



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

June 22, 2023

His Excellency, Honorable Ned Lamont
Governor, State of Connecticut
Executive Chambers, State Capitol
210 Capitol Avenue
Hartford, CT 06106

**Re: Public Act 23-108, An Act Establishing Local Representation on the
Connecticut Siting Council for Local Projects**

Dear Governor Lamont:

Please be advised that during a regular meeting of the Connecticut Siting Council (Council) held on June 22, 2023, the Council unanimously passed a resolution respectfully requesting a veto of Public Act 23-108, An Act Establishing Local Representation on the Connecticut Siting Council for Local Projects (Act). Attached please find the Resolution for your convenience and consideration.

Section 1 of the Act changes the language of a section of the Council's enabling statute, the Public Utility Environmental Standards Act, to require Council membership **for any proceeding¹** to include one local elector from the municipality in which a facility is proposed to be located that is appointed by the chief elected official of the municipality.

The change in the language would enable a municipality in which a facility is proposed to be located to participate in a pre-application municipal consultation process, appoint a non-voting member to the Council when an application is filed, participate as a party while the proceeding is pending before the Council (essentially with a seat on both sides of the table), collect from a \$25,000 Municipal Participation Fund, and appeal the Council's decision to Superior Court.

The Council's budget is funded by energy and telecommunications industry assessments and invoices. Under the Act, the fiscal impact is grossly understated, as it ignores any number of public hearings held by the Council on an annual basis. Under the Act, the Council appears to be responsible for local elector compensation for any Council proceeding. This compensation is ultimately paid for by electric ratepayers and telecommunications customers.

¹ The original bill applied only to "proceedings involving any electric distribution company." *After the public hearing*, the language changed to apply to all energy and telecommunications companies.

The change in the language invites increased costs and litigation, is in direct contravention of the Council's legislative purpose and may adversely affect the development of a competitive market for energy and telecommunications and the implementation of state policies.

If you should have any questions or concerns, please do not hesitate to contact me at 860-827-2951 or by email at Melanie.Bachman@ct.gov.

Thank you for consideration of this very important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie Bachman", written in a cursive style.

Melanie A. Bachman
Executive Director

Enclosure

- c: Tom Scanlon, Director of Appointments, Office of the Governor (tom.scanlon@ct.gov)
Natalie Braswell, Esq., Legal Council, Office of the Governor (natalie.braswell@ct.gov)
Jonathan Harding, Esq., General Counsel, Office of the Governor (jonathan.harding@ct.gov)
Connecticut Siting Council Members



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Be it resolved by the Connecticut Siting Council:

WHEREAS, Public Act 23-108, An Act Establishing Local Representation on the Connecticut Siting Council for Local Projects (“the Act”), was passed during the January 2023 legislative session;

WHEREAS, Section 1 of the Act changes the language of Connecticut General Statutes (C.G.S.) §16-50j to require a non-voting member appointed by the chief elected official of the municipality where a Connecticut Siting Council-jurisdictional facility is proposed to be located for any proceeding.¹

WHEREAS, the Act changed the Connecticut Siting Council (CSC) membership for any proceeding² held on electric transmission line facilities, as defined under C.G.S. §16-50i(a)(1); fuel transmission line facilities, as defined under C.G.S. §16-50i (a)(2); electric generating and storage facilities, as defined under C.G.S. §16-50i (a)(3); electric substation facilities, as defined under C.G.S. §16-50i (a)(4); community antenna television towers, as defined under C.G.S. §16-50i (a)(5); and telecommunications towers, as defined under C.G.S. §16-50i (a)(6).

WHEREAS, the change in the language intentionally places a non-voting member appointed by the chief elected official of the municipality where a proposed facility is to be located on the CSC while municipalities where proposed facilities are to be located are presently afforded a municipal consultation process under C.G.S. §16-50l and an absolute right to participate as a party in any CSC proceeding under C.G.S. §4-177 and §16-50n.³

WHEREAS, the change in the language would allow a municipality where a proposed facility is to be located to influence a CSC decision before an application is filed and while an application is pending, potentially from both the bench and the witness table, as well as to collect \$25,000 from the Municipal Participation Fund and appeal a CSC decision.

WHEREAS, the change in the language requires the CSC to compensate the non-voting member appointed by the chief elected official of the municipality where a proposed facility is to be located for the same amount as a voting member appointed by the

¹ The original bill applied only to “proceedings involving any electric distribution company.” *After the public hearing*, the language changed to apply to all energy and telecommunications companies.

² Under the Freedom of Information Act, a “proceeding” includes any meeting or hearing of a public agency. (C.G.S. §1-200(2) (2023)).

³ In proceedings held on electric and fuel transmission line, electric substation, and electric generating and storage facilities, municipalities where the proposed facilities are proposed to be located have access to a \$25,000 Municipal Participation Fund paid for by the applicant. (C.G.S. §16-50bb (2023)).

Governor or Legislature from CSC's industry-funded state agency budget, as administered under C.G.S. §16-50v.⁴

WHEREAS, the Act will increase costs to electric ratepayers and telecommunications customers under C.G.S. §16-50v, as well as increase CSC litigation costs under C.G.S. §16-50q.

WHEREAS, the Act may adversely affect the development of a competitive market for energy and telecommunications in the state and the implementation of the state's policies.

WHEREAS, the Act jeopardizes the integrity of CSC decision-making under the Uniform Administrative Procedure Act and the Public Utility Environmental Standards Act, and the Act is in direct contravention of CSC's legislative purpose established over 50 years ago to end ad hoc town-by-town regulation of energy and telecommunications facilities in favor of regulation by a statewide body.

NOW, THEREFORE, BE IT RESOLVED, that the Connecticut Siting Council respectfully requests his Excellency, Governor Ned Lamont, to veto Public Act 23-108.

⁴ It grossly understates the fiscal impact that is based exclusively on the number of regular meetings held by CSC and ignoring any number of public hearings held by CSC on an annual basis.