

## **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\(a\)\(4\)\(J\).](#)