



# STATE OF CONNECTICUT *CONNECTICUT SITING COUNCIL*

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## CITIZENS GUIDE TO SITING COUNCIL PROCEDURES

### ELECTRIC GENERATING OR ENERGY STORAGE FACILITY 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 Chairperson of the Public Utilities Regulatory Authority. At least two members are experienced in the field of ecology and no members have a professional affiliation with any utility, facility, hazardous waste facility or ash residue disposal area. The Council reviews the location and the need for cell towers, power plants, power lines and other energy and telecommunications infrastructure, and any substantial adverse environmental impacts.

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

Some electric generating and energy storage facilities, including, but not limited to, renewable facilities, and any modifications to existing energy facilities, 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. The 60-day deadline may not be extended and may not coincide with a Council meeting date.

#### **3. Nature of Siting Council Public Hearings**

The Council's proceedings are very different from a local planning and zoning hearing or a town meeting. The Council's jurisdiction is limited to hearing petitions presented to it; the Council has no planning function. Council proceedings are governed by state statute: specifically, the Uniform Administrative Procedure Act and the Public Utility Environmental Standards Act. This means that the public hearing is conducted in a manner like a courtroom proceeding. Public hearings must be held in an orderly fashion to ensure the transcriptionist is able to record every word. Public hearings are held via Zoom remote conferencing with instructions for public access published in a newspaper of general circulation in the area and posted to the project webpage prior to the scheduled public hearing date. The Council maintains webpages that contain record materials for each proceeding that is pending before the Council.

#### **4. Participants in Siting Council Public Hearings**

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

- a. Petitioner:** The petitioner is the developer proposing to build an electric generating or energy storage facility at a particular site or a facility owner proposing to modify an existing electric generating or storage facility 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 hearing 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 active participants in the proceeding who requested party or intervenor status from the Council 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 question the petitioner and other parties and intervenors and their witnesses on evidence that was submitted before the hearing.
- 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 or energy storage 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. 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 persons have an opportunity to express their concerns during the public comment session of the hearing.

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

Developers present the Council with a petition for a declaratory ruling for construction of a new electric generating or energy storage facility or for modifications to an existing energy facility site. The Council does not select sites for electric generating or energy storage facilities that are not proposed by the petitioner. The Council does not have powers of eminent domain. This means that ***the Council may not take property or any portion of property from a private owner for the purpose of siting an electric generating or energy storage facility.***

The petitioner has the burden of proving to the Council that construction and operation of the proposed facility at the site selected would not result in a substantial adverse environmental impact.

The role of the Council is to review the petitioner's evidence of environmental impact for the selected site. After balancing the public benefit against the environmental impact, the Council decides to approve or deny the proposed facility site, or to approve the proposed facility site with modifications or to approve or deny modifications to existing sites, or to approve proposed modifications to existing sites 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 every other Thursday 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.