

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

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

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

### **Connecticut**

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

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

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

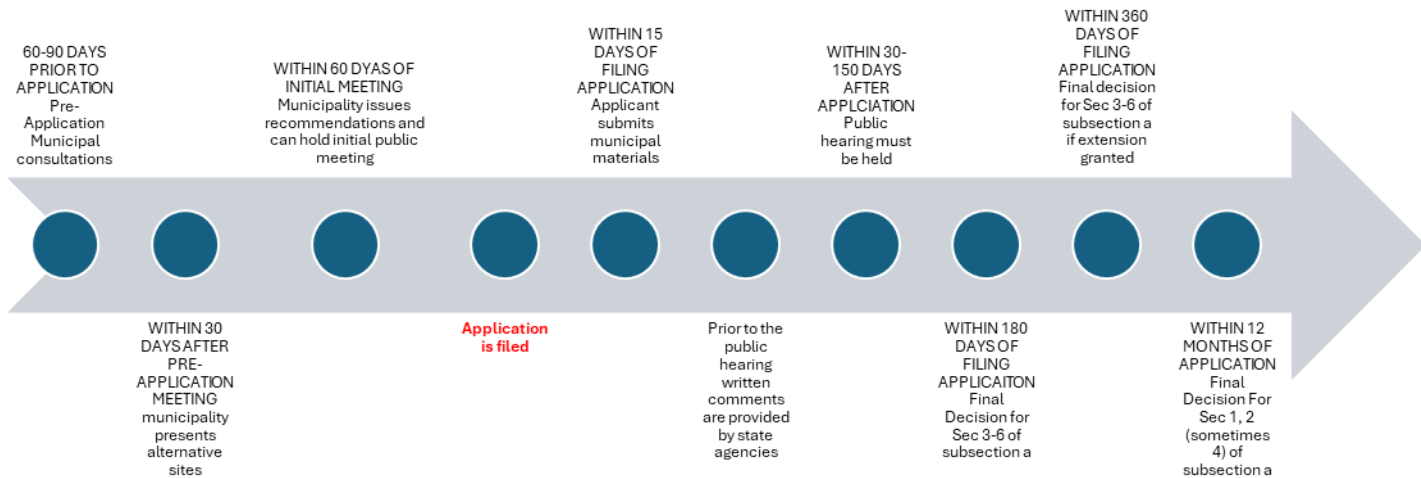
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<sup>172</sup> [CGS Sec. 16-50i](#) and [CGS Sec. 16-50p](#) amended by [P.A. 24-144](#).

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

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

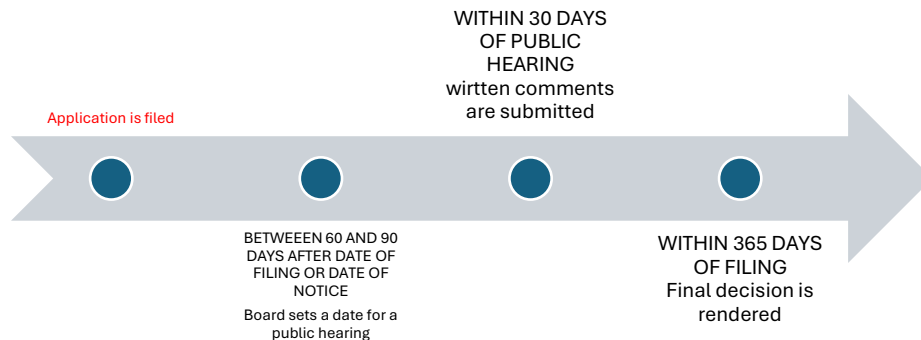
**Connecticut timeline:**



**Massachusetts**

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

**Massachusetts timeline:**



<sup>173</sup> [CSC Frequently Asked Questions \(ct.gov\)](http://www.ct.gov/csc).

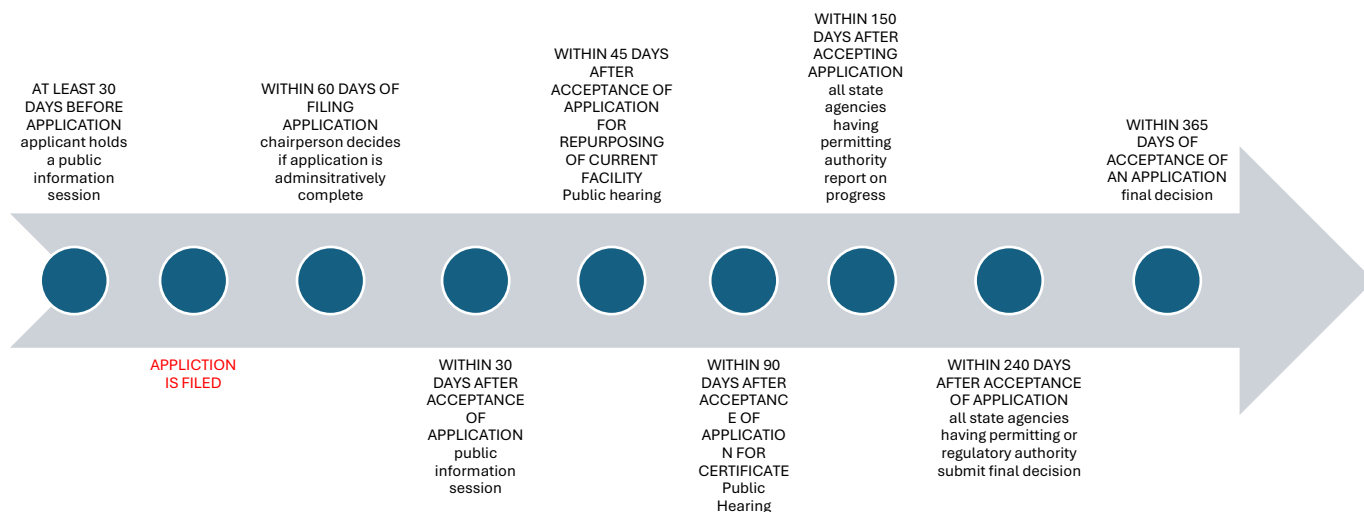
<sup>174</sup> [M.G.L.A. 164 Sec. 69M](#) and [M.G.L.A. 164 Sec. 69j ¼](#).

## New Hampshire

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

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

### New Hampshire timeline:



## Rhode Island

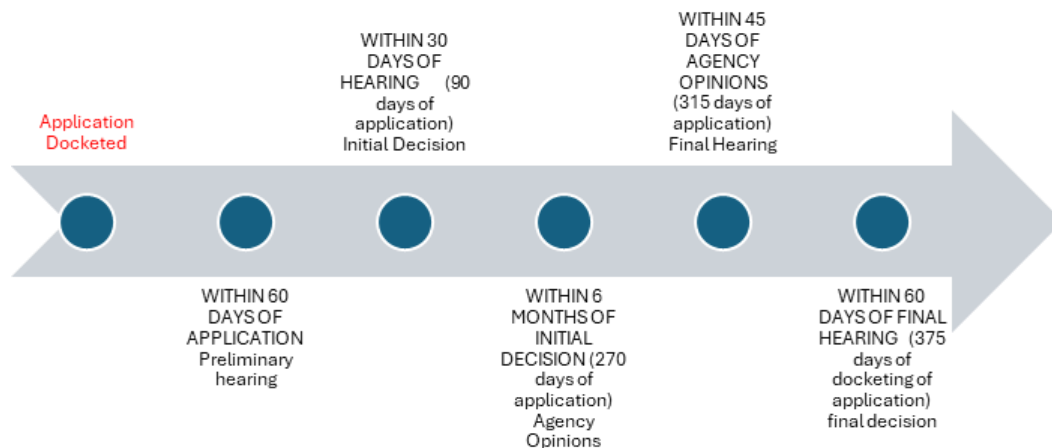
Within 60 days of the board’s docketing of an application the board shall, on not less than 45 days notice to all agencies, subdivisions of the state and the public, convene a preliminary hearing on

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

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

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

Rhode Island timeline:



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