

Connecticut Siting Council

Daniel F. Caruso, Chairman (since August 28, 2006)

Colin C. Tait, Esq., Vice-Chairman

S. Derek Phelps, Executive Director

Established: 1971

Statutory Authority: Chapter 277a, Chapter 445,

Chapter 446d, and Chapter 446e

Ten Franklin Square, New Britain, CT 06051

Number of Employees: 10

Recurring Operating Expenses: \$2,228,692.¹

(Energy, Telecommunications, and Hazardous Waste)

Organizational Structure

The Connecticut Siting Council has no bureaus, departments, or divisions. Its chief administrative officer is an Executive Director who reports to the Chairman.

Agency Mission

The Connecticut Siting Council (Council) objectively balances the statewide public need for adequate and reliable services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state for the construction and operation of the following facilities, including but not limited to:

- Electric transmission lines and electric substation or switchyards, fuel transmission lines and electric generating or storage facilities;
- Telecommunications towers owned or operated by the State, a public service company, intrastate telecommunications service providers, or used in a cellular system, Community Antenna Television (CATV)

¹ 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 applications received and annual assessments charged to electric utilities, hazardous waste generators, and telecommunications providers in Connecticut. This billing process is pursuant to the provisions of General Statutes §§ 16-50g through 16-50aa and Sections 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies.

towers and head-end structures, and telecommunications tower sharing; and

- Hazardous waste facilities.

Other duties that require further administrative review include:

- Annual review of loads and resources by the electric industry of the State,
- Ash residue disposal area arbitration and negotiation, and
- Dispute resolution for real property condemnation.

Statutory Responsibility

To fulfill its mission, the Council is responsible for:

- 1) balancing the 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 and to minimize damage to scenic, historic, and recreational values;
- 2) providing environmental standards for the location, design, construction, and operation of public utility facilities that are at least as stringent as federal environmental standards and that are sufficient to assure the welfare and protection of the people of Connecticut;
- 3) encouraging research to develop new and improved methods of generating, storing, and transmitting electricity and fuel and of transmitting and receiving CATV television and telecommunications signals with minimal damage to the environment;
- 4) promoting the sharing of telecommunications towers in order to avoid their unnecessary proliferation; and
- 5) requiring annual forecasts of the demand for electricity together with the planning for facilities needed to supply the predicted demand so as to avoid unnecessary investments burdensome to ratepayers and corresponding hazards of insufficient supply or lack of reliability.

We note that while the Council has exclusive authority to regulate the siting of facilities under its jurisdiction,

municipal land use boards and commissions may regulate and restrict such facilities with the exclusion of electric and fuel transmission and telecommunications towers. The Council, however, may modify or overturn such orders by a vote of six members for electric generation, switching and substation facilities. Restrictions imposed by municipalities on hazardous waste management facilities may be modified or overturned by a vote of eight Council members.

Public Service

The agency continually measures its efficiency and effectiveness through public statements, memoranda of law and informal comments received from its own staff, other agencies and persons who participate in proceedings before the Council. The Council also refines its service through recommendations by the State Auditors of Public Accounts and legislative committees, including the Legislative Program Review and Investigations Committee.

Improvements/Achievements 2008-2009

In fiscal year 2008-2009, the Council held 30 public hearing sessions to hear public concerns regarding facilities sought to be constructed within their communities. The Council also held 25 energy and telecommunications meetings at which the Council considered and decided the matters before it with the information gained at the public hearing sessions. There were no hazardous waste meetings.

The Council ruled on 48 petitions for declaratory rulings for electric generators, electric substations, electric and fuel

transmission lines, and telecommunications facilities. The Council issued certificates for nine cellular telephone facilities.

The Council reviewed and acknowledged 579 modifications of existing telecommunications facilities. The Council also approved 24 requests for tower sharing at existing facilities to help avoid the construction of new telecommunications towers. The Council acted on 13 Development and Management Plans to ensure compliance with its orders. Furthermore, the Council inspects all facilities during and after completion of construction to ensure compliance with its Decision and Orders.

On July 15, 2008, the Council held its annual hearing on the 2008 Ten-year Forecast of Loads and Resources of Electric Utilities in Stamford. This forecast proceeding was held to assess existing and planned electric generation, substation and transmission facilities to project needs and demands so as to avoid costly over building or the failures of reliable power. The proceeding also analyzed historical trends, the projected outlook of load and demand, and the effectiveness of conservation and load management programs. A detailed report of these forecasts is published by the Council annually.

To provide effective information to the public and stakeholders, the Council continues to assemble and maintain quarterly a state-wide comprehensive database of all known antenna sets in the state that provide wireless (cellular) telephony service, including towers approved by the Council and all antenna sets that are mounted to structures that are outside the Council's jurisdiction associated with the provisions of section Connecticut General Statutes § 16-50dd. Moreover, to ensure the usefulness of this information we post this

information on the agency's website. The Council also separately maintains a website database of telecommunications towers approved by the Council, which is also likewise continually updated.

The Council continuously reviews the latest technological, health advancements, and concerns throughout the fields it regulates, in order to continually seek new opportunities to educate itself and its staff in such advancements and developments so as to anticipate and address the ever-changing needs and demands of our citizens.

Pursuant to the requirements of P.A. 07-242 (Sec. 8), the Council opened a proceeding (Docket 346) to investigate energy security with regard to the siting of electric generating facilities and transmission facilities, including consideration of planning, preparedness, response and recovery capabilities. This proceeding will likely be concluded by the end of 2009, with the issuance of a report that will be provided to the legislature and used as a reference tool in future energy proceedings.

Finally, the Council continually seeks ways to improve its methods and procedures. For example, the Council recently issued new application guides for renewable sources of energy (wind, solar, hydro, tidal, wave, geothermal, biofuel, biomass, etc.). The Council also will soon submit revised regulations that will include electronic filing and update service requirements, streamline minor energy filings through an exempt modification process, include protective order and renewable energy procedures, clarify the petition process, and remove and/or update old, outdated regulation information which no longer applies.

Reducing Waste

In order to reduce paper waste and postage, the Council implemented a document service program whereas participants in proceedings can elect to receive all paperwork associated with the project via e-mail, rather than traditional U.S. mail.

To further develop a fully transparent process for participants of Council proceedings and the public, the Council continues its practice of posting the record of every contested case proceeding involving a public hearing on its website, including the initial application materials and the development and management (construction) plans. In addition to greater transparency of Council proceedings, this practice delivers greater efficiency to all interested, thereby reducing costs and ensuring that information is delivered in a more timely fashion.

The Council is continuing to develop the amount of content on its website [<http://ct.gov/csc>]. For example, the Council now has several database sets posted to its website related to telecommunications infrastructure and facilities, standard administrative documents, agency publications, and agency filing procedures and forms.

Pursuant to the provisions of Section 60 (c) of Public Act 05-251, the Council's personnel, payroll, affirmative action and business office functions are within the Small Agency Resource Team (SMART) of DAS. This arrangement serves to streamline and standardize the human resources, affirmative action, payroll and business office functions.

Information Reported as Required by State Statute

All certification proceedings are held as contested cases and are conducted pursuant to the Uniform Administrative Procedures Act and include hearings inviting and ensuring full participation by all members of the public, parties and intervenors, thereby according due process for all.

In compliance with Conn. Gen. Statutes Sec. 4-61 (k), the Council has adopted an Affirmative Action Policy and designated an Affirmative Action Officer. The Council has also adopted an AIDS policy, Code of Ethics, American with Disabilities Act Policy, Policy on Anti-Harassment, and Policy of Sexual Harassment.

Membership

There are three different versions of the Siting Council: The Energy and Telecommunications (E&T) Council, the Hazardous Waste (HW) Council, and the Ash Residue Disposal Areas (ARDA) Council. The nature of a proposed project determines which Council is empanelled to attend to the business at hand.

There are seven permanent members of the Council who serve on each Council. The complete membership of each Council is more fully-explained below. However, it is useful to note that the Siting Council typically operates only in its nine-member energy and telecommunications (E&T) form. Indeed, the E&T Council has met and conducted business more than 600 times during the last ten years. During this time period the HW&LLW Council has met four times, and the ARDA Council did not meet.

The Energy and Telecommunications Council

Consisting of Nine members: five appointed by the Governor including the chairperson, one appointed by the Speaker of House, one appointed by the President Pro-tempore of the Senate, the chairperson of the Department of Public Utility Control, and the commissioner of the Department of Environmental Protection. By statute, at least two Council members appointed by the Governor shall be experienced in the field of ecology and not more than one member shall have an affiliation with any utility, government utility regulatory agency, or facility under the Council's jurisdiction.

Hazardous Waste Council

Consists of Thirteen members: five appointed by the Governor including the chairperson, one appointed by the Speaker of House, one appointed by the President Pro-tempore of the Senate, the commissioner of the Department of Public Safety, the commissioner of the Department of Public Health, three ad-hoc members of the municipality in which the site is proposed (appointed by the chief elected official of the municipality), and one ad-hoc member of the neighboring municipality of the site (appointed by the chief elected official of that municipality).

The Ash Residue Disposal Areas Committee

Nine members: five appointed by the Governor including the chairperson, one member appointed by the Speaker of House, one appointed by the President Pro-tempore of the Senate, the commissioner of the Department of Public Safety, and the commissioner of the Department of Public Health.

The persons appointed to serve on the Council are as follows:

Energy and Telecommunications Facilities. Ex officio, Amey Marrella, Acting Commissioner of Environmental Protection; Donald W. Downes, Chairman., Dept. of Public Utility Control.

Hazardous Waste, Low Level Radioactive and Ash Residue Disposal Facilities. Ex-Officio, J. Robert Galvin, M.D., M.P.H., Commissioner of Public Health; John A. Danaher III, Commissioner of Public Safety.

Appointed by the Governor, for terms coterminous with term of the Governor, Commissioner, Daniel Caruso, Fairfield; Philip T. Ashton, Meriden; James J. Murphy, Jr., Stonington; Colin C. Tait, Esq., Norfolk; Edward S. Wilensky, Wolcott. Appointed by the Pres. Pro Tempore of the Senate, Daniel P. Lynch, Enfield. Appointed by the Speaker of the House, Barbara Currier Bell, Milford.

Four Ad Hoc Members for Hazardous Waste Facilities and Low Level Radioactive Waste Facilities appointed by the chief elected official of the municipality they represent for hazardous waste and low level radioactive waste facilities.

Exec. Dir., S. Derek Phelps, Middletown.