

# DRAFT 2024 Connecticut Siting Council Report: Appendices

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## APPENDIX 1: SUMMARY OF CHANGES IN P.A. 24-144

In addition to the requirement in Section 12 for DEEP to prepare this report, P.A. 24-144 made several other important changes related to the work of the CSC, as summarized below.

### 1. Transmission Lines

Many of the amendments contained within [Public Act 24-144](#) relate to the process for the siting of transmission lines. The timeframe within which an applicant must meet with local representatives to discuss applications for transmission lines was changed from at least 60 days prior to filing the application, to at least 90 days prior to filing the application. Additionally, the applicant is now required to provide a report, at the pre-application meeting(s) for transmission facilities, which includes a summary of the status of negotiations with property owners about right-of-way access, easements, or land acquisition.<sup>1</sup>

The applicant for a transmission facility is now also required to produce additional information in the application. This includes an independent appraisal evaluating individual landowner compensation for the use of a right of way, including any easements or land acquisition. Also, information must be submitted about initial and life-cycle costs, regional and localized costs, non-transmission alternatives, load evaluations, and planning studies. Further, if an applicant for a transmission line intends to submit another application within 5 years for additional related facilities located within 5 miles of the original facility, it must be discussed in the application and information must be given to the CSC.<sup>2</sup>

For any Certificate proceeding regarding transmission facilities, the CSC must now grant intervenor status to any person: (1) who is the owner of any property that abuts the proposed facility or that abuts a right of way in which the proposed facility is to be located and (2) who submits a written petition to the Siting Council.<sup>3</sup> On or after October 1, 2025, the Siting Council must find and determine additional criteria to grant a Certificate for a transmission line. The new findings must include: (1) the estimated initial and life-cycle costs for the facility and for feasible and practical alternatives; (2) the estimated regionalized and localized costs for the facility and for any feasible and practical alternatives; and (3) that estimated localized costs are reasonable compared to the benefits. The CSC must also find, after October 1, 2025, that there is a public need<sup>4</sup> for the facility and must consider neighborhood concerns with respect to several factors including, inter alia, public safety, and the impact that the proposed facility will have on the municipal tax base.<sup>5</sup>

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<sup>1</sup> [Conn. Gen. Stat. Sec. 16-50l \(f\)](#) amended by [P.A. 24-144](#).

<sup>2</sup> [Conn. Gen. Stat. Sec. 16-50l \(a\)\(1\)](#) amended by [P.A. 24-144](#).

<sup>3</sup> [Conn. Gen. Stat. Sec. 16-50n \(b\)](#) amended by [P.A. 24-144](#).

<sup>4</sup> [Conn. Gen. Stat. Sec. 16-50p \(a\) \(3\)\(D\)\(ii\)](#) amended by [P.A. 24-144](#). “Public need exists when a facility is necessary for the reliability of the electric power supply of the state.”

<sup>5</sup> [Conn. Gen. Stat. Sec. 16-50p \(c\)\(2\)\(A\)](#) amended by [P.A. 24-144](#).

## **2. Municipalities**

Public Act 24-144 also established an increased municipal role in the siting process. The process for pre-application municipal consultations has been expanded. Prior to the application being filed, in addition to using good faith efforts to meet with the chief elected official, an applicant must now also use good faith efforts to meet with the legislative body of the municipality and each member of the CT legislature in whose assembly or senate district the facility or alternative location is located and must provide certain additional information at the meeting. The municipal participation fee for Certificates was increased from \$25,000 to \$40,000 (or \$80,000 if the facility is in more than one municipality).<sup>6</sup> Municipalities are able to utilize these funds to offset their expenses of participating as a party in the CSC process. Any remaining funds, after payments are made to municipalities, are refunded to the applicant.

If an application for a Certificate is for either a telecommunications tower or now, under the amendment, for a proposed transmission line, the CSC must request that the municipality in which that facility is to be located provide the CSC with its location preferences or criteria for the siting of the facility. Those preferences must now be provided by the municipality within thirty days of the request.<sup>7</sup>

Ad hoc members in hazardous waste matters are now specified to be appointed by the chief elected official of the municipality that each member represents.<sup>8</sup>

Finally, on and after October 1, 2025, if a municipality seeks judicial review of an order issued on an application, and such municipality is a prevailing party, the court may award the municipality reasonable attorneys' fees and costs.<sup>9</sup>

## **3. Landowners**

Individual landowners are also provided with more consideration in the Siting Council process. As described above, abutting property owners now have a clear pathway to intervene in Certificate proceedings concerning transmission lines.<sup>10</sup> Also, as set forth above, in the case of transmission lines, the application must include an appraisal of fair compensation to be provided to a property owner in connection with entering a right of way, including any easements or land acquisition.<sup>11</sup>

There are amendments regarding the impact solar facilities can have on neighboring residents. An applicant must notify each owner of property that abuts the proposed primary or alternative sites on which the solar facility would be located of any material changes to solar facility configuration before a Certificate is granted.<sup>12</sup> Additionally, the Siting Council cannot grant a Certificate without

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<sup>6</sup> [Conn. Gen. Stat. Sec. 16-50l\(a\)](#) amended by [P.A. 24-144](#).

<sup>7</sup> [Conn. Gen. Stat. Sec. 16-50gg](#) amended by [P.A. 24-144](#).

<sup>8</sup> [Conn. Gen. Stat. Sec. 16-50j\(c\)\(4\)](#) amended by [P.A. 24-144](#).

<sup>9</sup> [Conn. Gen. Stat. Sec. 16-50q\(b\)](#) amended by [P.A. 24-144](#).

<sup>10</sup> [Conn. Gen. Stat. Sec. 16-50n\(b\)](#) amended by [P.A. 24-144](#).

<sup>11</sup> [Conn. Gen. Stat. Sec. 16-50l\(a\)\(1\)\(G\)](#) amended by [P.A. 24-144](#).

<sup>12</sup> [Conn. Gen. Stat. Sec. 16-50l\(c\)](#) amended by [P.A. 24-144](#).

evaluating potential noise levels of the proposed facility and ensuring that the distance between any inverters or transformers and the property line is greater than 200 feet.<sup>13</sup>

When a public service company intends to acquire residential real property by condemnation, there are new notice requirements to inform landowners of the condemnation and time limitations regarding that notice.<sup>14</sup>

Finally, the definition of “modification” was expanded to include any change that requires the exercise of eminent domain or that expands an existing easement.<sup>15</sup>

#### **4. Expanded Penalties**

The CSC now has more powers and direction to enforce compliance with the Certificates it issues. If the Siting Council finds that any person has failed to secure a Certificate or has failed to comply with a Certificate, condition of such Certificate, or any other requirements, the CSC can issue a fine, order restitution, or order a combination of a fine and restitution. Public Act 24-144 also establishes a procedure for the CSC to address the violation with a process for notice and a hearing.<sup>16</sup> Further, as indicated above, beginning in October 2025, the superior court can award fees and costs to a municipality if it prevails on an appeal.<sup>17</sup>

#### **5. General Process and Procedure**

There were general procedural and process changes as well. Before the CSC holds hearings on a Certificate proposal, it is required to solicit written comments from certain state agencies. The Public Act added the Office of Consumer Counsel to the list of agencies that CSC needs to consult with and solicit written comments from and now requires that the CSC provide summaries and written responses to the comments they receive, specifically comments or concerns related to environmental justice. The CSC also must provide written responses to the positions of each intervenor.<sup>18</sup>

Changes were also made to membership and administration provisions. The CSC must now retain employees as it deems necessary, who must have aggregate expertise in engineering and financial analysis. Also, changes were made to more specifically define conflicts of interest for public members. Public members cannot have a substantial financial interest in, be employed by, or be professionally affiliated with any utility, facility, hazardous waste facility, or ash residue disposal area for three years prior to the public member’s appointment to the CSC.<sup>19</sup>

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<sup>13</sup> [Conn. Gen. Stat. Sec. 16-50p \(c\)\(5\)](#) amended by [P.A. 24-144](#).

<sup>14</sup> [Conn. Gen. Stat. Sec. 16-50z\(c\)](#) amended by [P.A. 24-144](#).

<sup>15</sup> [Conn. Gen. Stat. Sec. 16-50i\(d\)](#) amended by [P.A. 24-144](#).

<sup>16</sup> [Conn. Gen. Stat. Sec. 16-50u](#) amended by [P.A. 24-144](#).

<sup>17</sup> [Conn. Gen. Stat. Sec. 16-50q \(b\)](#) amended by [P.A. 24-144](#).

<sup>18</sup> [Conn. Gen. Stat. Sec. 16-50j \(i\)](#) and [Conn. Gen. Stat. Sec. 16-50p \(c\)\(6\)](#) amended by [P.A. 24-144](#).

<sup>19</sup> [Conn. Gen. Stat. Sec. 16-50j\(b\)](#) amended by [P.A. 24-144](#).

## **APPENDIX 2: CSC FILING GUIDES**

Following are links to the “filing guides” provided by the CSC for either applications for Certificates, or petitions for declaratory rulings:

[APPLICATION FOR CERTIFICATE - COMMUNITY ANTENNA TELEVISION OR TELECOMMUNICATION FACILITY](#)

[APPLICATION FOR CERTIFICATE - ELECTRIC OR FUEL TRANSMISSION LINE FACILITY](#)

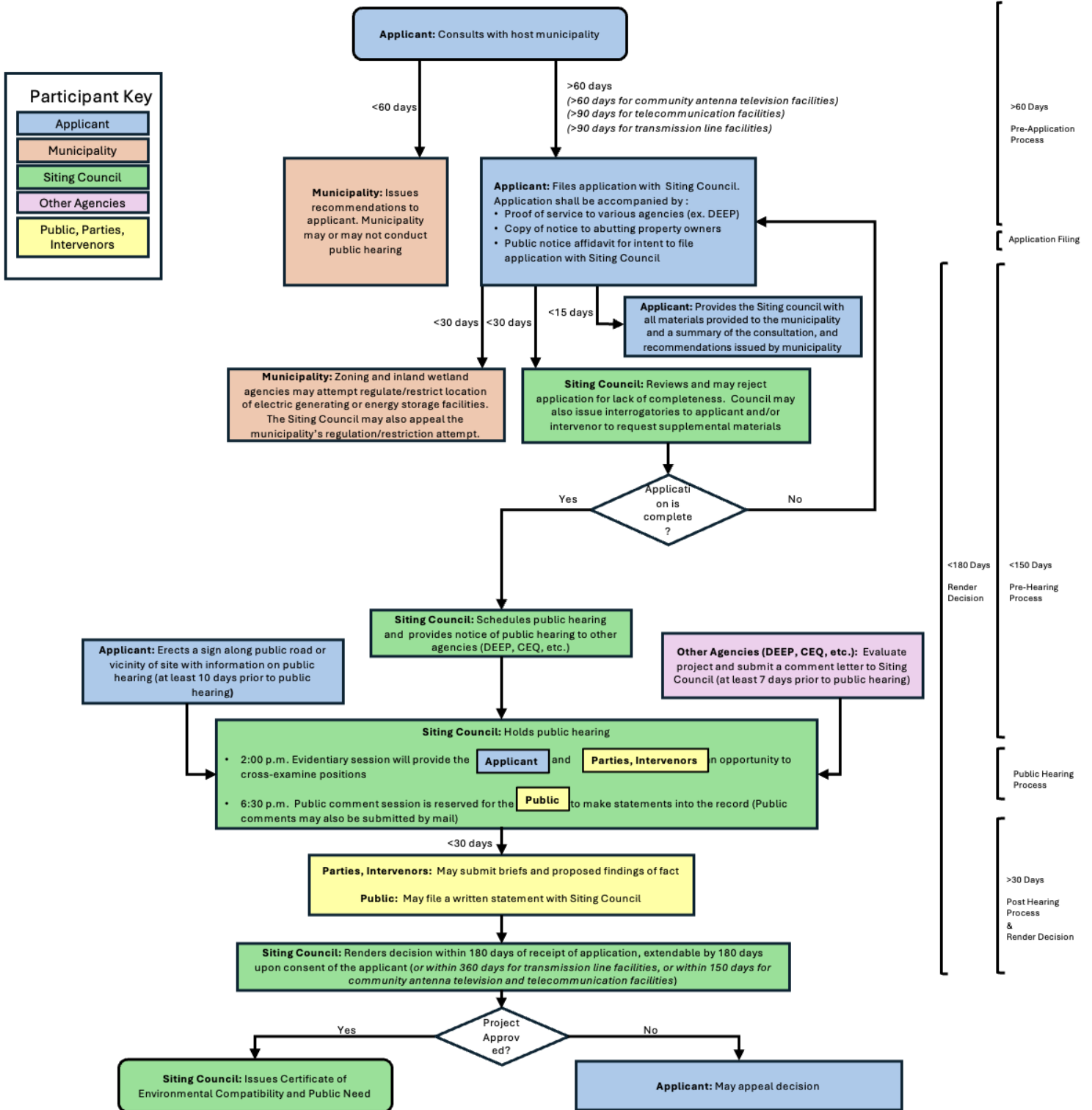
[APPLICATION FOR CERTIFICATE - ELECTRIC GENERATING OR STORAGE FACILITY](#)

[PETITION FOR DECLARATORY RULING](#)

[PETITION FOR DECLARATORY RULING - NOTICE REQUIREMENTS](#)

[PETITION FOR DECLARATORY RULING - RENEWABLE ELECTRIC GENERATING OR STORAGE FACILITY](#)

# APPENDIX 3: FLOWCHART FOR ELECTRIC GENERATING AND STORAGE APPLICATIONS – OCT. 2024



Sources:  
 Connecticut Siting Council: Application Guide for Electric Generating or Energy Storage Facilities – October 2024  
 Connecticut Siting Council: Citizens Guide Siting Council Procedures for Electric Generating Facilities  
 Connecticut Siting Council’s Notice of Public Hearing

## APPENDIX 4: APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED PROCESS

### PHASE 1: PRE-APPLICATION CONSULTATION

To obtain a Certificate from the CSC, the process starts with a Pre-Application consultation with the municipality no less than 60 days before filing the application (90 days for telecommunication facilities and electric transmission projects, as recently amended by Public Act 24-144) with the CSC.<sup>20</sup> This phase is very important to support meaningful municipal participation in the process, and involves:

- **Pre-application consultation with host municipality (60 days before applying, 90 for telecommunication facilities and electric transmission facilities):**

During the municipal consultation process, applicants for Certificates must use good faith efforts to meet with the chief elected official (or their designee), the municipality's legislative body, and each legislature member whose district includes the proposed or alternative site.<sup>21</sup>

The proponent should also share relevant information with the municipality discussing potential impacts. This can include technical reports on the facility's public need, site selection, and environmental effects. For transmission lines, Public Act 24-144 added in the requirement that these reports should include a summary of negotiations with property owners about right-of-way access, easements, or land acquisition.<sup>22</sup>

- **Public Information Meeting (optional):**

Once notified of the initial consultation request, municipalities have the option of holding a local public hearing in cooperation with the applicant to discuss the project, gather community input, and advise the applicant on local preferences or concerns.<sup>23</sup>

- **Municipal Recommendations (submitted by the applicant within 15 days of filing the application):**

Municipalities must submit their recommendations within 60 days of the consultation. They can propose alternative sites for projects, and applicants are required to evaluate these suggestions as part of the application process. The applicant must consider all recommendations by the municipality and submit them to the CSC within 15 days of filing the application.<sup>24</sup>

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<sup>20</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>21</sup> The process for pre-application municipal consultations was expanded by Public Act 24-144 to include using good faith efforts to meet with the legislative body of the municipality and each member of the CT legislature in whose assembly or senate district the facility or alternative location is located. [P.A. 24-144](#).

<sup>22</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>23</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>24</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).



## PHASE 2: APPLICATION, CSC REVIEW, AND PUBLIC HEARING

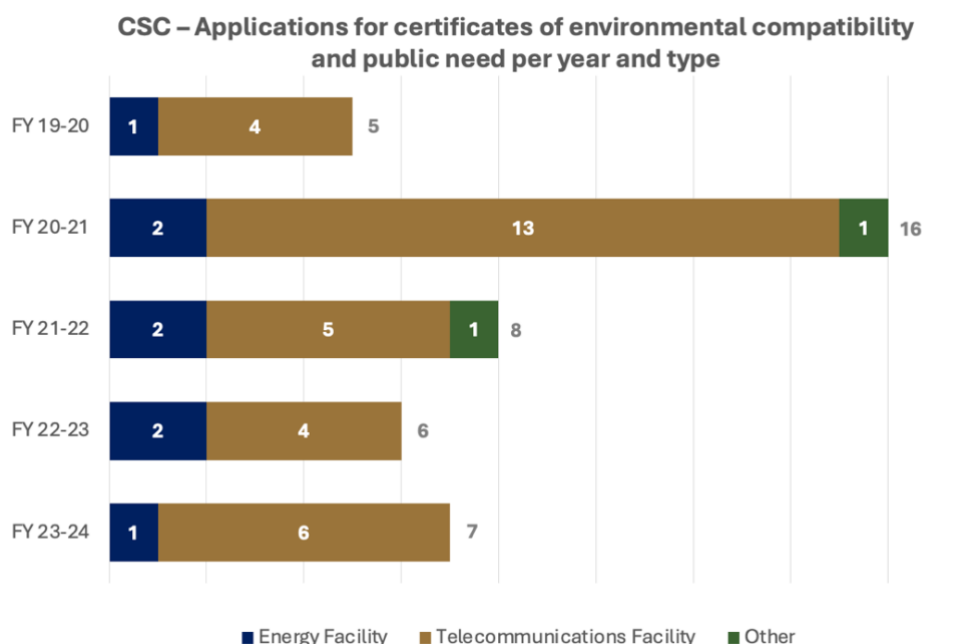
Once the pre-application consultation with the municipality is complete and the project developer files its application before the CSC, the application process formally starts. The application must contain all relevant technical, environmental, and financial information about the proposed facility. The CSC has 180 days from the date an application is submitted to render a decision, which may be extended with the applicant's consent by up to an additional 180 days. For electric transmission lines, or fuel transmission, the CSC has one year from the date an application is submitted to render a decision.<sup>25</sup>

- **Filing the application and giving notice:**

The applicant submits the formal application to the Siting Council, including all necessary documentation and fees. The application must outline the project's purpose, anticipated costs, environmental impacts, and alternatives.

The applicant must also notify relevant municipalities, state agencies, and the public about the application filing, including a summary of the application, details about the project, and instructions on how to participate. An application for a Certificate is assigned a docket number for processing purposes.

During the five-year period from FY 2019 to FY 2023, the CSC received a total of 42 Certificate applications: 32 for telecommunication facilities (75% of the total), 8 for energy facilities (20% of the total: 5 for solar development, 2 for transmission lines, and 1 for a substation), and the remaining 2 from reopened decisions.<sup>26</sup>



**Source:** Created by DEEP based on information from the CSC

<sup>25</sup> CSC webpage for [Frequently Asked Questions](#).

<sup>26</sup> Reopened decisions are defined in [Conn. Gen. Stat. Sec. 4-181a\(b\)](#).

Given the legislative and public interest in the notice process, additional details on that comprehensive noticing process are provided below.

Each application for a Certificate needs to be served on:

“(1) Each municipality in which any portion of a facility is to be located, both as primarily proposed and in the alternative locations listed, and any adjoining municipality having a boundary not more than two thousand five hundred feet from such facility, which copy shall be served on the chief executive officer of each such municipality and shall include notice of the date on or about which the application is to be filed, and the zoning commissions, planning commissions, planning and zoning commissions, conservation commissions and inland wetlands agencies of each such municipality, and the regional councils of governments which encompass each such municipality;

(2) the Attorney General;

(3) each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located;

(4) any agency, department or instrumentality of the federal government that has jurisdiction, whether concurrent with the state or otherwise, over any matter that would be affected by such facility;

(5) each state department and agency named in subsection (i) of section 16-50j;

(6) such other state and municipal bodies as the CSC may by regulation designate.”<sup>27</sup>

Additionally, notice is “provided” (rather than “served,” as it is in 1-6 above) as follows:

“(7) to the general public of effected and potentially effected municipalities.

(8) for certain facilities,<sup>28</sup> to each person appearing of record as an owner of property which abuts the proposed primary or alternative sites on which certain facilities would be located.

(9) for a transmission line, notice has to be provided “to each electric distribution company customer in the municipality where the facility is proposed to be placed. Such notice must (A) be provided on a separate enclosure with each customer’s monthly bill for one or more months, (B) be provided by the electric distribution company not earlier than sixty days prior to filing the application with the ... [CSC], but not later than the date that the application is filed with the ... CSC, and (C) include: A brief description of the project, including its location relative to the affected municipality and adjacent streets; a brief technical description of the project including its proposed length, voltage, and type and range of heights of support structures or underground configuration; the reason for the project; the address and a toll-free telephone number of the applicant by which additional information about the project can be obtained; and a statement in print no smaller than twenty-four-point type size stating “NOTICE OF PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC TRANSMISSION LINE.”<sup>29</sup>

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<sup>27</sup> [Conn. Gen. Stat. Sec. 16-50l \(b\)](#) amended by [P.A. 24-144](#).

<sup>28</sup> [Conn. Gen. Stat. Sec. 16-50j \(a\) \(3\), \(4\), \(5\) or \(6\)](#) amended by [P.A. 24-144](#).

<sup>29</sup> [Conn. Gen. Stat. Sec. 16-50l \(b\)](#) amended by [P.A. 24-144](#).

(10) For any solar photovoltaic electric generating or storage facility of 25 MW or less, the applicant “also provides notice by certified or registered mail of each proposed site configuration change that occurs after the filing of the application but prior to the granting of a Certificate for the facility, that is a material change, as determined by the CSC, to each person appearing of records as an owner of property that abuts the proposed primary or alternative sites for the facility.”<sup>30</sup>

- **Initial CSC review for completeness (within 30 days of application):**

Upon receiving an application, the CSC initiates an initial review to verify its completeness and compliance with requirements. Within 30 days of the submission of the application, the CSC may reject the application for lack of completeness or compel the submission of additional evidence, if necessary. This ensures that all critical information is included in the record and can be examined by the CSC and other stakeholders.

The 180-day statutory timeframe for the CSC to render a decision only continues its course if the application is complete.

- **Public hearing date set and public notice (within 30 days of completeness approval):**

Once the application has been considered complete, the CSC has up to 30 days to set a date and location for a public hearing and to provide public notice. When the public hearing notice is issued, the CSC invites the public, affected municipalities, state agencies, and other stakeholders to participate in its hearing process. Direct notices are sent to affected property owners and municipalities to ensure that key stakeholders are aware of the proposal, and summaries of the application and hearing dates are published in newspapers to reach the general public. The applicant must erect a sign in the vicinity of the site with information about the public hearing at least 10 days before.

- **Consultation with other agencies (deadline 7 days before the public hearing):**

The CSC consults with multiple state agencies, such as the Department of Energy and Environmental Protection (DEEP), the Department of Agriculture, the Department of Public Health, and the State Historic Preservation Office (SHPO), among others.<sup>31</sup> Agencies provide written comments on the proposed project’s potential impacts. This requirement ensures that the CSC can access expert evaluations from specialized agencies and enhances its ability to make evidence-based decisions. State agencies should submit their comments at least 7 days before the public hearing but may submit further comments during or after the hearing.

- **Public hearing process:**

The CSC holds at least one public hearing in the county where a proposed facility will be located. This ensures that evidence comes not only from the applicant but also from the

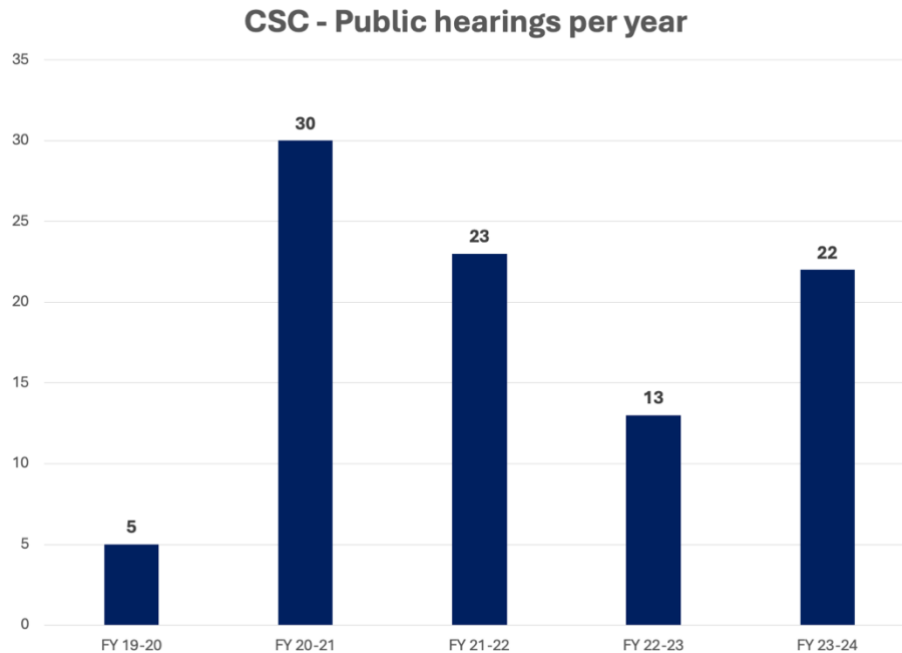
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<sup>30</sup> [Conn. Gen. Stat. Sec. 16-50l\(c\)](#) amended by [P.A. 24-144](#).

<sup>31</sup> Public Act 24-144 added the Office of Consumer Counsel to the list of agencies in [Conn. Gen. Stat. Sec. 16-50j\(i\)](#) amended by [P.A. 24-144](#).

community and other relevant parties. These hearings have been conducted remotely since spring 2020 due to restrictions on public gatherings during the Covid 19 pandemic.

Between Fiscal Years 2019 and 2024, the CSC held 93 public hearings to develop evidentiary records and examine public concerns regarding proposed facilities.<sup>32</sup>



**Source:** Created by DEEP based on information from the CSC

Interested persons may participate in CSC public hearings in three ways:

- Party/intervenor status
- Oral limited appearance during the evening public comment session
- Written limited appearance at any time.

During hearings, parties, including intervenors, such as environmental groups and community organizations, can submit their own evidence and cross-examine the applicant, highlighting potential environmental, social, or technical concerns. The CSC records all testimony and evidence and makes it part of the evidentiary record.

The public hearing process currently includes:

- Optional Public Field Review. Field review visits have not been convened in person since the Covid-19 pandemic but prior to 2020 were held with participants and the public to observe the proposed site that may include a balloon float to simulate the height of the facility (typically, cell towers) and a summary overview of the construction plans.
- Afternoon Evidentiary Session. Held during regular business hours, usually at 2 PM, when the applicant formally presents and verifies its exhibits and is subject to cross-

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<sup>32</sup> The chart on CSC Public hearings per year includes public hearings for both applications and petitions.

examination on the exhibits by the CSC, parties, and intervenors. If the afternoon evidentiary session does not close on the day of the public hearing, the CSC will announce a continuation of the evidentiary session. These evidentiary sessions have been held remotely via Zoom since 2020.

- **Evening Public Comment Session.** Held after 6:30 PM for the convenience of the public at a venue in the host municipality. During the public comment sessions, interested persons are welcome to openly express concerns about a proposed facility. Parties and intervenors may not participate in the public comment session as they are active participants in the evidentiary session that includes the right to submit written testimony and cross examine the applicant. These public comment sessions have also been held via Zoom since in-person meetings were curtailed during the Covid-19 pandemic.

The remote hearing authority under the CT Freedom of Information Act and current operating procedure allows public agencies to hold remote meetings provided that: a) The public has the ability to view or listen to each meeting or proceeding in real time, by telephone, video or other technology; b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency's website within 7 days of the meeting or proceeding; c) The required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information on how the meeting will be conducted and how the public can access it; d) any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency's website for public inspection prior to, during and after the meeting; and e) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak" and that any virtual field review that an applicant conducts is submitted for the record.<sup>33, 34</sup>

- **Municipal Participation Account:**

To ensure that local governments have the resources to meaningfully participate in the decision-making processes, applicants are required to pay a municipal participation fee to support the costs associated with municipal involvement. There is a \$40,000 Municipal Participation Fee for electric transmission projects, which increases to \$80,000 if the facility is in more than one municipality.<sup>35</sup> Payments from this account are made to municipalities to reduce their costs and ensure equitable participation, particularly in resource-limited areas.

- **Additional comments, responses, and development of the record:**

After the application review, consultation, and public hearing processes, the CSC allows an additional 30-day comment period to receive additional input from state agencies, parties, intervenors, and the public. All papers and matters filed by someone making a limited appearance becomes part of the record of evidence in accordance with criteria under PUESA.

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<sup>33</sup> Remote hearings were authorized in 2021 under the provisions of [Conn. Gen. Stat. Sec. 1-225a](#).

<sup>34</sup> See CSC Public Hearing General Provisions ([RCSA 16-50j-18 to 24](#)) and Procedure ([RCSA 16-50j-25 to 30](#)).

<sup>35</sup> [Conn. Gen. Stat. Sec. 16-50l](#) amended by [P.A. 24-144](#).

### PHASE 3: DELIBERATION, CRITERIA, AND DECISION

- **CSC Deliberations:**

The CSC’s quasi-judicial decision-making process, which, as was mentioned in Chapter 1, focuses on balancing environmental protection and public need, considers the entire record of evidence, including public testimony, expert reports from state agencies, and technical submissions from the applicant and other parties. Based on these records, the CSC deliberates during regular public meetings when final decisions are rendered.

The CSC holds between 23 and 24 regular energy and telecommunications meetings annually to deliberate and render decisions on proposed facilities.

- **Criteria used by the CSC in evaluating Applications:**

The CSC evaluates the economic, conservation, and development impacts of the facilities that are seeking a certificate under its jurisdiction by following a structured process based on statutory guidelines.<sup>36</sup> The CSC must ensure that each project serves a public need<sup>37</sup> and its benefits outweigh potential adverse effects. The steps of the process to evaluate applications for a certificate include:

- **Evaluation of public need:** This involves determining whether the project is necessary to meet the state’s energy demands and ensuring that it aligns with long-term plans to develop and expand Connecticut's energy grid. For electric transmission lines, for instance, the CSC looks at how the project will contribute to the reliability and cost-effectiveness of the state's power supply, comparing the proposed project’s costs to feasible alternatives.
- **Environmental and conservation considerations:** The CSC thoroughly assesses the facility's potential adverse effects. This includes analyzing the project’s impact on public health, safety, the natural environment, scenic and historic values, agriculture, and local ecosystems. To add environmental or energy considerations to the body of evidence reviewed through the process, the CSC consults DEEP, to examine the potential effects of a facility on air and water quality, forests, parks, and wildlife. If the project presents significant environmental concerns, the CSC considers whether these negative impacts can be mitigated effectively. Projects must also comply with federal guidelines for protecting natural, historic, and scenic areas.
- **Economic consideration:** Economically, the CSC looks closely at the project's estimated initial and life-cycle costs, including regional and localized financial impacts. They compare the costs to the project's expected benefits, making sure that any localized costs, such as those affecting the community directly, are reasonable and justified. For instance, when evaluating transmission lines, the CSC requires a life-cycle

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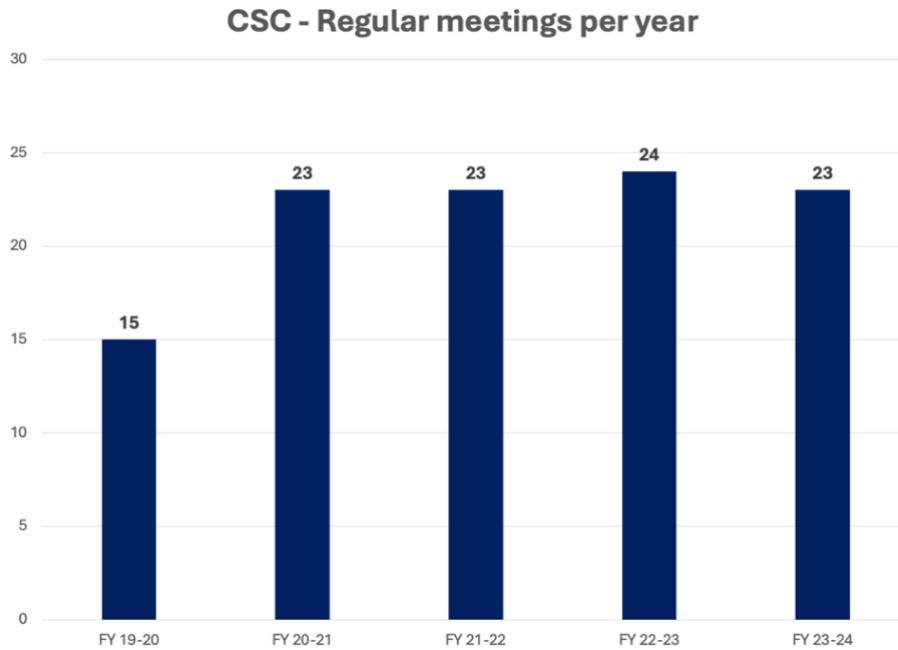
<sup>36</sup> [Conn. Gen. Stat. Sec. 16-50g, et seq.](#)

<sup>37</sup> [Conn. Gen. Stat. Sec. 16-50p](#) “Public need exists when a facility is necessary for the reliability of the electric power supply of the state.”

cost analysis to determine whether underground or overhead installation is more cost-effective, considering factors like long-term maintenance and environmental disruption.

- **Development considerations:** Finally, the CSC considers development impacts, particularly regarding land use and how the project fits into the surrounding community. The CSC establishes buffer zones for projects near residential areas, schools, or parks to protect public health and minimize disruptions. They also consider neighborhood concerns, especially regarding aesthetic impacts and noise, particularly with facilities like solar photovoltaic installations.

Overall, the CSC balances the need for reliable and economic energy services with protecting Connecticut’s environment and communities. Each project is scrutinized for its environmental footprint, cost-effectiveness, and long-term contribution to the state’s energy infrastructure.



**Source:** Created by DEEP based on information from the CSC

- **Decision on the Certificate (within 180 days of receiving the application / 1 year for electric transmission facilities):**

After deliberating, the CSC decides whether to grant or deny the Certificate, including conditions for construction, operation, and mitigation measures if granted. With the mutual consent of the applicant and the CSC, the decision deadline can be extended for up to 180 days.

Decisions must be based on the complete record, with the CSC required to consider specific factors, such as the project's environmental impact, public need, and technical feasibility. The CSC's final decision includes explaining how the evidence led to its conclusions, and it is made publicly available through the CSC website.

- **Publication of decision:**

The CSC publishes its decision, including findings, conclusions, and any conditions imposed. This decision is made public on the CSC's website: [portal.ct.gov/csc](http://portal.ct.gov/csc) and sent to all relevant parties. If the application is approved, the CSC issues the Certificate.

- **Appeal period (no more than 45 days after decision):**

Once the CSC has issued a decision, parties to the proceeding who are dissatisfied with the outcome can appeal it.<sup>38</sup> With the appeal, the courts examine whether the CSC acted within its statutory authority and whether its decision was based on substantial evidence.

#### PHASE 4: CONSTRUCTION AND OPERATION OVERSIGHT

To ensure the conditions established in Certificates are followed, the CSC follows the following process if they believe a violation has occurred:

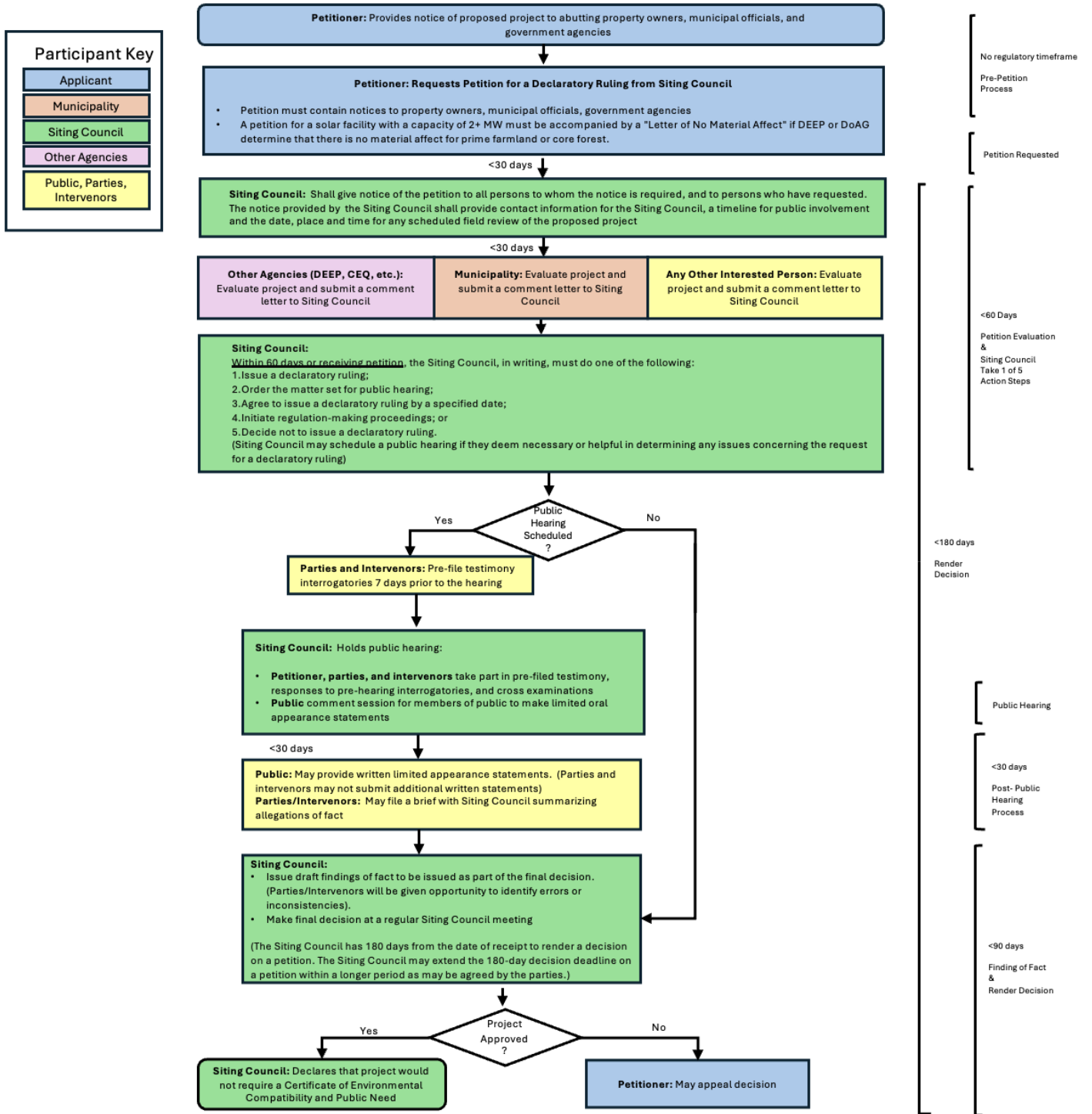
- The CSC gives notice of a potential violation, and the violator can request a hearing.
- If no hearing is requested, the notice becomes a final order.
- If a hearing is requested, it's held before the CSC, and they issue a final order.
- Any fines are recorded in the Superior Court and enforced like a court judgment.

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<sup>38</sup> [Conn. Gen. Stat. Sec. 16-50q](#) amended by [P.A. 24-144](#).



# APPENDIX 5: FLOWCHART - ELECTRIC GENERATING AND STORAGE FACILITY PETITIONS – OCT. 2024



**Sources:**  
 Connecticut Siting Council: Petition Guide for Electric Generating or Energy Storage Facilities – October 2024  
 Connecticut Siting Council: Information Guide to Party and Intervenor Status in a Petition for a Declaratory Ruling  
 Connecticut Siting Council: Citizens Guide Siting Council Procedures for Electric Generating Facilities  
 Connecticut Siting Council: Frequently Asked Questions  
 Connecticut Siting Council's Notice of Public Hearing

## APPENDIX 6: PETITION FOR A DECLARATORY RULING PROCESS

### PHASE 1: PRE-FILING NOTICE

Before submitting a petition for a declaratory ruling to the CSC, the petitioner must notify the following parties:<sup>39</sup>

- Owners of properties abutting the proposed primary or alternative sites.
- Owners of the properties on which the facility or alternative proposed facility will be located.
- Relevant municipal officials and government agencies.

Proof of this notice must be included with the petition.<sup>40</sup> However, there is no specific time limit within which notice is required to be given other than “prior to filing.”

- **Letter of No Material Affect for prime farmland or core forest**

For a solar photovoltaic facility with a capacity of 2 or more megawatts proposed to be located on prime farmland or forestland, the petitioner must request a letter from the Department of Agriculture, ensuring that the facility will not materially affect the status of prime farmland, or from the Department of Energy and Environmental Protection, ensuring that such project will not materially affect the status of such land as core forest. This “Letter of No Material Affect” should be filed as part of the petition in Phase 2 below.<sup>41</sup>

### PHASE 2: PETITION REVIEW AND CSC ACTION

- **Filing a petition:**

When a person files a petition for a declaratory ruling from the CSC on the applicability or validity of statutes, regulations, decisions, or orders, the request should be sent to the CSC's office by mail or in person, signed by the requester. It must include the requester's and their attorney's contact details (if applicable) and:

1. Clearly state the request's substance and nature.
2. Identify the relevant statute, regulation, decision, or order.
3. Include supporting data, facts, and arguments.
4. Attach any relevant exhibits, such as maps, drawings, diagrams, and technical specifications.

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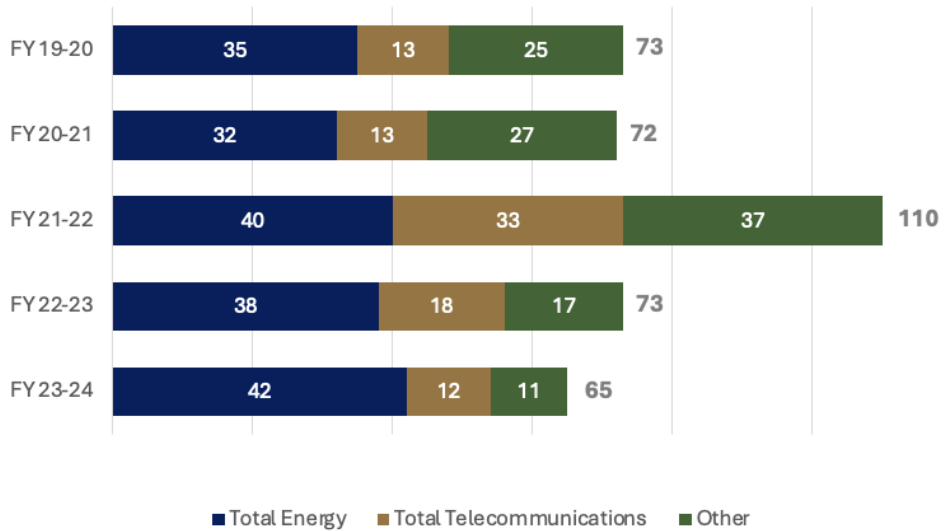
<sup>39</sup> Appropriate parties to notice are the same officials and agencies required to be given notice for an application for a Certificate under [C.G.S. Sec. 16-50k](#).

<sup>40</sup> [RCSA Sec. 16-50j-40\(a\)](#).

<sup>41</sup> [Conn. Gen. Stat. Sec. 16-50k](#).

The petitioner must submit an original and 15-20 copies of its petition with a \$625 filing fee.<sup>42</sup> The CSC received three hundred ninety-three (393) petitions for declaratory rulings from FY 2019 to FY 2023.

### CSC - Petitions for declaratory rulings per year and type

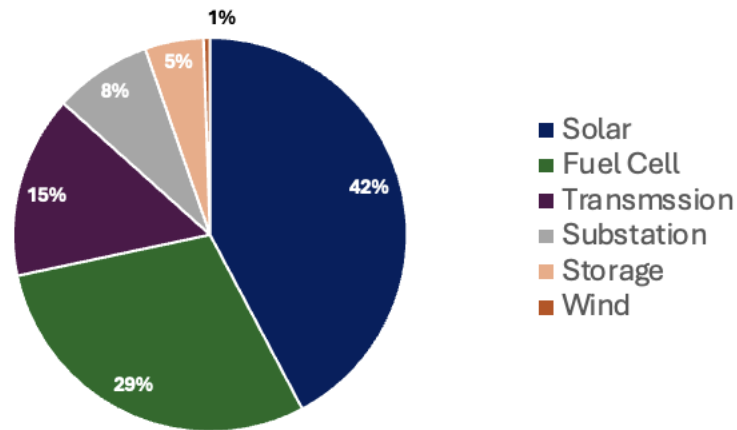


**Source:** Created by DEEP based on information from the CSC

The majority of these (187 petitions and 47% of the total) were for energy facilities. The figure below breaks out the 187 energy petitions received by the CSC over this five-year period classified by type of energy facility. Petitions for solar facilities (42%), fuel cells (29%), and electric transmission facilities (15%) represent the bulk of energy petitions presented to the CSC.

<sup>42</sup> [Reg. Conn. Stat. Agencies Sec. 16-50v-1a.](#)

**CSC – ENERGY Petitions per type of facility,  
received between FY 19-20 and FY 23-24**



**Total Petitions received: 187**

**Source:** Created by DEEP based on information from the CSC

During that same five-year period, the CSC also received 89 telecommunications petitions (22% of the total), and 117 petitions in other categories, such as reopened decisions or National electric safety code modifications.

- **CSC gives notice of petition (within 30 days of filing):**

Within 30 days of receiving a petition for a declaratory ruling, the CSC will notify all legally required parties and anyone who has requested notice on the subject. This notice will include the CSC’s contact information, a timeline for public involvement, and details about any scheduled field review of the proposed project. The CSC may also consider data, facts, arguments, and opinions from other individuals, not just the petitioner.<sup>43,44</sup>

- **Consultation with other agencies (within 30 days of filing):**

The CSC informs other relevant state agencies that the petition was filed, such as the Department of Energy and Environmental Protection (DEEP), the Department of Agriculture, the Department of Public Health, and the State Historic Preservation Office (SHPO), to gather written comments and ensure a thorough assessment of the project’s potential environmental or public impacts.<sup>45</sup>

- **Written Comments:**

Stakeholders are typically encouraged to submit written comments or testimony during the first 30 days period after the public notice of the petition filing is issued by CSC.<sup>46</sup>

<sup>43</sup> [RCSA Sec. 16-50j-40\(a\)](#).

<sup>44</sup> Petition for a declaratory ruling for a renewable electric generating or energy storage facility.

<sup>45</sup> [RCSA Sec. 16-50j-40](#).

<sup>46</sup> [RCSA Sec. 16-50j-40](#).

- **CSC action (within 60 days of filing):**

However, the decision on a petition could happen much sooner than the 180-day deadline. Within 60 days of receipt of a petition, the CSC must take one of the following actions:<sup>47</sup>

1. Issue a ruling on the validity or applicability of the relevant regulation, statute, or decision.
2. Set the matter for a specified proceeding.
3. Agree to issue a declaratory ruling by a certain date.
4. Decide against issuing a declaratory ruling and start regulation-making proceedings.
5. Decide against issuing a declaratory ruling and provide reasons for this decision.

### PHASE 3: OPTIONAL PUBLIC HEARING

- **Public hearing:**

If CSC determines a public hearing is necessary to gather input or clarify specific issues raised by the petition, such a hearing shall be scheduled and notice given.

- **Public comments (within 30 days from public hearing):**

Members of the public may provide written limited appearance statements. (Parties and intervenors may not submit additional written statements).

Parties/Intervenors: May file a brief with Siting Council summarizing allegations of fact.<sup>48</sup>

### PHASE 4: DELIBERATION AND ISSUANCE

- **CSC Deliberations:**

After the consultation and the public participation process, the CSC engages in formal deliberations to review all evidence, public comments, and agency input.

- **Issuance of Declaratory Ruling (no later than 180 days from filing):**

After the deliberation, the CSC may issue a declaratory ruling, which states whether the facility needs a Certificate of Environmental Compatibility and Public Need or is exempt from needing further approval. The ruling is based on environmental and regulatory factors, and the reasoning behind the decision is explained.

The ruling is published, and all relevant parties, including the petitioner, state agencies, and any stakeholders who submitted comments, are notified of the decision.

If the ruling allows the project to proceed without further approval, the CSC may impose conditions to mitigate any potential environmental or public impacts.

- **Appeals:**

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<sup>47</sup> [RCSA Sec. 16-50j-40.](#)

<sup>48</sup> [RCSA Sec. 16-50j-40](#) using the contested case provisions of [RCSA 16-50j-13 to 34, inclusive.](#)

If any party disagrees with the CSC's ruling, they have the right to appeal it to the judicial system for review within 45 days of the decision.

## PHASE 5: CONSTRUCTION AND OPERATION OVERSIGHT

The CSC exercises oversight over approved Petitions, particularly when projects may impact public utility services or the environment.

- **Conditions Attached to Rulings**

When a declaratory ruling is issued, the CSC may impose specific conditions on the project to mitigate environmental or other public impacts. Failure to adhere to the conditions may result additional actions by the CSC to encourage compliance.

- **Enforcement Powers**

The CSC has clearly articulated authority to enforce compliance with its decisions on certificates. However, the CSC's oversight and enforcement authorities related to declaratory rulings on petitions are not clear. The CSC's authority in this area is important to clarify to ensure that approved projects do not expand or change in ways that might have otherwise required formal certification.

- **Periodic Reporting or Inspections**

Depending on the nature of the project, the CSC can request periodic updates or conduct site inspections to ensure compliance with environmental standards and other conditions set out in the Declaratory Ruling.

Given the CSC's capacity, inspections occur relatively infrequently although CSC staff do respond if a community member (for example) were to make a complaint about a project's operations, or if necessary post-construction reports aren't filed appropriately. CSC staff create a considerable "paper file" over time (rather than regular in-field documentation by CSC staff) that is built with ongoing reports, photos, and follow-up which according to staff has typically led to implementation of any conditions required in the CSC's approval. All post-construction reports, photos, and other materials are available for public inspection online organized by each petition or application/docket. Enforcement actions are relatively rare, but could result in fines, revocation of a Certificate, or other penalties further described in Chapter 6 of this report.

## **APPENDIX 7: COMPARISON OF SITING BOARD STAFFING – CT, NH, RI, VT**

There are more similarities than differences in staffing across New England siting boards. All siting boards can retain staff and have at least one staff member who acts as an administrator or executive director for the board. Also, siting boards typically have the authority to retain experts or consultants to assist in the evaluation process. Below are the specific authorities for Connecticut, New Hampshire, Rhode Island, and Vermont.

### **Connecticut**

In Connecticut, the CSC can employ and direct such staff as may be necessary to carry out their functions and those employees should be able to provide expertise in engineering and financial analysis.<sup>49</sup> Additionally, the chairperson of the CSC, with the consent of five or more other members of the CSC, may appoint an executive director, who would be the chief administrative officer of the Connecticut Siting Council. The executive director is exempt from classified service.<sup>50</sup>

After receipt of an application for a Certificate, the CSC can also employ one or more independent consultants to study and measure the consequences of the proposed facility on the environment.<sup>51</sup> The CSC directs the consultant or consultants to study any matter that the CSC deems important to an adequate appraisal of the application. Any such study and any report issued as a result thereof is part of the record of the proceeding.<sup>52</sup>

### **New Hampshire**

In New Hampshire, within the public utilities commission is the position of “administrator” who is an unclassified state employee. In the alternative, the position may be filled by an independent contractor. The administrator is hired by and under the supervision of the chairperson of the public utilities commission and performs duties for the public utilities commission and the site evaluation committee as directed by the chairperson of the public utilities commission, with site evaluation duties having a higher priority. To the extent the administrator performs duties for the site evaluation committee, such duties are funded by the site evaluation committee fund.<sup>53</sup>

The Site Evaluation Committee can delegate to the administrator (or such state agency or official as it deems appropriate) the authority to specify the use of any technique, methodology, practice or procedure approved by the committee within a certificate or the authority to specify minor changes in route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which

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<sup>49</sup> [Conn. Gen. Stat. Sec. 16-50j\(g\) and \(h\)](#) amended by [P.A. 24-144](#), and [Conn. Gen. Stat. Sec. 16-50v\(f\)](#) .

<sup>50</sup> [Conn. Gen. Stat. Sec. 16-50j\(h\)](#) amended by [P.A. 24-144](#).

<sup>51</sup> [Conn. Gen. Stat. Sec. 16-50n\(e\)](#) amended by [P.A. 24-144](#) and [Conn. Gen. Stat. Sec. 16-50v\(f\)](#).

<sup>52</sup> [Conn. Gen. Stat. Sec. 16-50n\(e\)](#) amended by [P.A. 24-144](#).

<sup>53</sup> [N.H. Rev. Stat. Sec.162-H:3-a](#).

information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.<sup>54</sup>

The administrator, or chairperson, in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee, as necessary. For example, the chairperson or the administrator can appoint counsel to conduct all prehearing conferences, if such appointment would promote the orderly conduct of the proceeding.<sup>55</sup>

The site evaluation committee can also employ a consultant or consultants, legal counsel and other staff in furtherance of its duties, the cost of which is borne by the applicant or certificate holder in such amount as may be approved by the committee. The site evaluation committee is further authorized to assess the applicant or certificate holder for all travel and related expenses associated with the processing of an application or other proceedings under this chapter.<sup>56</sup>

## Rhode Island

In Rhode Island, the Board selects a coordinator who is responsible for the publication and distribution of all official minutes, reports, and documents and serves as the director of the board staff. The coordinator, under the direction of the chairperson, coordinates and expedites the work of various agencies that provide reports to the EFSB.<sup>57</sup> The board may engage any consultants or expert witnesses that it deems necessary to implement its statutory responsibilities; provided, however, that to the maximum extent possible, board staff should be drawn from existing state agencies.<sup>58</sup> The board can also designate officials or staff from any state agency as its agents for the purposes of investigating complaints, performing routine maintenance and issuing written cease and desist orders.<sup>59</sup>

## Vermont

In Vermont, where the siting is done by the Department of Public Utilities, prior to the application being filed, the applicant must notify the municipal or regional planning commission of the project. The municipal or regional planning commission can, thereafter, request that the Department of Public Service exercise its authority to retain experts and other personnel to review the proposed facility. The Department of Public Service may commence retention of these personnel once the petitioner has submitted proposed plans.<sup>60</sup>

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<sup>54</sup> [N.H. Rev. Stat. Sec. 162-H:4 \(III\)](#) and Site Evaluation Committee Rules [Site 103.04](#).

<sup>55</sup> [N.H. Rev. Stat. Sec. 162-H:3-a](#).

<sup>56</sup> [N.H. Rev. Stat. 162-H:10](#).

<sup>57</sup> [R.I. Gen. Laws Ann. Sec. 42-98-5\(c\)](#).

<sup>58</sup> [R.I. Gen. Laws Ann. Sec. 42-98-5\(c\)](#).

<sup>59</sup> [R.I. Gen. Laws Ann. Sec. 42-98-16\(d\)](#).

<sup>60</sup> [30 V.S.A. Sec. 248 \(f\)\(1\)\(B\)](#).



## APPENDIX 8: COMPARISON OF REVIEW PROCESSES IN OTHER STATES – MA, NH, RI, VT

### Massachusetts

The MA- EFSB and DPU Siting review process is a legal proceeding, in which the burden is on the developer or utility company to demonstrate that the proposed project meets the requirements set forth in the statutes and regulations. See [EFSB and DPU Siting Process | Mass.gov](#). A few of the relevant processes are included below.

#### ***MA: Approval of Petitions for Approval of Construction***

No “facility” can be constructed, in Massachusetts, without a petition for approval of construction being issued by the EFSB. In the case of an electric or gas company which is required to file a long-range forecast, that facility must be consistent with the most recently approved long-range forecast for that company. In addition, no applicant can commence construction of a generating facility unless a petition for approval of construction has been approved by the board. There are different rules and procedures related to petitions for approval of construction that distinguish “generating facilities” from other “non-generating facilities.”<sup>61</sup>

A “facility” is defined as “(1) a generating facility; (2) a new electric transmission line having a design rating of 69 kilovolts or more and which is one mile or more in length on a new transmission corridor; (3) a new electric transmission line having a design rating of 115 kilovolts or more which is 10 miles or more in length on an existing transmission corridor except reconductoring or rebuilding of transmission lines at the same voltage; (4) an ancillary structure which is an integral part of the operation of any transmission line which is a facility; (5) a unit, including associated buildings and structures, designed for or capable of the manufacture or storage of gas, except such units below a minimum threshold size as established by regulation; and (6) a new pipeline for the transmission of gas having a normal operating pressure in excess of 100 pounds per square inch gauge which is greater than one mile in length except restructuring, rebuilding, or relaying of existing transmission lines of the same capacity.”<sup>62</sup>

A “generating facility” is defined as, “any generating unit designed for or capable of operating at a gross capacity of 100 megawatts or more, including associated buildings, ancillary structures, transmission and pipeline interconnections that are not otherwise facilities, and fuel storage facilities.”<sup>63</sup>

With respect to generating facilities, the board only reviews the environmental impacts of those facilities, because Massachusetts has a policy of allowing market forces to determine the need for and cost of such facilities.<sup>64</sup> The board also coordinates the permitting and licensing of certain hydropower generating facilities.<sup>65</sup>

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<sup>61</sup> [M.G.L.A. 164 Sec. 69J](#) and [M.G.L.A. 164 Sec. 69J1/4](#).

<sup>62</sup> [M.G.L.A. 164 Sec. 69G](#).

<sup>63</sup> Definitions for “facility” and “generating facility” are in [M.G.L.A. 164 Sec. 69G](#).

<sup>64</sup> [M.G.L.A. 164 Sec. 69H](#).

<sup>65</sup> [M.G.L.A. 164 Sec. 69H1/2](#).

### **MA: Certificate of Environmental Impact**

The EFSB can also issue certificates of environmental impact for “facilities” and “generating facilities.” Such a certificate, if granted, has the legal effect of providing all state and local permits that are required for construction and operation of the facility, as requested by the applicant.<sup>66</sup>

With respect to “facilities,” generally, an electric, gas or oil company which proposes to construct or operate a facility can petition the Board for a certificate. The EFSB will review matters where a proposed facility is potentially being blocked by government action or inaction. The board considers certificates when: (1) the electric, gas or oil company is prevented from building a facility because it cannot meet standards imposed by a state or local agency with commercially available equipment; (2) the processing or granting by a state or local agency of any approval, consent, permit or certificate has been unduly delayed for any reason; (3) the company believes there are inconsistencies among resource use permits; (4) a nonregulatory issue or condition has been raised or imposed by such state or local agencies such as, but not limited to, aesthetics and recreation; (5) the facility cannot be constructed due to any disapprovals, conditions or denials by a state or local agency or body, except with respect to any lands or interests therein, excluding public ways, owned or managed by any state agency or local government; or (6) any state or local agency has imposed a burdensome condition or limitation on any license or permit which has a substantial impact on the board’s responsibilities. Also, for “generating facilities” if the facility cannot be constructed because of delays caused by the appeal of any approval, consent, permit or certificate.

Notwithstanding the provisions of any other law to the contrary, when a certificate is issued, no state agency or local government can require any approval, consent, permit, certificate or condition for the construction, operation or maintenance of the facility with respect to which the certificate is issued and no state agency or local government can impose or enforce any law, ordinance, by-law, rule or regulation nor take any action nor fail to take any action which would delay or prevent the construction, operation or maintenance of the facility.

A certificate is in the form of a composite of all individual permits, approvals, or authorizations which would otherwise be necessary for the construction and operation of the generating facility, and that portion of the certificate which relates to subject matters within the jurisdiction of a state or local agency is enforced by said agency under the other applicable laws of the commonwealth as if it had been directly granted by the said agency.<sup>67</sup>

The statutes further set forth: what must be contained in the petition for the certificate and the notice requirements;<sup>68</sup> requirements related to public hearings;<sup>69</sup> the parties to the proceedings;<sup>70</sup> and what

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<sup>66</sup> <https://www.mass.gov/doc/energy-facilities-siting-handbook-revised-january-2019>.

<sup>67</sup> [M.G.L.A. 164 Sec. 69K](#) (non-generating) and [M.G.L.A. 164 Sec. 69K ½](#) (generating).

<sup>68</sup> [M.G.L.A. 164 Sec. 69L](#) (non-generating) and [M.G.L.A. 164 Sec. 69L ½](#) (generating).

<sup>69</sup> [M.G.L.A. 164 Sec. 69M](#).

<sup>70</sup> [M.G.L.A. 164 Sec. 69N](#).

needs to be included in the decision.<sup>71</sup>

### ***MA: State Representative before FERC***

In addition to conducting facility reviews, the MA-EFSB may represent the Commonwealth in proceedings before the Federal Energy Regulatory Commission ("FERC") having to do with the construction of interstate natural gas pipelines in Massachusetts. The MA-EFSB typically intervenes when interstate natural gas pipeline companies petition FERC to construct major interstate gas pipelines in Massachusetts. At the request of hydroelectric facility applicants seeking FERC approval, the MA-EFSB is authorized to coordinate the information collection process for permitting and licensing of hydropower generating facilities, in consultation with state and federal permitting and licensing agencies.<sup>72</sup>

## **New Hampshire**

### ***Certificate***

No person can construct any energy facility in New Hampshire without first obtaining a certificate from the site evaluation committee. The facilities are constructed, operated and maintained in accordance with the terms of the certificate.<sup>73</sup> Sizeable changes or additions to existing facilities also require a certificate. A certificate is conclusive on all questions of siting, land and offshore uses and air and water quality.<sup>74</sup>

An "Energy Facility" is defined as:

Any industrial structure that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include, but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion, onshore and offshore loading and unloading facilities for energy sources and energy transmission pipelines that are not considered part of a local distribution network; (b) Electric generating station equipment and associated facilities designed for, or capable of, operation at any capacity of 30 megawatts or more; (c) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), over a route not already occupied by a transmission line or lines; (d) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line; (e) A new electric transmission line of design rating in excess of 200 kilovolts; (f) A renewable energy facility; (g) An electrical storage facility

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<sup>71</sup> [M.G.L.A. 164 Sec. 69O](#) (non-generating) and [M.G.L.A. 164 Sec. 69O ½](#) (generating).

<sup>72</sup> <https://www.mass.gov/doc/energy-facilities-siting-handbook-revised-january-2019>.

<sup>73</sup> [N.H. Rev. Stat. Sec. 162-H:5](#).

<sup>74</sup> [N.H. Rev. Stat. Sec. 162-H:16](#).

with a peak storage capacity of 30 megawatts or greater; (h) Any other facility and associated equipment that the committee determines requires a certificate pursuant to that process.<sup>75</sup>

A “Renewable Energy Facility” is defined as:

electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. “Renewable energy facility” shall also include [under certain circumstances] electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity...<sup>76</sup>

Any certificate issued by the site evaluation committee is based on the record. The decision to issue a certificate in its final form or to deny an application, once it has been accepted, is made by a majority of the full membership. A certificate is conclusive on all questions of siting, land [use] and offshore uses, and air and water quality.<sup>77</sup>

## Rhode Island

### ***RI: License***

In Rhode Island, “[n]o person shall site, construct, or alter a major energy facility within the state without first obtaining a license from the siting board....”<sup>78</sup> The siting board is the licensing and permitting authority for all licenses, permits, assents, or variances which, under any statute of the state or ordinance of any political subdivision of the state, would be required for siting, construction or alteration of a major energy facility in the state.<sup>79</sup> The licensing decision issued by the siting board constitutes the sole, final, binding, and determinative regulatory decision within the state for the purposes of siting, building, operating, or altering a major energy facility.<sup>80</sup>

“Major energy facilities”, are defined as:

“facilities for the extraction, production, conversion, and processing of coal; facilities for the generation of electricity designed or capable of operating at a gross capacity of forty (40) megawatts or more; transmission lines of sixty-nine (69) KV or over; facilities for the conversion, gasification, treatment, transfer, or storage of liquified natural and liquified petroleum gases; facilities for the processing, enrichment, storage, or disposal of nuclear fuels or nuclear byproducts; facilities for the refining of oil, gas, or other petroleum products; facilities of ten (10) megawatts or greater capacity for the generation of electricity by water power, and facilities associated with the transfer of oil, gas, and coal via pipeline; any energy facility project of the Rhode Island economic development corporation....”<sup>81</sup>

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<sup>75</sup> [N.H. Rev. Stat. Sec. 162-H:2 \(VII\)](#).

<sup>76</sup> [N.H. Rev. Stat. Sec. 162-H:2 \(XII\)](#).

<sup>77</sup> [N.H. Rev. Stat. Sec. 162-H:16](#).

<sup>78</sup> [R.I. Gen. Laws Ann. Sec. 42-98-4](#).

<sup>79</sup> [R.I. Gen. Laws Ann. Sec. 42-98-7 \(a\)\(1\)](#).

<sup>80</sup> [R.I. Gen. Laws Ann. Sec. 42-98-12 \(a\)](#).

<sup>81</sup> [R.I. Gen. Laws Ann. Sec. 42-98-3 \(d\)](#).

The board can also create regulations to further define a “major energy facility,”<sup>82</sup> as well as rules and regulations governing construction within the state of high-voltage transmission lines of sixty-nine (69) kV or greater.<sup>83</sup>

Waste to energy facilities are not considered major energy facilities.<sup>84</sup>

## **Vermont**

### ***Certificate of Public Good***

With certain exceptions, no site preparation for or construction of an electric generation facility, energy storage facility, or electric transmission facility and no exercise of eminent domain can occur unless the Public Utility Commission issues a certificate that it will promote the general good of the State of Vermont. Additionally, the Public Utility Commission must issue a certificate that natural gas facilities, including natural gas transmission lines, will promote the general good of the State of Vermont (unless they fall solely within federal jurisdiction).<sup>85</sup>

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<sup>82</sup> [R.I. Gen. Laws Ann. Sec. 42-98-3 \(d\)](#)

<sup>83</sup> [R.I. Gen. Laws Ann. Sec. 39-25-3.](#)

<sup>84</sup> [R.I. Gen. Laws Ann. Sec. 42-98-3 \(d\).](#)

<sup>85</sup> [30 V.S.A. Sec. 248 et seq.](#)

## APPENDIX 9: COMPARISON OF PROCESS AND PROCEDURES – CT, NH, RI, VT

Not all aspects of process are contained in statutes. Procedures and process are also contained in regulations and siting body rules and/or the practices of individual boards. As a broad overview the flow of the statutory process for each state is generally as follows:

- **CT:** pre-application municipal meetings, application, opinions of state agencies, evidentiary hearing/public hearing, decision.
- **RI:** advanced notice of application (if applicable), application, initial hearing and designation of state agencies for opinions, receipt of opinions, hearing, decision.
- **NH:** public information session; application; public information session, public hearing, decision.
- **MA:** application; public comment hearing, evidentiary hearing, decision.

### *Prior to Filing the Application*

The siting board process is sometimes statutorily required to begin even before an application is filed. The procedures, however, of this pre-application process differ in each state. Connecticut statutes tend to favor robust municipal involvement in the pre-application process. For example, while New Hampshire and Vermont may require municipal notice of a project, Connecticut appears to be the only state to require that an applicant use good faith efforts to meet with multiple levels of government representatives from an affected municipality before an application can be filed. While Connecticut and Vermont allow a municipality, or the municipal or regional planning commission, to choose whether to hold a public hearing as part of the pre-application process, in New Hampshire a public meeting must be held as part of the pre-application process. A transcript of the hearing is then created, and the SEC must summarize the issues of concern raised in public hearings in the final order.

## Connecticut

In Connecticut, in connection with a Certificate of Environmental Compatibility and Public Need, sixty days (or 90) prior to filing an application with the CSC, the applicant needs to use good faith efforts to consult with potentially affected municipalities concerning the proposed and alternative sites of the facility.<sup>86</sup> The applicant must use good faith efforts to meet with the chief elected official of the municipality, or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located.<sup>87</sup> The applicant must provide the local officials with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility.<sup>88</sup> In the case of a proposed transmission line, the applicant must provide a report that includes a summary of the status of any negotiation with the owners of real property concerning any required right of way access, easements or land

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<sup>86</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>87</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>88</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

acquisition.<sup>89</sup> After receiving the notice, the municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility.<sup>90</sup> Not later than sixty days after the initial consultation, the municipality will issue its recommendations to the applicant. Thereafter, within 15 days of filing the application, the applicant must provide the CSC with any materials given to the municipalities, a summary of the consultations with the municipalities and any recommendations issued by the municipality.<sup>91</sup>

## **New Hampshire**

Not less than 30 days before filing an application, the applicant must hold at least one public information session in each county where the proposed facility is to be located to present information about the proposed facility and provide an opportunity for comments and questions from the public. A transcript of the hearing is prepared and included in the application. The applicant must publish, not less than 14 days before the session, public notice of the session containing certain information about the facility in the newspaper. The notice also needs to be sent to the governing body of each affected municipality. The public notice is also given to the chairman of the committee, and a transcript of the public meeting is included with the application for the certificate.<sup>92</sup>

## **Rhode Island**

In Rhode Island, the pre-application process does not begin with a public hearing. Rather, the RI-ESFB gets advance notice that an application may be coming at a later point in time. The owners of any proposed energy facility, whether or not the facility qualified as a major energy facility, have to make an informational filing with the board at the time of the first application to any other agency, board, Council, or commission of the state or political subdivision of the state required to issue a permit, license, assent, or variance in order for the siting, construction, or alteration of the facility to proceed. The informational filing shall contain at least the following: (1) identification of the proposed owner(s) of the facility, including identification of all affiliates of the proposed owners; and (2) a detailed description of the proposed facility, including its function and operating characteristics, and complete plans as to all structures, including underground construction and transmission facilities, underground or aerial, associated with the proposed facility.<sup>93</sup>

## **Vermont**

In Vermont, plans for the construction of a facility within the State must be submitted by the petitioner to the municipal and regional planning commissions forty-five days in advance of the submission of an application for a certificate of public good, unless the municipal and regional

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<sup>89</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>90</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>91</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) and [Conn. Gen. Stat. Sec. 16-50gg](#) amended by [P.A. 24-144](#).

<sup>92</sup> [N.H. Rev. Stat. Sec. 162-H:10](#).

<sup>93</sup> [R.I. Gen. Laws Sec. 42-98-20](#).

planning commissions waive the requirement. Thereafter, the municipal or regional planning commission may hold a public hearing on the proposed plans and request that the petitioner or the Department of Public Service, or both, attend the hearing, which they must do. The Department of Public Service then will consider the comments made and information obtained at the hearing to make recommendations to the Commission on the application to determine whether to retain additional personnel. The municipal or regional planning commission may also request that the Department of Public Service exercise its authority to retain experts and other personnel to review the proposed facility. The Department may commence retention of the personnel once the petitioner has submitted proposed plans. The Department of Public Service may allocate the expenses incurred in retaining these personnel to the petitioner. The municipal or regional planning commission can also make recommendations to the petitioner or make recommendations to the Commission. The exception to the timeframe is the relocation of an existing transmission line which must be submitted no less than 21 days prior to an application.<sup>94</sup>

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<sup>94</sup> [30 V.S.A. Sec. 248 \(f\)](#) and [30 V.S.A. Sec. 248 \(g\)](#).



## **APPENDIX 10: COMPARISON OF SITING APPLICATION MATERIALS – MA, NH, RI, VT**

The minimum of what must be contained in an application is set forth in each of the states' statutes and these requirements may be supplemented by additional requirements contained in the rules for the siting body. The Connecticut statutes are unique in that they differentiate what must be in applications for transmission lines from what must be in applications for other facilities. Generally, the information required by other states' statutes to be in the application is also required by Connecticut in some form and there is no apparent deficiency in Connecticut's application contents. The following is a description, limited to the statutory requirements only, of what must be contained within an application for Massachusetts, New Hampshire, Rhode Island, and Vermont.

### **Connecticut**

In Connecticut, an application must contain such information as the applicant considers relevant, such information that the CSC or any department or agency of the state exercising environmental controls may by regulation require and certain information required by statute.<sup>95</sup> The statutory requirements depend on the type of facility and are generally found in Conn. Gen. Stat. Sec. 16-50L.

Also, in addition to an application, the CSC can require the applicant to submit a development and management plan.<sup>96</sup>

#### ***Development and Management Plan***

In addition to an application, the CSC, pursuant to its regulations, also can require, the preparation of a full or partial Development and Management Plan for proposed energy facilities, modifications to existing facilities, or where the preparation of such a plan would help significantly in balancing the need for adequate and reliable utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state. There is certain information that must be contained within the D&M plan.<sup>97</sup>

Public Act 24-144 recently added statutory requirements for information that must be included in D&M plans for transmission facilities. The Certificate holder shall include in any development and management plan submitted to the CSC on and after October 1, 2025, for a facility described in subdivision (1) of subsection (a) of section 16-50i (transmission line), or any modification of such a facility: (i) The estimated cost for the facility or modification, as applicable, based on the design in the development and management plan and current cost information, and (ii) the estimated regionalized and localized costs using such estimated cost. If either (I) such estimate of costs based on the design in the development and management plan and current cost information, or (II) such estimate of localized costs is greater than one hundred ten per cent of the estimated initial, life-cycle or localized costs for the facility or modification, as applicable, determined by the CSC pursuant to subparagraph (D)(ii) of subdivision (3) of subsection (a) of this section, the Certificate

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<sup>95</sup> [Conn. Gen. Stat. Sec. 16-50L\(a\)](#) amended by [P.A. 24-144](#).

<sup>96</sup> [Conn. Reg. 16-50j-60](#).

<sup>97</sup> [Conn. Reg. 16-50j-61](#) and [Conn. Reg. 16-50j-62](#).

holder shall include in the development and management plan a detailed analysis of the difference in cost estimates and shall provide any additional information requested by any member of the CSC or by any intervenors to the proceeding.<sup>98</sup>

## Massachusetts

A petition to construct a “facility” needs to include, in such form and detail as the board shall from time to time prescribe, the following information:

(1) a description of the facility, site and surrounding areas;

(2) an analysis of the need for the facility, either within or outside, or both within and outside the Commonwealth;

(3) a description of the alternatives to the facility, such as other methods of transmitting or storing energy, other site locations, other sources of electrical power or gas, or a reduction of requirements through load management; and

(4) a description of the environmental impacts of the facility. The board is empowered to issue and revise filing guidelines after public notice and a period for comment. A minimum of data shall be required by these guidelines from the applicant for review concerning land use impact, water resource impact, air quality impact, solid waste impact, radiation impact and noise impact.<sup>99</sup>

A petition to construct a “generating facility” needs to include:

(i) a description of the proposed generating facility, including any ancillary structures and related facilities;

(ii) a description of the environmental impacts and the costs associated with the mitigation, control, or reduction of the environmental impacts of the proposed generating facility;

(iii) a description of the project development and site selection process used in choosing the design and location of the proposed generating facility;

(iv) either (a) evidence that the expected emissions from the facility meet the technology performance standard in effect at the time of filing, or (b) a description of the environmental impacts, costs, and reliability of other fossil fuel generating technologies, and an explanation of why the proposed technology was chosen; and

(v) any other information necessary to demonstrate that the generating facility meets the requirements for approval specified in this section.

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<sup>98</sup> [Conn. Gen. Stat. Sec. 16-50p](#), amended by [P.A. 24-144](#).

<sup>99</sup> [M.G.L.A. 164 Sec. 69J](#).

The board also must require information to allow it to review the local and regional land use impact, local and regional cumulative health impact, water resource impact, wetlands impact, air quality impact, solid waste impact, radiation impact, visual impact, and noise impact of the proposed generating facility.<sup>100</sup>

## **New Hampshire**

In New Hampshire, pursuant to statute, each application needs to contain:

Sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms, which shall be contemporaneously filed with the state agency having jurisdiction. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the chairperson or designated presiding officer and the applicant of that fact and specify what information the applicant must supply. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the chairperson or designated presiding officer or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

Each application also must:

Describe in reasonable detail the type and size of each major part of the proposed facility.

Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.

Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

Describe in reasonable detail the impact of each major part of the proposed facility on existing land and offshore uses.

Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

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<sup>100</sup> [M.G.L.A. 164 Sec. 69J1/4.](#)

Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.

Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

Provide such additional information as the committee may require to carry out the purposes of this chapter.<sup>101</sup>

## **Rhode Island**

In Rhode Island, the rules and regulations promulgated by the board prescribe the form and contents of applications, however, the applications need to contain at least the following:

- (1) Identification of the proposed owner(s) of the facility, including identification of all affiliates of the proposed owners;
- (2) Detailed description of the proposed facility, including its function and operating characteristics, and complete plans as to all structures, including underground construction and transmission facilities, underground or aerial, associated with the proposed facility. The complete plans shall be the basis for determining jurisdiction under the energy facility siting act and shall be the plans submitted to all agencies whose permit is required under the law;
- (3) A detailed description and analysis of the impact of the proposed facility on its physical and social environment together with a detailed description of all environmental characteristics of the proposed site, and a summary of all studies prepared and relied upon in connection therewith; Where applicable these descriptions and analysis shall include a review of current independent, scientific research pertaining to electric and magnetic fields (EMF). The review shall provide data assessing potential health risks associated with EMF exposure. For the purposes of this chapter “prudent avoidance” shall refer to measures to be implemented in order to protect the public from EMF exposure;
- (4) All studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, on which the applicant intends to rely in showing the need for the proposed facility under the statewide master construction plan submitted annually;
- (5) Complete detail as to the estimated construction cost of the proposed facility, the projected maintenance and operation costs, estimated costs to the community such as safety and public

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<sup>101</sup> [N.H. Rev. Stat. Sec. 162-H:7.](#)

health issues, storm damage and power outages, estimated costs to businesses and homeowners due to power outages, the estimated unit cost of energy to be produced by the proposed facility, and expected methods of financing the facility;

(6) A complete life-cycle management plan for the proposed facility, including measures for protecting the public health and safety and the environment during the facility's operations, including plans for the handling and disposal of wastes from the facility, and plans for the decommissioning of the facility at the end of its useful life;

(7) A study of alternatives to the proposed facility, including alternatives as to energy sources, methods of energy production, and sites for the facility, together with reasons for the applicant's rejection of these alternatives. The study shall include estimates of facility cost and unit energy costs of alternatives considered.<sup>102</sup>

## Vermont

An application for an electric generation facility with a capacity that is greater than 50 kilowatts and for an energy storage facility that is greater than 1 megawatt, unless the facility is located on a new or existing structure the primary purpose of which is not the generation of electricity, must include, in addition to any other information required by the Commission:

(i) the full limits of physical disturbance due to the construction and operation of the facility and related infrastructure, including areas disturbed due to the creation or modification of access roads and utility lines and the clearing or management of vegetation;

(ii) the presence and total acreage of primary agricultural soils on each tract to be physically disturbed in connection with the construction and operation of the facility, the amount of those soils to be disturbed, and any other proposed impacts to those soils;

(iii) all visible infrastructure associated with the facility; and

(iv) all impacts of the facility's construction and operation under subdivision (b)(5) of this section, including impacts due to the creation or modification of access roads and utility lines and the clearing or management of vegetation.<sup>103</sup>

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<sup>102</sup> [R.I. General Laws Sec. 42-98-8.](#)

<sup>103</sup> [30 V.S.A. Sec. 248\(a\)\(4\)\(J\).](#)

## **APPENDIX 11: COMPARING NOTICE PROVISIONS FOR A FILING/APPLICATION – MA, NH, RI, VT**

Of the New England states, Connecticut has the broadest statutory requirements for service of an application and/or for notice of such application.

Massachusetts, however, does include an additional public notice requirement, that notice be posted in the town hall of an affected municipality. Generally, however, all of the states require some form of municipal and public notice. The majority also contemplate individual abutting landowner notice under certain circumstances. Public notice is still done by newspaper.

### **Massachusetts**

In Massachusetts, each Petition for Approval of Construction must be served on: the mayor of each city and the board of selectmen of each town in which any part of the proposed facility is to be located, the secretary of each executive office and the attorney general. Public notice containing a summary of the petition and the date on which notice is to be filed needs to be given by publication, in such manner as the board may by regulation provide.<sup>104</sup>

An applicant is also instructed to distribute a Public Notice of the project via the following methods: (1) Publish a notice of its proposal to construct the project in at least two newspapers having a reasonable level of circulation within the community or region prior to the Public Comment Hearing; (2) Mail notice to owners of all property within a certain distance of the boundaries of the proposed project; and (3) Post the notice in the city or town halls of communities in which the proposed project would be located.<sup>105</sup>

### **New Hampshire**

The public and municipal governments are already notified prior to the application being submitted through the pre-application process.<sup>106</sup>

### **Rhode Island**

The RI-EFSB, upon receiving a utility company application, immediately notifies, in writing, the Councils of the towns and cities affected by the construction. The applicant notifies the citizens in towns and cities affected thirty (30) days prior to public meetings through local papers. The applicant also notifies abutting landowners individually, in writing, thirty (30) days prior to the hearings, by certified mail, postage prepaid.<sup>107</sup>

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<sup>104</sup> [M.G.L.A. 164 Sec. 69L](#), [M.G.L.A. 164 Sec. 69L1/2](#).

<sup>105</sup> [EFSB and DPU Siting Process | Mass.gov](#)

<sup>106</sup> [N.H. Sec. 162H:10](#).

<sup>107</sup> [R.I. Gen Laws Sec. 42-98-9.1](#).

## Vermont

After the Commission determines that a petition is complete, the petitioner serves copies of the complete petition on the Attorney General and the Department of Public Service, and, with respect to facilities within Vermont: the Department of Health; Agency of Natural Resources; Historic Preservation Division; Agency of Transportation; Agency of Agriculture, Food and Markets; and to the chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located.<sup>108</sup>

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<sup>108</sup> [30 V.S.A. Sec. 248\(a\)\(4\)\(C\)](#).

## **APPENDIX 12: COMPARISON OF PARTIES TO A PROCEEDING – CT, MA, NH, RI, VT**

Who can become a party to a proceeding and the path required to become a party is not always established in the state statutes. This is sometimes done through the siting body rules or regulations. There typically exists a procedure through which a potentially affected municipality can become a party. Also, there are typically procedures where others can seek approval to intervene in a proceeding. Finally, there are often also means through which the public can comment and participate in a more limited fashion. In Connecticut, the general statutes establish who can become a party but also leave some discretion to the CSC to include other parties (not otherwise included in the statutes) that the CSC considers appropriate to include.

### **Connecticut**

The parties to a certification or amendment proceeding or to a declaratory ruling proceeding include:

- (1) The applicant, Certificate holder, or petitioner;
- (2) each person statutorily entitled to receive a copy of the application or resolution,<sup>109</sup> if such person has filed with the CSC a notice of intent to be a party;
- (3) any domestic or qualified nonprofit corporation or association formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the CSC a notice of intent to be a party; and
- (4) such other persons as the CSC may at any time deem appropriate.<sup>110</sup>

The CSC can allow any person to participate as an intervenor. A recent change enacted by Public Act 24-144 allows, in matters involving an electric transmission line of a design capacity of sixty-nine kilovolts or more, including associated equipment but not including a transmission line tap, any person status as an intervenor in such proceeding if such person: (1) Submits a written petition to the CSC; and (2) is the owner of any property that abuts the proposed facility, or that abuts a right-of-way in which the proposed facility is to be located.<sup>111</sup>

The CSC also can allow for limited appearance statements made by residents or others who can comment on the proposed application. They cannot ask questions of the petitioner, parties, intervenors, or the CSC.<sup>112</sup>

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<sup>109</sup> [Conn. Gen. Stat. Sec. 16-50l](#) amended by [P.A. 24-144](#).

<sup>110</sup> [Conn. Gen. Stat. Sec. 16-50n \(a\)](#) amended by [P.A. 24-144](#).

<sup>111</sup> [Conn. Gen. Stat. Sec. 16-50n \(b\)](#) amended by [P.A. 24-144](#).

<sup>112</sup> [Conn. Gen. Stat. Sec. 16-50n \(f\)](#) amended by [P.A. 24-144](#).



## Massachusetts

Persons or groups who wish to be involved in a Siting Division proceeding beyond providing public comments at the hearing may seek either to intervene as a party, or to participate as a limited participant. Intervention as a party is a more formal route of participation (compared to participating in the process as a limited participant) which presents an opportunity for extended involvement in the evidentiary proceeding and the right to appeal a final decision. Following is a comparison between the roles of intervenor and limited participant in Siting Division proceedings:

An Intervenor may:

- Issue information requests and receive responses;
- Present written testimony and witnesses;
- Cross-examine witnesses;
- File a brief; and
- Appeal an order or final decision.

A Limited Participant may:

- Receive copies of information requests and testimony in a proceeding;
- Receive copies of responses to information requests; and
- File a brief.<sup>113</sup>

## New Hampshire

The Committee rules set forth the path to intervene in the proceedings. The Committee rules, however, do not appear to have been updated since the new siting laws in New Hampshire took effect in 2024.<sup>114</sup>

## Rhode Island

The siting board determines the standards for intervention. The rules of the Board, as found on its website, establish that “any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the board. Such right or interest may be: (1) a right conferred by statute; (2) an interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Board’s action in the proceeding; (3) any other interest of such nature that petitioner’s participation may be in the public interest.”<sup>115</sup>

## Vermont

In Vermont, the statutes indicate certain circumstances where certain parties are to be made part of the proceedings. The regional planning commission for the region in which the facility is located has the right to appear as a party in any proceedings. The regional planning commission of an

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<sup>113</sup> [EFSB and DPU Siting Process | Mass.gov](#)

<sup>114</sup> N.H. Site Evaluation Committee [Practice and Procedure Rules 202.11](#).

<sup>115</sup> [R.I. Gen. Laws 42-98-7 \(d\)](#) and [STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS](#).

adjacent region can appear as a party if the distance of the facility's nearest component to the boundary of that planning commission is within 500 feet or 10 times the height of the facility's tallest component, whichever is greater. The legislative body and the planning commission for the municipality in which a facility is located also have the right to appear as a party in any proceedings. The legislative body and planning commission of an adjacent municipality shall have the same right if the distance of the facility's nearest component to the boundary of that adjacent municipality is within 500 feet or 10 times the height of the facility's tallest component, whichever is greater. Certain state agencies may also have the right to appear.<sup>116</sup>

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<sup>116</sup> [30 V.S.A. Sec. 248 \(a\)\(4\)\(E\) – \(H\)](#).

## **APPENDIX 13: COMPARISON OF PUBLIC HEARING/INFORMATION SESSIONS – CT, MA, NH, RI, VT**

The siting bodies typically hold public information sessions or public hearings and also evidentiary hearings. Members of the public are always granted some public forum in which information is shared and comments can be made about the proposed project. There is also an evidentiary hearing, where only the parties can participate. The statutes generally require at least one session of a public hearing to be held in the local area where the project is proposed to be sited. New Hampshire's structure favors public hearings and requires an applicant to hold a pre-application public information session as well as a post application public hearing. In New Hampshire, the statutes specifically require that at the initial public information session, the presiding officer explain to the public the process the committee will use to review the application for the proposed facility and the final order must contain a summary of the issues raised during the public hearing. The Vermont Department of Public Utilities also incorporates issues raised in public comments in its decision, if a public hearing is held. In contrast, in Connecticut, the municipality decides if a pre-application public hearing should be held and there is one public hearing that takes place after the evidentiary hearing.

### **Connecticut - for Application/Certificate**

In Connecticut, the first public hearings and meetings may be initiated by a municipality after receiving initial notice of a project before the application is filed. "The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility."<sup>117</sup>

The CSC then sets up at least one public hearing and can take notice of any facts found at the hearing. Before conducting the hearing, the CSC must consult with and solicit comments from certain state agencies. Copies of such comments shall be made available to all parties prior to the commencement of the hearing (See Appendix 4 which further describes the CT hearing process).<sup>118</sup>

### **Massachusetts**

For a petition to construct a "facility" (non-generating), a public hearing, which is also an adjudicatory proceeding, is held by the board within six months of the application. Additionally, a public hearing must be held in each locality in which a facility is to be located. The authority of the board to conduct public hearings for a "non-generating" facility or oil facility may be delegated in whole or in part to the employees of the department. Pursuant to the rules of the board, such employees shall report back to the board with recommended decisions for final action thereon.

For the construction of "generating" facilities, within 60 days of the filing of a petition to construct a generating facility, the board shall conduct a public hearing in each locality in which the generating facility would be located. In addition, the board shall, within 180 days of the filing thereof, conduct

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<sup>117</sup> [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

<sup>118</sup> [Conn. Gen. Stat. Sec. 16-50m](#) and [Conn. Gen. Stat. 16-50j\(i\)](#) amended by [P.A. 24-144](#).

public evidentiary hearings on every petition to construct a generating facility. Such evidentiary hearings shall be adjudicatory proceedings.

The public hearings, held in the evening, provide those who attend with an opportunity to learn about the proposed project and its potential environmental impacts. It also allows staff to learn about the public's concerns. At the public hearing, the applicant presents an overview of the proposed facility. Public officials and the public then have an opportunity to ask questions and make comments about the proposal. The public hearing is recorded by a court reporter. Written comments are also welcome and given equal weight to in-person comments.<sup>119</sup>

## **New Hampshire**

The public information sessions begin in New Hampshire before the application is filed. Notice of this public hearing is published in the newspaper and sent by first class mail to the governing body of each affected municipality.

Thereafter, once the application is complete, within 45 days, the applicant, after public notice, must hold at least one public information session in each county in which the proposed facility is located to present information about the facility and provide an opportunity for questions or comments. Notice must be given by newspaper and also by certified mail to each affected community. Notice must also be given to the presiding officer of the Site Evaluation Committee. The administrator or designee of the presiding officer of the committee acts as the presiding officer at the public information session. This session is for public information on the proposed facility with the applicant presenting the information to the public. The presiding officer also explains to the public the process the committee will use to review the application for the proposed facility.

Further, upon request of the municipality in which the proposed energy facility is to be located or on the committee's own motion, the committee may order the applicant to provide additional public information sessions.

In addition to the public information sessions, the Site Evaluation Committee, within 90 days after the acceptance of an application for a Certificate, must hold at least one public hearing in each county in which the proposed facility is to be located. The applicant provides notice of the hearing and prepares a transcript which is later published on the committee's website.

Generally, except for state agencies and programs that are required by state or federal law or regulation to comply with program specific public notice and public hearing requirements or for those agencies that do not have the authority to hold hearings, the public hearing can also be a joint hearing with representatives of any agencies that have permitting or other regulatory authority over the subject matter and is in lieu of and deemed to satisfy all initial requirements for public hearings under the statutes requiring permits relative to environmental impact applicable to the proposed facility.

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<sup>119</sup> [M.G.L.A. 164 Sec. 69J](#), [M.G.L.A. 164 Sec. J1/4](#), and [EFSB and DPU Siting Process | Mass.gov](#).

Members of the public who have an interest in the subject matter are provided with an opportunity to state their positions or to have someone read their statement into the record.

The Committee is also required to have an adjudicative proceeding regarding an application. Subsequent public hearings are considered to be such adjudicative proceedings and are held in the county or one of the counties in which the proposed facility is to be located or in Concord, N.H., as determined by the committee.

The committee also provides an opportunity at one or more public hearings for comments from the governing body of each affected municipality and residents of each affected municipality.<sup>120</sup>

## Rhode Island

In Rhode Island, the statutes specifically state that public input is part of the decision-making process.<sup>121</sup> Upon receipt of the application, the board notifies the towns and cities affected by the proposed facility and will hold a preliminary hearing on the matter. This preliminary hearing is convened between 45 to 60 days after docketing. The purpose of this hearing is to determine the issues to be considered by the board in evaluating the application, and to designate those agencies of state government and of political subdivisions of the state which shall act at the direction of the board for the purpose of rendering advisory opinions on these issues, and to determine petitions for intervention.<sup>122</sup>

The Board then conducts public comment hearings- typically after the preliminary hearing but before the final hearing and final action. The board is required to hold at least one hearing in each affected location prior to the other board hearings and final decision. If the subject of the application is a facility for the generation of electricity, or new facilities for the transmission of electricity, the town or city where the proposed facility would be located may request funding from the applicant to perform studies of the local environmental effects of the proposed facility.<sup>123</sup>

Within forty-five days after the state agencies have issued their advisory opinions, the public is also invited to a final hearing prior to the final decision of the Board. The purpose of this hearing is not to rehear the evidence which was presented previously in hearings before those agencies which rendered advisory opinions, but rather, to provide the applicant, intervenors, the public, and all other parties in the proceeding, the opportunity to address in a single forum, and from a consolidated, statewide prospective, the issues reviewed, and the recommendations made in the proceedings before those state agencies. The board at this hearing may, at its discretion, allow the presentation of new evidence by any party as to the issues considered by the agencies. The board may limit the presentation of repetitive or cumulative evidence. The hearing shall proceed on not

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<sup>120</sup> [N.H. Rev. Stat. Sec. 162-H:10](#) and [Statutes / Rules / Procedures | NH Site Evaluation Committee \(nh.gov\)](#).

<sup>121</sup> [R.I. Gen. Laws Ann. Sec. 42-98-9.1\(e\)](#).

<sup>122</sup> [R.I. Gen. Laws Ann. Sec. 42-98-9\(a\)](#).

<sup>123</sup> [R.I. Gen. Laws Ann. Sec. 42-98-9.1\(a\) and \(b\)](#).

less than thirty (30) days' notice to the parties and the public, shall be concluded not more than sixty (60) days following its initiation, and shall be conducted expeditiously. The final decision is issued within 60 days of concluding the final hearing.<sup>124</sup>

The siting board is authorized and empowered to summon and examine witnesses and to compel the production and examination of papers, books, accounts, documents, records, certificates, and other legal evidence that may be necessary for the determination of its jurisdiction and decision of any question before, or the discharge of any duty required by law of, the board.<sup>125</sup>

## Vermont

With respect to a facility located in Vermont, in response to a request from one or more members of the public or a party or on its own initiative, the Public Utility Commission will hold a non-evidentiary public hearing on a petition for such finding and certificate which is either remotely accessible or held in at least one county in which any portion of the construction of the facility is proposed to be located, or both. From the comments made at a public hearing, the Commission determines areas of inquiry that are relevant to the findings to be made and shall address each such area in its decision. Prior to making findings, if the record does not contain evidence on such an area, the Commission shall direct the parties to provide evidence on the area. This subdivision does not require the Commission to respond to each individual comment.

The Public Utility Commission also holds evidentiary hearings at locations that it selects in any case in which contested issues remain or when any party to a case requests that an evidentiary hearing be held. In the event a case is fully resolved, and no party requests a hearing, the Commission may exercise its discretion and determine that an evidentiary hearing is not necessary to protect the interests of the parties or the public, or for the Commission to reach its decision on the matter.<sup>126</sup>

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<sup>124</sup> [R.I. Gen. Laws Ann. Sec. 42-98-11 \(a\)](#) and [R.I. Gen. Laws Ann. Sec. 42-98-11 \(c\)](#).

<sup>125</sup> [R.I. Gen. Laws Ann. Sec. 42-98-7 \(b\)](#).

<sup>126</sup> [30 V.S.A. Sec. 248\(a\)\(4\)\(A\) – \(B\)](#).

## **APPENDIX 14: COMPARISON OF OTHER STATE AGENCIES IN SITING – MA, NH, RI**

State agencies can have a role, to varying degrees, in advising or working in conjunction with siting bodies. Each of the New England states seems to handle the relationship between state agencies and the state’s siting body differently.

Unlike Connecticut, the siting boards in other states have a larger crossover with their PUC. In CT, the chairperson of PURA (or the chairperson’s designee) represents one vote of the nine- member board. Additionally, PURA is one of the state agencies which provides comments to CSC. There is limited overall involvement of PURA as required by statute.

In contrast to Connecticut, in New Hampshire, three of the five members of SEC are the three commissioners from the PUC and the chairperson of the SEC is the chairperson of PUC. Therefore, the majority of the board and the chairperson come from the PUC. Also, there is a shared staff member hired by and under supervision of chair of the PUC who performs duties for both PUC and SEC with SEC having higher priority. In Rhode Island, one of the three members of EFSB is the chair of PUC. Also, the chair of PUC acts as the chair of EFSB. In Massachusetts, the DPU is overseen by a 3-person commission and 2 members of that commission are on the EFSB. The DPU also has a siting division, and the DPU siting division staff are the staff for the EFSB.

In CT, an attorney general is appointed to act as counsel for CSC. In contrast, in New Hampshire, the attorney general is appointed to act as counsel for the public.

Another difference between Connecticut and other states is that the Connecticut statutes list the agencies which will give advisory opinions to the CSC. In Massachusetts and Rhode Island, the board is allowed to choose which agencies to contact and obtain advisory opinions from (the role of other state agencies in siting is covered in Chapter 1 of this report).

### **Massachusetts**

The Commonwealth Utilities Commission (also referred to as the Department of Public Utilities Commission) is a three-member body in charge of the Department of Public Utilities in Massachusetts. The Chairman of the Commonwealth Utilities Commission has the statutory authority to “refer matters related to the need for, construction of, or siting of facilities...as he deems appropriate to the energy facilities siting board....” Further, two members of the EFSB are two Commissioners from the Commonwealth Utilities Commission.<sup>127</sup>

The Massachusetts Department of Public Utilities also has a role in siting. The Department of Public Utilities (DPU) has a facility siting division which performs functions as the Commonwealth

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<sup>127</sup> [M.G.L.A. 25 Sec. 2](#), [M.G.L.A. 25 Sec. 4](#), and [M.G.L.A. 164 Sec. 69H](#).

Utilities Commission may determine in relation to the administration, implementation, and enforcement of the siting statutes.<sup>128</sup>

While the Energy Facilities Siting Board (EFSB) oversees the siting of many large energy facilities, the DPU also plays a complementary role that long pre-dates the creation of the EFSB. The DPU reviews proposals to: (1) construct and operate electric transmission lines; (2) obtain exemptions from municipal zoning ordinances for necessary energy facilities; (3) authorize the survey of land for proposed energy facilities; and (4) authorize the taking of land (or easements) for necessary energy facilities. The DPU Siting Division administers DPU siting functions and serves as staff to the EFSB. When proposed energy facilities involve both the DPU and EFSB, the DPU assigns its responsibilities to the EFSB in a consolidated proceeding. The Department of Public Utilities (DPU) administratively supports the work of the EFSB and its staff, but the nine-member EFSB makes its decisions independently. EFSB staff also conducts DPU siting-related cases that do not fall within the EFSB's jurisdiction.<sup>129</sup>

In carrying out its functions, the EFSB cooperates with, and may obtain information and recommendations from every agency of the state government and of local government which may be concerned with any matter under the purview of the EFSB. Each state or local government agency is directed to provide such information and recommendations as may be requested by the EFSB.<sup>130</sup>

The EFSB is authorized to make joint investigations, hold joint hearings within or without the commonwealth, and issue joint or concurrent orders in conjunction or concurrence with any official agency of any state or of the federal government. Whether in the holding of such investigations or hearings, or in the making of such orders, the board may function under agreements or compacts between states or under the concurrent power of states to regulate interstate commerce, or as an agency of the federal government or otherwise. The board, in the discharge of its duties under this section is further authorized to negotiate and enter into agreements or compacts with agencies of the federal government or other states, pursuant to any consent of congress, for cooperative efforts in certifying the construction, operation and maintenance of energy facilities in accord with the purposes of this section and for the enforcement of the respective laws of the commonwealth or of said states regarding same.<sup>131</sup>

## **New Hampshire**

Each application in New Hampshire needs to contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and must include each agency's completed application forms, which are contemporaneously filed with the state

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<sup>128</sup> [M.G.L.A. 25 Sec. 12N.](#)

<sup>129</sup> [DPU Siting Division | Mass.gov](#) and [Energy Facilities Siting Board | Mass.gov](#)

<sup>130</sup> [M.G.L.A. 164 Sec. 69H.](#)

<sup>131</sup> [M.G.L.A. 164 Sec. 69Q.](#)



agency having jurisdiction. Upon receipt of a copy, each agency conducts a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency, in writing, notifies the chairperson or designated presiding officer and the applicant of that fact and specifies what information the applicant must supply. Notwithstanding any other provision of law, for purposes of the time limitations, any application made under this section shall be deemed not accepted either by the chairperson or designated presiding officer or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

Additionally, when an application is filed, the attorney general is notified. The attorney general appoints an assistant attorney general to act as a counsel for the public. This counsel represents the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy.

When initiating a proceeding for a committee matter, the committee shall expeditiously notify state agencies having permitting or other regulatory authority or that are identified in administrative rules. State agencies having permitting or other regulatory authority may participate in SEC proceedings as follows: (a) Receive proposals or permit requests within the agency's permitting or other regulatory authority, expertise, or both; determine completeness of elements required for such agency's permitting or other programs; and report on such issues to the SEC; (b) Review proposals or permit requests and submit recommended draft permit terms and conditions to the SEC; (c) Identify issues of concern on the proposal or permit request or notify the SEC that the application raises no issues of concern; and (d) When issues of concern are identified by the agency or SEC, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members.

Within 30 days of receipt of a notification of proceeding, a state agency not having permitting or other regulatory authority but wishing to participate in the proceeding shall advise the presiding officer of the SEC in writing of such desire and be allowed to do so provided that the presiding officer determines that a material interest in the proceeding is demonstrated and such participation conforms with the normal procedural rules of the committee.

The commissioner or director of each state agency that intends to participate in a committee proceeding shall advise the presiding officer of the name of the individual on the agency's staff designated to be the agency liaison for the proceeding. The presiding officer may request the attendance of an agency's designated liaison at a session of the committee if that person could materially assist the committee in its examination or consideration of a matter.

A state agency may intervene as a party in any committee proceeding in the same manner as other persons. An intervening agency shall have the right to rehearing and appeal of a certificate or other decision of the committee.<sup>132</sup>

## Rhode Island

The RI-EFSB is the licensing and permitting authority for all licenses, permits, assents, or variances which, under any statute of the state or ordinance of any political subdivision of the state, would be required for siting, construction or alteration of a major energy facility in the state. Any agency, board, Council, or commission of the state or political subdivision of the state which would otherwise be required to issue a permit, license, assent, or variance in order for the siting, construction, or alteration of a major energy facility to proceed, sits and functions at the direction of the RI-EFSB. These agencies follow the procedures established by statute, ordinance, and/or regulation provided for determining the permit, license, assent, or variance, but instead of issuing the permit, license, assent, or variance, will instead forward its findings from the proceeding, together with the record supporting the findings and a recommendation for final action, to the RI-EFSB.<sup>133</sup>

The RI-EFSB can direct action by other state agencies. After receiving an application, the RI-EFSB will conduct a preliminary hearing where it determines issues to be considered by the Board in evaluating an application. The Board can then designate agencies of state government and of political subdivisions of the state to render advisory opinions on these issues, which they then must do. Each agency of the state or political subdivision of the state designated under § 42-98-9 proceeds to consider the issue or issues consigned to it for review. Each agency must then issue an advisory opinion not more than six (6) months following its designation or any lesser time that the board may require, or the right to exercise the function shall be forfeited to the board.

There are three types of advisory opinions: those enumerated in the statutes, jurisdictional licenses and permits and discretionary. The statutes require two advisory opinions. First, the public utilities commission must conduct an investigation concerning the need for the proposed facility (and typically cost) in which the division of planning of the department of administration, the governor's office of energy assistance and the division of public utilities and carriers participate. The statewide planning program within the department of administration also must conduct an investigation as to the socio-economic impact of the proposed facility and its construction and consistency with the state guide plan. The EFSB also designates all state and local agencies that would normally have issued required licenses, permits, etc. to render an advisory opinion on whether or not the necessary licenses, permits, etc. should be granted. Finally, the Board's Rules allow the EFSB to designate agencies to render discretionary advisory opinions that do not convey an opinion on a specific license, but rather an opinion on how a project conforms to an applicable law or policy.<sup>134</sup>

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<sup>132</sup> [N.H. Rev. Stat. Sec. 162-H:7](#), [N.H. Rev. Stat. Sec. 162-H:7-a](#), and [N.H. Rev. Stat. Sec. 162-H:9](#).

<sup>133</sup> [R.I. Gen. Laws Ann. Sec. 42-98-7 \(a\)\(1\)](#) and [R.I. Gen. Laws Ann. Sec. 42-98-7 \(a\)\(2\)](#).

<sup>134</sup> [R.I. Gen. Laws Ann. Sec. 42-98-9\(a\) – 10\(a\)](#) and [General FAQ \(ri.gov\)](#).

## **APPENDIX 15: COMPARISON OF CRITERIA FOR FINAL DECISION – CT, MA, NH, RI, VT**

There are generally statutory guidelines of what the siting body must consider in evaluating a project. Connecticut has extensive requirements that must be considered by the CSC in evaluating a Certificate.

### **Connecticut**

The CSC cannot grant a Certificate, either proposed or modified by the CSC, unless it determines:

(A) “A public need for the facility and the basis of the need;

(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public health and safety, (iv) scenic, historic and recreational values, (v) agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish, aquaculture and wildlife;

(C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application;

(D) (i) From October 1, 2024 to Sept. 30, 2025, inclusive, in the case of an electric transmission line, (I) what part, if any, of the facility shall be located overhead, (II) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and (III) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the CSC may adopt pursuant to section 16-50t, including, but not limited to, the CSC’s best management practices for electric and magnetic fields for electric transmission lines and with the Federal Power Commission “Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities” or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the CSC. In establishing such buffer zone, the CSC shall consider, among other things, residential areas, private or public schools, licensed childcare centers, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone;

(ii) On and after October 1, 2025, in the case of an electric transmission line, (I) what part, if any, of the facility shall be located overhead, (II) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected

utility systems and will serve the interests of electric system economy and reliability, (III) the estimated initial and life-cycle costs for the facility or modification, as applicable, and for any feasible and practical project alternatives, (IV) the estimated regionalized and localized costs for the facility or modification, as applicable, and for any feasible and practical alternative, (V) for any estimated localized costs for the facility or modification, as applicable, that such estimated localized costs are reasonable compared to the benefits; and (VI) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the CSC may adopt pursuant to section 16–50t, including, but not limited to, the CSC’s best management practices for electric and magnetic fields for electric transmission lines and with the Federal Power Commission “Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities” or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the CSC. In establishing such buffer zone, the CSC shall consider, among other things, residential areas, private or public schools, licensed childcare centers, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone;

(E) In the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line;

(F) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i (telecommunication towers) that is (i) proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land, (ii) proposed to be installed on land near a building containing a school, as defined in section 10-154a, or a commercial child care center, as described in subdivision (1) of subsection (a) of section 19a-77, that the facility will not be less than two hundred fifty feet from such school or commercial child care center unless the location is acceptable to the chief elected official of the municipality or the CSC finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school or commercial child care center is located, or (iii) proposed to be installed on land owned by a water company, as defined in section 25-32a, and which involves a new ground-mounted telecommunications tower, that such land owned by a water company is preferred over any alternative telecommunications tower sites provided the CSC shall, pursuant to clause (iii) of this subparagraph, consult with the Department of Public Health to determine potential impacts to public drinking water supplies in considering all the environmental impacts identified pursuant to subparagraph (B) of this subdivision. The CSC shall not render any decision pursuant to this subparagraph that is inconsistent with federal law or regulations; and

(G) That, for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i (antenna television towers and telecommunication towers), the CSC has considered the manufacturer's recommended safety standards for any equipment, machinery or technology for the facility.

(H) For a facility described in subdivision (3) of section 16-50i (electric generating or storage facility) that is a solar photovoltaic facility, that the CSC has evaluated potential noise levels of the proposed facility in conformance with scientifically accepted methods for noise assessment.”<sup>135</sup>

Prior to granting an applicant's Certificate for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i (antenna television towers and telecommunication towers) the CSC must also examine: “(A) The feasibility of requiring an applicant to share an existing facility, as defined in subsection (b) of section 16-50aa, within a technically derived search area of the site of the proposed facility, provided such shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, (B) whether such facility, if constructed, may be shared with any public or private entity that provides telecommunications or community antenna television service to the public, provided such shared use is technically, legally, environmentally and economically feasible at fair market rates, meets public safety concerns, and the parties' interests have been considered, (C) whether the proposed facility would be located in an area of the state which the CSC, in consultation with the Department of Energy and Environmental Protection and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance, and (D) the latest facility design options intended to minimize aesthetic and environmental impacts. The CSC may deny an application for a Certificate if it determines that (i) shared use under the provisions of subparagraph (A) of this subdivision is feasible, (ii) the applicant would not cooperate relative to the future shared use of the proposed facility, (iii) the proposed facility would substantially affect the scenic quality of its location or surrounding neighborhood and no public safety concerns require that the proposed facility be constructed in such a location, or (iv) no public safety concerns require that a proposed facility owned or operated by the state be constructed in that location. In evaluating the public need for a cellular facility described in subdivision (6) of subsection (a) of section 16-50i, there shall be a presumption of public need for personal wireless services and the CSC shall be limited to consideration of a specific need for any proposed facility to be used to provide such services to the public.”<sup>136</sup>

There are additional requirements for electric generating or storage facilities. The CSC cannot grant a Certificate for a facility described in subdivision (3) of subsection (a) of section 16-50i (electric generating or storage facility), either as proposed or as modified by the CSC, “unless it finds and determines a public benefit for the facility and considers neighborhood concerns with respect to the factors set forth in subdivision (3) of subsection (a) of this section, including public safety.”<sup>137</sup> Further, the CSC cannot grant a Certificate for a facility described in subdivision (3) of subsection (a) of section 16-50i (electric generating or storage facility) that is a solar photovoltaic

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<sup>135</sup> [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

<sup>136</sup> [Conn. Gen. Stat. Sec. 16-50p\(b\)](#) amended by [P.A. 24-144](#).

<sup>137</sup> [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

facility if it finds that "(A) such facility will not comply with any noise requirements established pursuant to chapter 442,1 or (B) the distance between any inverters or transformers of such facility and the property line is less than two hundred feet."<sup>138</sup>

There are also special requirements for transmission lines. The CSC shall not grant a Certificate for a facility described in subdivision (1) of subsection (a) of section 16-50i (transmission line), "that is substantially underground or underwater except where such facility interconnects with existing overhead facilities, either as proposed or as modified by the CSC, unless it finds and determines a public benefit for a facility substantially underground or a public need for a facility substantially underwater."<sup>139</sup> "A public benefit exists when a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity and a public need exists when a facility is necessary for the reliability of the electric power supply of the state."<sup>140</sup>

"Any application for an electric transmission line with a capacity of three hundred forty-five kilovolts or more ... and proposes the underground burial of such line in all residential areas and overhead installation of such line in industrial and open space areas shall have a rebuttable presumption of meeting a public benefit for such facility if the facility is substantially underground and meeting a public need for such facility if the facility is substantially above ground. Such presumption may be overcome by evidence submitted by a party or intervenor to the satisfaction of the ... CSC."<sup>141</sup>

"For an application on a facility described in [subdivision \(1\) of subsection \(a\) of section 16-50i](#), the CSC shall administratively notice completed and ongoing scientific and medical research on electromagnetic fields."<sup>142</sup>

Finally, "on and after October 1, 2025, the CSC cannot grant a Certificate for a facility described in subdivision (1) of subsection (a) of section 16-50i (transmission line), either as proposed or as modified by the CSC, unless the CSC finds and determines a public need for the facility and considers neighborhood concerns with respect to the factors set forth in subdivision (3) of subsection (a) of this section, including public safety and the impact that the proposed facility is anticipated to have on the tax base of any municipality where any part of such facility is proposed to be located."<sup>143</sup>

Additionally, the CSC "shall not grant a Certificate, either as proposed or as modified by the CSC, unless it (A) provides summaries and written responses to any comments that the Departments of Administrative Services, Agriculture, Economic and Community Development, Energy and

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<sup>138</sup> [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

<sup>139</sup> [Conn. Gen. Stat. Sec. 16-50p\(c\)](#) amended by [P.A. 24-144](#).

<sup>140</sup> [Conn. Gen. Stat. Sec. 16-50p \(c\) \(3\)](#) amended by [P.A. 24-144](#).

<sup>141</sup> [Conn. Gen. Stat. Sec. 16-50p \(c\) \(4\)](#) amended by [P.A. 24-144](#).

<sup>142</sup> [Conn. Gen. Stat. Sec. 16-50o\(b\)](#) amended by [P.A. 24-144](#).

<sup>143</sup> [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

Environmental Protection, Emergency Services and Public Protection, Public Health and Transportation, the Labor Department, the Council on Environmental Quality, the Public Utilities Regulatory Authority, the Office of Policy and Management or the Office of Consumer Counsel submits pursuant to subsection (i) of section 16–50j, as amended by this act, and (B) provides written responses to the positions of each intervenor that participated in the certification proceeding concerning such Certificate. The CSC shall specifically address any environmental justice concerns raised in the comments of said departments, Council on Environmental Quality, authority and offices, or in the positions of any such intervenor, in such written responses.”<sup>144</sup>

“From October 1, 2024, to September 30, 2025, inclusive, CSC may give appropriate consideration in all proceedings to (1) the amounts expended by a utility for research on generation and transmission of the form of energy furnished by it and the environmental effect thereof, (2) the amounts expended by such utility for promotion, including advertising, of the use of the form of energy furnished by it, and (3) the relationship between such expenditures.”<sup>145</sup>

“On and after October 1, 2025, the CSC shall give appropriate consideration in all proceedings to (1) the amounts expended by a utility for research on generation and transmission of the form of energy furnished by it and the environmental effect of such form of energy, (2) the amounts expended by such utility for promotion, including advertising, of the use of the form of energy furnished by it, and (3) the relationship between such expenditures.”<sup>146</sup>

## Massachusetts

The Board can approve the application for a non-generating facility, it can be rejected or conditionally approved. Approval requires that:

“all information relating to current activities, environmental impacts, facilities agreements and energy policies as adopted by the commonwealth is substantially accurate and complete; projections of the demand for electric power, or gas requirements and of the capacities for existing and proposed facilities are based on substantially accurate historical information and reasonable statistical projection methods and include an adequate consideration of conservation and load management; provided, however, that the department or board shall not require in any gas forecast or hearing conducted thereon the presentation of information relative to the demand for gas; projections relating to service area, facility use and pooling or sharing arrangements are consistent with such forecasts of other companies subject to this chapter as may have already been approved and reasonable projections of activities of other companies in the New England area; plans for expansion and construction of the applicant’s new facilities are consistent with current health, environmental protection, and resource use and development policies as adopted by the commonwealth; and are consistent with the policies stated in [section sixty-nine H](#) to provide a

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<sup>144</sup> [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

<sup>145</sup> [Conn. Gen. Stat. Sec. 16-50s](#) amended by [P.A. 24-144](#).

<sup>146</sup> [Conn. Gen. Stat. Sec. 16-50s](#) amended by [P.A. 24-144](#).

necessary energy supply for the commonwealth with a minimum impact on the environment at lowest possible cost; and in the case of a notice of intent to construct an oil facility, that all information regarding sources of supply for such facility and financial information regarding the applicant and its proposed facility are substantially accurate and complete; that it is satisfied as to the adequacy of the applicant's capital investment plans to complete its facility; the long term economic viability of the facility; the overall financial soundness of the applicant; in the case of an oil facility, the qualification and capability of the applicant in the transshipment, transportation, storage, refining and marketing of oil or refined oil products; that plans including buffer zones or alternatives thereto for the applicant's new facility are consistent with current health, environmental protection and resource use and development policies as adopted by the Commonwealth.”<sup>147</sup>

The Board can also approve the application for a generating facility, it can be rejected or conditionally approved. Approval requires that:

“(i) the description of the proposed generating facility and its environmental impacts are substantially accurate and complete; (ii) the description of the site selection process used is accurate; and (iii) the plans for the construction of the proposed generating facility are consistent with current health and environmental protection policies of the commonwealth and with such energy policies as are adopted by the commonwealth for the specific purpose of guiding the decisions of the board; (iv) such plans minimize the environmental impacts consistent with the minimization of costs associated with the mitigation, control, and reduction of the environmental impacts of the proposed generating facility; and (v) if the petitioner was required to provide information on other fossil fuel generating technologies, the construction of the proposed generating facility on balance contributes to a reliable, low-cost, diverse, regional energy supply with minimal environmental impacts.”<sup>148</sup>

For “generating facilities” the EFSB is not required to make findings regarding the need for, the cost of, or alternative sites for a generating facility; “provided, however, that the board may, at its discretion, evaluate a noticed alternative site for a generating facility if the applicant requests such an evaluation, or if such an evaluation is an efficient method of administering an alternative site review required by another state or local agency.”<sup>149</sup>

“To streamline its review of petitions to construct “generating facilities” which have state of the art environmental performance characteristics, the board will also periodically create rules to establish a technology performance standard for generating facilities emissions, including, but not limited to, emissions of sulfur dioxide, nitrogen oxides, particulate matter, fine particulates, carbon monoxide, volatile organic compounds, and heavy metals. As to each such pollutant, the performance standard must reflect the best available control technology or the lowest achievable emissions rate, whichever would be applicable in the commonwealth for such pollutant that year. The performance standard also reflects the best available and most efficient technology to control

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<sup>147</sup> [M.G.L.A. 164 Sec. 69J](#) (non-generating)

<sup>148</sup> [M.G.L.A. 164 Sec. 69J1/4](#) (generating).

<sup>149</sup> [M.G.L.A. 164 Sec. 69J1/4](#) (generating).



and reduce water withdrawals. Such standard needs to reflect emission rates that are achievable by state-of-the-art fossil fuel generating and control technologies, as demonstrated by air permits for construction that have been issued by the department of environmental protection. The technology performance standard is used solely to determine whether a petition to construct a generating facility must include information regarding other fossil fuel generation technologies. The promulgation or application of this standard shall not in any way supersede or impair the authority of the department of environmental protection with respect to these or other facilities.”<sup>150</sup>

## **New Hampshire**

To issue a certificate, in New Hampshire, the site evaluation committee needs to find that: “(a) the applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate; (b) the site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies; (c) the site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, fish and wildlife resources, public health and safety, and existing land and offshore uses; and, (e) issuance of a certificate will serve the public interest.”<sup>151</sup>

The committee has to incorporate into the certificate any terms and conditions in their entirety and “without addition, deletion, or change, as may be specified to the committee by any of the state agencies having permitting or other regulatory authority, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the state agencies denies authorization for the proposed activity over which it has permitting or other regulatory authority. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency.”<sup>152</sup>

“The committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.”<sup>153</sup>

“Any certificate issued by the site evaluation committee must be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted is made by a majority of the full membership. A certificate is conclusive on all questions of siting, land use, air and water quality. The committee issues an order to either grant or deny the certificate. The order must summarize issues of concern expressed during public information sessions and hearings to ensure that the public’s voice has been heard and recorded.”<sup>154</sup>

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<sup>150</sup> [M.G.L.A. 164 Sec. 69J1/4](#) (generating).

<sup>151</sup> [N.H. Rev. Stat. Sec. 162-H:16](#).

<sup>152</sup> [N.H. Rev. Stat. Sec. 162-H:16](#).

<sup>153</sup> [N.H. Rev. Stat. Sec. 162-H:16](#).

<sup>154</sup> [N.H. Rev. Stat. Sec. 162-H:16](#).

## Rhode Island

The RI – EFSB must consider, as issues in every proceeding, “the ability of the proposed facility to meet the requirements of the laws, rules, regulations, and ordinances under which, absent this chapter, the applicant would be required to obtain a permit, license, variance, or assent.”<sup>155</sup>

The board “shall issue a decision granting a license only upon finding that the applicant has shown that: (1) Construction of the proposed facility is necessary to meet the needs of the state and/or region for energy of the type to be produced by the proposed facility; (2) The proposed facility is cost-justified, and can be expected to produce energy at the lowest reasonable cost to the consumer consistent with the objective of ensuring that the construction and operation of the proposed facility will be accomplished in compliance with all of the requirements of the laws, rules, regulations, and ordinances, under which, absent this chapter, a permit, license, variance, or assent would be required, or that consideration of the public health, safety, welfare, security and need for the proposed facility justifies a waiver of some part of the requirements when compliance cannot be assured; and, (3) The proposed facility will not cause unacceptable harm to the environment and will enhance the socio-economic fabric of the state.”<sup>156</sup>

“Before approving the construction, operation and/or alteration of major energy facilities, the board determines whether cost effective efficiency and conservation opportunities provide an appropriate alternative to the proposed facility.”<sup>157</sup>

## Vermont

Before the Public Utility Commission issues a certificate of public good it needs to find, generally, and subject to additional statutory provisions, that the purchase, investment or construction:

(1) With respect to an in-state facility, will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.

(2) Is required to meet the need for present and future demand for service that could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy-efficiency and load management measures....

(3) Will not adversely affect system stability and reliability.

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<sup>155</sup> [R.I. Gen. Stat. Sec. 42-98-9 \(b\).](#)

<sup>156</sup> [R.I. Gen. Laws Ann. Sec. 42-98-11 \(b\).](#)

<sup>157</sup> [R.I. Gen. Laws Ann. Sec. 42-98-2 \(7\).](#)

- (4) Will result in an economic benefit to the State and its residents.
- (5) With respect to an in-state facility, will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety.
- (6) With respect to purchases, investments, or construction by a company, is consistent with the principles for resource selection expressed in that company's approved least-cost integrated plan.
- (7) Is in compliance with the electric energy plan approved by the Department of Public Service or that there exists good cause to permit the proposed action.
- (8) Does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Secretary of Natural Resources, except that with respect to a natural gas or electric transmission facility, the facility does not have an undue adverse effect on those outstanding resource waters.
- (9) With respect to a waste to energy facility that it is included in a solid waste Management Plan.
- (10) Can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers.
- (11) With respect to an in-state generation facility that produces electric energy using woody biomass, will comply with the applicable air pollution control requirements, achieve the highest design system efficiency that is commercially available, feasible, and cost-effective for the type and design of the proposed facility; and comply with harvesting procedures and procurement standards that ensure long-term forest health and sustainability.<sup>158</sup>

Before a certificate of public good is issued for the construction of a nuclear energy generating plant within the State, the Public Utility Commission must obtain the approval of the General Assembly and the Assembly's determination that the construction of the proposed facility will promote the general welfare.<sup>159</sup>

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<sup>158</sup> [30 V.S.A. Sec. 248 \(b\)](#).

<sup>159</sup> [30 V.S.A. Sec. 248 \(e\)\(1\)](#).

## APPENDIX 16: COMPARISON OF ENVIRONMENTAL JUSTICE CONSIDERATIONS – CT, MA

### Connecticut

“The CSC shall not grant a Certificate, either as proposed or as modified by the CSC, unless it (A) provides summaries and written responses to any comments that the Departments of Administrative Services, Agriculture, Economic and Community Development, Energy and Environmental Protection, Emergency Services and Public Protection, Public Health and Transportation, the Labor Department, the Council on Environmental Quality, the Public Utilities Regulatory Authority, the Office of Policy and Management or the Office of Consumer Counsel submits pursuant to subsection (i) of section 16–50j, as amended by this act, and (B) provides written responses to the positions of each intervenor that participated in the certification proceeding concerning such certificate. **The CSC shall specifically address any environmental justice concerns raised in the comments of said departments**, Council on Environmental Quality, authority and offices, or in the positions of any such intervenor, in such written responses.”<sup>160</sup>

Additionally, applicants who seek siting approval from the Connecticut Siting Council involving a facility that is proposed to be located in an environmental justice community or the proposed expansion of an affecting facility located in such a community need to file an assessment of environmental or public health stressors and a meaningful participation plan.<sup>161</sup>

It is interesting to note that the Environmental Standards Act (the Siting Council statutes) only contain one reference to “environmental justice.” Although the Siting Council is required to respond to comments about environmental justice concerns raised by the state agencies, that appears to be the only reference. However, the siting statutes don’t refer to the Environmental Justice statute.<sup>162</sup>

### Massachusetts

In Massachusetts, the Executive Office of Energy and Environmental Affairs issued an Environmental Justice policy in 2017. In Green Roots, Inc. v. Energy Facilities Siting Board,<sup>163</sup> the court wrote that the policy expressly applies to proceedings of the Board. “As to the specific requirements, agencies must provide “enhanced public participation” and “[e]nhanced analysis of impacts and mitigation” for a project (1) “that exceeds an Environmental Notification Form (ENF) threshold for air, solid and hazardous waste (other than remediation projects), or wastewater and sewage sludge treatment and disposal”; and (2) where “[t]he project site is located within one mile of an [Environmental Justice (EJ)] Population (or in the case of projects exceeding an ENF threshold

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<sup>160</sup> [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

<sup>161</sup> [Conn. Gen. Stat. Sec. 22a-20a](#).

<sup>162</sup> [Conn. Gen. Stat. Sec. 22a-20a](#).

<sup>163</sup> Massachusetts Supreme Judicial Court: [490 Mass. 747 \(2022\)](#)

for air, within five miles of an EJ Population).”<sup>164</sup> An EJ Population is a neighborhood that meets one or more of the following criteria: (i) the annual median household income of twenty-five percent of households is not more than sixty-five percent of the Statewide annual median; (ii) twenty-five percent or more of residents are racial or ethnic minorities; or (iii) twenty-five percent or more of households are English isolated (that is, they lack a member over fourteen years old with English language proficiency).”<sup>165</sup>

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<sup>164</sup> [Green Roots, Inc. v. Energy Facilities Siting Board, 490 Mass. 747 \(2022\)](#)

<sup>165</sup> See [EFSB Environmental Justice Information | Mass.gov](#)

## **APPENDIX 17: COMPARISON OF COMPENSATION FOR PUBLIC COUNCIL MEMBERS – CT, MA, NH**

Most of the New England states include at least one public member on their siting boards, although the specific number varies by state. The exception is Rhode Island which only draws its members from other state agencies. The public members in each state are appointed by the Governor, serve on a part time basis, and are compensated accordingly.

### **Connecticut**

Connecticut, for energy matters, includes the most public members, who are all appointed by the Governor. Two members need experience in ecology and none of the members can have a substantial financial interest in, be employed by or be professionally affiliated (for at least three years prior) with a utility, facility, hazardous waste facility or ash residue disposal area. The public members, including the chairperson, the members appointed by the Speaker of the House and President Pro Tempore of the Senate and the four ad hoc members (used in hazardous waste matters) are compensated for their attendance at public hearings, executive sessions or other CSC business at the rate of \$200/day max.<sup>166</sup>

### **Massachusetts**

Massachusetts has three public members who are appointed by the Governor for a term coterminous with that of the governor. One public member needs to be experienced in environmental issues, one must be experienced in labor issues, and one needs experience in energy issues. The board cannot include as a public member any person who receives, or who has received during the past two years, a significant portion of his or her income directly or indirectly from the developer of an energy facility or an electric, gas or oil company. The public members serve on a part-time basis, receive \$100 for each day of board service and are reimbursed by the Commonwealth for all reasonable expenses actually and necessarily incurred in the performance of official board duties.<sup>167</sup>

### **New Hampshire**

New Hampshire has one public member. The Governor, with the consent of the council, appoints a public member and an alternative public member to serve on the committee. The public member and alternate must be residents of the State of New Hampshire with expertise or experience in one or more of the following areas: business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; community and regional planning or economic development; municipal or county government; or the governing of unincorporated places. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public member is compensated for all time spent on committee business, including compensation and reimbursement for energy facility proceeding time and expenses. Compensation is provided on a pro rata basis, based upon the daily salary rate of an unclassified position.<sup>168</sup>

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<sup>166</sup> [Conn. Gen. Stat. Sec. 16-50j](#) amended by [P.A. 24-144](#).

<sup>167</sup> [M.G.L.A. 164 Sec. 69H](#).

<sup>168</sup> [N.H. Rev. Stat. Sec. 162-H:3](#), [N.H. Rev. Stat. Sec. 162-H:4-b](#), and [N.H. Rev. Stat. Sec. 162-H:22](#).

## **APPENDIX 18: COMPARISON OF LOCAL COMMUNITY INVOLVEMENT – MA, NH, RI**

Connecticut’s pre-application process has more robust requirements for municipal involvement than is seen in other state structures. Connecticut appears to be the only state where an applicant is statutorily required to use good faith efforts to meet with multiple levels of government representatives prior to the application being filed.

In all of the New England states with statutory siting bodies, the local government receives notice when an application is filed. Connecticut appears to be the only state that, by statute, requires an applicant to file a separate municipal participation fee.

### **Massachusetts**

In Massachusetts, each Petition for Approval of Construction must be served on the mayor of each city and the board of selectmen of each town in which any part of the proposed facility is to be located. Public notice is also posted in the city or town halls of communities in which the proposed project would be located.<sup>169</sup>

### **New Hampshire**

In New Hampshire, a local government receives notice from an applicant of the pre-application public information session. The application must be given to the governing body of each municipality and must include a list of the affected municipalities. In evaluating a proposed energy facility, the SEC must find that, “the site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.”<sup>170</sup>

### **Rhode Island**

The RI-EFSB, upon receiving a utility company application, immediately notifies, in writing, the Councils of the towns and cities affected by the construction. The city or town can intervene in the proceedings by filing a notice.<sup>171</sup>

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<sup>169</sup> [M.G.L.A. 164 Sec. 69L](#) and <https://www.mass.gov/info-details/efsb-and-dpu-siting-process>.

<sup>170</sup> [N.H. Rev. Stat. Sec. 162-H:7](#), [N.H. Rev. Stat. Sec. 162-H:10](#), and [N.H. Rev. Stat. Sec. 162-H:16](#).

<sup>171</sup> [R.I. Gen. Laws Sec. 42-98-9.1](#) and [EFSB Rules of Practice and Procedure 1.10](#).

## **APPENDIX 19: COMPARISON OF TIMELINES/PROCESS FOR DECISIONS – CT, MA, NH, RI**

In general, all of the state statutory siting bodies issue their final decisions within a year after acceptance of an application. Connecticut has the most robust pre-application procedure, however, which will add on at least 2-3 months to the overall process. During this timeframe, before the application is filed, an applicant must use good faith efforts to meet with multiple levels of municipal representatives, provide information to the municipality and obtain information and recommendations from the municipality. In New Hampshire, the pre-application process consists of a public hearing, with notice requirements, which hearing must be held at least 30 days prior to the application. A similar pre-application procedure does not exist for Rhode Island or Massachusetts. Therefore, while the overall timeframe from application to decision is similar, Connecticut's overall process will take longer because of the pre-application requirements.

Both Connecticut and Rhode Island boards receive input from state agencies through written opinions. In Connecticut, the opinions must be received before the Board can hold its hearings and the hearings must be held within 30-150 days after the application is filed. In Rhode Island, there is a set time limit of six months within which the state agencies can submit their opinions and then a hearing is held within forty-five days of receipt.

### **Connecticut**

For a Certificate of environmental compatibility and public need, at least 60 days prior to filing an application (or 90 days for transmission lines) the applicant consults with the municipality. Within 30 days of this meeting, the municipality presents the applicant with proposed alternative sites. Within 60 days from the initial consultation, the municipality issues its recommendations to the applicant and can hold a public informational meeting. The application is thereafter filed. Within 15 days of filing the application, the applicant provides the municipal materials to the CSC. 30-150 days after application is filed the public hearing must be held. The CSC's decision is rendered: (A) Not later than twelve months after the filing of an application for a facility described in subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision (4) of said subsection (a) if the application was incorporated in an application concerning a facility described in subdivision (1) of said subsection (a); and (B) not later than one hundred eighty days after the filing of an application for a facility described in subdivisions (3) to (6), inclusive, of subsection (a) of section 16-50i, provided the CSC may extend such period by not more than one hundred eighty days with the consent of the applicant.<sup>172</sup>

For a declaratory ruling, the CSC has 180 days from the date of receipt to render a decision on a petition; however, within 60 days of receipt of a petition, the CSC, in writing, must:

1. Issue a declaratory ruling;
2. Order the matter set for public hearing;
3. Agree to issue a declaratory ruling by a specified date;

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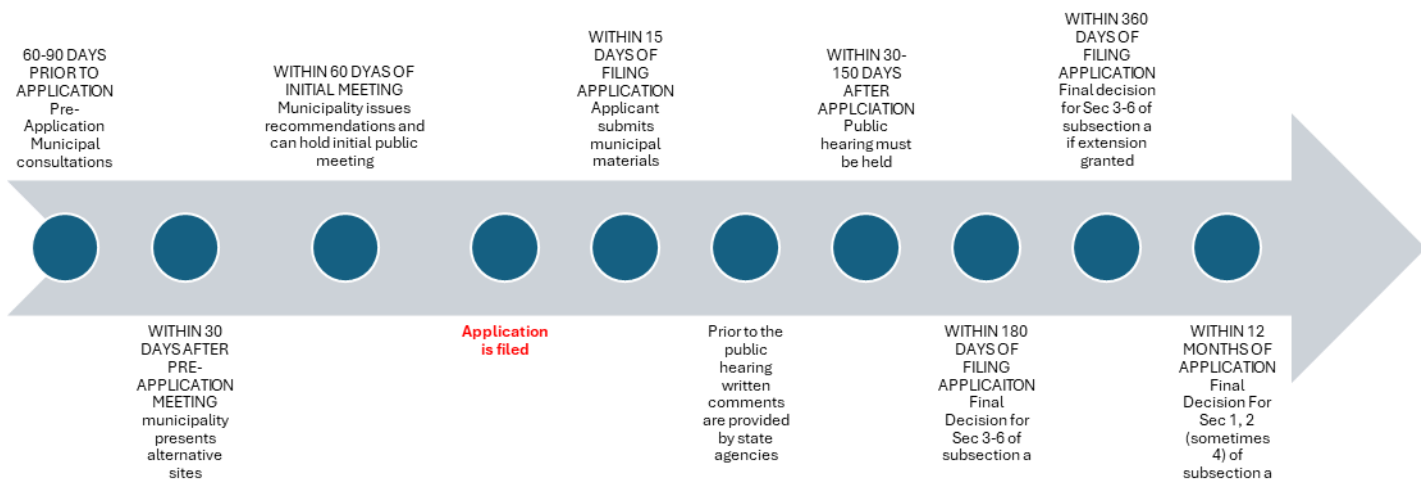
<sup>172</sup> [Conn. Gen. Stat. Sec. 16-50i](#) and [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).



4. Initiate regulation-making proceedings; or
5. Decide not to issue a declaratory ruling.

The CSC may extend the 180-day decision deadline on a petition within a longer period as may be agreed by the parties.<sup>173</sup>

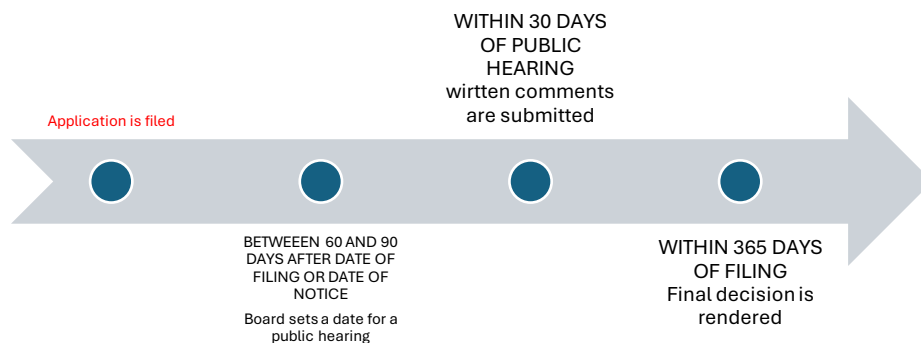
Connecticut timeline:



**Massachusetts**

Upon receipt of a petition for a certificate, the board fixes a time and place for a public hearing not less than sixty days nor more than ninety days from the date of filing or date specified in the notice and publication, whichever is later. Public notice is given. Interested persons then have thirty days following the date of the public notice to submit written comments. The MA-EFSB has to approve the construction of a generating facility within one year of the date of filing.<sup>174</sup>

Massachusetts timeline:



<sup>173</sup> [CSC Frequently Asked Questions \(ct.gov\)](#).

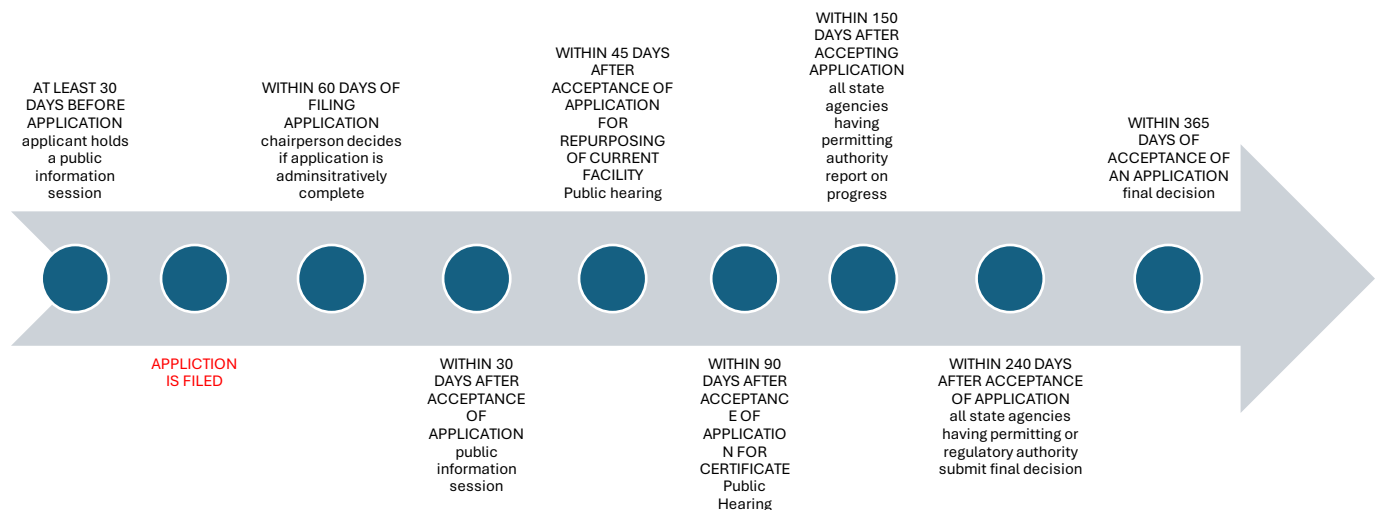
<sup>174</sup> [M.G.L.A. 164 Sec. 69M](#) and [M.G.L.A. 164 Sec. 69j ¼](#).

## New Hampshire

At least 30 days before filing an application for a certificate, the applicant has to hold a public information session. The application is then filed. The chairperson has to decide whether or not to accept the application as administratively complete within 60 days of filing. Within 30 days after acceptance of the application, the applicant holds a public information session. Within 90 days after acceptance of an application for a certificate (or within 45 days after acceptance of an application pursuant to [RSA 162-H:7-a](#)), the site evaluation committee holds at least one public hearing in each county in which the proposed facility is to be located provided that if the proposed facility is located within a single city or town the public hearing will be held within that city or town.

All state agencies having permitting or other regulatory authority shall report their progress to the committee within 150 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision on the parts of the application that relate to its permitting or other regulatory authority. All state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the parts of the application that relate to its permitting and other regulatory authority, no later than 240 days after the application has been accepted. The committee must issue or deny a certificate for an energy facility within 365 days of the acceptance of an application.<sup>175</sup>

### New Hampshire timeline:



## Rhode Island

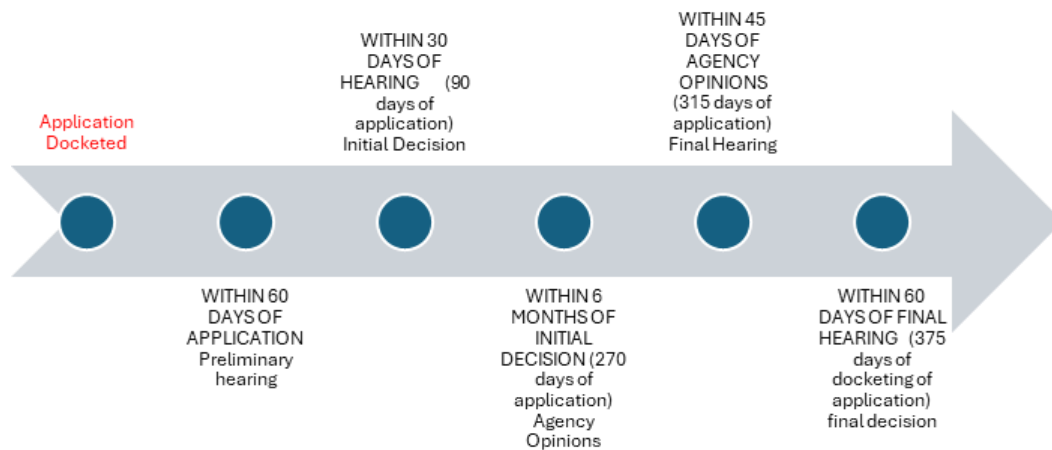
Within 60 days of the board’s docketing of an application the board shall, on not less than 45 days notice to all agencies, subdivisions of the state and the public, convene a preliminary hearing on

<sup>175</sup> [N.H. Rev. Stat. Sec. 162-H:7](#) and [N.H. Rev. Stat. Sec. 162-H:10](#).

the application to determine the issues to be considered by the board in evaluating the application, and to designate those agencies of the state government and of political subdivision of the state which shall act at the direction of the board for the purpose of rendering advisory opinion and to determine petitions for intervention.

A decision of the Board is issued within 30 days following the conclusion of the preliminary hearing and in any event within 45 days of the commencement of the hearing. Agencies must give their opinions within 6 months. Within 45 days after the advisory opinions are submitted, the board convenes the final hearing on the application. Within 60 days of the conclusion of the final hearing, the board issues its final decision on the application. Therefore, in RI, the final decision is issued within 375 days of the application being docketed.<sup>176</sup>

Rhode Island timeline:



<sup>176</sup> [R.I. Gen. Laws Sec. 42-98-\(9 – 11\)](#).

## APPENDIX 20: CSC STAFF BIOS AND CSC COUNCIL MEMBERS

Following are staff bios for the Connecticut Siting Council's administrative and technical staff. The most up-to-date listing of CSC members for Energy & Telecommunications matters is on the [CSC website](#).

### ADMINISTRATIVE TEAM

**Melanie Bachman** is the Executive Director and Staff Attorney with over 16 years of experience at the CSC. Her principal responsibilities include management of office operations and professional staff, formation of agency policies, preparation of agency budget and reports, advising members and staff on legal matters, application of statutes, regulations, case law and legal principles to jurisdictional matters, drafting regulations, conclusions of law and legislative testimony, representation of the agency in administrative proceedings, on boards and at professional conferences, ensuring final decisions comply with applicable state and federal laws, coordination of agency meetings and proceedings, organization of jurisdictional matters according to statutory deadlines, certification of evidentiary records, consultation with the Attorney General's Office on court appeals, arrangement of facility site inspections and associated facility status meetings, and collaboration with local, state, regional and federal entities and other stakeholders. Attorney Bachman holds a B.S. in Management Systems from Fordham University and a J.D. from UCONN Law School, as well as prior experience in legal education, business management and administrative, land use and real estate law.

**Lisa Fontaine** is the Fiscal Administrative Officer with over 24 years of experience at the CSC. Her principal responsibilities include budgeting, financial reporting, accounts receivable, assessment and direct-charge invoicing, policy formulation, liaison with central state agencies, ethics compliance officer, human resource administration, records retention, report drafting, contract negotiation and purchasing, as well as supervision of the administrative team. Ms. Fontaine holds an associate's degree in management from Endicott College, as well as prior experience in child development and construction business management.

**Lisa Mathews** is an Office Assistant with over 11 years of experience at the CSC. Her principal responsibilities include interfacing with the public and stakeholders, drafting correspondence, processing documents, receiving application and petition materials, responding to general inquiries, and maintaining records. Ms. Mathews holds a B.S. in Sociology from Central Connecticut State University and has over 20 years of experience in office administration focused on customer service and document management.

**Dakota LaFountain** is an Office Assistant with over 1 year of experience at the CSC. Her principal responsibilities include processing new applications and petitions, drafting correspondence, preparing meeting materials, providing general information in response to inquiries from the public and stakeholders, and maintaining the agency website. Ms. LaFountain attended Daytona State College and has over 10 years of experience in office administration focused on data management and organizational efficiency.

## TECHNICAL TEAM

**Christina Walsh** is the Supervising Siting Analyst with over 24 years of experience at the CSC. Her principal responsibilities include agency data officer, supervision of the technical team, evaluation of applications, petitions and other jurisdictional requests for completeness, analysis of environmental impacts and associated mitigation measures, creation of telecommunications coverage assessments, development of policies and standards, examination of costs and siting impacts associated with proposed and existing jurisdictional facilities, prioritization of technical work, preparation of reports, assessments, enforcement actions and correspondence, monitor the status of facilities and compliance with reporting requirements, and management of agency databases. Ms. Walsh holds a B.S. in Environmental Science from Marist College and a M.S. in Environmental Science from the University of New Haven with specialization in Geographic Information Systems.

**Robert Mercier** is a Siting Analyst 2 with over 23 years of experience at the CSC. His principal responsibilities include evaluation of all types of jurisdictional facilities, development of the evidentiary record, analysis of environmental impacts associated with the construction, maintenance and operation of jurisdictional facilities, interpretation of environmental and technical material and data, assessment of environmental mitigation measures, identification of siting issues and associated technological advancements, and generation of proposed final decisions, as well as ongoing research related to environmental, operational, health and safety issues pertaining to energy and telecommunications facilities. Mr. Mercier holds a B.S. in Biology and Environmental Science from Central Connecticut State University and prior experience in environmental consulting, design and management and nature center education.

**Michael Perrone** is a Siting Analyst 2 with over 21 years of experience at the CSC. His principal responsibilities include evaluation of all types of jurisdictional facilities, development of the evidentiary record, analysis of costs and cost allocation associated with construction, maintenance and operation of jurisdictional facilities, and generation of proposed final decisions, as well as compilation of the annual Forecast of Connecticut Electric Loads and Resources and Life Cycle Cost Analysis of Overhead and Underground Electric Transmission Lines Reports. Mr. Perrone holds a B.S. in Mechanical Engineering with a minor in Mathematics from the University of New Haven, additional training in Electrical Engineering from Michigan Technological University and ongoing experience with troubleshooting for family HVAC business.

**Ifeanyi Nwankwo** is a Siting Analyst 1 with 6 years of experience at the CSC. His principal responsibilities include evaluation of jurisdictional facilities and modifications to existing facilities for compliance with statutory requirements and relevant structural engineering codes, analysis of costs associated with proposed jurisdictional facilities, development of the evidentiary record and generation of proposed final decisions. Mr. Nwankwo holds a Civil and Water Resources Engineering Technology degree from the National Water Resources Institute in Nigeria and a master's certification in Water Resources and Environmental Management from the University of

Hertfordshire in the United Kingdom, as well as prior experience as a regional telecommunications facility and field operations manager in Nigeria.

**Adam Morrone** is a Siting Analyst 1 with over 2 years of experience at the CSC. His principal responsibilities include evaluation of tower sharing and tower modification requests for completeness, examination of jurisdictional facilities and modifications to existing facilities for compliance with statutory requirements and relevant structural engineering codes, development of proposed approvals for tower sharing and modifications, maintenance of the telecommunications database, revision of the Statewide Telecommunications Plan, and analysis of jurisdictional facility petitions. Mr. Morrone holds a B.S in Molecular and Cell Biology from UCONN, as well as prior experience in agriculture and land use.

## APPENDIX 21: CONNECTICUT'S CLIMATE GOALS AND SOLAR SITING

Connecticut has long been recognized nationally for creating aggressive goals and building momentum to fight global warming. The State created its first Governor's Council on Climate Change (GC3) in 2015, the legislature passed the Climate Change Planning and Resiliency Act of 2018, and in 2022, Governor Lamont signed into law climate change legislation to eliminate GHG emissions from electricity supplied to CT customers, among other actions.

As a result, Connecticut has set ambitious goals to guide its GHG emission reductions:

- Attain 1990 GHG emissions levels by 2010 (**achieved**)
- Reduce GHG emissions by 10% below 1990 levels by 2020 (**achieved**)
- Reduce GHG emissions by 45% below 2001 levels by 2030
- Ensure no emissions from electricity supply by 2040
- Reduce GHG emissions by 80% below 2001 levels by 2050

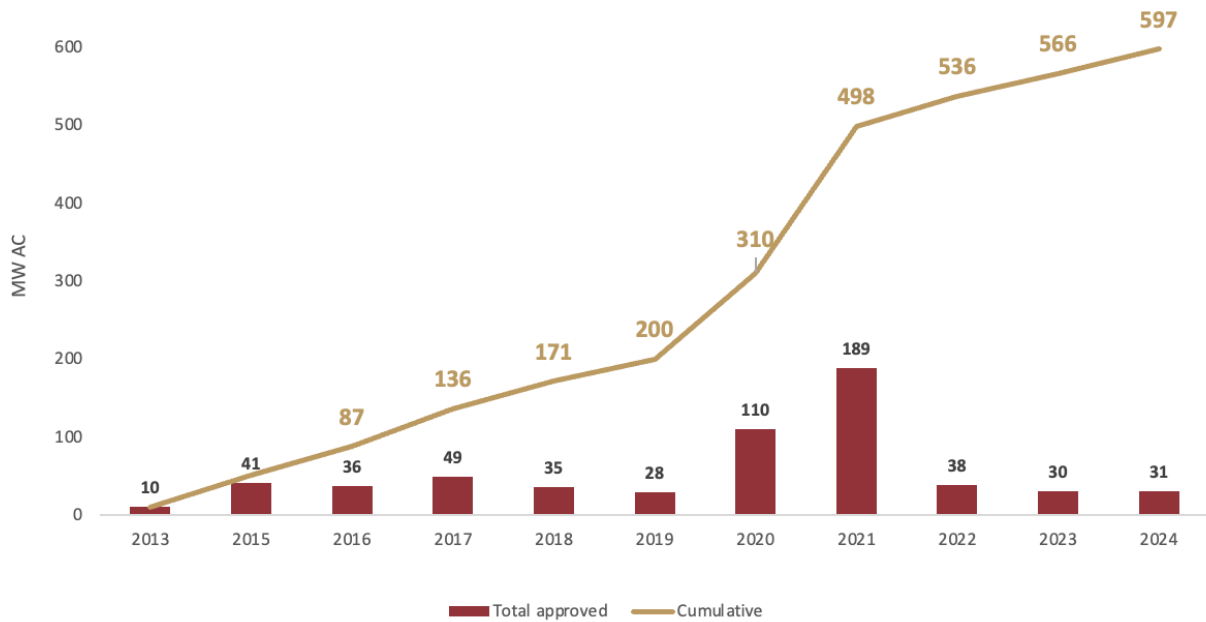
Increasing electrification, renewable energy capacity, and investments in the grid are all essential parts of achieving Connecticut's climate goals for 2030 and beyond. A fundamental catalyst to ensure these renewable energy investments are possible in the State is the siting process, through which a project developer is given or denied authorization to build or upgrade renewable energy generation, storage, or transmission facilities.

The CSC's work has a significant impact on climate action and on achieving the State's emissions reduction goals. Through its rulings over the last decade, the CSC has approved the siting of nearly 600 MW of solar capacity in the State (for projects with individual capacities of 1MW or greater).<sup>177</sup> In addition to benefits related to climate, solar siting also provides air pollution benefits by reducing the need for operating fossil fuel-based electric generation resources already sited in environmental justice communities. Solar also contributes to meeting resource adequacy for Connecticut's energy needs and helps the electric grid to be more resilient, especially when paired over time with increased capacity for electric storage.

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<sup>177</sup> N.B., there is a lag between "Approval" by the CSC and a project becoming "Operational."

### Approved Solar capacity by CSC per year (MW)



**Source:** Created by DEEP based on information from the CSC

Alongside increasing electricity generation capacity, improved electrical transmission infrastructure is essential to allow for better access to clean, efficient and competitive energy supply alternatives. In the area of transmission, the CSC is also an important catalyst.

But these energy needs and considerations are not just local. In 2024, Connecticut joined a total of 10 Northeast states to establish a framework to improve interregional transmission planning and development, which will enhance grid reliability and accelerate the clean energy transition.<sup>178</sup> The continued expansion of renewable energy and transmission projects has placed additional burdens on State Siting authorities nationally, who must navigate complex regulatory frameworks and address community concerns to ensure the successful implementation of these projects.

<sup>178</sup> <https://portal.ct.gov/deep/news-releases/news-releases---2024/newly-announced-agreement-on-electricity-transmission-moves-ne-states-toward-enhanced-grid>



## APPENDIX 22: CSC ROLE IN PUBLIC SERVICE COMPANY LAND ACQUISITION

The CSC performs certain functions related to the acquisition of real property by a public service company either: (1) when there is an intent to do so in advance of obtaining a Certificate or a finding that no Certificate is necessary; or (2) through condemnation.

### Early acquisition of real property

Generally, before a potential applicant can acquire real property on which to site a future facility, the applicant would need to have either an approved Certificate from the CSC or a finding from the CSC that the project will have no substantial adverse environmental effect, so that no Certificate is necessary. There are certain exemptions where an acquisition must be permitted “(1) to avoid hardship for a property owner; (2) to prevent substantial development along a transmission route before the CSC can issue a decision; and (3) to allow for the modification of certain boundaries between an existing right-of-way and an adjoining parcel of land or an existing easement across land, for the convenience of the owner.”<sup>179</sup>

Anyone intending to acquire property, pursuant to these three exceptions, must file a statement of intent with the CSC.<sup>180</sup> Regulations, promulgated by the CSC, list what is necessary for an applicant to include in the statement of intent.<sup>181</sup>

After the statement of intent is filed, the CSC can request to hold a hearing to evaluate the conformity of the acquisition to the statutory exceptions. To do this, the CSC must give notice within thirty (30) days<sup>182</sup> and a hearing is then conducted.<sup>183</sup> If no such notice is provided by the CSC, the land acquisition can proceed.

### Acquisition of property through condemnation

If a public service company intends to acquire property through condemnation, it must notify the property owner of its intent by certified mail and include in the notification a statement that the owner can dispute the purpose of the condemnation in a proceeding before the CSC within 30 days of the notification.<sup>184</sup> To do so, the property owner must file a written request with the CSC for a proceeding to evaluate the purpose of the condemnation. The CSC provides the property owner

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<sup>179</sup> [Conn. Gen. Stat. Sec. 16-50z](#) amended by [P.A. 24-144](#).

<sup>180</sup> [Conn. Gen. Stat. Sec. 16-50z](#) amended by [P.A. 24-144](#); [Regs. Conn. Stat. Agencies Sec. 16-50z-1](#).

<sup>181</sup> The information required to be addressed in the statement of intent includes: “(a) the reasons for the proposed acquisition; (b) a description of the property; (c) the names and addresses of any persons having an interest in said property; (d) the relationship of said property to any existing or future transmission facility; (e) the type of property interest to be acquired in said property; (f) the manner in which the advance acquisition of said property satisfied the requirements of said Section 16-50z (a) of the Connecticut General Statutes; and (g)” two maps as defined in the regulations. [Regs. Conn. State Agencies Sec. 16-50z-1](#).

<sup>182</sup> [Regs Conn State Agencies Sec. 16-50z-2](#).

<sup>183</sup> [Regs. Conn. State Agencies Sec. 16-50z-3](#) (the hearing is conducted in accordance with Section 16-50m of the General Statutes and the Uniform Administrative Procedures Act).

<sup>184</sup> [Conn. Gen. Stat. Sec. 16-50z \(c\)](#) amended by P.A. 24-144. Public Act 24-144 made changes to the language of the notice that the company must provide as well as the timing of notification.

and the public service company with a notice of a proceeding. Thereafter, the CSC holds a hearing on the matter. A final decision must then be issued by the CSC no later than ninety (90) days after the CSC's receipt of the request for the hearing, although the timeframe may be extended by agreement of the parties. The final decision must make findings and state whether the condemnation is necessary and consistent with the state's energy policy.<sup>185</sup> The expenses of the CSC in conducting this hearing are paid for by the public service company.<sup>186</sup>

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<sup>185</sup> As is set forth in [Conn. Gen. Stat. Sec. 16a-35k](#).

<sup>186</sup> [Conn. Gen. Stat. Sec. 16-50z](#) amended by [P.A. 24-144](#).