

APPENDIX 9: COMPARISON OF PROCESS AND PROCEDURES – CT, NH, RI, VT

Not all aspects of process are contained in statutes. Procedures and process are also contained in regulations and siting body rules and/or the practices of individual boards. As a broad overview the flow of the statutory process for each state is generally as follows:

- **CT:** pre-application municipal meetings, application, opinions of state agencies, evidentiary hearing/public hearing, decision.
- **RI:** advanced notice of application (if applicable), application, initial hearing and designation of state agencies for opinions, receipt of opinions, hearing, decision.
- **NH:** public information session; application; public information session, public hearing, decision.
- **MA:** application; public comment hearing, evidentiary hearing, decision.

Prior to Filing the Application

The siting board process is sometimes statutorily required to begin even before an application is filed. The procedures, however, of this pre-application process differ in each state. Connecticut statutes tend to favor robust municipal involvement in the pre-application process. For example, while New Hampshire and Vermont may require municipal notice of a project, Connecticut appears to be the only state to require that an applicant use good faith efforts to meet with multiple levels of government representatives from an affected municipality before an application can be filed. While Connecticut and Vermont allow a municipality, or the municipal or regional planning commission, to choose whether to hold a public hearing as part of the pre-application process, in New Hampshire a public meeting must be held as part of the pre-application process. A transcript of the hearing is then created, and the SEC must summarize the issues of concern raised in public hearings in the final order.

Connecticut

In Connecticut, in connection with a Certificate of Environmental Compatibility and Public Need, sixty days (or 90) prior to filing an application with the CSC, the applicant needs to use good faith efforts to consult with potentially affected municipalities concerning the proposed and alternative sites of the facility.⁸⁶ The applicant must use good faith efforts to meet with the chief elected official of the municipality, or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located.⁸⁷ The applicant must provide the local officials with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility.⁸⁸ In the case of a proposed transmission line, the applicant must provide a report that includes a summary of the status of any negotiation with the owners of real property concerning any required right of way access, easements or land

⁸⁶ [CGS Sec. 16-50l \(f\)](#) amended by [P.A. 24-144](#).

⁸⁷ *Id.*

⁸⁸ *Id.*

acquisition.⁸⁹ After receiving the notice, the municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility.⁹⁰ Not later than sixty days after the initial consultation, the municipality will issue its recommendations to the applicant. Thereafter, within 15 days of filing the application, the applicant must provide the CSC with any materials given to the municipalities, a summary of the consultations with the municipalities and any recommendations issued by the municipality.⁹¹

New Hampshire

Not less than 30 days before filing an application, the applicant must hold at least one public information session in each county where the proposed facility is to be located to present information about the proposed facility and provide an opportunity for comments and questions from the public. A transcript of the hearing is prepared and included in the application. The applicant must publish, not less than 14 days before the session, public notice of the session containing certain information about the facility in the newspaper. The notice also needs to be sent to the governing body of each affected municipality. The public notice is also given to the chairman of the committee, and a transcript of the public meeting is included with the application for the certificate.⁹²

Rhode Island

In Rhode Island, the pre-application process does not begin with a public hearing. Rather, the RI-ESFB gets advance notice that an application may be coming at a later point in time. The owners of any proposed energy facility, whether or not the facility qualified as a major energy facility, have to make an informational filing with the board at the time of the first application to any other agency, board, Council, or commission of the state or political subdivision of the state required to issue a permit, license, assent, or variance in order for the siting, construction, or alteration of the facility to proceed. The informational filing shall contain at least the following: (1) identification of the proposed owner(s) of the facility, including identification of all affiliates of the proposed owners; and (2) a detailed description of the proposed facility, including its function and operating characteristics, and complete plans as to all structures, including underground construction and transmission facilities, underground or aerial, associated with the proposed facility.⁹³

Vermont

In Vermont, plans for the construction of a facility within the State must be submitted by the petitioner to the municipal and regional planning commissions forty-five days in advance of the submission of an application for a certificate of public good, unless the municipal and regional

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.* and [CGS Sec. 16-50gg](#) amended by [P.A. 24-144](#).

⁹² [N.H. Rev. Stat. Sec. 162-H:10](#).

⁹³ [R.I. Gen. Laws Sec. 42-98-20](#).

planning commissions waive the requirement. Thereafter, the municipal or regional planning commission may hold a public hearing on the proposed plans and request that the petitioner or the Department of Public Service, or both, attend the hearing, which they must do. The Department of Public Service then will consider the comments made and information obtained at the hearing to make recommendations to the Commission on the application to determine whether to retain additional personnel. The municipal or regional planning commission may also request that the Department of Public Service exercise its authority to retain experts and other personnel to review the proposed facility. The Department may commence retention of the personnel once the petitioner has submitted proposed plans. The Department of Public Service may allocate the expenses incurred in retaining these personnel to the petitioner. The municipal or regional planning commission can also make recommendations to the petitioner or make recommendations to the Commission. The exception to the timeframe is the relocation of an existing transmission line which must be submitted no less than 21 days prior to an application.⁹⁴

⁹⁴ [30 V.S.A. Sec. 248 \(f\)](#) and [30 V.S.A. Sec. 248 \(g\)](#).