



# STATE OF CONNECTICUT *CONNECTICUT SITING COUNCIL*

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## CITIZENS GUIDE TO SITING COUNCIL PROCEDURES

### TELECOMMUNICATIONS PETITION FOR A DECLARATORY RULING

#### WITH A PUBLIC HEARING

#### **1. The Connecticut Siting Council**

The Connecticut Siting Council (Council) consists of nine members from all over the state. Five members are appointed by the Governor and four members are designees of the Senate, the House, the Commissioner of Energy and Environmental Protection and the Chairman of the Public Utilities Regulatory Authority. At least two members are experienced in the field of ecology and no members have any affiliation, past or present, with any utility, facility, hazardous waste facility or ash residue disposal area. The Council reviews the need for and placement of cell towers, power plants, power lines and other energy and telecommunications infrastructure, and any significant environmental impacts.

#### **2. Petition for a Declaratory Ruling**

Some telecommunications facilities, including, but not limited to, small cell antennas installed on a new or existing structure, and any modifications to existing telecommunications facilities, such as requests to extend the height of an existing cell tower, to replace an existing cell tower or to construct a cell tower on an existing structure, are required to be approved by declaratory ruling. The Council develops a schedule when a petition for a declaratory ruling is received. Within sixty (60) days of receipt of a petition for a declaratory ruling, the Council **may** decide to hold a public hearing, but a public hearing is not required by law.

#### **3. Nature of Siting Council Proceedings**

The Council's proceedings are very different from a local planning and zoning hearing or a town meeting. The Council jurisdiction is limited to hearing applications presented to it; the Council has no planning function. Council proceedings are governed by state statute: specifically, the Uniform Administrative Procedures Act. This means that the hearing is conducted in a manner similar to a courtroom proceeding. Public hearings must be held in an orderly fashion to ensure the transcriptionist is able to record every word. Hearings are held via Zoom remote conferencing with instructions for public access to the remote public hearing posted to the project webpage prior to the event. The Council maintains web pages that contain record materials for each proceeding that is pending before the Council.

#### **4. Participants in Siting Council Proceedings on Petitions for Declaratory Rulings**

The participants in a Council proceeding on a petition for a declaratory ruling consist of the following:

- a. Petitioner:** The petitioner is the wireless service provider proposing to build and/or extend a cell tower at a particular site and is a party in the proceeding. The petitioner files evidence with the Council before the hearing and presents witnesses at the hearing for questioning by the Council and other parties and intervenors in the proceeding. Questions from the Council and other parties and intervenors in the proceeding are limited to the subject matter that is filed before the hearing. The petitioner may ask questions of other parties and intervenors on evidence that was submitted by those parties and intervenors before the hearing.
- b. Parties and Intervenors:** Parties and intervenors are participants in the proceeding who requested party or intervenor status from the Council before the hearing and were granted such status. Both parties and intervenors file evidence with the Council before the hearing and present witnesses at the hearing for questioning by the

Council and other parties and intervenors in the proceeding. Parties and intervenors may ask questions of the petitioner and other parties and intervenors on evidence that was submitted by the petitioner and other parties and intervenors before the hearing. Parties and intervenors are not allowed to make their own case by giving oral testimony directly at the hearing. They must make their case in writing and, in exchange, they may cross-examine the petitioner and other parties and intervenors and their witnesses.

- c. **Limited Appearance:** Limited appearance statements are made by residents and other interested persons who would like to express their comments and concerns about the proposed electric generating facility site by providing an oral limited appearance statement during the public comment session of the hearing or by submitting a written limited appearance statement to the Council before, during or up to 30 days after the last hearing held on a matter. They may not ask questions of the petitioner, parties and intervenors, or the Council and the petitioner, parties and intervenors or the Council may not ask questions of persons making limited appearance statements. The 6:30 PM public comment session of the hearing is reserved for oral limited appearance statements. In order for the public to participate in the 6:30 p.m. public comment session by computer, smartphone or tablet, you **must** send an email to [siting.council@ct.gov](mailto:siting.council@ct.gov) or leave a voicemail message at 860-827-2935 with **your name, phone number or email address and mailing address** by the day before the scheduled hearing.

**No person who is a party or intervenor in the proceeding may also make an oral limited appearance statement during the public comment session of the hearing or submit a written limited appearance statement to the Council before, during or after the hearing.**

The Council requests that oral limited appearance statements are brief (limited to 3 minutes) in order to ensure all concerned persons have an opportunity express their concerns at the hearing.

## **5. Council Review of Petitions for Declaratory Rulings**

Wireless service providers present the Council with a petition for a declaratory ruling that no certificate is required for a proposed cell tower site. The wireless service provider may be seeking to extend the height of an existing cell tower, to replace an existing cell tower or to construct a cell tower on an existing structure such as a silo or a water tank.

The cell phone service provider has the burden of proving to the Council that the tower proposal will not have a substantial adverse environmental impact.

The role of the Council is to review the wireless service provider's evidence of a lack of service or deficient service in the selected area and evidence of no substantial adverse environmental impact for the selected site. **The Council may not consider health and environmental effects of radio frequency emissions in the decision-making process – the Federal Communications Commission has exclusive authority to regulate radio frequency emissions and set acceptable levels.**

After balancing the need for wireless service and the potential environmental impact, the Council makes a decision to approve or deny the proposed facility, or to approve the facility with modifications and to approve or deny the proposed modifications to the existing facility or to approve proposed modifications to the existing facility with additional modifications. The final decision is made at a Council meeting held after the close of the evidentiary record for the matter. Council meetings are typically held via Zoom Remote Conferencing, and all meeting agendas are publicly noticed.

Regular meetings of the Council are not public hearings for which the opportunity for public comment is provided. During regular meetings, the Council deliberates and votes on matters that are on the meeting agenda. The public is welcome to join and listen to regular meetings, but there is no provision for public comment during regular meetings.