

# Connecticut Siting Council



## *At a Glance*

**ROBERT STEIN, Chairman**

**Melanie Bachman, Acting Executive Director**

**Established - 1971**

**Statutory authority - Chapter 45, Chapter 277a, Chapter 445**

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

**Number of Employees - 9**

**Recurring operating expenses - \$2,312,233.32**

**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, 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 Chairman of the Public Utilities Regulatory Authority (PURA) and the Commissioner of DEEP. 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; Philip T. Ashton, Meriden; James J. Murphy, Jr., Stonington; Michael W. Klemens, Ph.D., Salisbury; Eileen M. Daily, Westbrook; Daniel P. Lynch, Enfield; Barbara Currier Bell, Ph.D., Milford; Robert Klee, Commissioner of DEEP; Arthur House, Chairman of PURA; Jewel Mullen, Commissioner of DPH; and Dora B. Schiro, 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 including 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 environmental protection for 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 compiles and publishes 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 case proceedings that are open to public participation and the final reports are published and available for public inspection on the Council's website. The Council also provides dispute resolution for real property condemnation for energy facilities and for the sharing of telecommunications towers.

Operating under the PUESA and the UAPA 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. Furthermore, the federal Middle Class Tax Relief and Job Creation Act of 2012 further limits the Council from denying an "eligible facilities" request for the modification of existing

telecommunications facilities that do not substantially change the physical dimensions of the existing telecommunications facilities.

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 ratepayers, industry and the public with access to documented material, including but not limited to, electric and magnetic fields, costs and life expectancies of transmission lines, estimated 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 telecommunications facilities in the state. In addition, agency publications, standard administrative documents and agency filing procedures and forms are available to 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 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 used by other state agencies throughout the country.

### **Improvements/Achievements 2013-2014**

In fiscal year 2013-2014, the Council received 11 new applications for Certificates of Environmental Compatibility and Public Need and held 14 public hearing sessions to develop substantial evidentiary records and hear public concerns regarding facilities proposed for construction within their communities. The Council also held 22 energy and telecommunications meetings and one hazardous waste meeting at which the Council considered and decided the matters before it.

Also during fiscal year 2013-2014, the Council ruled on 35 petitions for declaratory rulings for electric generators, electric substations, electric and fuel transmission lines, and telecommunications facilities and one petition for hazardous waste. The Council issued certificates for nine new cellular telephone facilities and one new 115-kV underground transmission circuit. The Council acted on 13 Development and Management Plans to ensure compliance with its orders. Furthermore, the Council inspects all facilities during and after completion of construction to ensure compliance. The Council also reviewed and acted upon

599 modifications of existing telecommunications facilities and approved 50 requests for tower sharing at existing facilities.

Pursuant to Conn. Gen. Statutes Sec. 16-50kk, the Council, in consultation with DEEP and PURA, drafted wind regulations for the siting of future wind projects under the regulation-making provisions of the UAPA. The wind regulations process began in the fall of 2011 with a public forum. Draft regulations were developed in the summer of 2012 at which time a public hearing was held. After five submissions to the Legislative Regulation Review Committee, the wind regulations were finally approved on April 22, 2014 (Earth Day) lifting a long-standing development moratorium that was in place since the passage of Conn. Gen. Statutes Sec. 16-50kk in 2011.

The Council continuously researches and reviews the latest technological advancements throughout the industries it regulates in order to assure the welfare and protection of the people 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.

The Council maintains its practice of posting the complete record of every contested case proceeding on its website. During fiscal year 2014/15, the Council expanded its Pending Proceeding Page on the website to include petitions for declaratory rulings and requests for tower share filings that are placed on the Council's regularly scheduled energy/telecommunications meetings for decision. In addition to greater transparency of Council proceedings, this practice provides greater efficiency to all interested parties, reduction of costs and convenient access to information. This practice is widely-used and appreciated by participants in the Council proceedings and persons interested in Council agenda items.

The Council took part in a LEAN initiative in 2012 with a main objective to reduce paper and postage costs. A recent review of our LEAN goals and objectives revealed that the Council exceeded their goal of 50% paper reduction. The agency achieved a 59% reduction in paper, copying, and postage. Paper reduction progress will continue to be made with the implementation of a future goal using an e-filing and e-payment system. The Council's initiative to create Technical and Administrative Standard Operating Procedures is complete, as well as standardizing the format for pages on the website for consistency.

### **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 interveners, to ensure all interested persons have notice and an opportunity to be heard.

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 every five years. The Council completed this update and the final report was issued and posted to the Council's website on November 15, 2012.

Conn. Gen. Statutes Sec. 16-50ll requires each provider of commercial mobile radio service to submit a 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 requested the submission of backup power reports on or before October 1, 2013.

On November 14, 2013, the Council, on its own motion, voted to approve issuance of a full Ten-Year Forecast of Electric Loads and Resources report every odd year. The next report shall be issued in 2015. On January 10, 2014, the Council issued a full report for the 2012/13 Ten-Year Forecast of Electric Loads and Resources. 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. Although the report is issued every odd year, in order to fulfill the statutory requirement of Conn. Gen. Statutes Sec. 16-50r, the Council held its annual public hearing on the 2014/15 Ten-year Forecast of Electric Loads and Resources on June 24, 2014 at 6:30 PM for the convenience of the public.

On February 6, 2014, the Council adopted the update of its statewide telecommunications plan pursuant to Conn. Gen. Statutes Sec.16-50ee. 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.

Pursuant to Conn. Gen. Statutes Sec. 16-50t(c), on February 20, 2014, the Council revised the Electric and Magnetic Fields Best Management Practices for the Construction of Electric Transmission Lines in Connecticut. The revised Best Management Practices are available for public inspection on the Council's website.

Additionally, the Council updated its policy on Sexual Harassment and its policy on Affirmative Action.

***Respectfully submitted July 28, 2014***

***Melanie Bachman, Acting Executive Director***