

## 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

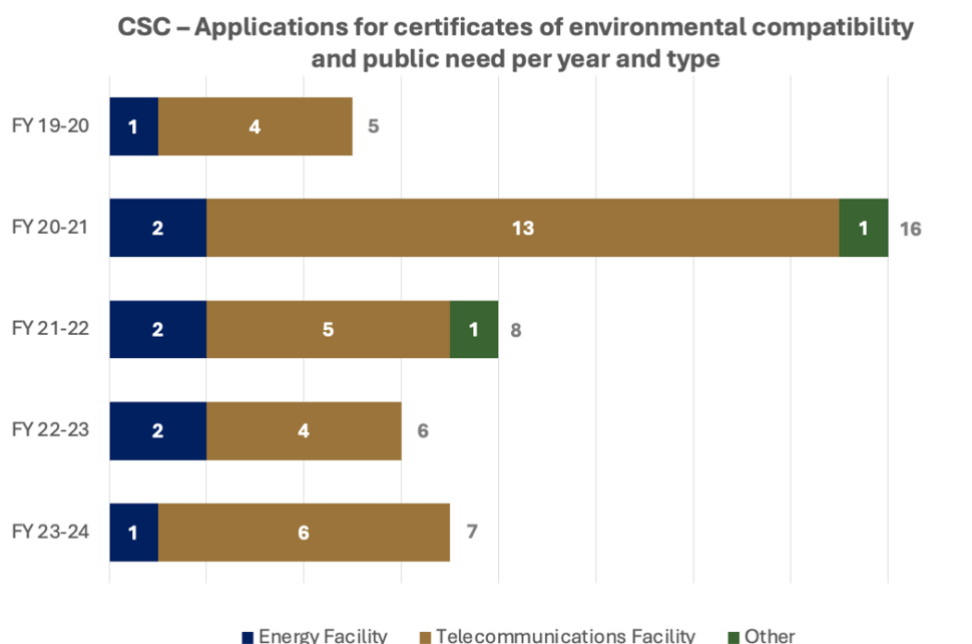
Once the pre-application consultation with the municipality is complete and the project developer files its application before the CSC, the application process formally starts. The application must contain all relevant technical, environmental, and financial information about the proposed facility. The 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

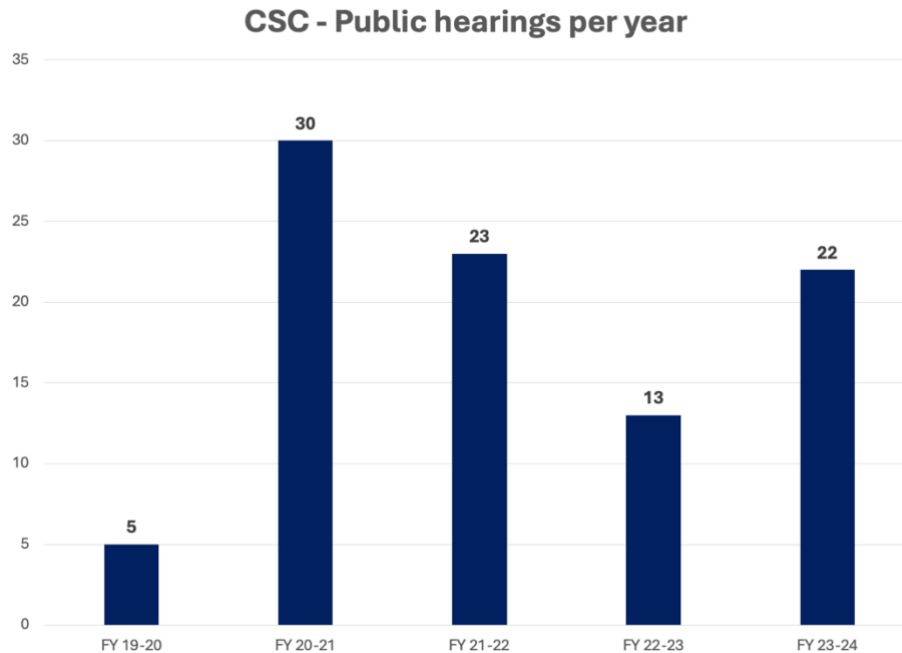
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<sup>30</sup> [Conn. Gen. Stat. Sec. 16-50l\(c\)](#) amended by [P.A. 24-144](#).

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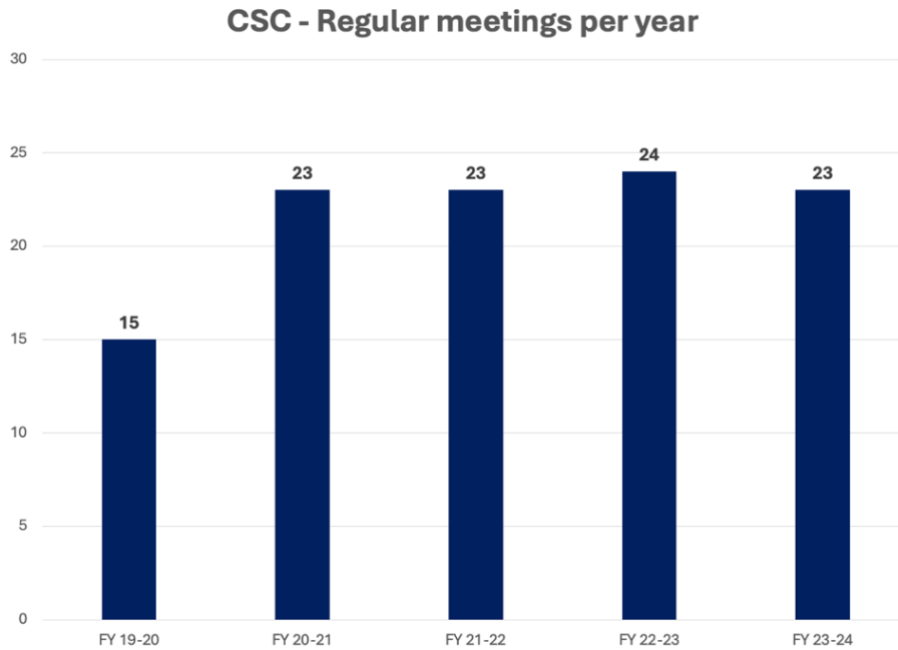
<sup>36</sup> [Conn. Gen. Stat. Sec. 16-50g, et seq.](#)

<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](#).