

APPENDIX 22: CSC ROLE IN PUBLIC SERVICE COMPANY LAND ACQUISITION

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.

Early acquisition of real property

Generally, before a potential applicant can acquire real property on which to site a future facility, the applicant would need to have either an approved Certificate from the CSC or a finding from the CSC that the project will have no substantial adverse environmental effect, so that no Certificate is necessary. There are certain exemptions where an acquisition must be permitted “(1) to avoid hardship for a property owner; (2) to prevent substantial development along a transmission route before the CSC can issue a decision; and (3) to allow for the modification of certain boundaries between an existing right-of-way and an adjoining parcel of land or an existing easement across land, for the convenience of the owner.”¹⁷⁹

Anyone intending to acquire property, pursuant to these three exceptions, must file a statement of intent with the CSC.¹⁸⁰ Regulations, promulgated by the CSC, list what is necessary for an applicant to include in the statement of intent.¹⁸¹

After the statement of intent is filed, the CSC can request to hold a hearing to evaluate the conformity of the acquisition to the statutory exceptions. To do this, the CSC must give notice within thirty (30) days¹⁸² and a hearing is then conducted.¹⁸³ If no such notice is provided by the CSC, the land acquisition can proceed.

Acquisition of property through condemnation

If a public service company intends to acquire property through condemnation, it must notify the property owner of its intent by certified mail and include in the notification a statement that the owner can dispute the purpose of the condemnation in a proceeding before the CSC within 30 days of the notification.¹⁸⁴ To do so, the property owner must file a written request with the CSC for a proceeding to evaluate the purpose of the condemnation. The CSC provides the property owner

¹⁷⁹ [CGS Sec. 16-50z](#) amended by [P.A. 24-144](#).

¹⁸⁰ *Id.* and [RCSA Sec. 16-50z-1](#).

¹⁸¹ The information required to be addressed in the statement of intent includes: “(a) the reasons for the proposed acquisition; (b) a description of the property; (c) the names and addresses of any persons having an interest in said property; (d) the relationship of said property to any existing or future transmission facility; (e) the type of property interest to be acquired in said property; (f) the manner in which the advance acquisition of said property satisfied the requirements of said Section 16-50z (a) of the Connecticut General Statutes; and (g)” two maps as defined in the regulations. [RCSA Sec. 16-50z-1](#).

¹⁸² [RCSA Sec. 16-50z-2](#).

¹⁸³ [RCSA Sec. 16-50z-3](#) (the hearing is conducted in accordance with Section 16-50m of the General Statutes and the Uniform Administrative Procedures Act).

¹⁸⁴ [CGS Sec. 16-50z \(c\)](#) amended by P.A. 24-144. Public Act 24-144 made changes to the language of the notice that the company must provide as well as the timing of notification.

and the public service company with a notice of a proceeding. Thereafter, the CSC holds a hearing on the matter. A final decision must then be issued by the CSC no later than ninety (90) days after the CSC's receipt of the request for the hearing, although the timeframe may be extended by agreement of the parties. The final decision must make findings and state whether the condemnation is necessary and consistent with the state's energy policy.¹⁸⁵ The expenses of the CSC in conducting this hearing are paid for by the public service company.¹⁸⁶

¹⁸⁵ [CGS Sec. 16a-35k](#).

¹⁸⁶ [CGS Sec. 16-50z](#) amended by [P.A. 24-144](#).