

State of Connecticut

SENATE

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HARTFORD, CONNECTICUT 06106-1591

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CONNECTICUT
SITING COUNCIL

SENATOR MELODIE PETERS
TWENTIETH DISTRICT

25 OSCEOLA TRAIL
OLD LYME, CONNECTICUT 08371
TELEPHONES
CAPITOL: (860) 240-8600
HOME: (860) 434-6755
WATTS: 1-800-842-1420 (IN STATE)
FAX: (860) 240-0208

DEPUTY MAJORITY LEADER

CHAIRMAN
ENERGY & TECHNOLOGY COMMITTEE

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ELECTIONS COMMITTEE

MEMBER
INTERNSHIP COMMITTEE

VIA FACSIMILE

September 8, 2004

Hon. Members of the Siting Council
Ten Franklin Square
New Britain, CT 06051

Dear Members of the Council:

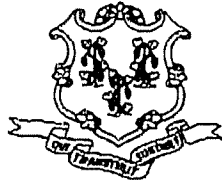
Attached you will find a copy of a letter that I sent in June to Chairman Katz regarding the establishment of buffer zones. I would ask that you all take the time to review as part of your technical session today.

In addition to the letter I would add that it is ultimately up to you, the Council, to make decisions regarding buffer zones on a case by case basis, determining, based on the record, what dangers, if any, exist, and what remedies are appropriate or precautions desirable.

Thank you for you continued hard work on behalf of the people of Connecticut.

Sincerely,

Senator Melodie Peters



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June 9, 2004

Hon. Pam Katz
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051.

Dear Chairman Katz:

I am writing in reference to the use of the term "buffer zone" as used in Public Act 04-246, An Act Concerning Electric Transmission Line Siting Criteria.

As you know, the Act was the result of long negotiations between legislators representing areas for which transmission lines have been proposed, legislators concerned that further delay in upgrading Connecticut's transmission grid, particularly in southwestern Connecticut, might result in substantially increased costs to consumers across the state, the utilities and other interested persons and groups.

One of the issues that proved to be most contentious was the establishment of proposed buffer zones. After considerable discussion, the consensus was, rather than mandating in law a specific size for buffer zones, that it was most prudent to give the Siting Council broad discretion to determine an appropriate size buffer zone on a case by case basis, after an adversarial and quasi-judicial administrative proceeding, as envisioned by the Uniform Administrative Procedures Act. It was our hope that the Council would examine each proposed facility, including its configuration, and its relation to each school, playground and other areas the Act seeks to protect. To that end, the General Assembly provided some minimal guidance to the Council in stating that "At a minimum, the existing right-of-way shall serve as a buffer zone." (PA 04-246, Sec. 4(a)(3)(D); emphasis added.) It was clearly our intent that the buffer zone and the right-

Hon. Pam Katz

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of-way could "over-lap" and that the buffer zone did not necessarily have to extend beyond the right-of-way, but could certainly be no smaller than it.

This concept allowing for the "over-lap" of the buffer zone and right-of-way was essential to many legislators, and without which, many, including myself, would have opposed the legislation, bringing into question its chances of passage.

It is also important to note that the many stakeholders involved in the crafting of the Act agreed that the concept of the Council establishing buffer zones only addresses half of the problem the Act seeks to remedy. It is essential that municipalities and the General Assembly amend zoning laws to discourage the construction of the areas the Act seeks to protect near transmission facilities.

In conclusion, as the plain language of the Act states, the Siting Council, in its discretion will establish buffer zones to protect certain areas, which buffer zones may be no smaller than the existing right-of-way but may be larger, as the Council determines based on the evidence and the legislature's clear desire to protect from potential electromagnetic fields, in a reasoned and rational manner, the areas the Act seeks to protect.

If you have any question or should you wish to discuss this matter further, please feel free to contact me.

Sincerely,

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Senator Melodie Peters