

# Connecticut Siting Council



## *At a Glance*

**ROBERT STEIN, *Chairman***

**Melanie A. Bachman, *Executive Director***

***Established - 1971***

***Statutory authority - Chapter 54, Chapter 277a, Chapter 445***

***Central office - Ten Franklin Square, New Britain, CT 06051***

***Number of employees - 7***

***Recurring operating expenses - \$2,377,942.41***

## **Organizational Structure**

The Connecticut Siting Council (Council) is an administrative agency within the Department of Energy and Environmental Protection (DEEP) for administrative purposes only. The Council does not receive its operating revenues from the State's General Fund. Its funding is generated from two sources: fees and costs attributable to the review and decision on applications for Certificates of Environmental Compatibility and Public Need (Certificate), petitions for declaratory rulings and other jurisdictional requests for action and annual assessments charged to electric utilities, hazardous waste generators, telecommunications service providers and telecommunications facility service providers in Connecticut.

The Council consists of nine members – five members of the public appointed by the Governor, one member appointed by the President Pro Tempore of the Senate and one member appointed by the Speaker of the House. For energy and telecommunications matters, the additional two members of the Council are the Commissioner of DEEP and the Chairman of the Public Utilities Regulatory Authority (PURA). For hazardous waste matters, the additional two members of the Council are the Commissioner of the Department of Public Health (DPH) and

the Commissioner of the Department of Emergency Services and Public Protection (DESPP), as well as an additional four members, three of which are electors from the municipality in which the proposed facility is to be located and one of which is an elector from a neighboring municipality most likely to be affected by the proposed hazardous waste facility.

The current members of the Council are as follows: Chairman, Robert Stein, Stamford; James J. Murphy, Jr., Stonington; Michael W. Klemens, Ph.D., Salisbury; Robert Silvestri, Hamden (Speaker of the House Appointment); Michael Harder, Hebron; Daniel P. Lynch, Enfield (Senate Pro Tempore President Appointment); Robert Klee, Commissioner of DEEP; Katie Dykes, Chairman of PURA; Raul Pino, M.D., M.P.H., Commissioner of DPH; and Dora B. Schriro, Commissioner of DESPP. The Council's chief administrative officer is an executive director who reports to the Chairman.

## **Mission**

*The Council objectively balances the statewide public need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state as it relates to the construction, maintenance and operation of jurisdictional facilities, including electric and fuel transmission lines; electric substations and switchyards; electric generating or storage facilities; community antenna television towers and head-end structures; telecommunications towers and hazardous waste facilities.*

## **Statutory Responsibility**

The Council operates under the Uniform Administrative Procedure Act (UAPA), Public Utility Environmental Standards Act (PUESA) and Sections of Title 22a of the Connecticut General Statutes relating to environmental protection for the siting of hazardous waste facilities. The Council has jurisdiction over the construction, maintenance and operation of electric transmission lines with a capacity of 69 kilovolts or more, fuel transmission lines with a design capability of more than 200 pounds per square inch gauge pressure, electric generating or storage facilities using any fuel, electric substations or switchyards designed to regulate the voltage of electricity at 69 kilovolts or more, community antenna television towers and head-end structures, telecommunications towers owned or operated by the state, a public service company or used in a cellular system, and hazardous waste facilities in conjunction with DEEP.

In addition to siting facilities, every five years, the Council must investigate and determine the life cycle costs of electric transmission lines and on a biennial basis, the Council must compile and publish a report of statewide electric loads and resources covering a ten year forecast period. The Life Cycle Analysis Report and the Forecast of Electric Loads and

Resources are uncontested proceedings that are open to public participation, and the records of which are available for public inspection on the Council's website. Both final reports are published and furnished to the General Assembly. The Council also provides dispute resolution for real property condemnation for energy facilities and for the sharing of telecommunications towers.

Operating under the UAPA and the PUESA ensures that the participants and the public are afforded due process in contested case proceedings held on applications for certificates and petitions for declaratory rulings relative to proposed jurisdictional facilities. Telecommunications matters are also governed by the Federal Communications Commission through the Telecommunications Act of 1996, which prohibits the Council from considering the health effects of radio frequency emissions on human health and wildlife to the extent the emissions from towers are within the federal acceptable safe limits standard, and prohibits the Council from discriminating between and amongst providers of functionally equivalent services. The federal Middle Class Tax Relief and Job Creation Act of 2012 further limits the Council from denying an "Eligible Facilities Request" for modifications to existing telecommunications facilities that do not substantially change the physical dimensions of the existing telecommunications facilities. Energy facility matters are also governed by the electric reliability criteria, standards and procedures developed by the North American Electric Reliability Council (NERC), the Northeast Power Coordinating Council and the New England Independent System Operator.

Applicants, petitioners and the public benefit from the standardization and transparency of the processes, the knowledge and experience of the Council members appointed and the staff hired to review the filings. Applicants, petitioners and the public also benefit from the centralization and availability of information regarding matters pending before the Council. The reports, databases, and related information compiled and published by the Council provide interested persons with access to documented material, including, but not limited to, electric and magnetic fields, costs and life expectancies of transmission lines, forecasted statewide electric supply and demand, telecommunications coverage, and antenna locations within the state of Connecticut.

## **Public Service**

To provide open and transparent information to the public and stakeholders relative to its jurisdiction, the Council continues to expand the content of its website: <http://www.ct.gov/csc>. The Council posts and periodically updates several databases and other relevant information on the website relative to energy and telecommunications facilities in the state. For example, the Council routinely maintains and updates databases for telecommunications towers and renewable

energy facilities. In addition, agency publications, standard administrative documents and agency filing procedures and forms are available to review or download from the website.

The agency continually measures its efficiency and effectiveness through public statements, memoranda of law and informal comments received from its own staff, other state agencies, regional organizations, environmental groups and the public at large. The Council refines its service through recommendations provided by the State Auditors of Public Accounts and legislative committees, as well as through recommendations and suggestions from members of the public regarding content and presentation of information on the website. In addition, the Council reviews and compares different processes and procedures employed by other state agencies throughout the country.

### **Improvements/Achievements 2016-2017**

In Fiscal Year 2016-2017, the Council received 6 new applications for Certificates and reopened 2 applications. The Council held 17 public hearing sessions to develop substantial evidentiary records and hear public concerns regarding proposed facilities. The Council held 20 energy and telecommunications meetings at which the Council considered and rendered decisions on the matters before it.

Also during Fiscal Year 2016-2017, the Council evaluated 70 petitions for declaratory rulings related to electric generators, electric substations, electric and fuel transmission lines and telecommunications facilities with 2 petitions being withdrawn, and 1 within the exclusive jurisdiction of the Federal Energy Regulatory Commission. The Council issued Certificates for 3 new telecommunications facilities and 2 new electric transmission line facilities. The Council denied Certificates for one electric generation facility and one telecommunications facility. The denied telecommunications application was reopened for reconsideration, based on changed conditions, and granted a certificate. The Council acted on 16 Development and Management Plans - 5 for certificated facilities to ensure compliance with its orders and 11 for facilities approved by declaratory ruling. Furthermore, the Council inspects all facilities during construction and after completion of construction to measure compliance. The Council also reviewed and acted upon 538 modifications of existing telecommunications facilities, 13 modifications of existing energy facilities, and 30 requests for tower sharing at existing telecommunications facilities.

In May 2014, the Council initiated a Statewide Telecommunications Tower Audit due to a high volume of cellular technology upgrades at existing tower sites. This audit has positively impacted the accuracy of the Council's Statewide Telecommunications Database relative to a complete list of users and their associated equipment on a particular tower. Additionally, the audit has resulted in complete information regarding structural integrity and the provision of

technology upgrades for telecommunications facilities in the state. The Council's Statewide Telecommunications Database is posted on the Council's website, updated on a biweekly basis and accessible to the public. In fiscal year 2016/2017, the Council initiated similar audits for telecommunications petitions, energy petitions, and facility modifications.

In June 2015, the Council voted to approve a sub-petition filing procedure for all electric transmission substation activities to comply with NERC Reliability Standards for Critical Infrastructure Protection. On March 7, 2014, FERC ordered NERC to develop standards that require owners and operators of critical facilities to address physical security risks and vulnerabilities related to the reliable operation of the bulk power system. On November 14, 2014, FERC approved NERC's proposed Reliability Standard CIP-014-1, Physical Security, with the purpose of identifying and protecting transmission substations and their primary control centers that if rendered inoperable or damaged as a result of a physical attack could result in widespread instability, uncontrolled separation, or cascading within an interconnection. This sub-petition process streamlines the review and approval of physical security measures to ensure there is adequate critical energy infrastructure protection throughout the state.

In March 2017, the Council voted to approve a sub-petition filing procedure for all of Eversource Energy's transmission facility asset condition maintenance improvements to comply with the updated National Electric Safety Code clearance requirements. This sub-petition process streamlines the review and approval of maintenance improvements to ensure safety codes are met throughout the state.

The Council maintains its practice of posting the complete record of every contested case proceeding, petitions for declaratory rulings, and requests for tower share filings on its website. During fiscal year 2015/16, the Council began posting all exempt modification filings and decisions on the website to further increase efficiency and effectiveness for all interested parties, reduce costs and provide convenient remote access to information.

The Council took part in a LEAN initiative in 2012 with a main objective to reduce paper and postage costs. The Council exceeded its goal of 50% paper reduction. Paper reduction progress will continue to be made with the implementation of a long-term goal of using an e-filing and e-payment system. The Council continues to review and update Technical and Administrative Standard Operating Procedures developed last fiscal year, as well as the standardized format for pages on the website to create a user-friendly atmosphere. Currently, the Council is updating and revising its webpages to be even more user friendly, as well as to re-evaluate the relevance of items posted to the website.

The Council continuously researches and reviews the latest technological advancements throughout the energy and telecommunications industries it regulates in order to assure the

welfare and protection of the citizens of the state. The Council also seeks new opportunities to educate itself and its staff in such advancements and developments so as to anticipate, address and balance the ever-changing needs and demands of the energy and telecommunications industries and the public.

### **Information Reported as Required by State Statute**

All certification proceedings are conducted as contested cases pursuant to the UAPA and PUESA, and include public hearings held in the host municipality for the convenience of the public. The Council invites full participation by members of the public, state and local representatives, non-profit groups, environmental protection groups, and parties and intervenors to the proceedings, to ensure all interested persons have notice and an opportunity to be heard.

Pursuant to Conn. Gen. Stat. Sec. 16-50r, the Council is required to hold a public hearing on forecast of electric loads and resources filed annually by every person engaged in electric transmission services, electric generation services and electric distribution services. On December 30, 2015, the Council issued a full report for the 2014/2015 Ten-Year Forecast of Electric Loads and Resources. This forecast report assesses the overall status of loads and resources in the state, taking into consideration historical trends, the projected outlook of load and demand, and the effectiveness of conservation and load management programs. In order to reduce expenses associated with the printing and designing of this report from outside sources and to encourage environmentally friendly efforts, the forecast report is available on the Council's website. Although the report is issued every odd year, in order to fulfill the statutory requirement of Conn. Gen. Statutes Sec. 16-50r, the Council held its annual public hearings on the 2015/16 Ten-year Forecast of Electric Loads and Resources on August 10, 2016 and May 9, 2017 at 6:30 PM for the convenience of the public. A full report will be issued in 2017.

Conn. Gen. Stat. Sec. 16-50r (b) requires that the Council undertake an effort to update its investigation into the life-cycle costs of electric transmission lines every five years. The Council's last report was issued and posted to the Council's website on November 15, 2012. The next investigation into the life cycle costs of electric transmission lines will occur in Fiscal Year 2017-2018. The Council held its public hearing on the life-cycle, concurrent with the forecast, on May 9, 2017 at 6:30 PM for the convenience of the public.

Conn. Gen. Stat. Sec. 16-50// requires each provider of commercial mobile radio service to submit an annual report to the Council and DESPP concerning each provider's ability to provide backup power for telecommunications towers and antennas during an electric service outage. The Council began requesting the submission of annual backup power reports on

October 1, 2013 and providers of commercial mobile radio service have complied every year since.

Conn. Gen. Stat. Sec. 16-50dd requires that the Council develop, maintain and update quarterly a statewide telecommunications coverage database that includes the location, type and height of all telecommunications towers and antennas in the state. The database is to be available to the public in hard copy and accessible electronically. This database is posted on the Council's website, updated on a biweekly basis and accessible to the public.

On October 13, 2016, the Council reviewed and determined that no revisions are necessary to its Statewide Telecommunications Coverage Plan. Pursuant to Conn. Gen. Stat. Sec.16-50ee, the Council is required to develop a plan for statewide telecommunications coverage and to review the plan annually. The plan was most recently revised in February 2014. The plan assesses population growth in the state and an analysis of existing and projected demands for telecommunications coverage. This plan is available for public inspection on the Council's website. The Council anticipates a revised plan to be developed in fiscal year 2017/2018.

Pursuant to Conn. Gen. Stat. Sec. 16-50t(c), on October 13, 2016, the Council reviewed and determined that no revisions are necessary to its Electric and Magnetic Fields Best Management Practices for the Construction of Electric Transmission Lines (BMPs) in Connecticut. The BMPs were most recently revised on February 20, 2014. The BMPS are available for public inspection on the Council's website.