

The Digest of Administrative Reports to the Governor  
Fiscal Year 2023-2024

## Connecticut Siting Council



### At-a-Glance

#### Nine per diem appointed members<sup>1</sup>

**Melanie A. Bachman, Executive Director**

**Established - 1971**

**Statutory Authority** – Conn. Gen. Stat. §4-166, *et seq.*, §16-50g, *et seq.*, §22a-114, *et seq.*

**Central office** - 10 Franklin Square, New Britain, CT 06051

**Number of Employees** - 9

**Recurring Operating Expenses** - \$2,313,946.52

**Organizational Structure** – Connecticut Siting Council is an autonomous agency assigned to the Department of Energy and Environmental Protection *for administrative purposes only*.<sup>2</sup>

### Mission

The mission of the Connecticut Siting Council (Council) is to objectively balance the public need for adequate and reliable public utility and telecommunications services at the lowest reasonable cost to consumers with the need to protect the environment, public health and safety of the state through an independent, quasi-judicial public process administered in accordance with the state Uniform Administrative Procedure Act (UAPA) and Public Utility Environmental Standards Act (PUESA).

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<sup>1</sup> 5 members appointed by the Governor (including the Chair), 1 member appointed by the President Pro Tempore of the Senate, 1 member appointed by the Speaker of the House, the Commissioner of the Department of Energy and Environmental Protection (DEEP) and the Chair of the Public Utilities Regulatory Authority (PURA).

<sup>2</sup> **Conn. Gen. Stat. Sec. 4-38f. “Administrative purposes only” defined.** (a) An agency assigned to a department for administrative purposes only shall: (1) Exercise any quasi-judicial, rule-making or regulatory authority, licensing and policy-making functions which it may have independent of such department and without approval or control of the department; (2) prepare its budget, if any, and submit its budgetary requests through the department; and (3) hire its own personnel or enter into contracts, if authorized by law, or if the general assembly provides or authorizes the expenditure of funds therefor.

(b) The department to which an agency is assigned for administrative purposes only shall: (1) Provide record keeping, reporting, and related administrative and clerical functions for the agency to the extent deemed necessary by the department head; (2) disseminate for the agency any required notices, rules or orders adopted, amended or repealed by the agency; (3) provide staff for the agency subject to the provisions of subdivision (3) of subsection (a) of this section; and (4) include in the departmental budget the agency's budgetary request, if any, as a separate part of said budget and exactly as prepared and submitted to the department by the agency.

## **Statutory Responsibility**

The Council has exclusive regulatory jurisdiction over the construction, maintenance and operation of electric transmission lines, fuel transmission lines, electric generating and storage facilities, electric substations and switchyards, community antenna television towers and telecommunications towers throughout the state.<sup>3</sup> Its statutory responsibilities under PUESA<sup>4</sup> include, but are not limited to:

- Minimize damage to scenic, historic, and recreational values;
- Provide environmental quality standards and criteria for the location, design, construction and operation of facilities at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state;
- Encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment;
- Promote energy security;
- Promote the sharing of towers for fair consideration wherever technically, legally, environmentally and economically feasible to avoid the unnecessary proliferation of towers in the state; and
- Develop annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning.

## **Public Service**

Rule-making and adjudications under the state UAPA and PUESA ensure that the public; applicants; petitioners; parties; intervenors; federal, regional, state and municipal agencies and officials; and other interested persons are afforded notice and an opportunity to be heard in Council proceedings held on proposed regulations, applications for Certificates of Environmental Compatibility and Public Need (Certificates) and Petitions for Declaratory Rulings relative to proposed jurisdictional facilities and modifications to existing jurisdictional facilities.

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<sup>3</sup> Telecommunications matters are also regulated by the Federal Communications Commission. Energy matters are also regulated by the electric reliability criteria, standards and procedures developed by the North American Electric Reliability Council, Northeast Power Coordinating Council and the Independent System Operator of New England.

<sup>4</sup> Conn. Gen. Stat. §16-50g, *et seq.* (2023).

Applicants and petitioners consult with the host municipality and publish notice of intent to file a proposed facility with the Council. After an application or petition is submitted, the Council deems the application or petition complete, develops a schedule in accordance with statutory deadlines and publishes notice in 10-point, bold-faced font no less than 30 days before a public hearing. When the public hearing notice is issued, the Council invites the public, municipalities, state agencies, and other stakeholders to participate in its public hearing process.<sup>5</sup>

Interested persons may participate in Council public hearings in three ways: party/intervenor status; oral limited appearance during the evening public comment session; and written limited appearance at any time.<sup>6</sup> The Council responds to each written limited appearance statement. It also publishes and posts on its website public participation guides and Citizens' Guides to Siting Council Procedures.<sup>7</sup> Council staff is available to answer any questions by phone or email, or in-person at the office Monday through Friday between 8:30 AM – 4:30 PM.

Council public hearings consist of two parts: evidentiary sessions held during regular business hours and public comment sessions held after 6:30 PM for the convenience of the public. During the evidentiary sessions, parties/intervenors present exhibits and testimony and are cross examined by the Council and other parties/intervenors. During the public comment sessions, interested persons are welcome to openly express concerns about a proposed facility.

Through this public process and the expertise of its members and staff, the Council develops a record of evidence in accordance with criteria under PUESA. It deliberates during regular public meetings when proposed decisions are issued and final decisions are rendered. Like judges, Council members, and its staff, are prohibited from engaging in communications with any person related to matters pending before the Council.<sup>8</sup> Statutory deadlines are habitually met. Conditions of approved facilities are tracked, monitored and enforced.<sup>9</sup>

The Council posts the evidentiary record of every jurisdictional matter on its website: [portal.ct.gov/csc](https://portal.ct.gov/csc) and constantly expands the content to provide easily accessible information to the public and stakeholders, including, but not limited to, databases and records of facilities throughout the state, electric and magnetic fields, life cycle costs of transmission lines, forecasts of electric supply and demand, and statewide telecommunications coverage.

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<sup>5</sup> In addition to publication of the hearing notice, the Council provides for telecommunications carrier notification of a new tower application to advance the state tower sharing policy; installation of notice sign(s) at the access road(s) to a proposed site; and convention of a pre-hearing conference to discuss procedural matters for the public hearing.

<sup>6</sup> There is a municipal participation account established under Conn. Gen. Stat. Sec. 16-50bb to reimburse municipalities for expenses associated with party status in a Council proceeding.

<sup>7</sup> <https://portal.ct.gov/csc/public-participation/public-participation/public-participation-information-links>

<sup>8</sup> Conn. Gen. Stat. §4-181 (2023). Prohibition on ex parte communications.

<sup>9</sup> Conn. Gen. Stat. §16-50u (2023). Enforcement of certificate and standards requirements; monthly construction progress reports; quarterly facility compliance audits; post-construction inspection reports; responses to complaints.

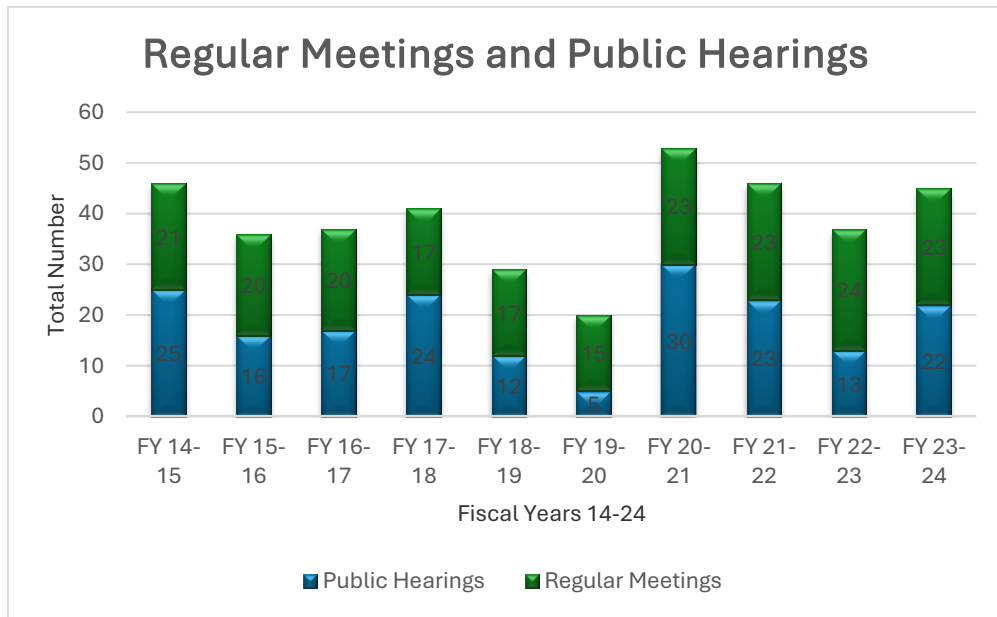
The Council keeps abreast of the latest technological advancements throughout the energy and telecommunications industries through webinars, conferences and trade subscriptions to anticipate, address and balance the need for energy and telecommunications infrastructure with the need to protect the environment and public policies of the state.<sup>10</sup>

The Council also participates in national, regional, state and local coalitions to compare processes and procedures employed by other energy and telecommunications facility siting agencies and share facility siting jurisdiction, planning and experiences to meet national, regional and state goals.<sup>11</sup>

Public service is continuously improved based on recommendations from the State Auditors of Public Accounts; legislators; Council members and staff; other state agencies; municipal officials; national, regional and local organizations; environmental groups; and members of the public.<sup>12</sup> Information is shared among other state agencies and new technologies are explored to improve public service, such as options for electronic payments and e-alerts.<sup>13</sup>

### Improvements/Achievements for Fiscal Year 2023-2024

In Fiscal Year 2023-2024, the Council held 22 public hearings to develop evidentiary records and examine public concerns regarding proposed facilities. It also held 23 regular energy and telecommunications meetings to deliberate and render decisions on proposed facilities.



<sup>10</sup> National Association of Regulatory Utility Commissioners (NARUC); Connecticut Power and Energy Society; Transmission & Distribution World; Stormwater Control; Above Ground Level: National Electric and Safety Codes.

<sup>11</sup> New England Conference of Public Utilities Commissioners and NARUC, Siting Symposium.

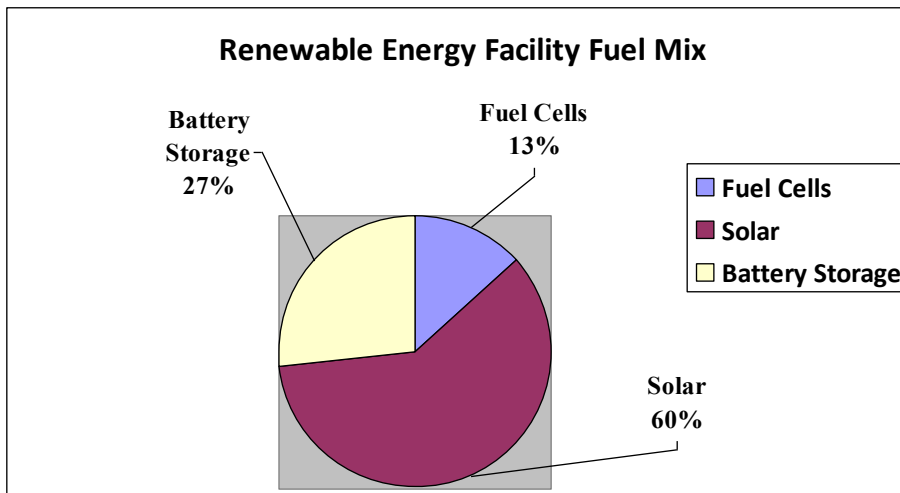
<sup>12</sup> Including Council Staff Lunch and Learn Series with the Council members: [Publications \(ct.gov\)](https://publications.ct.gov/)

<sup>13</sup> Bureau of Information Technology Services (BITS): OPM Open Data Portal: <https://data.ct.gov/>

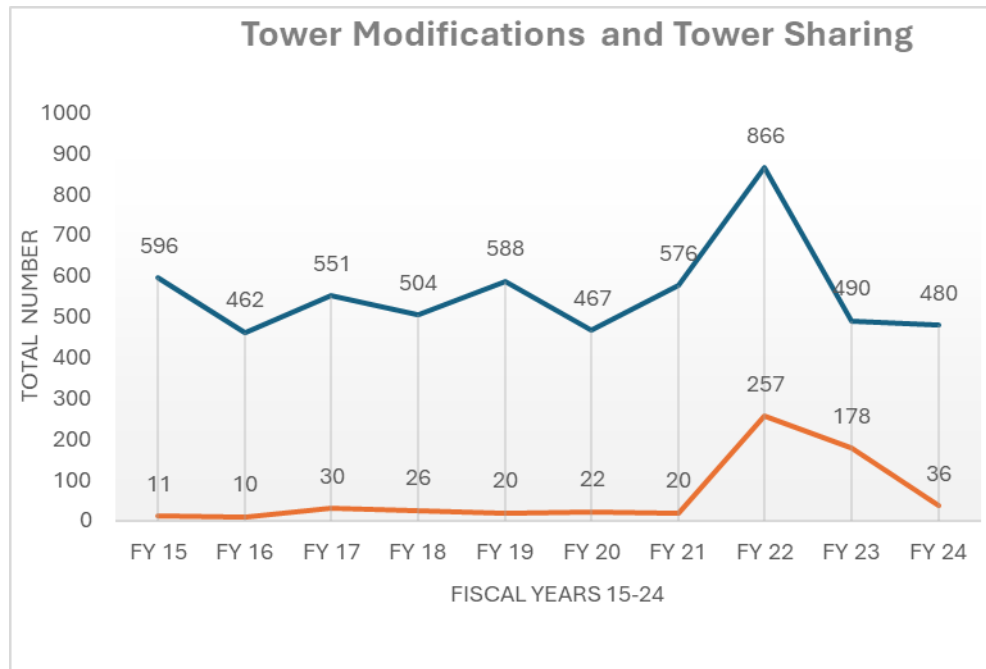
During Fiscal Year 2023-2024, the Council issued the following decisions and approvals:

- 4 Certificates for telecommunications facilities
- 2 Certificates for energy facilities
- 18 Declaratory Rulings for solar facilities
- 4 Declaratory Rulings for fuel cell facilities
- 8 Declaratory Rulings for energy storage facilities
- 14 Declaratory Rulings for modifications to existing energy facilities
- 12 Declaratory Rulings for telecommunications facilities
- 7 approvals for Development and Management Plans
- 480 approvals for modifications to existing telecommunications facilities
- 19 approvals for modifications to existing energy facilities
- 36 approvals for requests for tower sharing at existing telecommunications facilities
- 4 approvals for FCC Eligible Facilities Requests at existing telecommunications facilities
- 1 approval for National Electrical Safety Code improvements at existing electric transmission line facilities

In support of the state’s renewable energy goals and fuel diversity initiatives, the 31 new electric generating and storage facilities approved in Fiscal Year 2023-2024 are proportioned as follows:



In support of the state tower sharing policy, the 36 tower share requests and 480 tower modification requests approved in Fiscal Year 2023-2024 compare to other years as follows:



**Information Reported as Required by State Statute**

Conn. Gen. Stat. Sec. 16-50r requires the Council to hold a public hearing every year on Connecticut’s Forecast of Electric Loads and Resources over a ten-year period (Forecast Report). It assesses the overall status of electric 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. The 2023/2024 Forecast Report public hearing was held on November 15, 2023. Reports from 2005-2023 are available on the Council’s website.<sup>14</sup>

Conn. Gen. Stat. Sec. 16-50r also requires the Council to hold a public hearing every five years to investigate and determine the life-cycle costs of overhead and underground electric transmission lines. The 2022 Life-Cycle Cost Analysis Report public hearing was held on October 19, 2022. Reports from 2007-2022 are available on the Council’s website.<sup>15</sup>

Conn. Gen. Stat. Sec. 16-50t requires the Council to adopt, and revise as necessary, Electric and Magnetic Fields (EMF) Best Management Practices (BMPs) for construction of Electric Transmission Lines. The Council annually reviews the EMF BMPs at a public meeting. The BMPs were reviewed on October 12, 2023, and are available on the Council’s website.<sup>16</sup>

<sup>14</sup> <https://portal.ct.gov/csc/common-elements/common-elements/publications>

<sup>15</sup> <https://portal.ct.gov/csc/common-elements/common-elements/publications>

<sup>16</sup> [https://portal.ct.gov/-/media/csc/publications/emf-bmp-12-30--2022-update\\_final\\_s.pdf](https://portal.ct.gov/-/media/csc/publications/emf-bmp-12-30--2022-update_final_s.pdf)

Conn. Gen. Stat. Sec. 16-50dd requires the Council to 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. This database is organized by municipality and available on the Council's website.<sup>17</sup>

Conn. Gen. Stat. Sec.16-50ee requires the Council to develop, and revise as necessary, a plan for statewide telecommunications coverage (Telecom Plan). It assesses population growth in the state and analyzes existing and projected demands for telecommunications coverage. The current Telecom Plan is available on the Council's website.<sup>18</sup> An update is in progress.

Conn. Gen. Stat. Sec.16-50ff requires the Council to develop a local telecommunications coverage assessment upon the request of any municipality that identifies locations with inconsistent or nonexistent telecommunications coverage and analyzes existing and projected demands for coverage within the municipality. During Fiscal Year 2023/2024, the Council completed 3 local telecommunications coverage assessments for the municipalities of New Fairfield, New Canaan and Brookfield.

Conn. Gen. Stat. Sec.16-50// requires the Council to annually solicit a report from the telecommunications carriers regarding the ability to provide backup power during an electric service outage for any tower or antenna in the state. Reports were solicited on July 31, 2023.

Public Act (PA) 24-144 was signed by the Governor on June 6, 2024. In addition to the foregoing Mission, Statutory Authority, Public Service, Improvements/Achievements and Information Reported by Statute, consistent with provisions of PA 24-144, the Council budgeted for and implemented the following actions:<sup>19</sup>

- Increase senior siting analyst work week from 35 hours to 37.5 hours;
- Create 2 Connecticut Career Trainee positions in engineering and fiscal analysis;
- Serve a copy of state agency comments on all other state agencies and a copy of final decisions on all state agencies solicited for comment; and
- Revise filing guides and other agency documents to update statutory references and incorporate substantive changes.

*Respectfully submitted August 16, 2024,*

*Melanie A. Bachman, Executive Director*

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<sup>17</sup> <https://portal.ct.gov/csc/common-elements/common-elements/connecticut-siting-council--disclaimer>

<sup>18</sup> <https://portal.ct.gov/csc/common-elements/common-elements/publications>

<sup>19</sup> Public Act 24-144: <https://www.cga.ct.gov/2024/ACT/PA/PDF/2024PA-00144-R00HB-05507-PA.PDF>