812 following is substituted in lieu thereof (*Effective October 1, 2024*):

813 (a) [The] From October 1, 2024, to September 30, 2025, inclusive,
814 council may give appropriate consideration in all proceedings to (1) the
815 amounts expended by a utility for research on generation and
816 transmission of the form of energy furnished by it and the
817 environmental effect thereof, (2) the amounts expended by such utility
818 for promotion, including advertising, of the use of the form of energy
819 furnished by it, and (3) the relationship between such expenditures.

820 (b) On and after October 1, 2025, the council shall give appropriate
821 consideration in all proceedings to (1) the amounts expended by a utility
822 for research on generation and transmission of the form of energy
823 furnished by it and the environmental effect of such form of energy, (2)
824 the amounts expended by such utility for promotion, including
825 advertising, of the use of the form of energy furnished by it, and (3) the
826 relationship between such expenditures.

827 Sec. 8. Section 16-50u of the general statutes is repealed and the
828 following is substituted in lieu thereof (*Effective October 1, 2024*):

829 [The council shall take reasonable steps to insure that each facility for
830 which a certificate has been issued is constructed, maintained and
831 operated in compliance with such certificate and any other standards
832 established pursuant to this chapter. Whenever the council deems it
833 necessary to verify such compliance and whenever the meeting of any
834 such other standards involves expenses, the person to whom such
835 certificate has been issued shall be charged with and pay such expenses.
836 The courts are authorized to grant such restraining orders, and such
837 temporary and permanent injunctive relief, as may be necessary to
838 secure compliance with this chapter and with a certificate issued
839 pursuant to this chapter. The courts] (a) Each holder of a certificate
840 issued by the council shall comply with such certificate, any condition
841 of such certificate and any other requirements of this chapter. The

842 council shall enforce the provisions of this chapter and compliance with
843 any condition or requirement of a certificate issued by the council.

844 (b) If the council finds that any person has failed to secure a certificate
845 pursuant to this chapter or has failed to comply with any certificate,
846 condition of such certificate or any other requirements of this chapter,
847 the council shall fine such person, order such person to pay restitution
848 or order such person to pay a combination of a fine and restitution. The
849 council may assess civil penalties in an amount not less than one
850 thousand dollars per day for each day of construction or operation in
851 material violation of this chapter, or in material violation of any
852 certificate issued pursuant to this chapter. Civil proceedings to enforce
853 this chapter may be brought by the Attorney General in the superior
854 court for any judicial district affected by the violation. The remedies and
855 penalties in this section shall be cumulative and shall be in addition to
856 any other penalties and remedies available at law, or in equity, to any
857 person.

858 (c) If the council has reason to believe that a violation has occurred
859 for which a civil penalty is authorized pursuant to subsection (b) of this
860 section, the council shall notify the alleged violator by certified mail,
861 return receipt requested, or by personal service. The notice shall include:

862 (1) A reference to any applicable section of this title, council
863 regulation or certificate, or to any condition or requirement of such
864 certificate;

865 (2) A short and plain statement of the matter asserted or charged;

866 (3) A statement of the prescribed civil penalty for the violation; and

867 (4) A statement of the person's right to a hearing.

868 (d) The person to whom the notice is addressed shall have twenty
869 days from the date of receipt of the notice in which to deliver to the
870 council a written application for a hearing. If a hearing is requested,
871 then, after a hearing and upon a finding that a violation has occurred,

872 the council may issue a final order assessing a civil penalty under this
873 section which shall not be greater than the maximum penalty permitted
874 by subsection (b) of this section. If a hearing is not requested, or if such
875 a request is later withdrawn, then the notice shall, on the first day after
876 the expiration of the twenty-day period or on the first day after the
877 withdrawal of the request for hearing, whichever is later, become a final
878 order of the council and the matters asserted or charged in the notice
879 shall be deemed admitted, unless the notice is modified by a consent
880 order before it becomes a final order. A consent order shall be deemed
881 a final order.

882 (e) All hearings under this section shall be conducted in accordance
883 with sections 4-176e to 4-184, inclusive. Any final order of the council
884 assessing a civil penalty shall be subject to appeal under section 4-183.
885 No challenge to any final order of the council that assesses a civil penalty
886 shall be allowed as to any issue that could have been raised by an appeal
887 of an earlier order of the council. Any civil penalty authorized by this
888 section shall become due and payable (1) at the time of receipt of a final
889 order, in the case of a civil penalty assessed in such order after a hearing,
890 (2) on the first day after the expiration of the period in which a hearing
891 may be requested, if no hearing is requested, or (3) on the first day after
892 the withdrawal of a request for hearing.

893 (f) Any civil penalty assessed in a final order of the council under this
894 section may be enforced in the same manner as a judgment of the
895 Superior Court. The council shall deliver the final order to the person
896 found to be in violation by personal service or by certified mail, return
897 receipt requested. After entry of such final order, the council may file a
898 transcript without the payment of costs, in the office of the clerk of the
899 superior court in the judicial district in which such person resides, has a
900 place of business, owns real property, or where any real property that is
901 the subject of the proceedings is located or, if such person is not a
902 resident of the state, in the judicial district of Hartford. Upon such filing,
903 the clerk shall docket the order in the same manner and with the same
904 effect as a judgment entered in the superior court within the judicial
905 district. Upon the docketing, the order may be enforced as a judgment

906 of the court.

907 (g) Such court may grant such restraining orders, and such temporary
908 and permanent injunctive relief, as may be necessary to secure
909 compliance with this chapter and with a certificate issued pursuant to
910 this chapter, including, but not limited to, requiring modifications to the
911 layout of a facility or the installation of noise-dampening materials or
912 equipment to comply with noise level restrictions required pursuant to
913 such a certificate.

914 Sec. 9. Subsection (c) of section 16-50z of the general statutes is
915 repealed and the following is substituted in lieu thereof (*Effective October*
916 *1, 2024*):

917 (c) When a public service company intends to acquire residential real
918 property by condemnation, [and the owner of such property disputes
919 the company's need to acquire such property, the owner may bring the
920 issue of the purpose for which the property is being acquired to the
921 Siting Council not later than thirty days following the owner being
922 informed of the company's intention] the company shall notify the
923 owner of the property not less than sixty days prior to the intended date
924 of condemnation, by certified mail, with the envelope marked in not less
925 than twelve-point size bold type, as follows: "NOTICE REGARDING
926 POTENTIAL CONDEMNATION OF YOUR PROPERTY". The
927 company shall include in its [notification] notifications under this
928 section to the owner of its intention to acquire such property by
929 condemnation, a statement that the owner may bring the issue of the
930 purpose for which the property is being acquired to the Connecticut
931 Siting Council. [The company shall send such notification to the owner
932 by certified mail.] If the owner of such property disputes the company's
933 need to acquire such property, the owner may bring the issue of the
934 purpose for which the property is being acquired to the Connecticut
935 Siting Council not later than thirty days after the date on which the
936 owner receives notice of the potential commendation of property
937 pursuant to this section. Upon written request by the owner, the council
938 shall initiate a proceeding to determine whether the proposed taking is

939 necessary and consistent with the provisions of section 16a-35k. The
940 council shall (1) provide the owner of the property and the public
941 service company with notice of the proceeding, (2) hold a hearing in
942 accordance with the provisions of chapter 54 as part of such a
943 proceeding, and (3) render a decision upon the record not later than
944 ninety days following the council's receipt of the written request for
945 such a proceeding, provided the parties may agree to a longer period,
946 which decision shall state whether the proposed taking is necessary and
947 consistent with the provisions of section 16a-35k and include
948 appropriate findings. The public service company shall pay the
949 expenses incurred by the council in conducting a proceeding pursuant
950 to this subsection. If a public service company and the owner of real
951 property agree that the proposed taking is necessary and consistent with
952 the provisions of section 16a-35k but cannot agree on fair compensation
953 for the property, or if the public service company or owner disagrees
954 with the decision of the council regarding whether the proposed taking
955 is necessary and consistent with the provisions of section 16a-35k, the
956 public service company or the owner may petition the Superior Court
957 to determine the issue in question. Such a petition shall be submitted to
958 the superior court for the judicial district in which the property is
959 located.

960 Sec. 10. Subsection (b) of section 16-50bb of the general statutes is
961 repealed and the following is substituted in lieu thereof (*Effective October*
962 *1, 2024*):

963 (b) Payments from the account shall be made upon authorization by
964 the State Treasurer. An application for reimbursement shall be
965 submitted not later than sixty days after the conclusion of a certification
966 proceeding, except for a facility described in subdivisions (5) and (6) of
967 subsection (a) of section 16-50i, by each municipality entitled to receive
968 a copy of an application under section 16-50i, as amended by this act, in
969 order to defray expenses incurred by such municipalities in
970 participating as a party to a certification proceeding, except for a
971 proceeding on an application for a facility described in subdivision (5)
972 or (6) of subsection (a) of section 16-50i. Any moneys remaining after

973 payments to municipalities in accordance with this section shall be
974 refunded to the applicant in even amounts. Where more than one
975 municipality seeks moneys from such account, the council shall evenly
976 distribute such moneys among the municipalities. No municipality may
977 receive moneys from the account in excess of [twenty-five] forty
978 thousand dollars. No municipality may receive moneys from the
979 account in excess of the dollar amount such municipality has expended
980 from its own municipal funds.

981 Sec. 11. Section 16-50gg of the general statutes is repealed and the
982 following is substituted in lieu thereof (*Effective October 1, 2024*):

983 When notifying a municipality pursuant to section 16-50l, as
984 amended by this act, of an application for a telecommunications tower
985 or a proposed transmission line in [said] such municipality, the
986 Connecticut Siting Council shall request that the municipality provide
987 [to said council, within thirty days, any location preferences or criteria
988 for the siting of said telecommunications tower. The] the council with
989 any location preferences or criteria relating to the siting of such
990 telecommunications tower or proposed transmission line. The
991 municipality shall provide such location preferences or criteria to the
992 council not later than thirty days after the date of such request. In
993 addition, the council may consider regional location preferences from
994 neighboring municipalities.

995 Sec. 12. (NEW) (*Effective from passage*) (a) The Department of Energy
996 and Environmental Protection, in consultation with the Connecticut
997 Siting Council, the Departments of Agriculture, Economic and
998 Community Development, Housing, Public Health and Transportation,
999 the Office of Policy and Management, the Council on Environmental
1000 Quality, the Public Utilities Regulatory Authority and the Office of
1001 Consumer Counsel, shall prepare a report, as described in subsection (c)
1002 of this section, concerning the Connecticut Siting Council. Not later than
1003 December 31, 2024, the department shall submit such report, in
1004 accordance with the provisions of section 11-4a of the general statutes,
1005 to the joint standing committees of the General Assembly having

1006 cognizance of matters relating to the judiciary, government
1007 administration and elections, energy and the environment.

1008 (b) The Department of Energy and Environmental Protection may,
1009 within existing resources, hire a consultant to assist in the preparation
1010 of such report. Such consultant shall not own or operate any facility, as
1011 defined in section 16-50i of the general statutes, as amended by this act.

1012 (c) The report prepared pursuant to subsections (a) and (b) of this
1013 section shall examine the Connecticut Siting Council, with a focus on the
1014 council's ability to balance the need for the facilities that the council
1015 oversees and the need for timely and thorough administration of the
1016 council's duties with the need to protect the environment, public health
1017 and safety. Such study shall include evaluations of and
1018 recommendations concerning: (1) The scope of the council's jurisdiction,
1019 the composition of the council's membership and the council's powers,
1020 duties, role and responsibilities, as compared to those of other state
1021 agencies; (2) the effectiveness of the council's structure, with
1022 consideration of other structures based on best practices in other states,
1023 and any statutory or administrative changes that may be needed to
1024 implement such recommendations; (3) processes for issuing a certificate
1025 of environmental compatibility and public need or approving a petition
1026 for a declaratory ruling, as described in section 16-50k of the general
1027 statutes, including how to better integrate new technologies into such
1028 processes; (4) the council's oversight of completed projects; (5) criteria
1029 used by the council in evaluating applications; (6) the council's ability to
1030 adhere to statutory timeframes; (7) how the council evaluates any
1031 economic, conservation and development impacts of projects that the
1032 council approves, including the council's evaluation of (A) a project's
1033 consistency with transit-oriented development and other state and
1034 municipal economic development objectives, and (B) the degree to
1035 which a project forecloses the opportunity for economic development to
1036 occur; (8) the efficacy of the council's processes for developing evidence;
1037 (9) the efficacy of the council's processes for engaging in deliberations;
1038 (10) the council's relationship with municipalities and other
1039 governmental bodies; (11) policies, procedures and processes for

1040 inclusive public engagement in council decision-making, including to
 1041 increase transparency and encourage public participation, especially in
 1042 environmental justice communities, as defined in section 22a-20a of the
 1043 general statutes; (12) equitable practices and processes in council
 1044 decision-making for considering community compensation; (13) how
 1045 the council addresses common public concerns related to siting, such as
 1046 noise, visual and other community impacts; and (14) whether to provide
 1047 each member of the council with an electronic mail address so that each
 1048 member may receive documents and other information directly.

1049 (d) Not later than November 30, 2024, the Department of Energy and
 1050 Environmental Protection shall post a draft report on the department's
 1051 Internet web site for members of the public to review in advance of
 1052 providing any comment to the department. In addition, the department
 1053 shall provide a mechanism for receiving public comment and shall, after
 1054 posting such draft report but prior to submitting a final report pursuant
 1055 to subsection (a) of this section, host at least one listening session in
 1056 order to seek public comment and integrate such comments as the
 1057 department deems appropriate into the final report."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	16-50i(d)
Sec. 2	<i>October 1, 2024</i>	16-50j
Sec. 3	<i>October 1, 2024</i>	16-50l
Sec. 4	<i>October 1, 2024</i>	16-50n
Sec. 5	<i>October 1, 2024</i>	16-50p
Sec. 6	<i>October 1, 2024</i>	16-50q
Sec. 7	<i>October 1, 2024</i>	16-50s
Sec. 8	<i>October 1, 2024</i>	16-50u
Sec. 9	<i>October 1, 2024</i>	16-50z(c)
Sec. 10	<i>October 1, 2024</i>	16-50bb(b)
Sec. 11	<i>October 1, 2024</i>	16-50gg
Sec. 12	<i>from passage</i>	New section