

Connecticut Siting Council

Daniel F. Caruso, Chairman (since August 28, 2006)

Colin C. Tait, Esq., Vice-Chairman

S. Derek Phelps, Executive Director

Established: 1971

*Statutory Authority: Chapter 277a, Chapter 445, Chapter 446a,
Chapter 446d, and Chapter 446e*

Ten Franklin Square, New Britain, CT 06051

Number of Employees: 9

*Recurring Operating Expenses: \$2,175,859.¹
(Energy, Telecommunications, and Hazardous Waste)*

Agency Mission

To regulate the siting of public services, including but not limited to; electrical generation and co-generation, including renewable energy sources, and the transmission thereof; cellular and other telecommunications facilities utilizing radio frequencies and towers, CATV towers and head-end structures; safely storing hazardous and low-level radioactive waste and ash residue, while balancing the need for adequate and reliable provision of such public services at the lowest reasonable cost with the need to protect the environment and ecology of Connecticut.

Statutory Responsibility

To fulfill its mission, the Council is responsible for:

- 1) balancing the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and

¹ The Council does not receive its operating revenues from the state's General Fund. Its funding is generated from two sources: fees and costs attributable to applications received and annual assessments charged to electric utilities, hazardous waste generators, and telecommunications providers in Connecticut. This billing process is pursuant to the provisions of General Statutes §§ 16-50g through 16-50aa and Sections 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies.

- ecology of the state and to minimize damage to scenic, historic, and recreational values;
- 2) providing environmental standards for the location, design, construction, and operation of public utility facilities that are at least as stringent as federal environmental standards and that are sufficient to assure the welfare and protection of the people of Connecticut;
 - 3) encouraging research to develop new and improved methods of generating, storing, and transmitting electricity and fuel and of transmitting and receiving television and telecommunications signals with minimal damage to the environment;
 - 4) promoting the sharing of telecommunications towers in order to avoid their unnecessary proliferation; and
 - 5) requiring annual forecasts of the demand for electricity together with the planning for facilities needed to supply the predicted demand so as to avoid unnecessary investments burdensome to ratepayers and corresponding hazards of insufficient supply or lack of reliability.

We note that while the Council has exclusive authority to regulate the siting of facilities under its jurisdiction, municipal land use boards and commissions may regulate and restrict such facilities. However, the Council may modify or overturn such orders by a vote of six members for electric generation, switching and substation facilities. Moreover, hazardous waste and low-level radioactive waste management facilities may be modified or overturned by a vote of eight Council members.

Public Service

The agency continually measures its efficiency and effectiveness through public statements, memoranda of law and informal comments received from persons who participate before the Connecticut Siting Council ("Council"). The Council also

refines its service through recommendations by the State Auditors of Public Accounts and legislative committees, including the Legislative Program Review and Investigations Committee.

Improvements/Achievements 2006-2007

In fiscal year 2006-2007, the Council held 34 public hearing session and 22 energy and telecommunications meetings. These hearings included one for a facility utilizing renewable energy resources. There were no hazardous waste meetings.

The Council ruled on 46 petitions for declaratory rulings for electric generators, electric substations, electric and fuel transmission lines, and telecommunications facilities. The Council issued certificates for 14 cellular telephone facilities and two substation facilities.

The Council reviewed and acknowledged 97 modifications of existing telecommunications facilities. The Council also approved 15 requests for tower sharing at existing facilities to help avoid the construction of new telecommunications towers. The Council acted on 40 Development and Management Plans to ensure compliance with its orders. Furthermore, the Council inspects all facilities after completion of construction to ensure compliance with its Decision and Orders.

On June 1, 2006, the Council held a hearing on the 2006 Ten-year Forecast of Loads and Resources of Electric Utilities in New Britain. This forecast proceeding was held to assess existing and planned electric generation, substation and transmission facilities. The proceeding also analyzed historical trends, the projected outlook of load and demand, and the effectiveness of

conservation and load management programs. A detailed report of these forecasts is published by the Council annually.

Conn. Gen. Statutes Sec. 16-50r (b) requires that the Council undertake an effort to update its investigation into the life-cycle costs of electric transmission lines. To satisfy this requirement the Council hired an independent consultant, KEMA, Inc., of Alexandria, VA and held a public hearing on January 12, 2006 and a technical meeting on March 14, 2006. The Council prepared a final report which was approved on October 31, 2006. This report, and the Council's Forecast of Loads report, is available via the Council's website.

The Council has complied with the multiple deadlines associated with the provisions of section two of Public Act 04-226, including the requirement that the Council assemble and maintain quarterly a state-wide comprehensive database of all known antenna sets in the state that provide wireless (cellular) telephony service, including towers approved by the Council and all antenna sets that are mounted to structures that are outside the Council's jurisdiction. Moreover, in the interest of delivering this information in a manner that is useful to the public, this information is posted on the agency's website and updated continually. The Council also maintains, separately, a website database of telecommunications towers approved by the Council, which is also updated continually.

The Council also anticipates that it will soon have datasets posted which list electric transmission facilities that may be useful for the purpose of accommodating wireless telephony antenna sets, thus helping to avoid the unnecessary proliferation

of towers, in furtherance of the goals of Conn. Gen. Statutes Sec. 16-50aa.

In addition to approving construction of the east-west 345-kV transmission line from Middletown to Norwalk, designed to increase reliability and promote the economic vitality of the Fairfield County area, thereby positioning ratepayers throughout the state to avoid an annual \$320,000,000 in federally imposed congestion charges, the Council continually monitors, supervises and modifies its orders so as to ensure compliance with the approved plan, addresses unforeseen or unforeseeable difficulties and ensures fair and responsive analysis and redress of local concerns. Moreover, indications are that by such actions and leadership, the Council was able to avoid, at least for the interim, having all or part of the state designated as a "congestion corridor" by the US Department of Energy. Had such a designation occurred, the Federal Energy Regulatory Commission would be permitted to intercede and preempt the Council's jurisdiction, which would mean that such projects would be decided entirely at the federal level.

The Council continuously reviews the latest technological, health advancements, and concerns throughout the fields it regulates, in order to continually seek new opportunities to educate itself and its staff in such advancements and developments so as to anticipate and address the ever-changing needs and demands of our citizens.

Finally, the Council is continually taking necessary steps to improve its methods and procedures so as to seamlessly implement any and all new legislative mandates.

Reducing Waste

The Council has further improved its efficiency and enhanced the public availability of materials by continuing to develop the amount of content on its website [<http://ct.gov/csc>]. For example, the Council now has several database sets posted to its website related to telecommunications infrastructure and facilities.

In order to further develop a fully transparent process for participants of Council proceedings and the public, the Council has begun the practice of posting the record of every proceeding that involves a public hearing on its website, including the initial application materials and the development and management (construction) plans. In addition to greater transparency of Council proceedings, this practice delivers greater efficiency to everyone concerned, and thus reduces costs and ensures that information is delivered in a more timely fashion.

Pursuant to the provisions of Section 60 (c) of Public Act 05-251, the Council's personnel, payroll, affirmative action and business office functions were incorporated into the Small Agency Resource Team (SMART) within DAS. As intended, this arrangement has served to further streamline and standardize the human resources, affirmative action, payroll and business office functions.

Information Reported as Required by State Statute

All certification proceedings of the Council are held as contested cases under the Uniform Administrative Procedures Act

and include a hearing with full opportunity for due process by all members of the public, parties and intervenors.

In compliance with Conn. Gen. Statutes Sec. 4-61 (k), the Council has adopted an Affirmative Action Policy and designated an Affirmative Action Officer. The Council exceeded its Supplier Diversity goal this year by having attained the Small Business Enterprise Supplier Diversity Goal by 172% and the Minority Business Enterprise goal by 336%. The Council has also adopted an AIDS policy, Code of Ethics, American with Disabilities Act Policy, Policy on Anti-Harassment, and Policy of Sexual Harassment.

Membership

Commissioner Gina McCarthy; Commissioner Donald W. Downes; Commissioner Leonard C. Boyle; Commissioner J. Robert Galvin; Daniel F. Caruso; Edward S. Wilensky; Philip T. Ashton; Colin C. Tait, Esq.; Daniel P. Lynch, Jr.; Barbara Currier Bell; James J. Murphy, Jr.