



Written Testimony of the Connecticut Siting Council

Submitted to the Energy and Technology Committee

**In Reference to Raised Bill No. 5310
An Act Concerning Location of Siting Council Public Hearings
March 1, 2016**

Good afternoon Representative Reed, Senator Doyle, Ranking and Distinguished Members of the Energy and Technology Committee.

Thank you for the opportunity to provide testimony in connection with Raised Bill No. 5310, An Act Concerning Location of Siting Council Public Hearings. The Connecticut Siting Council (Council) is the state agency with jurisdiction over the construction, operation and maintenance of energy and telecommunications facilities in the state. Regrettably, a previously noticed public hearing for an electric transmission line traversing three municipalities and within 2500 feet of two additional municipalities prevents us from providing oral testimony to you at this public hearing.

Conn. Gen. Stat. §16-50m requires the Council to hold at least one session of the public hearing “at a location selected by the Council in the **county** in which the facility or any part thereof is to be located after six thirty p.m. **for the convenience of the general public.**” The Council’s public hearing process typically consists of a 2 PM site review, a 3 PM evidentiary hearing and a 7 PM public comment session, which requires reservation of a venue in the host municipality between the hours of 1 PM and 10 PM for setup and breakdown of equipment.

Although the Council makes every effort to conduct public hearings in the host municipality where a project is proposed, this is not always feasible for several reasons more fully described below:

1. Application for one facility at one of two or more potential sites in multiple towns.

In Docket No. 427, the Council received an application for a telecommunications facility located at one of two sites – 171 Short Beach Road in Branford or 82 Short Beach Road in East Haven. The Council held one public hearing for this application at the East Haven Senior Center. Under these circumstances, it appears the proposed bill would have required the Council to hold a public hearing in both Branford and East Haven on the same application. Given the statutory requirement to investigate alternative sites, it is plausible that applicants may identify alternative sites in multiple towns. It appears the proposed bill would require the Council to hold multiple public hearings in multiple towns where any identified alternative sites are located in the same application.

2. Limited Venue Capacity.

Many municipalities within the state do not have a venue with sufficient capacity to host a Council public hearing. Due to the nature and type of facilities over which the Council

has jurisdiction, our public hearings tend to generate a considerable amount of public interest beyond the boundaries of the host municipality – multiple municipalities, statewide, regional and national. For the public hearings on the wind projects, a gentleman flew in from Wisconsin and several interested persons traveled from the New England region to have the opportunity to express their concerns to the Council. Given the considerable amount of public interest in the wind projects and the lack of a large capacity venue in Colebrook, the public hearings on the Colebrook wind projects were held at the Northwestern Regional 7 High School in Winsted. Please note that this 2010 public hearing was held prior to the 2014 tragedy in Newtown.

3. Strict security measures at schools statewide after the 2014 tragedy in Newtown.

After the 2014 tragedy in Newtown, schools statewide have justifiably implemented strict security measures that in most instances prevent a public hearing from being held at any of these locations. For the public hearing on the Towantic power plant last year, the town of Oxford specifically closed school for the entire day so that the Council could hold its public hearing at Oxford High School where the auditorium has a capacity of over 750 persons. During the Council's public hearing, the auditorium was filled to capacity.

4. Impossibility of contract.

In Docket No. 448, the Council received an application for a telecommunications facility located in Orange. When contacted regarding a venue for a public hearing, the town indicated that it did not have a venue available to accommodate the Council's public hearing. Under Conn. Gen. Stat. §16-50m, the Council is required to promptly fix a commencement date and location for a public hearing on an application complying with section 16-50l not less than 30 days or more than 150 days after receipt of an application. However, the federal Telecommunications Act requires the Council to render a decision on an application for a telecommunications facility within 150 days of receipt of an application. Pursuant to Conn. Gen. Stat. §16-50l, applicants are required to serve a copy of an application to any adjoining municipality having a boundary not more than 2500 feet from the proposed facility. In compliance with Conn. Gen. Stat. §16-50l, Shelton was provided with a copy of the application as the city boundary was within 2500 feet of the proposed facility. Due to the unavailability of a venue in Orange and the federal deadline for a decision on the application, the Shelton City Hall was selected as a suitable alternative venue for the public hearing as it was located within 3 miles of the proposed facility site.

In summary, the Council finds this proposed legislation unnecessarily narrows existing statutory requirements, and opposes the passage of Raised Bill No. 5310 to the extent that it creates an appealable issue despite the above-referenced impossibilities and limits the extent of public participation.

Thank you again for the opportunity to provide testimony on this proposal. Should you have any questions or seek additional information, please feel free to contact me at 860-827-2951 or Melanie.bachman@ct.gov.

Melanie A. Bachman
Acting Executive Director/Staff Attorney
Connecticut Siting Council