

PETITION NO. 244 - Connecticut Natural Gas Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for its proposal to install, own, and operate a natural gas line in Bloomfield, West Hartford, and Hartford, Connecticut.

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May 30, 1990

#### OPINION

On January 12, 1990, the Connecticut Natural Gas Corporation (CNG) submitted a petition for a declaratory ruling to the Council that a natural gas pipeline proposed to be constructed, operated, and maintained by CNG would be a natural gas distribution pipeline that the Council would not have jurisdiction over.

CNG has the power of eminent domain, but maintains it does not plan to exercise this authority in the construction of this proposed pipeline.

A prima facie reading of Connecticut General Statute (CGS) Section 16-50i indicates the Council would not have jurisdiction over fuel distribution lines, or fuel transmission lines with a design capability of less than 200 pounds per square inch gauge pressure. Fuel transmission lines and distribution lines are not defined by Connecticut law, and CGS Section 16-50i makes a clear distinction between pressure on transmission lines, but not distribution lines. Furthermore, CNG's description of the proposed pipeline meets the federal Department of Transportation definition of a distribution line; however, the federal Department of Transportation does not distinguish between transmission and distribution lines on the basis of pressure.

The legislative intent of CGS Section 16-50i is unclear. The Council must therefore rely on the prima facie reading of the Statute, which excludes fuel distribution lines and small transmission lines from the jurisdiction of the Council. The Council will therefore grant this petition, and will consider seeking a legislative clarification of the relevant statutes in the 1990-1991 legislative session.

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