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(DRAFT) 2024 CONNECTICUT SITING COUNCIL REPORT

November 2024

INTRODUCTION

The Connecticut Siting Council (CSC or Siting Council) is an independent, quasi-judicial state agency established to regulate the siting of energy facilities – electric generating or storage facilities (over 1 megawatt), electric transmission lines and related infrastructure such as substations and switchyards (over 69 kilovolts), and fuel transmission lines – as well as the installation and operation of telecommunications and antenna television towers. It is hard to overstate the importance to Connecticut of both ensuring reasonable and resilient energy systems and 21st century telecommunications connectivity.

In 2024, the Legislature enacted [Public Act 24-144](#), which made a range of important updates to the work of the Siting Council. Section 12 of the Public Act requires the Connecticut Department of Energy & Environmental Protection (DEEP), in consultation with several critical partner state agencies, to prepare a report that would:

examine the Connecticut Siting Council, with a focus on the council's ability to balance the need for the facilities that the council oversees and the need for timely and thorough administration of the council's duties with the need to protect the environment, public health and safety.

In particular, the report must “include evaluations of and recommendations concerning” the following 14 issues:

- (1) the scope of the CSC's jurisdiction, the composition of the CSC's membership and the CSC's powers, duties, role and responsibilities, as compared to those of other state agencies. (Chapters 1 and 2)
- (2) the effectiveness of the CSC's structure, with consideration of other structures based on best practices in other states, and any statutory or administrative changes that may be needed to implement such recommendations. (Chapter 2)
- (3) processes for issuing a certificate of environmental compatibility and public need (Certificate) or approving a petition for a declaratory ruling (Petition), as described in section 16-50k of the general statutes, including how to better integrate new technologies into such processes. (Chapters 3, 4, and 5; Appendices 2, 3, 4, 5, and 6)
- (4) the CSC's oversight of completed projects. (Chapter 6; Appendices 4 and 6)
- (5) criteria used by the CSC in evaluating applications. (Chapter 4; Appendices 4 and 6)
- (6) the CSC's ability to adhere to statutory timeframes. (Chapters 4 and 5)

- (7) how the CSC evaluates any economic, conservation and development impacts of projects that the CSC approves, including the CSC's evaluation of (A) a project's consistency with transit-oriented development and other state and municipal economic development objectives, and (B) the degree to which a project forecloses the opportunity for economic development to occur. (Chapter 9)
- (8) the efficacy of the CSC's processes for developing evidence. (Chapter 4; Appendices 4 and 6)
- (9) the efficacy of the CSC's processes for engaging in deliberations. (Chapter 4; Appendices 4 and 6)
- (10) the CSC's relationship with municipalities and other governmental bodies. (Chapter 1; Appendices 4 and 6)
- (11) policies, procedures and processes for inclusive public engagement in CSC decision-making, including to increase transparency and encourage public participation, especially in environmental justice communities, as defined in section 22a-20a of the general statutes. (Chapter 7; Appendix 16)
- (12) equitable practices and processes in CSC decision-making for considering community compensation. (Chapter 7; Appendix 16)
- (13) how the CSC addresses common public concerns related to siting, such as noise, visual and other community impacts. (Chapter 8)
- (14) whether to provide each member of the CSC with an electronic mail address so that each member may receive documents and other information directly. (Chapter 9)

Chapter 9 shares the required recommendations gathered on all 14 issues above from both the required state partners and from numerous private, nonprofit, municipal, regional, and other key stakeholders. This report is followed by appendices that summarize the key changes made in P.A. 24-144 and offer comparisons with other New England states related to how each state regulates the siting of energy generation and storage, transmission line, and telecommunications facilities in their respective states, along with other resources relevant to CSC's work.

Note that the report primarily focuses on renewable energy and transmission line issues, which were the focus of legislative interest in the 2024 legislative session. Other matters under the CSC's jurisdiction, such as telecommunications tower sharing, are not a specific focus of this report, but DEEP anticipates that the observations shared in this report are applicable to the many issues considered by the CSC. This report also covers the application of Connecticut's primary environmental justice statute to the CSC, though the statute carves out renewable energy and transmission line projects from coverage.

In addition to requiring this study, [Public Act 24-144](#) made critical updates to key sections of the Connecticut General Statutes provisions governing the Siting Council's work. Appendix 1 more thoroughly summarizes the key changes that Public Act 24-144 made, but a brief summary follows

as the provisions are still somewhat unfamiliar to anyone except those deeply familiar with the CSC's work. In addition to technical changes, the Public Act made several substantive changes, primarily directed to the siting of transmission lines, municipal involvement in the siting process, individual property owner considerations, and expanded penalties.^{1,2} These changes provide for, among other things, expanded municipal consultations,³ increased municipal funding⁴ and attorney's fees and costs to municipalities that prevail in an appeal.⁵ In matters concerning transmission lines, abutting landowners now have a clear path to intervene,⁶ and additional information is provided to the CSC on localized and regionalized costs and alternatives⁷ to property owners for use of land.⁸ The CSC must consider neighborhood concerns⁹ and request municipal preferences for transmission line siting.¹⁰ Solar facilities now must include a review by the CSC of potential noise levels and the distance between inverters and transformers and property lines.¹¹ The CSC also has additional powers to enforce compliance with the certificates it issues.¹²

STAKEHOLDER INPUT

As noted, [P.A. 24-144](#) requires DEEP to consult with other state agencies that have frequent interactions with the Siting Council or that have an interest in the questions addressed by the report. DEEP consulted with these 10 agencies as well as the Office of the Governor:¹³

- Council on Environmental Quality
- Connecticut Siting Council
- Department of Agriculture
- Department of Economic and Community Development
- Department of Housing
- Department of Public Health
- Department of Transportation
- Office of Consumer Counsel
- Office of Policy and Management
- Public Utilities Regulatory Authority

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

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

³ [Conn. Gen. Stat. Sec. 16-50q\(b\)](#) amended by [P.A. 24-144](#).

⁴ [Conn. Gen. Stat. Sec. 16-50n\(b\)](#) amended by [P.A. 24-144](#).

⁵ [Conn. Gen. Stat. Sec. 16-50n\(b\)](#) amended by [P.A. 24-144](#).

⁶ [Conn. Gen. Stat. Sec. 16-50n\(b\)](#) amended by [P.A. 24-144](#).

⁷ [Conn. Gen. Stat. Sec. 16-50l\(a\)\(3\)](#) amended by [P.A. 24-144](#).

⁸ [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

⁹ [Conn. Gen. Stat. Sec. 16-50p\(c\)\(2\)\(A\)](#) amended by [P.A. 24-144](#).

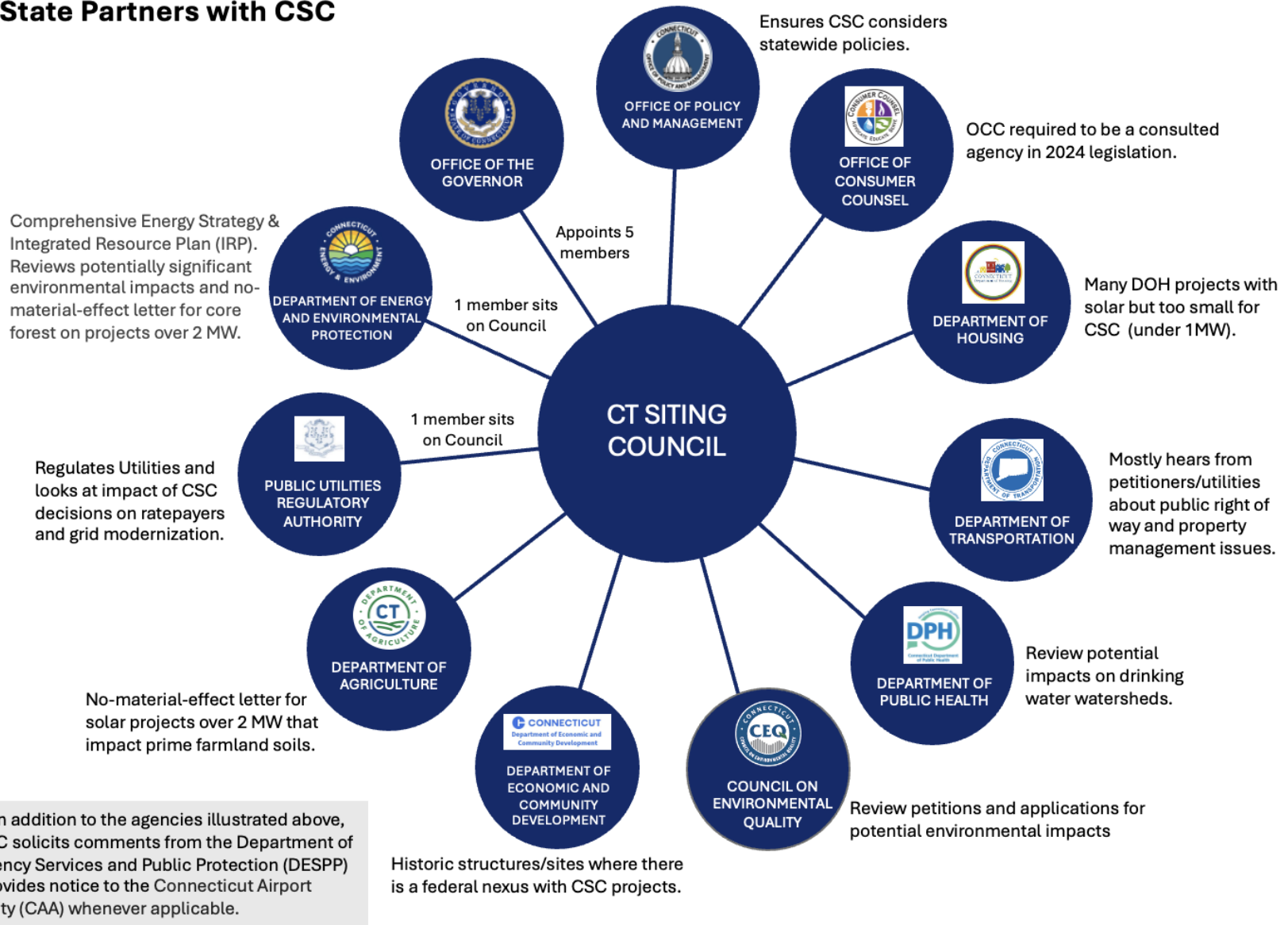
¹⁰ [Conn. Gen. Stat. Sec. 16-50gg](#) amended by [P.A. 24-144](#).

¹¹ [Conn. Gen. Stat. Sec. 16-50p\(c\)\(5\)](#) amended by [P.A. 24-144](#).

¹² [Conn. Gen. Stat. Sec. 16-50u](#) amended by [P.A. 24-144](#).

¹³ Special thanks to Paul Aresta, Melanie Bachman, Lisa Fontaine, Christina Walsh, Jaime Smith, Catherine Labadia, Marena Wisniewski, Paul Jorgensen, Lisa Morrissey, Eric McPhee, Leo Fontaine, Alice Sexton, Thomas Wiehl, Jamie Talbert-Slagle, Rebecca Augur, Joanna Wozniak-Brown, Martin Heft, Scott Muska, Annie Decker, Joe DeNicola, Jordan DiDomenico, Victoria Hackett, and Josh Walters. For report drafting leadership, particular thanks to DEEP's Eric Hammerling, Diego Merizalde, and Suzy Nigro.

Key State Partners with CSC



Source: Created by DEEP

In addition, DEEP staff interviewed dozens of individuals and organizations with diverse perspectives on the activities of the Siting Council in preparation of this Draft Report provided for public comment. We thank all the following individuals and organizations that participated in meetings with DEEP staff to provide their thoughtful input:

Electric Utilities

- Avangrid/United Illuminating
- Eversource

Equity and Environmental Justice Stakeholders

- Connecticut Equity and Environmental Justice Advisory Council (CEEJAC)
- Conservation Law Foundation

Farmland, Open Space, Wildlife, Renewable Energy, and Conservation Organizations

- Audubon CT
- Connecticut Energy Network
- Connecticut Farmland Trust
- Connecticut Land Conservation Council (CLCC)
- Connecticut RC&D
- PACE
- Save the Sound
- The Nature Conservancy, CT Chapter

Municipal/Regional Representatives

- CT Conference of Municipalities (CCM)
- Council of Small Towns (COST)
- North Stonington
- Western CT Council of Governments

Other stakeholders knowledgeable on various CT Siting Council issues

- Keith R. Ainsworth, Esq.
- Pullman & Comley, LLC - Lee Hoffman
- Twelve – Derek Phelps
- ISO-New England – Kerry Schlichting, Eric Johnson

Solar Energy Developers

- Verogy
- VHB

Chapter 1: Siting Council History, Jurisdiction & Responsibilities

The first topic the Legislature asked this Study to examine is the history, jurisdiction, and responsibilities of the Siting Council. This section provides an analysis of that topic, with recommendations and conclusions relating to this analysis at the end of the report.

HISTORY, JURISDICTION AND RESPONSIBILITIES

The Siting Council was established in 1971 by the Public Utility Environmental Standards Act (PUESA) to ensure consistent siting of energy, transmission, and telecommunications facilities, “with the purpose to end ad hoc town-by-town regulation of facilities in favor of regulation by a statewide body.”¹⁴ The CSC seeks to objectively balance the public need for adequate and reliable public utility and telecommunications services at the lowest reasonable cost to consumers with the need to protect the environment, public health, and safety of the state through an independent, quasi-judicial public process.¹⁵

As a public quasi-judicial agency, the CSC operates under the rules of Connecticut’s Uniform Administrative Procedures Act (UAPA),¹⁶ PUESA,¹⁷ and Regulations of CT State Agencies (RCSA).¹⁸ Today, the CSC has exclusive regulatory jurisdiction over the construction, maintenance, and operation of:

- Electric transmission lines (of 69 kilovolts or more)
- Electric generating or storage facilities (using any fuel and with a capacity of more than 1 megawatt)
- Electric substations and switchyards (of 69 kilovolts or more)
- Fuel transmission lines (with a design capability of more than 200 pounds per square inch gauge pressure or a design capacity of more than 20% of its minimum yield strength)
- Antenna television towers and telecommunications towers in the state

The PUESA, which created and still guides the Siting Council’s work, includes the following goals for the CSC:¹⁹

1. **Promote energy security.**
2. **Provide environmental quality standards and criteria** for the location, design, construction, and operation of public utility facilities at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state.

¹⁴ Excerpted from [Testimony of the Connecticut Siting Council on HB 5453](#) submitted in March 2024.

¹⁵ The Digest of Administrative Reports to the Governor. [Fiscal Year 2023](#).

¹⁶ [C.G.S. Sec. 4-166, et seq.](#)

¹⁷ [C.G.S. Sec. 16-50g, et seq.](#)

¹⁸ [RCSA Sec. 16-50j-1, et seq.](#)

¹⁹ [Conn. Gen. Stat. Sec. 16-50g](#); [Conn. Gen. Stat. Sec. 16-50r](#); and [R.C.S.A. Sec. 16-50j-1](#).

3. **Minimize damage to scenic, historic, and recreational values.**
4. **Promote the sharing of telecommunications towers** wherever technically, legally, environmentally, and economically feasible to avoid the unnecessary proliferation of towers in the state.
5. **Develop annual forecasts of the demand for electric power**, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide, and interstate planning.
6. **Encourage research to develop new and improved methods** of generating, storing, and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment.
7. **Confirm compliance** with its Certificates and orders through detailed development and management plans and field investigations.

ROLES IN SITING FOR OTHER STATE AGENCIES

As noted above, the CSC has the exclusive jurisdiction for the siting of energy generation and storage, transmission, and telecommunications facilities with certain thresholds. However, the CSC receives input on siting deliberations from many other state agencies. Prior to commencing any public hearing, the CSC is required to consult with and solicit written comments from the Departments of Energy and Environmental Protection, Public Health, Agriculture, Economic and Community Development, and Transportation as well as the Council on Environmental Quality, Public Utilities Regulatory Authority, Office of Policy and Management, and the Office of Consumer Counsel.²⁰ The CSC has an email distribution list through which these agencies are informed of opportunities to provide input on either an application for a Certificate or a petition for a declaratory ruling.

The following describes the roles and subject matter that each of the state agencies listed above typically covers:

Department of Energy and Environmental Protection (DEEP)

- DEEP has a statutorily established seat on the CSC for the Commissioner or her designee to vote on CSC matters, which vote is not constrained to matters within DEEP's immediate jurisdiction.²¹
- Project proponents consult with DEEP's Bureau of Natural Resources to review the [Natural Diversity Data Base](#) (NDDB) for state-listed plants, wildlife, and critical habitats that could be present at a project site. The Bureau provides responsive measures which, when implemented, will avoid, minimize or mitigate negative impacts to these species. Additional biological surveys may be required depending on available information and/or site characteristics.

²⁰ [P.A. 24-144, Section 2\(i\)](#) added the Office of Consumer Counsel to CSC's list of consulting agencies in [Conn. Gen. Stat. Sec. 16-50j\(i\)](#) amended by [P.A. 24-144](#).

²¹ [Conn. Gen. Stat. Sec. 16-50j\(b\)](#) amended by [P.A. 24-144](#).

- Only on petitions for solar photovoltaic facilities of 2 MW or greater, DEEP’s Bureau of Natural Resources is consulted by a project proponent and makes a determination on whether DEEP will provide a “letter of no material affect” certifying that such project will not materially affect the status of the project site as “core forest.”²²
- DEEP’s Office of Environmental Review & Strategic Initiatives (ERSI) reviews many petitions and applications – primarily those for renewable energy generation and storage facilities or transmission lines– to provide a broad assessment in a letter to the CSC of potential impacts associated with agency-wide concerns, such as stormwater management, wetlands, noise, visual, and/or other site-specific issues.
- DEEP also takes into consideration that developing grid-scale renewables is imperative to the state’s success in achieving its statutory goal of reducing carbon emissions by 45% below 2001 levels by 2030, by 80% below 2001 levels by 2050, and achieving a 100% zero-carbon electric sector by 2040.²³ Bringing zero carbon energy projects online furthers a more affordable, cleaner, and reliable energy future for the state.

Public Utilities Regulatory Authority (PURA)

- PURA has a statutorily established seat on the CSC for the chairperson of PURA or her designee to vote on CSC matters, and, like DEEP, PURA’s vote is not constrained to matters within its immediate jurisdiction.²⁴
- Similar to the CSC, PURA operates as a quasi-judicial agency with a goal of supporting affordable utility service and infrastructure. PURA is responsible for setting the rates charged by investor-owned distribution utilities (electric, natural gas, water, and telecommunications) as well as advancing the modernization of the electric distribution system, regulating the retail electric supplier market, implementing federal requirements for natural gas pipeline safety, ensuring adequate water system infrastructure investments, reviewing mergers and acquisitions, providing education and outreach for consumers, and regulating the expansion of telecommunications infrastructure.²⁵
- Although the jurisdictions of PURA and the CSC are distinct, they are certainly inter-related. For example, projects involving new or upgrades to transmission lines consider both siting, which falls within the purview of the CSC, and rates, which fall within the purview of PURA, though on the distribution side.

Council on Environmental Quality (CEQ)

- At every monthly meeting, CEQ sets aside a portion of its agenda to discuss whether or not to provide formal comments to the CSC on various petitions and applications. CEQ letters tend to focus on potential impacts to prime and other categories of farmland, core and other forests, state-listed species and rare habitats, wetlands and watercourses, and other site-specific observations made to reduce the potential environmental impacts of energy generation and storage, telecommunications, and transmission projects.

²² [Conn. Gen. Stat. Sec. 16-50k.](#)

²³ Connecticut General Statutes Sec. 22a-200a(a)(3)

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

²⁵ Excerpted from the [About PURA webpage.](#)

Department of Agriculture (DoAG)

- DoAG has a narrowly defined role of considering solar photovoltaic petitions of 2 MW or greater that may impact prime farmland. DoAG must be consulted by a project proponent to make a determination on whether a “letter of no material affect” can be provided by DoAG certifying that such project will not materially affect the status of the project site as prime farmland.²⁶

Department of Economic & Community Development (DECD)

- DECD’s input to the CSC is primarily provided through the work of its State Historic Preservation Office (SHPO). SHPO provides information to the CSC on projects that have a federal nexus (e.g., cell towers are connected to the work of the Federal Communications Commission, and transmission lines are connected to the work of the Federal Energy Regulatory Commission).
- SHPO administers the [Connecticut Cultural Resource Information System](#) (ConnCRIS) which is an interactive map of historic properties and archaeological sites that can be viewed in proximity to project sites. This map-based, searchable database includes all properties that have been documented through historic designations or architectural and archeological surveys. Applicants and petitioners will typically reach out to SHPO for this analysis before filing with CSC.

Office of Policy and Management (OPM)

- OPM functions as the Governor’s staff agency and plays a central role in state government, providing the information and analysis used to formulate public policy for the State and assisting State agencies and municipalities in implementing policy decisions on the Governor’s behalf. OPM facilitates updates to [Connecticut’s Conservation and Development Policies Plan](#) and is keenly aware of how regional and statewide priorities such as transit-oriented development planning can be related to various considerations associated with siting.

Department of Public Health (DPH)

- DPH primarily reviews applications and petitions to provide recommendations to avoid or mitigate impacts on water resources from facilities located in or near drinking water watersheds.

Office of Consumer Counsel (OCC)

- OCC is an independent state agency with statutory responsibility to represent customers of Connecticut’s five regulated utilities – electric, gas, water, telephone, and to some extent, cable television – primarily in matters that go before the Public Utilities Regulatory Authority (PURA). The OCC is authorized to participate on behalf of consumer interests in all administrative and judicial forums and in any matters in which the interests of consumers with respect to public utility matters may be involved.
- OCC was added as one of the required state agencies for the CSC to consult with in P.A. 24-144 and brings vast expertise working on behalf of consumers on public utility issues.

²⁶ [Conn. Gen. Stat. Sec. 16-50k](#).

Department of Transportation (DOT)

- DOT typically weighs in on petitions or applications that involve siting near, alongside, or across transportation corridors including rail, state roads, highways, and/or rights of way. Upgrades or installation of transmission lines can often require significant analysis to mitigate the short- or longer-term impacts of these projects that may occur during construction.

MEMBERSHIP COMPOSITION

The CSC's membership composition depends upon the nature of the matter before it:

- For energy, transmission, and telecommunication matters (the bulk of the matters that this report focuses on), the CSC has nine members -- five who are members of the public appointed by the Governor (including the Chair), two who are designees of the state legislative leaders of the House and Senate, and two who represent state agencies (DEEP and PURA).²⁷
- For hazardous waste matters (those that fall under Chapter 445 of the General Statutes), the CSC board increases to thirteen members, eleven (85%) of whom represent the public and two (15%) of whom represent state agencies (DPH and Emergency Services and Public Protection).²⁸ These proceedings occur rarely, with the most recent meeting being in 2013.

The Governor appoints the chairperson of both councils (whether acting in its energy and telecommunications capacity or hazardous waste) from among the five independent public members, with the advice and consent of the House or Senate.²⁹

All the members, other than the DEEP and PURA representatives receive a maximum of \$200 a day for their attendance at public hearings, executive sessions, or other CSC business.³⁰ This per diem rate has not been updated since 2007.³¹ The per diem reimbursement does not include time spent preparing for Siting Council meetings. Staffing for the Council is described below.

²⁷ Public Act 24-144 more specifically defined 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. [P.A. 24-144](#).

²⁸ [Conn. Gen. Stat. Sec. 16-50j](#) amended by [P.A. 24-144](#).

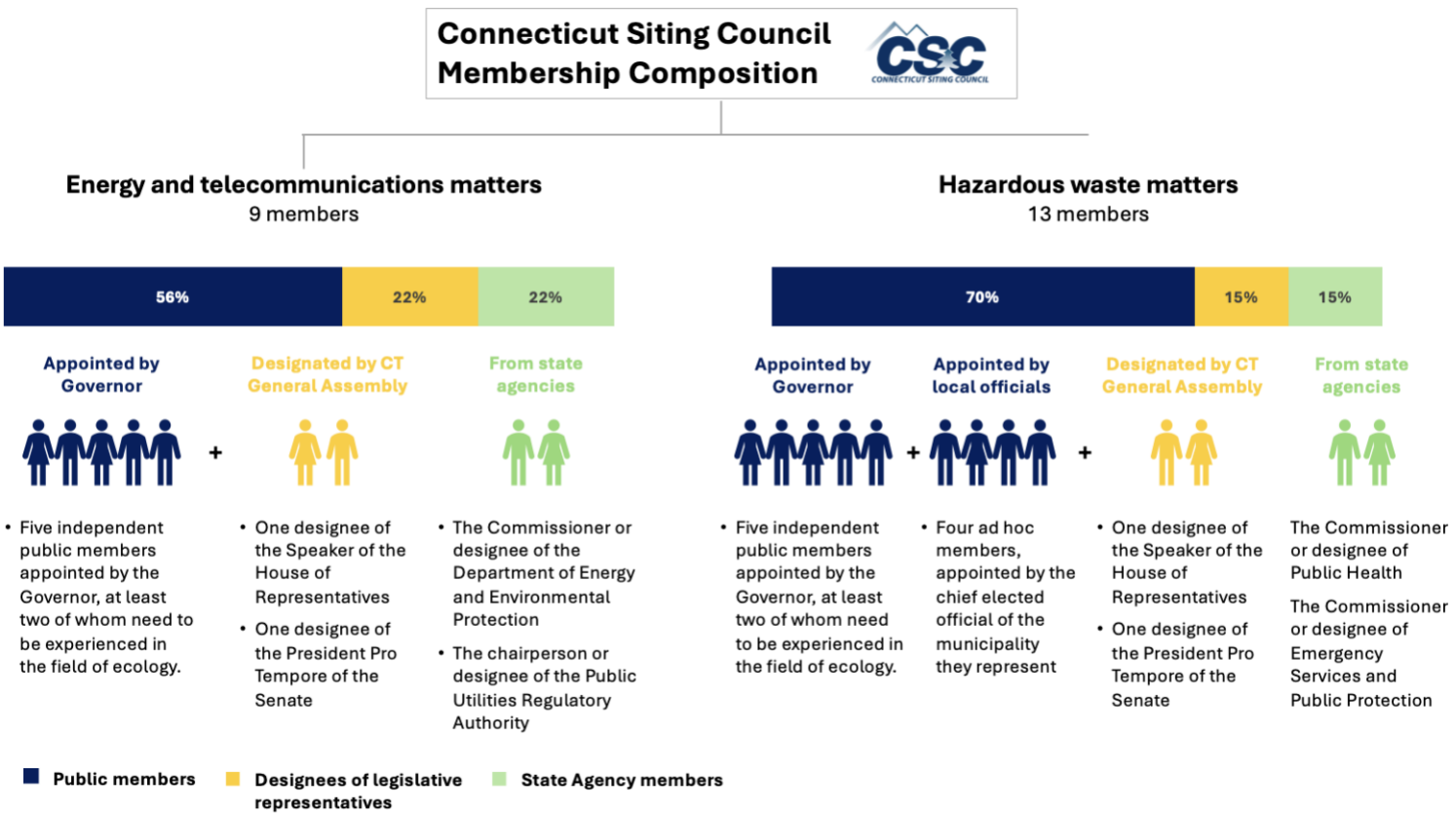
²⁹ [Conn. Gen. Stat. Sec. 16-50j \(e\)](#) amended by [P.A. 24-144](#).

³⁰ [Conn. Gen. Stat. Sec. 16-50j \(f\)](#) amended by [P.A. 24-144](#).

³¹ Reimbursement of public members of Siting Boards in CT, MA, and NH is addressed in the appendices.

Compared to other New England states, CT has greater public representation on the Council.

1. Connecticut has the highest representation of public members for energy and telecommunications matters. In other states, most Council members are state agency representatives (100% in RI (3/3), 80% in NH (4/5), and 66% in MA (6/9)).
2. Connecticut is the only state in New England where the Council’s chairperson is a public member.
3. Connecticut is also the only state to include designees of legislative representatives on the Council.
4. Connecticut requires two members to have experience in ecology. Other states, like New Hampshire and Massachusetts, require all public members to have certain qualifications to serve on the siting authority.



Source: Created by DEEP

CSC DUTIES

The CSC has a variety of statutorily required duties, which include:

1. Issuing and enforcing Certificates of Environmental Compatibility and Public Need after an Application

Before beginning work on facilities under the CSC jurisdiction, an application for a Certificate of Environmental Compatibility and Public Need (Certificate) must be submitted to the CSC if the

facility may have a “substantial adverse environmental effect in the state”.³² The evaluation of the probable adverse environmental impact of the facility may include, but is not limited to:

- i. Electromagnetic fields that, whether alone or cumulatively with other effects, impact 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 quality
- viii. Fish, aquaculture, and wildlife

2. Issuing approvals on Petitions by declaratory ruling

The CSC must review and approve petitions for declaratory rulings on certain new facilities, listed below. If they qualify under the statute,³³ the CSC approves them through a declaratory ruling.³⁴

Electric Generating Facilities: Any facility constructed “solely for generating electricity, except those using nuclear materials or coal as fuel, at a site where an electric generating facility operated before July 1, 2004.”³⁵

1. **Fuel Cells:** Any fuel cell installation unless there is a substantial adverse environmental effect.
2. **Customer-side and Grid-side Distributed Resources Projects or Facilities:** with a capacity of not more than sixty-five megawatts, provided they:

- Meet air and water quality standards.
- Do not have a substantial adverse environmental effect.

For solar photovoltaic facilities located on “**prime farmland**” or “**core forest**” with a capacity of two or more megawatts:

- Get written assurance from DoAG that the project will not materially affect the land’s status as prime farmland.³⁶
- Get written assurance from DEEP that the project will not materially affect the land’s status as core forest.³⁷

³² [Conn. Gen. Stat. Sec. 16-50k](#)

³³ [Conn. Gen. Stat. Sec. 16-50k \(a\)](#)

³⁴ [Conn. Gen. Stat. Sec. 16-50k \(a\)](#) The Connecticut Siting Council can also generally issue a declaratory ruling under [Conn. Gen. Stat. Sec. 4-176](#) and [Regs. of Conn. State Agencies 16-50j-39](#).

³⁵ Conn. Gen. Stat. Sec. 16-50j(a) amended by [P.A. 24-144](#).

³⁶ CT Department of Agriculture criteria is available at [DoAG Siting Council Guidance](#).

³⁷ As defined in [Conn. Gen Stat. Sec 16a-3k](#), (1) “Core forest” means unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land, as determined by the Commissioner of Energy and Environmental Protection; and (2) “prime farmland” means land that meets the criteria for prime farmland as described in [7 CFR 657](#).

- Note that the statutory definition of “core forest” is broad: Per [Conn. Gen Stat. Sec 16a-3k](#), “‘Core forest’ means unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land, as determined by the Commissioner of Energy and Environmental Protection.”
- But the definition of core forest that the Department relies on for making this determination of no material impact on core forest is narrower: DEEP relies on its [Forestland Habitat Impact Map \(arcgis.com\)](#), which excludes contiguous forest blocks smaller than approximately 250 acres.
- In other words, DEEP’s finding of no material impact for purposes of this letter of no material impact is based on a map that only includes continuous blocks of forest that are approximately 250 or more acres (not more broadly relying on the definition of unfragmented forest that is at least 300 feet from the boundary).

Note: Declaratory rulings have other functions other than approving petitions in the CSC context. Any interested person can request a declaratory ruling from the CSC to establish the applicability of any regulation, final decision, or order enforced, administered, or promulgated by the CSC. A declaratory ruling, for example, can evaluate whether or not a proposed facility or modification to an existing facility would have a substantial adverse environmental effect and whether a Certificate would be required –e.g., would increasing the size of an existing cell tower result in a substantial adverse environmental effect?

3. Arbitrating tower-sharing disputes

The CSC arbitrates tower-sharing disputes.³⁸ These disputes generally involve an entity seeking to share space on an existing tower with an unwilling tower owner. As part of the process, the CSC holds “feasibility proceedings” to ensure that a request is technically, legally, environmentally, and economically feasible and meets public safety concerns. Based on its analysis, the CSC can arbitrate conditions and cost allocation for agreed shared use and can enforce decisions, ordering tower owners to permit shared use under specific terms and conditions.

As shown in the following graphic, the CSC issued 513 tower-sharing decisions from FY 2019 to FY 2024. The significant increase in tower sharing decisions after FY20-21 has been attributed to a combination of overall 5G network expansion for telecommunications carriers, the site divestiture agreement between T-Mobile and Dish, and a coincidence of market trends. This resulted in a first phase of Dish network deployment; and a second phase of Dish 5G network expansion. The spike in remote work during the pandemic was an unanticipated, additional driver.

³⁸ Tower sharing is described in [Conn. Gen. Stat. Sec. 16-50aa](#)

4. Maintaining and updating a telecommunications coverage database and coverage plan

The CSC developed, maintains, and updates quarterly a state-wide telecommunications coverage database³⁹ that includes the location, type, and height of all telecommunications towers and antennas in the state.⁴⁰ The CSC also developed a plan for state-wide telecommunications coverage, which is reviewed and revised periodically.⁴¹ The plan contains information on the state's population growth and an analysis of existing and projected demands for telecommunications coverage.⁴² See the most recent [2018 State-Wide Telecommunications Coverage Plan](#).

5. Reviewing annual forecasts of loads and resources

The CSC is required each year to review 10-year forecasts of loads and resources. Every person engaged in electric transmission services, electric generation services, or electric distribution services generating more than one megawatt of electric power in the state files annually a forecast of loads and resources report with the CSC for its review.⁴³ The CSC holds an annual public hearing on this topic and upon reviewing all relevant information publishes its own forecast report to assess the overall status of loads and resources in the state.⁴⁴ See the most recent [Forecast of Loads and Resources 2022](#).⁴⁵

6. Investigating overhead and underground transmission line alternatives

At least once every five years, the CSC investigates the life-cycle costs of overhead and underground transmission line alternatives. They decide on the investigation's schedule and scope at a public meeting. This investigation covers costs, reliability, construction access, environmental impact, and compatibility with the existing electric system.

As part of the investigation, the CSC holds public hearings, including at least one in the evening, and can hire experts to help analyze costs. The CSC distributes the expenses of this investigation to companies with significant electric power sales revenue. All payments go to the State Treasurer for the Siting Council Fund.⁴⁶ See the most recent [Life-Cycle Cost Studies for Overhead and Underground Electric Transmission Lines - 2022](#).

7. Reviewing mobile radio service reports

The CSC, along with the CT Department of Emergency Services and Public Protection (DESPP), requires annual reports from each provider of mobile radio service to assess the plans and capacity of providers to supply backup power during an electric service outage for any telecommunications tower or antenna owned, leased or operated by the provider.⁴⁷

³⁹ [Connecticut Siting Council – Telecommunications Database](#).

⁴⁰ [Conn. Gen. Stat. Sec. 16-50dd](#)

⁴¹ [Conn. Gen. Stat. Sec. 16-50ee \(a\)](#)

⁴² [Conn. Gen. Stat. Sec. 16-50ee \(a\)](#)

⁴³ [Conn. Gen. Stat. Sec. 16-50r \(a\)](#)

⁴⁴ [Conn. Gen. Stat. Sec. 16-50r \(a\)](#)

⁴⁵ Proceedings on the 2023 and 2024 load forecast reports are still pending.

⁴⁶ [Conn. Gen. Stat. Sec. 16-50r](#)

⁴⁷ [Conn. Gen. Stat. Sec. 16-50ll](#).

8. Regulating certain property acquisitions

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. More information on CSC's role with property acquisitions is available in Appendix 22.

9. Ordering restoration or revegetation

As part of its supervision of construction activity related to transmission line projects, the CSC may order restoration or revegetation of the right-of-way occupied by overhead transmission facilities.⁴⁸ The CSC's jurisdiction here is limited to transmission lines and is separate from PURA's jurisdiction over utility vegetation management on smaller, local electric, fiber optic, and other distribution lines.

10. Issuing Certificates of Public Safety and Necessity for hazardous waste matters

The CSC has jurisdiction over the construction or modification of hazardous waste facilities. A "hazardous waste facility" means land and appurtenances or structures used to dispose, treat, store, or recover hazardous waste.⁴⁹ No person can begin constructing or modifying a hazardous waste facility until a Certificate of Public Safety and Necessity has been issued.⁵⁰ Since its creation in 1981, the Hazardous Waste Connecticut Siting Council has not issued a Certificate for a facility or held a hearing. The HWCSC last met in May 2013.

11. Adopting regulations

The CSC can, and sometimes must, adopt, amend, or rescind suitable regulations.⁵¹ These regulations can include what the CSC deems necessary to carry out the provisions of the statutes and the policies and practices of the CSC in connection with its duties.⁵² The regulations can cover areas such as application fees and siting of facilities and environmental standards applicable to facilities.⁵³ Some more specific regulations can include rules for designating who must receive a copy of an application;⁵⁴ publication of a notice of an application;⁵⁵ early land acquisition;⁵⁶ and wind turbine siting.⁵⁷

⁴⁸ [Conn. Gen. Stat. Sec. 16-50hh](#).

⁴⁹ [Conn. Gen. Stat. Sec. 22a-115\(2\)](#).

⁵⁰ [Conn. Gen. Stat. Sec. 22a-117](#).

⁵¹ [Conn. Gen. Stat. Sec. 16-50j \(h\)](#) amended by [P.A. 24-144](#) ; See also [Conn. Gen. Stat. Sec. 16-50r](#); [Conn. Gen. Stat. Sec. 16-50t](#); [Conn. Gen. Stat. Sec. 16-50z](#); and [Conn. Gen. Stat. Sec. 16-50kk](#) (statutorily required to create regulations regarding wind-powered generation). The Council can also, for good cause, not follow the rules, except where precluded by statute, see [Regs. Conn. State Agencies Sec. 16-50j-3](#).

⁵² [Conn. Gen. Stat. Sec. 16-50j \(h\)](#) amended by [P.A. 24-144](#).

⁵³ [Conn. Gen. Stat. Sec. 16-50t](#).

⁵⁴ [Conn. Gen. Stat. Sec. 16-50l](#).

⁵⁵ [Conn. Gen. Stat. Sec. 16-50l\(b\)](#) amended by [P.A. 24-144](#).

⁵⁶ [Conn. Gen. Stat. Sec. 16-50z](#) amended by [P.A. 24-144](#).

⁵⁷ [Conn. Gen. Stat. Sec. 16-50kk](#).

Chapter 2: Siting Council Compared to Other States

Across the nation, state legislatures have designated siting authorities to coordinate interests and make final decisions. In general, there are four main structural models for siting electric transmission lines (with modest variations on the following models in each state):⁵⁸

- 1. Public Utility Commissions (PUC):** This is the most common approach used by about 33 states. It places primary siting responsibility on the PUC, which has staff with expertise in electric system design, land use, environmental issues, etc. This group has two approaches: the Commission leads agency coordination, or the proposing utility coordinates directly with the public and agencies, making modifications and reporting back to the Commission. Amongst New England states, Vermont uses this structure.
- 2. Siting Boards/Councils:** Eight states, including Connecticut, have special entities set by statute, called Siting Boards. These boards or councils commonly include heads of key state agencies or their designees, such as the Environmental Protection, Natural Resources, and Energy departments. Some states also include legislators and/or public members in their Siting Boards. In New England, Massachusetts, New Hampshire, and Rhode Island join Connecticut with this Siting Board structure. Arizona, Kentucky, Ohio, and Washington also have independent, statutorily created, stand-alone siting bodies, which can vary from state to state with respect to details of jurisdiction, structure, practice and procedure. The existing Siting Board structure of the CSC is similar to that of the most densely developed states in New England, though with significantly more public members. Even with the most similarly structured states in the region (MA, NH, & RI), it is challenging to compare “apples to apples” due to different legislative definitions of “facilities” and processes. In general, the CSC has the highest number of public CSC members amongst peer states in the region and a relatively low 1 MW jurisdictional threshold for renewable energy facilities. Statutory timelines to make decisions and jurisdiction over transmission lines are similar.
- 3. Existing Agencies:** Four states assign the task of siting as a responsibility of an existing state agency. In Montana, it's the Environmental Department; in Oregon, the Energy Facilities Siting Council is located within and shares staff with the Department of Energy; in Florida, the Department of Environmental Protection makes recommendations to the governor and cabinet; and in Alaska, the Department of Natural Resources manages easements over state land.
- 4. Local Government or Public Utilities:** A few states like Colorado, Indiana, Louisiana, and Oklahoma leave siting decisions to local governments like county zoning boards. Guam, Tennessee, and the Virgin Islands have publicly owned utility systems handling siting responsibilities.

⁵⁸ Nat'l Council on Electric Policy (2021). [Mini Guide on Transmission Siting: State Agency Decision Making](#).

CT SITING COUNCIL ADMINISTRATIVE STRUCTURE, STAFFING AND EXPENSES

The CSC is an independent entity statutorily designated to be within the Department of Energy and Environmental Protection (DEEP) for administrative purposes only.⁵⁹ DEEP provides administrative support for human resources, payroll, and physical office space, but the agencies do not share staff.⁶⁰ The CSC can employ and direct the staff it considers necessary to carry out its functions and, as now required under Public Act 24-144, provide expertise in engineering and financial analysis.⁶¹ Additionally, the chairperson of the CSC, with the consent of five or more other members, may appoint an executive director to be the chief administrative officer of the Connecticut Siting Council, who is exempt from classified service.⁶²

After receipt of an application for a Certificate of Environmental Compatibility and Public Need (which will be described in the following section), the CSC can also employ one or more independent consultants to study and measure the consequences of the proposed facility on the environment.⁶³ The CSC can direct the consultants to examine any important matter for an adequate appraisal of an application,⁶⁴ and the resulting report becomes part of the record of the proceeding.⁶⁵

Administrative expenses of the CSC (including those related to staff, consultants, and special studies required by the CSC) are covered through assessments paid by “persons having gross revenue from the sale of electric power at retail in the state in excess of \$100,000 during the preceding calendar year” as well as fees associated with applications and petitions. Before the end of each calendar year, the CSC estimates its expenses associated with energy facilities for the following fiscal year, reviews its expense projections at a public meeting, and submits its findings to the Appropriations Committee in the CT General Assembly. Similarly, the CSC estimates its direct expenses associated with communications services which are covered by assessments paid by communications services facilities.⁶⁶ Over the last five fiscal years, the CSC’s expenses have averaged around \$1.7 million, or about 78% of its estimated budgets,⁶⁷ primarily to support salaries, building/operation costs, and statutorily required expenses.⁶⁸

⁵⁹ [Conn. Gen. Stat. Sec. 16-50j](#) amended by [P.A. 24-144](#).

⁶⁰ [Conn. Gen. Stat. Sec. 4-38f](#).

⁶¹ [Conn. Gen. Stat. Sec. 16-50j \(g\) and \(h\)](#) and [Conn. Gen. Stat. Sec. 16-50v \(f\)](#) amended by [P.A. 24-144](#).

Public Act 24-144 added the requirement for employees to have, in the aggregate, sufficient expertise in engineering and financial analysis to carry out the functions of the CSC.

⁶² [Conn. Gen. Stat. Sec. 16-50j \(h\)](#) amended by [P.A. 24-144](#).

⁶³ [Conn. Gen. Stat. Sec. 16-50n \(e\)](#) and [Conn. Gen. Stat. Sec. 16-50v \(f\)](#) amended by [P.A. 24-144](#).

⁶⁴ [Conn. Gen. Stat. Sec. 16-50n \(e\)](#) amended by [P.A. 24-144](#).

⁶⁵ [Conn. Gen. Stat. Sec. 16-50n \(e\)](#) amended by [P.A. 24-144](#).

⁶⁶ [Conn. Gen. Stat. Sec. 16-50v](#).

⁶⁷ https://portal.ct.gov/-/media/csc/4_csc_calendarofevents/budgets/budgetmemotoindustryfy26-27_a.pdf

⁶⁸ Statutorily required CSC expenses include, but are not limited to, Council member per diem payments and reimbursements ([C.G.S. Sec. 16-50j](#)); publication of hearing and final decision notices ([C.G.S. Sec. 16-50m](#)); management consultant services for applications if necessary ([C.G.S. Sec. 16-50n](#)); transcription services for hearings ([C.G.S. Sec. 16-50o](#)); and Statewide Capital Allocation Program (SWCAP)/Indirect Overhead expenses under C.F.R., Title II, Subtitle A, Chapter II, Part 200.

STRUCTURE OF THE CSC AND OTHER SITING AUTHORITIES IN NEW ENGLAND

The following four states in New England have statutorily created centralized stand-alone siting bodies that are compared in the following section:

- Connecticut has the Connecticut Siting Council
- Massachusetts reviews siting through the Energy Facilities Siting Board (EFSB)
- Rhode Island has established the Energy Facilities Siting Board (EFSB)
- New Hampshire created the Site Evaluation Committee (SEC)

The remaining states in New England have other siting structures that are difficult to compare to the CSC structure:

- Vermont does not have a separate independent siting board but centralizes the process at the state level through its Public Utility Commission.
- Maine has a more decentralized approach to siting at the state level, sometimes with multiple agencies involved, determined in part according to the type, size, and location of the facility being sited.⁶⁹

⁶⁹ Because of the unique decentralized approach to siting in Maine, it is not included in the siting comparisons in this chapter.

COMPARISON OF JURISDICTION AMONG NEW ENGLAND STATES

	CT	MA	RI	NH
TRANSMISSION LINES				
Electric Transmission Lines	Yes- regulating 69 KV or more	Yes- 69 KV or more as qualified (see Appendix 14)	Yes- 69 KV or more	Yes- 100 KV or more as further qualified (see Appendix 14)
Electric Substation or Switchyard				
Fuel Transmission Facility	Yes - with a design capacity of more than 200 pounds per square inch gauge pressure	Yes- as qualified (see Appendix 14)	Yes- as qualified (see Appendix 14)	Yes
ENERGY GENERATION AND STORAGE				
Renewable Energy Facility	Yes- facilities using any fuel and with a capacity of more than 1 megawatt.	Yes- hydropower, as qualified and other generating facility 100 MW or more as qualified	Yes- 10 MW or greater hydropower	Yes- 30 MW or greater
Electric Generating or Storage Facility	Petitions can only be considered for facilities of less than 65 MW. Larger facilities must file an application for a Certificate.	Yes- as qualified-generating facility of 100 MW or more	Yes- 40 MW or more and further qualified (see Appendix 14)	Yes-30 MW or greater
Distributed resources project				
Fuel Cell				
Coal facilities				Yes
Liquid Natural and Petroleum Gas facilities		Yes	Yes	Yes
Nuclear processing facilities			Yes	Yes
Facilities for refinement of oil, gas and other petroleum products		Yes	Yes	Yes
TELECOMMUNICATIONS FACILITIES				
Antenna television towers	Yes	Not listed	Not listed	Not listed
Telecommunication Towers	Yes	Not listed	Not listed	Not listed

Source: Created by DEEP

COMPARISON OF MEMBERSHIP AND STATUTORY TIMEFRAMES AMONG NEW ENGLAND STATES

State / Agency	Number of members	Members from state agencies	Non-State Agency Members, required experience and compensation	Statutory times to issue decisions
Connecticut Siting Council	9	Two of the nine members of the CSC are from state agencies: the Department of Energy and Environmental Protection (DEEP), and the Public Utilities Regulatory Authority (PURA).	Five public members are appointed by the Governor, at least two of whom must have a background in ecology. Two members are designated by the leaders of the CT General Assembly. Public members, including the chairperson, members appointed by the speaker of the House and president pro tempore of the Senate are compensated for attending CSC business at a rate of \$200/day max.	For applications, up to 180 days, and 1 year for electric transmission projects. For petitions, up to 180 days, though within the initial 60 days the CSC takes action by approving, denying, or defining next steps.
Massachusetts Energy Facilities Siting Board	9	Six of the nine members of the EFSB are from other state agencies: the Secretary of Energy and Environmental Affairs, the Secretary of Economic Development, the Commissioner of the Department of Environmental Protection, the Commissioner of the Division of Energy Resources, and two Commissioners of the Commonwealth Utilities Commission.	Three public members are appointed by the Governor. One public member needs to be experienced in environmental issues, one in labor issues, and one in energy issues. 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 incurred in the performance of official board duties.	The EFSB process requires a board decision within one year from the date of filing of a petition to construct a generating facility. ⁷⁰
New Hampshire Site Evaluation Committee	5	Four of the five members of the SEC are from other state agencies: three Commissioners from the Public Utilities Commission plus the Commissioner of the Department of	New Hampshire has one public member, appointed by the Governor. The public member must have experience in one or more of the following: business management; environmental protection; natural resource protection; energy facilities; community and regional planning	The SEC must issue or deny a certificate for an energy facility within one year of the date of the acceptance of an application. ⁷¹

⁷⁰ [Mass. Gen. Laws Ch. 164 § 69J1/4.](#)

⁷¹ [N.H. Rev. Stat. Sec. 162H:7 \(VI-d\).](#)

		Environmental Services.	or economic development; local government. The public member is compensated for all time spent on committee business, including 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.	
Rhode Island Energy Facilities Siting Board	3	All members are from other state agencies: the Chairperson of the Public Utilities Commission, the Director of the Department of Environmental Management, and the Associate Director of Administration for Planning.	Not applicable.	The EFSB has 30 days to say whether an application is complete and, if it is, to docket the application. Within 60 days after docketing an application, the EFSB shall convene a preliminary hearing. The EFSB then has 45 days from the end of the hearing to render its initial decision about advisory opinions. The advisory opinions are then due within six months, unless the board sets an earlier deadline. The board holds a final hearing within 45 days after the deadline for advisory opinions and must issue its final decision on the application within 60 days after the final hearing. Therefore, the process must be completed within approximately 13 ½ months from receipt of the application. ⁷²
Vermont Public Utility Commission	3	Not applicable.	A chair and two general members. The Chair is nominated, appointed, and confirmed in the manner of a Superior Court judge. The Governor submits a set of names of potential nominees for review and chooses the two general members from the qualified candidates.	Not applicable.

Source: Created by DEEP

⁷² [R.I. Gen. Laws § 42-98-11.](#)

Chapter 3: Overview of Applications and Petitions

Proposals subject to the CSC’s jurisdiction follow two pathways: an Application for a Certificate of Environmental Compatibility and Public Need (Certificate) or a Petition requesting a Declaratory Ruling (Petition). There are several factors that an applicant or petitioner must consider in choosing to either apply for a Certificate or petition for a Declaratory Ruling. Several of the key differences are compared on the following page. As shown in the workload summary below, most projects follow the Petition pathway, with 393 Petitions and only 42 applications for Certificates submitted over the past five fiscal years (from the beginning of FY 2019 to the end of FY 2024):

- **Applications for Certificates** (FY 2019 – FY 2024)
 - 42 total applications considered
 - 1 withdrawn (telecommunications facility)
 - 41 approved with conditions in the following categories:
 - 28 telecommunications facilities
 - 1 electric generating facility
 - 2 electric transmission lines
 - 4 solar facilities
 - 6 reopened decisions (under CGS Sec. 4-181a(b))

- **Petitions for Declaratory Rulings** (FY 2019 – FY 2024)
 - 393 total petitions considered (with 6 pending from previous years)
 - 9 withdrawn (2 solar, 7 telecommunications)
 - 13 denied
 - 22 pending at the end of FY 2024
 - 355 petitions approved with conditions in the following categories:
 - 164 energy/transmission rulings
 - 49 fuel cell
 - 65 solar
 - 8 storage
 - 11 substations
 - 31 transmission lines
 - 80 telecommunications rulings
 - 82 National Electric Safety Code modifications (petition 1293)
 - 24 FCC Eligible Facilities Requests (petition 1133)
 - 3 reopened decisions (under CGS Sec. 4-181a(b))
 - 1 petition related to jurisdiction

Comparison of Application vs. Petition for Energy Facilities and Transmission Lines

	Application for Certificate	Petition for Declaratory Ruling
Decision timeline	Up to 180 days, and 1 year for electric transmission projects	Up to 180 days. Within the initial <u>60 days</u> the CSC takes action by approving, denying, or defining next steps.
Fees	Filing fee is typically \$1,250 + \$40,000 for a Municipal Participation Fee for electric transmission projects (\$80,000 if the facility occurs in more than one municipality)	Filing fee is \$625
Public Hearing	Mandatory	May be Requested
Municipal consultation	Consultation required 60 days (90 for transmission lines) before filing	Notice requirements, but not full consultation
Letter of No Material Affect	Not required	Required for energy facilities of 2+ MW for core forest (DEEP) and/or prime farmland (DoAg)
Decommissioning	Requires decomm. bond	Requires decomm. plan
Development and Management Plans	Mandatory D&M Plan before construction	D&M Plan not mandatory but may be requested
Environmental Impact	Some environmental impact is assumed. Environmental impact must be outweighed by public need.	No significant environmental impact is assumed if Petition’s environmental requirements are successfully met.

Source: Created by DEEP

The CSC provides filing guides (updated October 1, 2024)⁷³ that list the information that must be addressed in applications and petitions:

APPLICATION FOR A CERTIFICATE FILING GUIDES (see details in Appendix 2)

- [CATV and Telecommunications Facilities, effective October 2024](#)
- [Electric and Fuel Transmission Line Facilities, effective October 2024](#)
- [Electric Generating and Energy Storage Facilities, effective October 2024](#)

PETITION FOR A DECLARATORY RULING FILING GUIDES (see details in Appendix 2)

- [Petition for a Declaratory Ruling, dated September 2012](#)
- [Petition for a Declaratory Ruling Notice Requirements, dated March 2015](#)
- [Petition for a Declaratory Ruling for a Renewable Electric Generating or Energy Storage Facility, effective October 2024](#)

⁷³ The landing page for all of CSC’s filing guides is at this link: [Filing Guides \(ct.gov\)](#). The most recent update to the filing guides incorporates the statutory amendments made by Public Act 24-144.

Chapter 4: Application for a Certificate of Environmental Compatibility and Public Need

In Connecticut, any project developer that wants to build or modify telecommunications or energy facilities under the CSC jurisdiction, such as electric transmission lines or power generation plants, with potential detrimental environmental effects on the state, must submit an application for a Certificate of Environmental Compatibility and Public Need (Certificate) to the CSC.

Connecticut’s Uniform Administrative Procedures Act (UAPA),⁷⁴ Public Utility Environmental Standards Act (PUESA),⁷⁵ and Regulations of CT State Agencies (RCSA),⁷⁶ contain procedures directed to ensuring “that the public; applicants; petitioners; parties; intervenors; federal, regional, state and municipal agencies and officials; and other interested persons are afforded notice and an opportunity to be heard”⁷⁷ in the CSC’s applications for Certificates proceedings.⁷⁸ For an electric transmission line facility, the CSC has 1 year from the date an application is submitted to render a decision. For all other facilities, the CSC has 180 days from the date an application is submitted to render a decision which may be extended with the consent of the applicant by no more than an additional 180 days.⁷⁹ The following table shows the average number of days it took the CSC to render their decisions on applications received between 2019 and 2024, from the filing date to the decision date. The total average time was 190 days, though it varies depending on the type of facility.

Average number of days (from filing date) to render a decision on APPLICATIONS received between 2019 and 2024	
Type of facility	Average # of days
Energy-Substation	218
Energy-Transmission	225
Solar	179
Telecom	188
Total average	190

Source: Created by DEEP based on information from the CSC

The Certificate application process can be divided into 4 phases as illustrated by the graphic that follows: (1) the **pre-application municipal consultation** process, which covers the activities before the application is submitted, (2) The **application, review and public hearing** process, which starts on the date the applicant files the application and ends with the public hearing, (3) the

⁷⁴ [C.G.S. Sec. 4-166, et seq.](#)

⁷⁵ [C.G.S. Sec. 16-50g, et seq.](#)

⁷⁶ [RCSA Sec. 16-50j-1, et seq.](#)

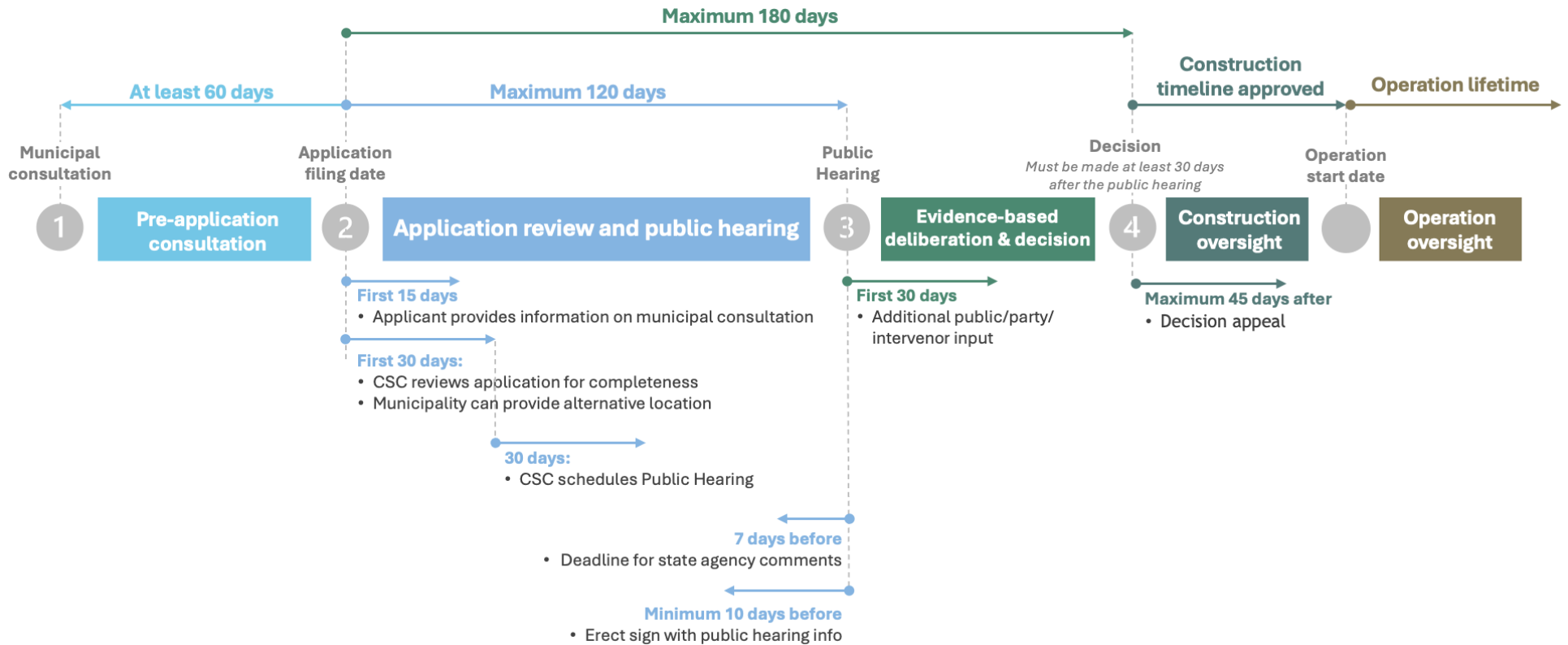
⁷⁷ [Connecticut Siting Council](#) - The Digest of Administrative Reports to the Governor Fiscal Year 2023-2024.

⁷⁸ [Connecticut Siting Council](#) - The Digest of Administrative Reports to the Governor Fiscal Year 2023-2024.

⁷⁹ From CSC website’s [Frequently Asked Questions \(ct.gov\)](#).

deliberation and decision process, which starts after the public hearing, once all evidence has been collected and finishes with the CSC decision, and (4) the **construction and operation oversight** process, which can involve a review of pending conditions and other compliance issues attached to the approved Certificate. Each of these four phases is described in Appendices 3 and 4 of this Report.

Certificate of Environmental Compatibility and Public Need Process timeline



Source: Created by DEEP based on the CSC Filing Guides

Chapter 5: Petition for a Declaratory Ruling

Any individual, company, or entity seeking a declaratory ruling must submit a petition to the Connecticut Siting Council. This petition should clearly outline the specific ruling being sought regarding a facility or project, such as whether a Certificate of Environmental Compatibility and Public Need is required.⁸⁰ In addition, the Siting Council provides guides for citizens to better understand procedures, these guides are located on the CSC website.⁸¹

The declaratory ruling process is statutorily permitted in select circumstances either for “the construction of a facility solely for the purpose of generating electricity” so long as the fuel source is neither nuclear or coal and the site must be where an electric generating facility has been in operation prior to July 1, 2004 or a declaratory ruling can be used for the construction or location of a fuel cell with a capacity of less than 65 megawatts.⁸² This process is also utilized for telecommunications facilities, including small cell antennas installed on a new or existing structure, and any modifications to existing telecommunications facilities.⁸³ The process of petitioning the CSC for a declaratory ruling is generally less time-consuming, formal, and expensive than proceedings related to an application for a certificate and is more commonly used. For a declaratory ruling, the CSC has 180 days from the date of receipt of a petition to render a decision. The CSC may extend the 180-day decision deadline on a petition if mutually agreed to by the parties.⁸⁴

The following table shows the average number of days it took the CSC to render a decision on petitions received between 2019 and 2024, from the filing date to the decision date. The total average time was 98 days, though it varies depending on the type of facility.

⁸⁰ The procedure for a petition for declaratory ruling is governed by the UAPA, [Conn. Gen. Stat. Sec. 4-176](#), [Conn. Gen. Stat. Sec. 16-50k](#), as well as the Siting Council Rules of Practice in [RCSA sections 16-50j-38 through 40](#), and [sections 35 through 37](#) for adoption of regulations by a petition.

⁸¹ [Public Participation](#)

⁸² [Conn. Gen. Stat. Sec 16-50k\(a\)](#).

⁸³ [citizens-guide-to-csc-procedures---petition---telcom_a.pdf](#)

⁸⁴ [Frequently Asked Questions \(ct.gov\)](#)

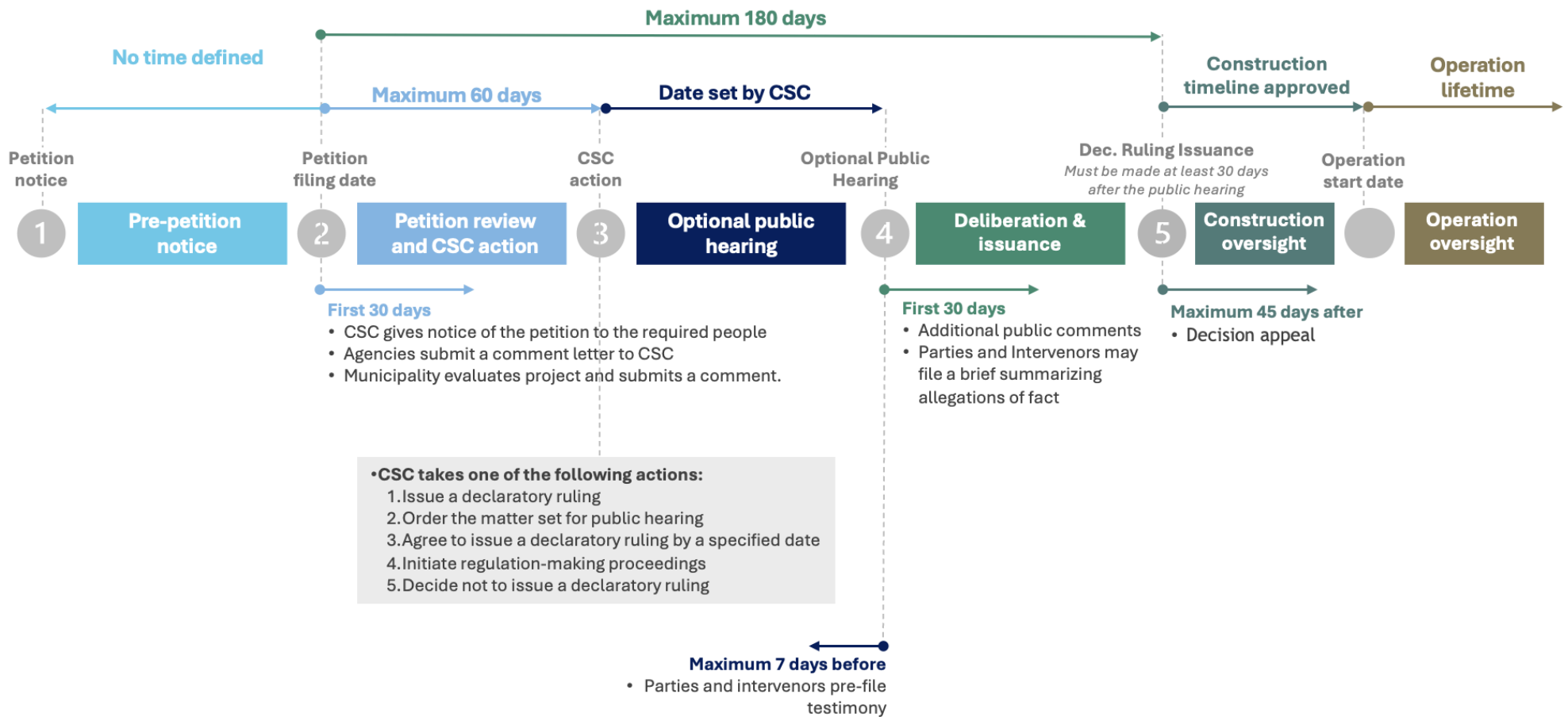
Average number of days (from filing date) to render a decision on PETITIONS received between 2019 and 2024	
Type of facility	Average # of days
Wind Jurisdiction	199
Energy-Underground Cable	161
Battery Storage	140
Solar	132
Energy-transmission	100
Energy	82
Fuel Cell	81
Energy-Substation	80
Telecom	73
FERC Jurisdiction	49
Total average	98

Source: Created by DEEP based on information from the CSC

The Petition application process can be divided into 5 phases as illustrated by the graphic that follows: (1) the **pre-filing notice** process, which covers the activities before the petition is submitted, (2) the **petition review and CSC action**, which starts on the date the petitioner files the petition and ends with a CSC action, (3) the **optional public hearing** process, (4) the **deliberation and issuance** which starts after the public hearing (if one is held) and finishes with the Declaratory Ruling issuance, and (5) the **construction and operation oversight** process, which can involve a review of pending conditions and other compliance issues attached to the approved Petition.

Appendices 5 and 6 provide a detailed description of each of these phases.

Declaratory Ruling Process timeline



Source: Created by DEEP based on the CSC Filing Guides

Chapter 6: Siting Council Project Oversight Post-Approval

CSC OVERSIGHT AND ENFORCEMENT OF CERTIFICATES

Once the CSC issues a Certificate, the Certificate holders must build, maintain, and operate their facilities in conformity with it⁸⁵ and comply with any condition attached to it.⁸⁶ Public Act 24-144 expanded the powers of the CSC to enforce compliance with the Certificates it issues by providing that if the CSC finds that any person has failed to obtain or comply with a Certificate, it can issue fines, order restitution, or both. The CSC can also impose civil penalties in an amount not less than one thousand dollars a day.⁸⁷ To ensure the conditions established in Certificates are followed, Public Act 24-144 established the following process for the CSC to follow 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.

Following are some mechanisms through which the CSC oversees completed projects to ensure compliance with the terms of a Certificate, Declaratory Ruling, and any relevant standards:

1. **Field inspections and compliance verification:** The CSC takes "reasonable steps to ensure that each facility for which a Certificate has been issued is constructed, maintained, and operated in compliance with such Certificate and any other standards."⁸⁸ This includes conducting field inspections to verify compliance. Any expenses related to these inspections are charged to the Certificate holder.⁸⁹
2. **Enforcement of penalties:** If a facility is found to be in violation of its Certificate, the CSC can seek enforcement through the courts. The courts may issue "restraining orders, temporary and permanent injunctive relief" and impose civil penalties for ongoing violations, amounting to "not less than one thousand dollars per day for each day of construction or operation in material violation."⁹⁰ These remedies ensure that the CSC has the authority to compel compliance with the terms of a Certificate when necessary.
3. **Certificate review and revocation:** The CSC has the authority to conduct a "Certificate review proceeding" if it is deemed necessary, based on compliance checks.⁹¹ If violations are confirmed, the CSC can issue orders, including the revocation of the Certificate. This

⁸⁵ [Conn. Gen. Stat. Sec. 16-50k\(a\)](#).

⁸⁶ [Conn. Gen. Stat. Sec. 16-50u](#) amended by [P.A. 24-144](#).

⁸⁷ [Conn. Gen. Stat. Sec. 16-50u](#) amended by [P.A. 24-144](#).

⁸⁸ [Conn. Gen. Stat. Sec. 16-50u](#) amended by [P.A. 24-144](#).

⁸⁹ CSC can conduct field inspections of a completed project filed by petition ([Conn. Gen. Stat. Sec. 16-50v](#)).

⁹⁰ [Conn. Gen. Stat. Sec. 16-50u](#) amended by [P.A. 24-144](#).

⁹¹ [Conn. Gen. Stat. Sec. 16-50u](#) amended by [P.A. 24-144](#).

review process ensures ongoing oversight and the ability to address issues that arise post-construction.

These processes create a structured framework for ongoing oversight, ensuring that projects adhere to the environmental and operational standards set out in their Certificates.

CSC OVERSIGHT AND ENFORCEMENT OF PETITIONS

CSC's enforcement authority over Petitions is largely based on its legal interpretation of the ruling of the Connecticut Supreme Court in the *FairwindCT, Inc. v. CSC* case.⁹² This case determined wind is a fuel and CSC has jurisdiction over wind-powered generation facilities. It also determined that the CSC has authority to attach conditions to declaratory rulings in addition to its enforcement authorities associated with Certificates cited earlier in this chapter.

Chapter 7: Opportunities for Public Participation in Siting Council Work

This report has detailed existing opportunities for the public and stakeholders to participate in the work of the Siting Council. This Chapter provides a brief review of CSC's current practices related to public input. Chapters 4 and 5, and also Appendices 2 – 6, 11, and 13 provide more information on the public notice processes for Application and Petitions.

Online information: The [CSC website](#) is comprehensive in terms of the docket materials and relatively easy to use for certain functions, such as accessing information on various petitions or applications/dockets. Many stakeholders find the ability to search by town and by pending or final decisions, and the completeness of the record, quite effective.

Information before filing to the CSC occurs

Applications. Before an application is filed with the CSC, the applicant must consult with the municipality in which a facility is going to be located and with alternative municipal sites.⁹³ The applicant must make good faith efforts to meet with the chief elected official of the municipality (or a designee), the legislative body of the municipality and each member of the legislature in whose district the facility or alternative location is located.⁹⁴ Connecticut is the only New England state to have this pre-application municipal notice procedure, which includes multiple levels of local government. Additionally, a municipality may conduct the public hearings and meetings it deems necessary to provide the applicant with municipal recommendations about the proposed project,⁹⁵ although only if it chooses to do so during the pre-filing consultation period.⁹⁶

⁹² Link to Connecticut Supreme Court decision in *FairwindCT v. CSC*: [313CR71.pdf](#)

⁹³ [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

⁹⁴ [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

⁹⁵ [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

⁹⁶ [Conn. Gen. Stat. Sec. 16-50l\(f\)](#) amended by [P.A. 24-144](#).

To assist the municipality in representing the public interest, an applicant for a Certificate must pay a municipal participation fee.⁹⁷ The current municipal participation fee is \$40,000, or, if the proposed location is in more than one municipality, \$80,000.⁹⁸ A municipality which affirmatively participates as a party to a certification proceeding and spends money in connection with that proceeding can apply for reimbursement from the municipal participation account to defray its participation expenses.⁹⁹

Petitions. Notice must be provided before submitting a petition for a declaratory ruling for: (1) a proposed facility that is required to be approved as such by statute¹⁰⁰ or (2) a finding that a project does not constitute a facility so that the jurisdiction of the CSC is not triggered. Under these circumstances, notice must be provided to the owners of the property on which the facility is to be located and the owners of the property on which alternative sites for the facility are proposed, owners of property which abuts the proposed primary or alternative sites of the proposed facility, and the same municipal officials and government agencies to be noticed in an application for a certificate.¹⁰¹ Petitioners seeking a declaratory ruling where the subject of the petition is not a facility (e.g. a petition made to clarify regulations or jurisdiction) must serve notice on the chief elected official of any municipality in which the project will be located.¹⁰²

Public Notice of Applications or Petitions

Project sponsors for both petitions and applications also must post prominent signage at the project site before a public hearing.¹⁰³

Applications. Connecticut requires public notice when a Certificate is filed. In addition to service on elected officials, notice of the application must be given to the general public, in municipalities in which any portion of the facility is to be located (both the primary and alternative locations) and adjoining municipalities with close boundaries, by publication in local newspapers.¹⁰⁴ The intent is to inform the public of the application and to provide interested persons with time to prepare for the public comments sessions that will later occur.¹⁰⁵

Petitions. Unlike for the Certificate process, a petition does not require a pre-filing consultation with municipal leaders and state legislators. Within 30 days after receipt of a petition for a declaratory ruling, the Council will also provide notice to all persons who have requested

⁹⁷ Applications for community antenna television towers and head-end structures and telecommunication towers (as more specifically described in [Conn. Gen. Stat. 16-50i \(5\) and \(6\)](#)) do not need to include a municipal fee. [Conn. Gen. Stat. Sec. 16-50l \(a\)](#) amended by [P.A. 24-144](#).

⁹⁸ [Conn. Gen. Stat. Sec. 16-50l \(a\)](#) amended by [P.A. 24-144](#).

⁹⁹ [Conn. Gen. Stat. Sec. 16-50bb](#) amended by [P.A. 24-144](#).

¹⁰⁰ [Conn. Gen. Stat. Sec. 16-50k](#).

¹⁰¹ [Conn. Gen. Stat. Sec. 16-50l\(f\)](#).

¹⁰² [Regs. Conn. State Agencies Sec. 16-50j-40](#).

¹⁰³ [Regs. Conn. State Agencies Sec. 16-50j-21](#).

¹⁰⁴ [Conn. Gen. Stat. Sec. 16-50l \(b\)](#) amended by [P.A. 24-144](#).

¹⁰⁵ [Conn. Gen. Stat. Sec. 16-50l\(b\)](#) amended by [P.A. 24-144](#).

notice. The notice provided by the Council includes contact information for the Council, a timeline for public involvement and the date, place and time for any scheduled field review of the proposed project.¹⁰⁶

Public Hearings related to Applications or Petitions

Since spring 2020, the CSC has held public hearings remotely via Zoom rather than in person despite the hearing requirements of CGS 16-50m(a). This approach worked as an essential measure to conduct CSC business during the Covid19 pandemic and provides logistical, travel, and budget advantages that some municipalities and members of the public may prefer.

Applications. When an Application is filed, the CSC 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, as described above.¹⁰⁷ Copies of such comments become part of the record and are made available prior to the commencement of the hearing. Chapter 4 describes the public hearing process in more detail, as does Appendices 2-6 and 13 compares the public hearing process across several New England states.¹⁰⁸

Petitions. When a Petition is filed, the CSC has the option of holding a public hearing if it deems that one is required. The CSC votes on this decision to hold a public hearing or not at a regular CSC public meeting. This discretion reflects that, for example, some Petitions may be for minor technical changes. If a hearing is scheduled, the CSC must provide public notice in the local newspaper, as for an Application, and a public sign also must be posted in the vicinity of the proposed facility location that is visible to the public.¹⁰⁹

ENVIRONMENTAL JUSTICE COMMUNITIES

A key question is how the CSC's work affects and interacts with Connecticut's environmental justice (EJ) communities.

The EJ law (CGS 22a-20a) and CSC Background

The main requirements relating to EJ communities and the Siting Council do not appear in the CSC statutes discussed so far, but rather in CGS 22a-20a, often referred to as Connecticut's "EJ Statute." This statute provides the primary definition of "environmental justice community" relied on by a range of state programs and then proceeds to provide rules governing a narrower universe of certain permit and siting decisions that are under DEEP and CSC's control in EJ communities.

That statute defines an "environmental justice community" in two ways:¹¹⁰

¹⁰⁶ [Regs. Conn. State Agencies Sec. 16-50j-40.](#)

¹⁰⁷ [Conn. Gen. Stat. Sec. 16-50j\(i\)](#) amended by [P.A. 24-144.](#)

¹⁰⁸ [Conn. Gen. Stat. Sec. 16-50m](#) and [Conn. Gen. Stat. 16-50j \(i\)](#) amended by [P.A. 24-144.](#)

¹⁰⁹ [Regs. Conn. State Agencies Sec.16-50j-21.](#)

¹¹⁰ [Conn. Gen. Stat. Sec. 22a-20a](#) is the environmental justice statute cited throughout this section.

- a **distressed municipality**, as designated by the Connecticut Department of Economic and Community Development; OR
- a defined census block groups where 30% of the population is living below 200% of the federal poverty level.

CGS 22a-20a identifies a limited universe of projects under the Siting Council’s jurisdiction that must comply with specific public process requirements in EJ communities. In particular, the statute requires that an applicant for a Certificate or other siting approval for an “affecting facility” in an environmental justice community must file with, and obtain approval by the CSC and DEEP of, a Meaningful Public Participation Plan.¹¹¹ The CSC has provided guidance describing this process.¹¹²

The statute also, as amended by PA 23-202, mandates that, after regulations are promulgated, the CSC must consider the cumulative impacts of existing environmental and health stressors in EJ communities when making certain decisions.

“Meaningful public participation” is defined as requiring that:

- (A) residents of an environmental justice community have an appropriate opportunity to participate in decisions about a proposed facility or the expansion of an existing facility that may adversely affect such residents' environment or health; (B) the public's participation may influence the regulatory agency's decision; and (C) the applicant for a new or expanded . . . certificate or siting approval seeks out and facilitates the participation of those potentially affected during the regulatory process.

And “Affecting facilities” is defined to include, as is relevant to the Siting Council’s work, an electric-generating facility with a capacity of more than 10 megawatts. The statutory definition of affecting facilities expressly carves out from the list the following projects: wind, solar, hydropower, fuel cells, other clean energy facilities (under 10 MW), and related infrastructure (e.g., electric transmission lines). These are not, in other words, “affecting facilities” for purposes of the statute and so do not trigger the meaningful public participation plan provision. Some have noted that it might be uncertain if this definition applies to battery energy storage facilities.

An applicant for a certificate from the CSC that is for a covered “affecting facility” also must enter into a “Community Environmental Benefit Agreement” (CEBA) with the relevant municipality if:

- the application constitutes a new or expanded permit.
- the affecting facility is located or proposed to be located in an EJ community, and
- five or more “affecting facilities” already exist in the EJ community at the time the application is filed.

¹¹¹ Link to CSC’s [Meaningful Public Participation Plan](#) form.

¹¹² See CSC, [Environmental Justice Public Participation Plan](#).

CEBAs are tools that allow affected communities to negotiate benefits in exchange for the development of affected facilities, especially in communities that are historically overburdened by the direct and secondary public health impacts from air pollution.

CSC Statutes and EJ communities

As noted, the EJ law is the main statute that places requirements on CSC applicants relevant to EJ communities. But P.A. 24-144 did add another requirement to existing processes: going forward the CSC shall not grant a Certificate, either as proposed or as modified by the CSC, unless the CSC provides written responses that specifically address any environmental justice concerns raised in the comments of consulting state agencies or in the positions of any such intervenor. That is the only time the CSC-specific statutes refer to “environmental justice:”¹¹³ These CSC-specific statutes also do not contain a cross-reference to C.G.S. Sec. 22a-20a.

Chapter 8: Public Concerns – Noise, Visual, and Community Impacts

The Siting Council addresses common public concerns related to siting energy projects, such as noise, visual impact, and other community effects, through a combination of regulatory requirements and detailed assessments. These steps seek to ensure that the projects do not unduly disrupt or harm local communities while meeting energy needs. Recent changes incorporated into P.A. 24-144 strengthen the CSC’s ability to address noise concerns, in particular:

- **Noise concerns:** For facilities like power plants or solar photovoltaic installations, noise can be a significant public concern. The CSC requires applicants to provide detailed information on expected noise levels and how they plan to mitigate them. The CSC uses scientifically accepted noise assessment methods to evaluate potential disturbances. For example, they assess the distance between noise-generating equipment, such as inverters and transformers, and nearby property lines to ensure compliance with local noise regulations. If a facility fails to meet these standards, the CSC may deny the application or require further mitigation measures as conditions of approval. Pursuant to P.A. 24-144, the CSC cannot grant a Certificate without first 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.¹¹⁴
- **Visual impact:** Visual impact is another common concern, particularly with large structures like transmission lines or power plants. The CSC evaluates how a proposed facility will affect the visual landscape, especially in residential or scenic areas. In its [filing guide for electric and fuel transmission line facilities](#), the CSC requires a justification from applicants of why an overhead installation is necessary for overhead transmission lines and examines life-cycle cost comparisons with underground alternatives pursuant to its

¹¹³ [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

¹¹⁴ [Conn. Gen. Stat. Sec. 16-50p](#) amended by [P.A. 24-144](#).

statutory requirements related to ongoing transmission line investigations.¹¹⁵ The CSC also considers the scenic quality of the area and requires projects to minimize visual intrusion. This might involve placing the facility in less visible areas or using designs that blend more harmoniously with the viewshed.

In cases where significant visual impacts are unavoidable, the CSC may require buffer zones around the facility or the use of an alternate site on a property through the conditions attached to its final decision¹¹⁶ on a Certificate or Petition for a declaratory ruling, as appropriate. These buffer zones, which may include areas like residential neighborhoods, schools, or parks, are designed to reduce the facility's visibility and protect the community from its most intrusive effects. The existing rights-of-way are often used to create these buffers, ensuring the facility is as unobtrusive as possible.

- **Other community impacts:** Beyond noise and visual concerns, the CSC addresses many potential community impacts. For example, in residential areas or near schools, they establish minimum distance requirements between the facility and sensitive locations, like schools or childcare centers, to ensure safety and limit disruption.

Additionally, in the filing guides for applications and petitions for various facilities¹¹⁷ the CSC requires a comprehensive environmental assessment including how a facility could impact local ecosystems, agriculture, or recreation areas. This includes evaluation of the potential effects on local wildlife, air and water quality, and the general ecological balance of the area.

¹¹⁵ [Conn. Gen. Stat. Sec. 16-50r.](#)

¹¹⁶ [Regs. Conn. State Agencies 16-50j-32.](#)

¹¹⁷ [CSC Filing Guides](#) webpage.

Chapter 9: Recommendations from Stakeholders

RECOMMENDATIONS ORGANIZED BY P.A. 24-144 REQUIREMENTS

Following are recommendations and comments gathered from conversations with various stakeholders interviewed over the course of preparing this study and from comments submitted to the consulting agencies. The recommendations are organized by the categories of the 14 requirements of P.A. 24-144. These recommendations are not necessarily the recommendations of CT DEEP. Highlighted in the text are recommendations that would likely require legislation or increased budget.

(1) The scope of the CSC's jurisdiction, the composition of the CSC's membership and the CSC's powers, duties, role and responsibilities, as compared to those of other state agencies.

- **Clarifying jurisdiction:**
 - The Siting Council can do more to share its important jurisdictional role in providing environmental quality standards and criteria with project proponents and the public. Information related to environmental quality standards and criteria (e.g., wind energy siting or best management practices for EMF) should be more organized and prominent on CSC's website.
 - To address public confusion about how the jurisdiction of the Siting Council relates to that of municipalities and other state agencies, the CSC could clarify this information on its website. Doing so would complement the clear information already on the site describing its exclusive jurisdiction.
- **Drawing on agency expertise:** PURA and DEEP, who are both designated members of the CSC, could provide more of their expertise in their existing roles on environmental impacts, energy markets and infrastructure, and utility ratemaking to assist in CSC decision-making:
 - Transmission line rate considerations
PURA, as an adjudicatory body, has jurisdiction over distribution rates (and the Federal Energy Regulatory Commission (FERC) instead has sole jurisdiction over transmission rates). PURA's ratemaking expertise, and the associated knowledge of transmission and distribution infrastructure that comes along with it, could provide value to the siting process when the CSC reviews the need either for transmission line upgrades that will impact ratepayer costs, or for "asset condition" project proposals to replace transmission infrastructure that a transmission owner asserts is damaged or deteriorated to the point of replacement, which projects, as noted above, do not have an entity providing effective oversight or scrutiny over the decision to bring forward.¹¹⁸ The CSC should consider additional means and

¹¹⁸ For some of the CSC projects, typically applications, transmission owners are replacing existing transmission infrastructure due to age or deterioration. The decision on the need, scope, and timing of these replacements is solely within the transmission owners' discretion. ISO-NE has a process for transmission owners to solicit feedback on their proposed asset condition project, but the transmission owners are under no obligation to incorporate such feedback. In other words, no entity provides any oversight or scrutiny over a transmission owner's decision to bring an asset condition project forward. This topic can fall under CSC's "public need" review.

mechanisms to apply greater scrutiny to asset condition projects that come before the CSC, which could include reliance on technical assistance from an outside consultant and greater collaboration with other agencies like PURA with expertise in this area.

PURA also has the additional context of upcoming rate impacts on the distribution and supply portion of the bill, and that perspective is useful in balancing siting preferences and bill impacts for transmission siting projects in particular.

Compared to other New England jurisdictions, the CSC structure provides for relatively less influence on Siting Council decision-making by the state's utility ratemaking authority. (Chapter 2 and appendices provide additional information on membership of the CSC and other siting authorities in New England.)

- Energy planning and electric load forecasting

DEEP, especially its Bureau of Energy & Technology Policy staff, brings expertise in a broad range of policies around energy markets and infrastructure issues that are relevant to siting considerations. These include load forecasting and other long-term supply planning through DEEP's [Integrated Resource Plan, conservation and load management planning](#), and administration of many of the state's [energy procurements](#) through RFPs that evaluate viability of the project and impacts to the environment and environmental justice communities. Further, DEEP is involved with ISO-New England, the New England Power Pool stakeholder process, and FERC, which includes a focus on proactive transmission planning and the deployment of transmission that cost effectively help the state meet its energy goals. Some responsibilities that were assigned to CSC before DEEP was created might duplicate some ongoing efforts.

For example, ISO-NE engages in extensive load forecasting efforts for ten years into the future through a public and transparent process. DEEP conducts a similar process and could coordinate with the CSC on preparation of forecast reporting, potentially using the Integrated Resource Plan process required in section 16a-3a. Similarly, the CSC's responsibility to investigate overhead and underground transmission alternatives and their costs every 5 years could be shared with or transferred to PURA or DEEP.

(2) The effectiveness of the CSC's structure, with consideration of other structures based on best practices in other states, and any statutory or administrative changes that may be needed to implement such recommendations.

- ***Enhancing staff capacity and Council member per diem:*** The CSC has a small but high-performing professional staff with significant expertise ([see CSC Staff Bios](#)). Stakeholders provided a few suggestions for further improvement, with funding to be determined through the typical channels:
 - A communications/public engagement staff position, discussed more below, could assist with public participation in the CSC process.
 - Designating the appointed presiding officer as part-time or full-time to help lead the CSC process, partnering with the CSC staff's executive director.

- The presiding officer’s per diem rate could be increased in recognition of the significant work being done in facilitating the process.
- The per diem rate for the public CSC members and the members appointed by the General Assembly has been set at a maximum of \$200/day for meeting time since 2007. If the status quo structure of the CSC is retained, the per diem could be increased to reflect inflation and help retain talent. In addition, the per diem rate could be extended to include “prep time” in addition; the current per diem arrangement only covers “attendance at public hearings, executive sessions, or other council business as may require their attendance.” *Increases in staff capacity or per diem changes would require budget reviews.*

(3) Processes for issuing a certificate of environmental compatibility and public need (Certificate) or approving a petition for a declaratory ruling (Petition), as described in section 16-50k of the general statutes, including how to better integrate new technologies into such processes.

Applications for Certificates of Environmental Compatibility and Public Need

- **Opt-out versus opt-in for public information session:** During the pre -application consultation process, a municipality currently can require the project proponent to participate in a local public hearing before an application is filed. This requirement for a local public hearing (which may include a less formal open house or pop-up meeting) could be converted into an “opt out” provision whereby a municipality must formally decline in writing to host a public meeting during the pre-application period rather than “opting in” through the current process. *This option likely would require legislative action.*
- **More in-person and engaged public meetings:** The hearing process being held fully remotely since spring 2020 may increase the perception that the CSC does not give significant weight to public comments. A “middle ground” to provide greater opportunities for public input as part of the process could include:
 - Exploring more opportunities to raise awareness of projects during the pre-application process.
 - Making the information on the CSC website more “public friendly,” and
 - Allowing members of the public to, at the beginning of the meeting, request time to provide oral comments; this option would improve the existing practice, which requires 24-hour advance notice to the CSC to secure a spot to present.

Petitions for a Declaratory Ruling

Petitioners are not required to consult with municipalities or state officials before filing petitions, except the letter of no material affect from DoAG and/or DEEP relating to prime farmland or core forest for petitions for solar facilities of greater than 2 MW. There is also no time limit within which public notice of petitions must be given other than “prior to filing,” meaning that notice could be served on those entities literally the day before filing occurs. Some less formal consultations likely occur as petitioners gather materials to submit to the CSC.

- **Require pre-filing consultations and advanced notice on Petitions:** Several stakeholders, including potential petitioners, thought it could be useful to create a parallel

process like that for applications that would not affect the overall timeframe but instead allow for the airing of issues early in the process. In particular, petitioners (1) could be required to conduct a 30-day pre-filing consultation on energy generation and transmission line petitions with municipalities, state legislators, and DEEP or PURA, and (2) could be required to provide a notice 30 days before filing to abutters and others for whom notice is already required. This early notice could help the public be better informed earlier in the process about petitions. The pre-filing consultation would be shorter than the 60- to 90-day provision already required for applications, which are typically larger and more complicated than petitions. A new requirement wouldn't affect the CSC's clock, which begins when a petition is filed. *This option likely would require legislative action.*

New Technology: Utilizing graphics and mapping technologies

- Data visualization tools/technology can help expand the public's understanding of the timelines and processes for both petitions and Certificates. Technology can also enhance the public's ability to access evidence digitally, provide real-time updates and easier avenues for submitting testimony or evidence online.
- Deploying GIS resources can help stakeholders analyze projects more easily in context with existing plans, other capital projects, natural resources, and other geographic information.
- More place-based survey methods in energy siting planning, like participatory map-making, could include education on existing components of the different regional systems and how they connect or could connect.

(4) The CSC's oversight of completed projects.

- **Collect and share geographic information:** If the CSC required applicants or petitioners to provide Geographic Information Systems (GIS) shapefiles for the developed portions of their projects, this would help CSC gather information that could be utilized by state, municipal, and other partners that may wish to display project locations in context with the surrounding landscape for environmental, recreational, planning, and other purposes. This may also strengthen the overall system of CSC oversight and sharing of information about projects.
- **Clarify enforcement of petitions:** The CSC's authority to enforce the conditions associated with an approved Certificate is clearly articulated in the statutes ([Conn. Gen. Stat. Sec. 16-50u](#)) and [Section 8 of P.A. 24-144 added](#) tools to the CSC's enforcement toolbox. CSC's authority to enforce petitions is based on its interpretations related to the FairwindCT v. CSC case (see Chapter 6). However, legislative clarification is likely needed to ensure the CSC's authority extends to conditions that may be associated with both certificates and declaratory rulings. *Clarification likely requires legislative action.*

(5) Criteria used by the CSC in evaluating applications.

- Stakeholders did not raise any suggestions for further improvements needed on this front, but more work may be needed in the transparency of the criteria used in evaluating applications.

(6) The Council's ability to adhere to statutory timeframes.

- Stakeholders did not raise any suggestions for further improvements needed on this front, likely reflecting the feedback shared that CSC staff and CSC members adhere to legislative requirements strictly.

(7) How the council evaluates any economic, conservation, and development impacts of projects that the council approves, including the council's evaluation of (a) a project's consistency with transit-oriented development and other state and municipal economic development objectives, and (b) the degree to which a project forecloses the opportunity for economic development to occur.

- **Add Councils of Government to pre-filing consultation on Certificates:** Although the CSC weighs factors such as the evaluation of public need, environmental, and conservation considerations, and may receive input from intervenors, municipalities, state agencies, or others who provide public comments through the CSC's review process that emphasize economic and development considerations, the CSC generally does not require specific information from applicants or petitioners on a project's compatibility with transit-oriented development and potential impacts on other state and municipal economic development objectives. Including regional councils of government (COGs) in the pre-filing review process for applications and petitions may be another way to help ensure both potential conflicts and opportunities for synergy are considered in the CSC's evaluation process. *This option likely would require legislative action.*
- **Filing guides update:** In addition, the CSC could update its filing guides for petitioners and applicants to specifically request information on a project's compatibility with transit-oriented development, for example.
- **Ensure cost-benefits of projects are highlighted in decisions:** The Siting Council could provide more information in its findings of fact about the cost-benefits of a project. Pursuant to P.A. 24-144, CSC is required (as of 10/1/24) to employ staff with sufficient expertise in engineering and fiscal analysis. Costs may be difficult to quantify if a petitioner successfully makes a motion for a protective order to not disclose certain costs to the CSC.

(8) The efficacy of the CSC's processes for developing evidence.

- **Restore field reviews as part of the public hearing process:** Field Reviews have been interrupted since COVID-19, and these visits are beneficial in establishing specific environmental conditions that project applicants should meet and familiarizing the public with a project site. The CSC should consider returning these field visits to its public hearing agendas and process by either holding them or encouraging applicants and/or petitioners to offer them during a pre-filing consultation period.

(9) The efficacy of the CSC's processes for engaging in deliberations.

- Stakeholders did not raise any suggestions for how the CSC engages in deliberations.

(10) The CSC’s Relationship with Municipalities and Other Governmental Bodies.

- **Clarify roles of municipalities and other agencies in the siting process:** While some relationships with municipalities and other entities are well-defined in the project review process, significant public confusion persists about how the jurisdiction of the CSC is related to that of municipalities and other state agencies. The CSC can help clarify this on its website to complement the clear information on the site about CSC’s exclusive jurisdiction.

(11) Policies, procedures, and processes for inclusive public engagement in council decision-making, including to increase transparency and encourage public participation, especially in environmental justice communities, as defined in section 22a-20a.

Stakeholders provided several suggestions on how the CSC might foster even more robust public input before, during, and after its formal proceedings.

Enhancing education and public engagement:

- Regular education opportunities offered by the CSC on its application and petition processes and the scope of projects that the CSC has approved would benefit agencies, municipalities, and other stakeholders. In addition, these education opportunities could be developed with community leaders to understand how best to engage and understand the scope of questions in that area. See Chapter 7 for more ways to encourage public input.
- Since spring 2020, the CSC has held public hearings remotely via Zoom rather than in person despite the hearing requirements of CGS 16-50m(a). This approach worked as an essential measure to conduct CSC business during the Covid19 pandemic and provides logistical, travel, and budget advantages that some municipalities and members of the public may prefer. Some stakeholders would like to see in-person public hearings re-established. *This option would likely require legislative action.*
- Of critical importance is to ensure early public awareness and input for projects proposed in environmental justice communities. Recommendations noted above should support this goal of early public information and engagement, such as: 1) ensuring CSC has staff dedicated to providing information on CSC’s processes and responding to public inquiries; 2) encouraging local, public information sessions before projects are filed; 3) offering pre-consultations with municipalities, state legislators, and state agencies in environmental justice communities before filing, especially on petitions that currently have no pre-consultation requirement; and 4) ensuring public hearings on CSC proceedings are made more “public friendly,” such as allowing attendees to sign-up to offer oral comments at the beginning of the meeting rather than at least 24 hours in advance.
- CSC also could provide guidance to applicants or petitioners for providing the public sufficient and timely notice. The public participation requirements in C.G.S. Sec. 22a-20a, while only pertaining to “affecting facilities” in “EJ communities,” could still be serve as a guide for public notice requirements. Some examples include providing public notice in multiple languages and culturally relevant news sources.

- Track the progress of the “Stakeholder Group Compensation Fund” established for PURA in 2023-24 and consider its relevance to environmental justice stakeholders who could be interested in intervening in CSC petition or application processes.
- The CSC statutes could be amended to refer to the provisions in C.G.S. Sec. 22a-20a requiring certain extra actions from applicants for certificates and siting approval from the Siting Council for affecting facilities in EJ communities. In the short term, CSC could provide more information online about this requirement. *This option likely would require legislative action.*

Making CSC’s web materials more accessible to the general public:

- Some find the CSC’s webpage information on [public participation](#) overwhelming. Visitors unfamiliar with the practices and procedures of the CSC can find it difficult to understand important distinctions critical to the work of the CSC (e.g., the distinction between Applications for Certificates and Petitions for Declaratory Rulings). Several ideas were shared on what might make the website and information more “user friendly,” such as:
 - Include a glossary of key definitions to help the public understand various key terms.
 - Provide graphics representing the CSC processes (DEEP created some examples in Chapters 4 and 5 of this report and the flow-charts featured in the Appendices).
 - Link directly to the CSC’s specific governing Regulations of CT State Agencies¹¹⁹ rather than to the general State of Connecticut regulations.
 - Utilize data visualization tools/technology to help expand the public’s understanding of the timelines and processes for both Certificates and Petitions.
 - Use technology to enhance the public’s ability to access evidence digitally, provide real-time updates and easier avenues for submitting testimony or evidence online.
- Hire a communications and public engagement expert to assist the public and other stakeholders with better understanding: 1) how to participate in the CSC process (e.g., how to provide public comments on an application or petition); 2) what progress the CSC has made on various petitions and applications; 3) when decisions are made, what public input may have been incorporated into conditions or approval; and even 4) provide information on the annual accomplishments of the CSC or other information.

Making public hearings less intimidating:

- Public hearings can be intimidating to individual members of the public, advocacy organizations, first-time intervenors, and others who may have significant knowledge of a project site or operations but may not have much experience in presenting information publicly. The CSC has made public comment opportunities friendlier, although they are currently all taking place remotely via Zoom. Stakeholders have suggested:
 - CSC council members should keep their video cameras on as much as possible while public comment is being given.

¹¹⁹ [Regs. Conn. State Agencies Sec. 16-50j-1.](#)

- Members of the public should not have to sign-up in advance to provide comments, though this should still be encouraged. Members of the public should be invited at the beginning of the public comment period to raise their hands (virtually) if they have comments to make. Those who signed up in advance should be able to go first, but as long as the posted time for the meeting isn't exceeded, public comments should be encouraged.
- It should be made clear that a summary of public comments is typically available in the Findings of Fact on the CSC website for a particular application/docket or petition.

(12) Equitable practices and processes in council decision-making for considering community compensation.

- The CSC provides [information on its website](#)¹²⁰ to explain the procedures of how municipal participation account payments are made to ensure they are equitably disbursed to communities. However, the website location of this information may not be well known.
- The Community Environment Benefit Agreements (CEBAs) that are required by CGS 20a-22a (i.e., where a covered affecting facility is proposed to the CSC in an environmental justice community that already has 5 or more affecting facilities in operation) could ensure that local communities benefit more directly from larger infrastructure projects with specific applicant commitments to local job creation, environmental protections, infrastructure improvements, and/or other locally significant investments.

(13) How the Council addresses common public concerns related to siting, such as noise, visual and other community impacts.

- **Utilize existing tools to address public concerns:** As described in Chapter 8, pursuant to P.A. 24-144, the CSC cannot grant a Certificate without first evaluating potential noise levels of a proposed solar facility and ensuring that the distance between any inverters or transformers and the property line is greater than 200 feet. The CSC should vigorously implement this new mandate. It is challenging to provide a broad recommendation in this area because many noise, visual, and other community impacts are site-specific. More information is available on this topic in Chapter 8.

(14) Whether to provide each member of the Council with an electronic mail address so that each member may receive documents and other information directly

- Applications and Petitions to the Siting Council are paper-intensive, with 3 -15 copies provided in weighty 3-ring binders, especially when applicants or petitioners add extra paper despite CSC's guidance related to the state's Solid Waste Management Plan, which then need to be individually mailed or delivered to members of the CSC. At the same time, the information in an application or petition is also submitted electronically to the CSC staff for posting on the CSC website. Some exhibits in applications or petitions may be best reviewed in paper format (e.g., large-scale detailed site maps), but the CSC should explore

¹²⁰ Municipal participant account procedures are described at [municipalfundprocedures100124.pdf](#)

the most appropriate ways to distribute or make available most information electronically for CSC members (thereby saving paper and mailing expenses, staff-time, etc.). Providing CSC Council members with government email addresses could accomplish this goal.

- Following is the list of items typically provided via mail to CSC Council members:
 - Applications, petitions, tower shares, and D&M Plans.
 - Interrogatory responses related to application, petition, and/or D&M Plan.
 - Procedural correspondences, motions, exhibits, briefs, proposed “findings of fact.”
 - Pre-filed testimony, hearing information.
 - Public comments.
 - Draft staff reports for agenda items.
 - EM and TS annotated.
 - Draft meeting minutes.

CONCLUSION

The Connecticut state partners are grateful to the CSC for its tremendously hard work implementing its wide-ranging and critical mission. The Siting Council supports the development of infrastructure that is critical to a functioning economy and public safety; a state-level decision making process allows this necessary critical infrastructure to be built. The state partners are also grateful to the Legislature for recognizing that stakeholders are interested in learning more about how the CSC works and making its processes even more streamlined, predictable, and transparent.

APPENDICES IN SEPARATE DOCUMENT