



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 WITHOUT 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. If the Council decides not to hold a public hearing, the petition proceeding is held “on the papers.” This means the Council and the participants in the petition proceeding ask and answer questions about the proposal in writing.

3. Nature of Siting Council Petition 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 Procedure Act and the Public Utility Environmental Standards Act. The Council maintains web pages 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 without 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 facility at a site and is a party in the proceeding. The petitioner files evidence with the Council and answers written questions from the Council and other participants in the proceeding. Written questions from the Council and other participants are limited to the subject matter that is filed. The petitioner may ask written questions of other parties and intervenors on evidence that was submitted by those parties and intervenors.

- b. **Parties and Intervenors:** Parties and intervenors are participants in the proceeding who requested party or intervenor status from the Council and were granted such status. Both parties and intervenors may file evidence with the Council and ask written questions of other parties and intervenors in the proceeding.
- c. **Written Limited Appearance Statements:** Limited appearance statements are made by residents and other persons who would like to express their comments and concerns about the proposed electric generating facility site or any modifications to an existing energy facility site by submitting a written statement to the Council in accordance with the Council's schedule for the proceeding. They may not ask written questions of the petitioner, parties and intervenors, or the Council.

No person who is a party or intervenor in the proceeding may also make a written limited appearance statement.

5. Council Review of Petitions for Declaratory Rulings

Companies 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 storage facilities that are not proposed by the petitioner. Also, 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 makes a decision to approve or deny the proposed site, or to approve the site with modifications and to approve or deny modifications to existing sites, or to approve modifications to existing sites with modifications. The decision is made at a Council meeting in accordance with the schedule for the proceeding. Council meetings are typically held at the Council's office, and all 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.