

## Connecticut Siting Council



### *At-a-Glance*

**Connecticut Siting Council**

**ROBERT STEIN, *Chairman***

**Melanie A. Bachman, *Executive Director***

***Established - 1971***

***Statutory Authority: Chapter 54, Chapter 277a, Chapter 445***

***Central office - Ten Franklin Square, New Britain, CT 06051***

***Number of Employees: 8***

***Recurring Operating Expenses: \$2,141,010.52***

### **Organizational Structure**

The Connecticut Siting Council (Council) is an administrative agency within the Department of Energy and Environmental Protection (DEEP) for administrative purposes only. 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 the review and decision on applications for Certificates of Environmental Compatibility and Public Need (Certificate), petitions for declaratory rulings and other jurisdictional requests for action and annual assessments charged to electric utilities, hazardous waste generators, telecommunications service providers and telecommunications facility service providers in Connecticut.

The Council consists of nine members – five members of the public appointed by the Governor, one member appointed by the President Pro Tempore of the Senate and one member appointed by the Speaker of the House. For energy and telecommunications matters, the additional two members of the Council are the Commissioner of DEEP and the Chairman of the Public Utilities Regulatory Authority (PURA). For hazardous waste matters, the additional two members of the Council are the Commissioner of the Department of Public Health (DPH) and the Commissioner of the Department of Emergency Services and Public Protection (DESPP), as well as an additional four members, three of which are electors from the municipality in which the proposed facility is to be located and one of which is an elector from a neighboring municipality most likely to be affected by the proposed hazardous waste facility.

The current members of the Council are as follows: Chairman, Robert Stein, Stamford; James J. Murphy, Jr., Stonington; Michael W. Klemens, Ph.D., Salisbury; Robert Silvestri, Hamden (Speaker of the House Appointment); Michael Harder, Hebron; Daniel P. Lynch, Enfield (Senate Pro Tempore President Appointment); Edward Edelson, Southbury, Robert Klee, Commissioner of

DEEP; Katie Dykes, Chairman of PURA; Raul Pino, M.D., M.P.H., Commissioner of DPH; and Dora B. Schriro, Commissioner of DESPP. The Council's chief administrative officer is an executive director who reports to the Chairman.

## **Mission**

The Council objectively balances the statewide public need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state as it relates to the construction, maintenance and operation of jurisdictional facilities, including electric and fuel transmission lines; electric substations and switchyards; electric generating or storage facilities; community antenna television towers and head-end structures; telecommunications towers and hazardous waste facilities.

## **Statutory Responsibility**

The Council operates under the Uniform Administrative Procedure Act (UAPA), Public Utility Environmental Standards Act (PUESA) and Sections of Title 22a of the Connecticut General Statutes relating to the siting of hazardous waste facilities. The Council has jurisdiction over the construction, maintenance and operation of electric transmission lines with a capacity of 69 kilovolts or more, fuel transmission lines with a design capability of more than 200 pounds per square inch gauge pressure, electric generating or storage facilities using any fuel, electric substations or switchyards designed to regulate the voltage of electricity at 69 kilovolts or more, community antenna television towers and head-end structures, telecommunications towers owned or operated by the state, a public service company or used in a cellular system, and hazardous waste facilities in conjunction with DEEP.

In addition to siting facilities, every five years, the Council must investigate and determine the life cycle costs of electric transmission lines and on a biennial basis, the Council must compile a report of statewide electric loads and resources covering a ten year forecast period. The Life Cycle Analysis Report and the Forecast of Electric Loads and Resources are uncontested proceedings that are open to public participation, and the records of which are available for public inspection on the Council's website. Both final reports are published and furnished to the General Assembly. The Council also provides dispute resolution for real property condemnation for energy facilities and for the sharing of telecommunications towers.

Operating under the UAPA and the PUESA ensures that the participants and the public are afforded due process in contested case proceedings held on applications for certificates and petitions for declaratory rulings relative to proposed jurisdictional facilities. Telecommunications matters are also governed by the Federal Communications Commission through the Telecommunications Act of 1996, which prohibits the Council from considering the health effects of radio frequency emissions on human health and wildlife to the extent the emissions from towers are within the

federal acceptable safe limits standard, and prohibits the Council from discriminating between and amongst providers of functionally equivalent services. The federal Middle Class Tax Relief and Job Creation Act of 2012 further limits the Council from denying an “Eligible Facilities Request” for modifications to existing telecommunications facilities that do not substantially change the physical dimensions of the existing telecommunications facilities. Energy facility matters are also governed by the electric reliability criteria, standards and procedures developed by the North American Electric Reliability Council (NERC), the Northeast Power Coordinating Council and the New England Independent System Operator.

Applicants, petitioners and the public benefit from the standardization and transparency of the processes, the knowledge and experience of the Council members appointed and the staff hired to review the filings. Applicants, petitioners and the public also benefit from the centralization and availability of information regarding matters pending before the Council. The reports, databases, and related information compiled and published by the Council provide interested persons with access to documented material, including, but not limited to, electric and magnetic fields, costs and life expectancies of transmission lines, forecasted statewide electric supply and demand, telecommunications coverage, and antenna locations within the state of Connecticut.

## **Public Service**

To provide open and transparent information to the public and stakeholders relative to its jurisdiction, the Council continues to expand the content of its website: <http://www.ct.gov/csc>. The Council posts and periodically updates several databases and other relevant information on the website relative to energy and telecommunications facilities in the state. For example, the Council routinely maintains and updates databases for telecommunications towers and renewable energy facilities. In addition, agency publications, standard administrative documents and agency filing procedures and forms are available to review or download from the website.

The agency continually measures its efficiency and effectiveness through public statements, memoranda of law and informal comments received from its own staff, other state agencies, regional organizations, environmental groups and the public at large. The Council refines its service through recommendations provided by the State Auditors of Public Accounts and legislative committees, as well as through recommendations and suggestions from members of the public regarding content and presentation of information on the website. In addition, the Council reviews and compares different processes and procedures employed by other state agencies throughout the country.

## **Improvements/Achievements for Fiscal Year 2017-2018**

In Fiscal Year 2017-2018, the Council received 9 new applications for Certificates. The Council held 24 public hearing sessions to develop substantial evidentiary records and hear public concerns regarding proposed facilities. The Council held 17 energy and telecommunications meetings at which the Council considered and rendered decisions on the matters before it.

Also during Fiscal Year 2017-2018, the Council evaluated 32 petitions for declaratory rulings related to electric generators, electric substations, electric and fuel transmission lines and telecommunications facilities, 4 requests to amend the declaratory rulings, and 1 request to modify a declaratory ruling. The Council issued Certificates for 10 new telecommunications facilities and 2 electric transmission line/substation facilities. The Council acted on 9 Development and Management Plans - 6 for certificated facilities to ensure compliance with its orders and 3 for facilities approved by declaratory ruling. The Council also reviewed and acted upon 495 modifications of existing telecommunications facilities, 9 modifications of existing energy facilities, and 26 requests for tower sharing at existing telecommunications facilities with two requests to amend tower share approvals.

In May 2014, the Council initiated a Statewide Telecommunications Tower Audit due to a high volume of cellular technology upgrades at existing tower sites. This ongoing, quarterly audit positively impacts the accuracy of the Council's Statewide Telecommunications Database relative to a complete list of users and their associated equipment on a particular tower. Additionally, the audit results in complete information regarding structural integrity and the provision of technology upgrades for telecommunications facilities in the state. The Council's Statewide Telecommunications Database is posted on the Council's website, updated on a monthly basis and accessible to the public. In fiscal year 2016/2017, the Council expanded the scope of the audit to existing energy and telecommunications facility modifications. In fiscal year 2017/2018, the Council initiated an audit of certificated facilities to update its records relative to ownership, compliance and, if applicable, decommissioning.

In March 2015, the Council, on its own motion, voted to approve a sub-petition filing procedure for Eligible Facilities Requests for existing telecommunications facilities submitted under the Federal Communications Commission (FCC) rules adopted pursuant to the October 21, 2014 FCC Wireless Infrastructure Report and Order. This sub-petition process streamlines the review and approval of Eligible Facilities Requests ensuring compliance with the FCC 60-day decision deadline. In fiscal year 2017/2018, the Council reviewed and acted upon 6 Eligible Facilities Requests.

Similarly, in August 2011 and August 2013, the Council approved a sub-petition process for all Eversource Energy and the United Illuminating Company transmission remediation activities to comply with the NERC Reliability Standards for line clearances. This sub-petition process streamlines the review and approval of the remediation methods to ensure transmission lines maintain conductor clearance and thermal rating. In fiscal year 2017/2018, the Council reviewed and acted upon 7 sub-petitions for transmission remediation activities to comply with NERC Reliability Standards for line clearances.

In June 2015, the Council voted to approve a sub-petition filing procedure for all electric transmission substation activities to comply with NERC Reliability Standards for Critical Infrastructure Protection. On March 7, 2014, FERC ordered NERC to develop standards that require owners and operators of critical facilities to address physical security risks and vulnerabilities related to the reliable operation of the bulk power system. On November 14, 2014, FERC approved NERC's proposed Reliability Standard CIP-014-1, Physical Security, with the purpose of identifying

and protecting transmission substations and their primary control centers that if rendered inoperable or damaged as a result of a physical attack could result in widespread instability, uncontrolled separation, or cascading outages. This sub-petition process streamlines the review and approval of physical security measures to ensure there is adequate Critical Infrastructure Protection throughout the state. In fiscal year 2017/2018, the Council reviewed and acted upon 4 sub-petitions for transmission substation activities to comply with NERC Reliability Standards for Critical Infrastructure Protection.

In March 2017, the Council voted to approve a sub-petition filing procedure for all of Eversource Energy's transmission facility asset condition maintenance improvements to comply with the updated National Electric Safety Code (NESC) requirements. This sub-petition process streamlines the review and approval of maintenance improvements to ensure electric transmission facility assets comply with the NESC throughout the state. In fiscal year 2017/2018, the Council reviewed and acted upon 20 sub-petitions for transmission facility asset condition improvements to comply with the NESC.

The Council continues its practice of posting the complete record of every application proceeding, petitions for declaratory rulings, and requests for tower share filings on its website. During fiscal year 2015/16, the Council began posting all exempt modification filings and decisions on the website to further increase efficiency and effectiveness for all interested parties, reduce costs and provide convenient remote access to information. The Council is also posting exempt modification filings and decisions prior to 2015 to enhance available website information.

The Council continues to review and update Technical and Administrative Standard Operating Procedures, as well as the standardized format for pages on the website to create a user-friendly atmosphere. The Council continuously updates and revises its webpages, as necessary, to be even more user friendly, as well as to re-evaluate the relevance of items posted to the website.

The Council continuously researches and reviews the latest technological advancements throughout the energy and telecommunications industries it regulates in order to assure the welfare and protection of the citizens of the state. The Council also seeks new opportunities to educate itself and its staff in such advancements and developments so as to anticipate, address and balance the ever-changing needs and demands of the energy and telecommunications industries and the public.

### **Information Reported as Required by State Statute**

All certification proceedings are conducted as contested cases pursuant to the UAPA and PUESA, and include public hearings held in the host municipality for the convenience of the public. The Council invites full participation by members of the public, state and local representatives, non-profit groups, environmental protection groups, and parties and intervenors to the proceedings, to ensure all interested persons have notice and an opportunity to be heard.

Pursuant to Conn. Gen. Stat. Sec. 16-50r, the Council is required to hold a public hearing on forecast of electric loads and resources reports filed annually by every person engaged in electric transmission services, electric generation services and electric distribution services. This forecast report assesses the overall status of loads and resources in the state, taking into consideration historical trends, the projected outlook of load and demand, and the effectiveness of conservation and load management programs. In order to reduce expenses associated with the printing and designing of this report from outside sources and to encourage environmentally friendly efforts, the forecast report is available on the Council's website. The 2017/2018 Ten-Year Forecast public hearing will be held on September 19, 2018. A report will be issued by the end of calendar year 2018.

Conn. Gen. Stat. Sec. 16-50r (b) requires that the Council undertake an effort to update its investigation into the life-cycle costs of electric transmission lines every five years. The Council's last report was issued and posted to the Council's website on November 15, 2012. The next investigation into the life cycle costs of electric transmission lines will occur in Fiscal Year 2018-2019. A report is expected by the end of calendar year 2018.

Conn. Gen. Stat. Sec. 16-50// requires each provider of commercial mobile radio service to submit an annual report to the Council and DESPP concerning each provider's ability to provide backup power for telecommunications towers and antennas during an electric service outage. The Council began requesting the submission of annual backup power reports on October 1, 2013 and providers of commercial mobile radio service have complied every year since.

Conn. Gen. Stat. Sec. 16-50dd requires that the Council develop, maintain and update quarterly a statewide telecommunications coverage database that includes the location, type and height of all telecommunications towers and antennas in the state. The database is to be available to the public in hard copy and accessible electronically. This database is posted on the Council's website, updated on a monthly basis and accessible to the public.

Pursuant to Conn. Gen. Stat. Sec.16-50ee, the Council is required to develop a plan for statewide telecommunications coverage and to review the plan annually. The plan was most recently revised in February 2014. The plan assesses population growth in the state and an analysis of existing and projected demands for telecommunications coverage. This plan is available for public inspection on the Council's website. The Council is currently reviewing the plan and anticipates a revised plan to be completed in fiscal year 2018/2019.

Pursuant to Conn. Gen. Stat. Sec. 16-50t(c), the Council annually reviews its Electric and Magnetic Fields Best Management Practices for the Construction of Electric Transmission Lines (BMPs). The BMPs were most recently revised on February 20, 2014. The BMPS are available for public inspection on the Council's website.

***Respectfully submitted July 26, 2018  
Melanie Bachman, Executive Director***