

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

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

Connecticut

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

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

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

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

¹⁰⁹ [CGS Sec. 16-50l](#) amended by [P.A. 24-144](#).

¹¹⁰ *Id.* at [Sec. 16-50n \(a\)](#) amended by [P.A. 24-144](#).

¹¹¹ *Id.* at [Sec. 16-50n \(b\)](#) amended by [P.A. 24-144](#).

¹¹² *Id.* at [Sec. 16-50n \(f\)](#) amended by [P.A. 24-144](#).

Massachusetts

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

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

A Limited Participant may:

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

New Hampshire

The Committee rules set forth the path to intervene in the proceedings. The Committee rules, however, do not appear to have been updated since the new siting laws in New Hampshire took effect in 2024.¹¹⁴

Rhode Island

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

Vermont

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

¹¹³ [EFSB and DPU Siting Process | Mass.gov](#)

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

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

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

¹¹⁶ 30 V.S.A. Sec. 248 (a)(4)(E) – (H).