

# Connecticut Siting Council



## *At a Glance*

**ROBERT STEIN, Chairman (since March 24, 2011)**

**Daniel F. Caruso, Chairman (August 28, 2006- March 24, 2011)**

**Colin C. Tait, Esq., Vice-Chairman**

**Linda Roberts, Executive Director (since August 27, 2010)**

**S. Derek Phelps, Executive Director (Dec. 2001 – Aug. 18, 2010)**

**Established - 1971**

**Statutory authority - CGS Chapter 277a, Chapter 445, Chapter 446d, and Chapter 446e**

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

**Number of employees – 10; 9 positions filled/1 vacant**

**Recurring operating expenses - \$2,238,372.26.<sup>1</sup>**

**(Energy, Telecommunications, and Hazardous Waste)**

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<sup>1</sup> 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 et seq. and Sections 16-50j-1 et seq. of the Regulations of Connecticut State Agencies.

**Organizational Structure** - The Connecticut Siting Council (Council) has no bureaus, departments, or divisions. Its chief administrative officer is an Executive Director who reports to the Chairman. The Council is within the newly merged Department of Energy and Environmental Protection (DEEP) for “Administrative Purposes Only.”

### **Mission**

*The Connecticut Siting 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 facilities including, but not limited to:*

- *Electric and fuel transmission lines; electric substations and switchyards; 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) towers and head-end structures, and telecommunications tower sharing; and*
- *Hazardous waste facilities.*

*Other duties that require further administrative action include:*

- *Annual review and forecast of electric loads and resources of the State;*
- *Ash residue disposal area arbitration and negotiation;*
- *Dispute resolution for real property condemnation for energy facilities; and*
- *Not less than once every five years, review of the life-cycle costs for overhead and underground transmission line alternatives.*

### **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 quality standards and criteria for the location, design, construction, and operation of facilities that are at least as stringent as federal
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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 energy security;
- 5) Promoting the sharing of telecommunications towers in order to avoid their unnecessary proliferation; and
- 6) 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 the location of electric substations and generating facilities. The Council, however, may affirm, modify or revoke such orders by a vote of six members. Municipalities may also regulate and restrict the location of hazardous waste facilities; however, their decisions may be affirmed, modified or revoked 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 2010-2011**

In fiscal year 2010-2011, the Council held 45 public hearing sessions to develop evidentiary records and hear public concerns regarding facilities sought to be constructed within their communities. The Council also held 35 energy and telecommunications meetings at which the Council considered and decided the matters before it on the facts of the record developed at the public hearing sessions. There were no hazardous waste meetings.

The Council ruled on 47 petitions for declaratory rulings for electric generators, electric substations, electric and fuel transmission lines, and telecommunications facilities. The Council issued certificates for twelve cellular telephone facilities.

The Council reviewed and acknowledged 173 modifications of existing telecommunications facilities. The Council also approved 9 requests for tower sharing at existing facilities to help avoid the construction of new telecommunications towers. The Council acted on 25 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 Decisions and Orders.

On September 15, 2010, the Council held its annual hearing on the 2010 Ten-year Forecast of Loads and Resources of Electric Utilities in New Britain. This forecast proceeding was held to assess the overall status of loads and resources in the state. 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 every other year. The Council produces an update of the detailed report in the odd years. On June 14, 2011, the Council held its annual hearing on the 2011 Ten-year Forecast of Loads and Resources of Electric Utilities in New Britain. The full 2010-2011 report will be issued in late 2011 with the information obtained from the September 2010 and June 2011 public hearings.

Pursuant to the recommendations contained in the Final Report issued by the Kleen Energy Investigation Review Panel (Nevas Commission) on June 8, 2010 and the recommendations contained in the Thomas Commission Executive Report issued on September 21, 2010, the Council, on its own motion, voted to reopen the final decisions of 42 jurisdictional natural-gas fired electric generating facilities. This docket was designated as NT-2010. The Council held public hearings on December 7, 2010, December 9, 2010 and December 14, 2010 to consider the attachment of conditions to the final decisions consistent with the findings and recommendations of the Nevas and Thomas Commissions pertaining to natural-gas pipe cleaning procedures and emergency response plans. The Council issued a Decision and Order attaching natural-gas pipe cleaning procedure and emergency response plan conditions to the final decisions of the 42 electric generating facilities on March 21, 2011.

The Council received three wind turbine project petition filings in November and December 2010. Of the three filings, two were approved by the Council, creating an additional source of renewable energy for the state consistent with the state's energy policy. These filings prompted the legislature to propose House Bill 6249, which was signed by the Governor on July 13, 2011. Pursuant to the provisions of House Bill 6249 (Public Act 11-245), the Council shall draft wind turbine siting regulations and initiate regulation making proceedings under the Uniform Administrative Procedures Act (UAPA). The Council will also draft updates to current regulations, which will include, but not be limited to, electronic filing and service requirements, provisions for minor energy facility filings through an exempt modification process, and revisions to existing sections.

To provide effective information to the public and stakeholders, the Council continues to assemble, maintain and update quarterly a state-wide comprehensive database of all known antenna sets in the state that provide wireless telecommunications service, including towers approved by the Council and all antenna sets that are mounted to non-tower structures that are outside of the Council's jurisdiction pursuant to the provisions of Connecticut General Statutes § 16-50dd. Moreover, to ensure access to this information to the public, the information is posted on the agency's website. The Council also maintains a comprehensive website database of telecommunications towers approved by the Council, which is also maintained, updated, and accessible to the public.

The Council continuously researches and reviews the latest technological advancements throughout the fields it regulates, in order to assure the welfare and protection of the people of the state. The Council also seeks 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 the public.

### **Reduce Waste**

In order to reduce paper waste and postage, the Council continues to implement a document service program whereas participants in proceedings can elect to receive all paperwork associated with a 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 on its website, including, but not limited to, the initial application materials and the development and management (construction) plans. In addition to greater transparency of Council proceedings, this practice provides greater efficiency to all interested parties, reduction of costs and convenient access to information.

The Council is continuing to develop the content of 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 Senate Bill 1243 (Public Act 11-80), the Council is under the new Department of Energy and Environmental Protection for administrative purposes only. As a result of this merger, our personnel, payroll, affirmative action and business office functions are within the Department of Energy and Environmental Protection. 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 conducted pursuant to the Uniform Administrative Procedures Act and include public hearings inviting full participation by all members of the public, parties and intervenors, and ensuring 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 presented.

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 in its nine-member 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 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 Public Utilities Regulatory Authority, and the commissioner of the Department of Energy and 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, Daniel Esty, Commissioner, Dept. of Energy and Environmental Protection; Kevin M. DelGobbo, Chairman, Public Utilities Regulatory Authority.

Hazardous Waste, Low Level Radioactive and Ash Residue Disposal Facilities. Ex-Officio, Jewel Mullen, Commissioner, Department of Public Health; Reuben F. Branford, Commissioner, Department of Public Safety.

Appointed by the Governor, for terms coterminous with term of the Governor, Chairman, Robert Stein, Stamford; 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 appointed by the chief elected official of the municipality they represent.

Executive Director, Linda Roberts, Somers.