



Senate

General Assembly

File No. 113

January Session, 2001

Senate Bill No. 1253

Senate, April 3, 2001

The Committee on Program Review and Investigations reported through SEN. FREEDMAN of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SITING COUNCIL DECISIONS AND A TELECOMMUNICATIONS TOWERS DATABASE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16-50p of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) In a certification proceeding, the council shall render a decision
4 upon the record either granting or denying the application as filed, or
5 granting it upon such terms, conditions, limitations or modifications of
6 the construction or operation of the facility as the council may deem
7 appropriate. The council's decision shall be rendered within twelve
8 months of the filing of an application concerning a facility described in
9 subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision
10 (4) of said subsection (a) if the application was incorporated in an
11 application concerning a facility described in subdivision (1) of said
12 subsection (a), and within one hundred eighty days of the filing of any

13 other application concerning a facility described in subdivision (4) of
14 said subsection (a), and an application concerning a facility described
15 in subdivision (3), (5) or (6) of said subsection (a), provided such time
16 periods may be extended by the council by not more than one hundred
17 eighty days with the consent of the applicant. The council shall file,
18 with its order, an opinion stating in full its reasons for the decision that
19 states with particularity the basis for each decision as to each disputed
20 issue, the reasons for which it did not select an alternative site that was
21 listed on the application pursuant to subsection (b) of section 16-50l, its
22 position on opposing party claims, and the manner in which the
23 criteria set forth in this section were considered in arriving at such
24 decision, including, where applicable, the specific evidence relied upon
25 and the reasons for the reliance. Such decision shall also include a
26 discussion of any consultation with a municipality pursuant to
27 subsection (e) of section 16-50l and the recommendation issued by the
28 municipality pursuant to said subsection. Except as provided in
29 subsection (c) of this section, the council shall not grant a certificate,
30 either as proposed or as modified by the council, unless it shall find
31 and determine: (1) A public need for the facility and the basis of the
32 need; (2) the nature of the probable environmental impact, including a
33 specification of every significant adverse effect, whether alone or
34 cumulatively with other effects, on, and conflict with the policies of the
35 state concerning, the natural environment, ecological balance, public
36 health and safety, scenic, historic and recreational values, forests and
37 parks, air and water purity and fish and wildlife; (3) why the adverse
38 effects or conflicts referred to in subdivision (2) of this subsection are
39 not sufficient reason to deny the application; (4) in the case of an
40 electric transmission line, (A) what part, if any, of the facility shall be
41 located overhead, (B) that the facility conforms to a long-range plan for
42 expansion of the electric power grid of the electric systems serving the
43 state and interconnected utility systems and will serve the interests of
44 electric system economy and reliability, and (C) that the overhead
45 portions of the facility, if any, are cost effective and the most

46 appropriate alternative based on a life-cycle cost analysis of the facility
47 and underground alternatives to such facility, and are consistent with
48 the purposes of this chapter, with such regulations as the council may
49 adopt pursuant to subsection (a) of section 16-50t, and with the Federal
50 Power Commission "Guidelines for the Protection of Natural Historic
51 Scenic and Recreational Values in the Design and Location of Rights-
52 of-Way and Transmission Facilities" or any successor guidelines and
53 any other applicable federal guidelines; (5) in the case of an electric or
54 fuel transmission line, that the location of the line will not pose an
55 undue hazard to persons or property along the area traversed by the
56 line.

57 Sec. 2. (NEW) The Connecticut Siting Council shall maintain a
58 telecommunications tower database that includes the location, type
59 and height of all telecommunications towers in the state, including the
60 towers specified in subdivision (6) of subsection (a) of section 16-50i of
61 the general statutes, as well as those telecommunications towers and
62 associated telecommunications equipment used in a personal
63 communications services system, as defined in the Code of Federal
64 Regulations Title 47, Part 24. The council shall supply any information
65 contained in the database to a municipality, upon request.

PRI *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Minimal Cost

Affected Agencies: Connecticut Siting Council

Municipal Impact: None

Explanation**State Impact:**

The bill requires the Connecticut Siting Council (CSC) to include additional information on its decisions on certificate applications, which has no fiscal impact on the council. Additionally, the bill requires the CSC to maintain a database that includes certain information about cellular and personal communications services (PCS). Currently, the council maintains such a database when staff and necessary resources permit, however there have been delays in updating information due to a lack of resources. Requiring the council to maintain such a database will result in a workload increase and a reprioritization of resources, which may result in a minimal potential cost. Finally, the bill requires the council to make information from the database available to municipalities upon request, which has no fiscal impact on the council.

Municipal Impact:

It is assumed that the Connecticut Siting Council will be responsible for gathering the information included in the database from the

municipalities, thus there is no fiscal impact on the municipalities.

OLR Bill Analysis

SB 1253

AN ACT CONCERNING SITING COUNCIL DECISIONS AND A TELECOMMUNICATIONS TOWERS DATABASE.**SUMMARY:**

This bill requires the Connecticut Siting Council to include additional information on its decisions on certificate applications. By law, a certificate is required to build or modify various energy and telecommunications facilities.

The bill also requires the council to maintain a database that includes the location, type, and height of all telecommunications towers in the state, including those used to provide cellular and Personal Communications Services (PCS). The council must provide any information in the database to a municipality upon request.

EFFECTIVE DATE: October 1, 2001

CERTIFICATE DECISIONS

The bill requires certificate decisions to include: (1) the specific reasons for the council's decisions on each disputed issue, (2) the reason why it did not choose an alternative site the applicant identified, (3) its position on the claims of opposing parties, and (4) the way it addressed each of the criteria the law requires it to consider. The last component must include, where applicable, the specific evidence relied upon and the reasons why.

By law, the person proposing the facility must consult with the municipality concerning its location before filing the certificate application. The bill requires the decision to include a discussion of the consultation and the municipality's recommendations.

BACKGROUND

Related Bills

SB 1252, "An Act Concerning Municipal Jurisdiction over Telecommunications Towers for Personal Communications Services," reported favorably by the Program Review and Investigations Committee, gives zoning commissions jurisdiction over PCS towers. In effect, it reverses the effect of a recent federal court decision that interpreted state law to give the Connecticut Siting Council jurisdiction over these towers. (*Sprint Spectrum LP. Connecticut Siting Council*, Case No. 3-98-CV33 (AVC)). The decision is on appeal and another issue in the case is pending. The second issue challenges the state's historic practice of regulating PCS towers at the local level and cellular towers at the state level as violating federal law.

sSB 869 "An Act Concerning Local Participation in the Siting of Cellular Towers," reported favorably by the Energy and Technology Committee, codifies the Sprint decision. It allows the council to approve towers using an expedited procedure when they comply with local regulations. It also allows municipalities to regulate and restrict telecommunications towers. It requires the council to maintain a towers database.

Several additional bills addressing the siting of telecommunications towers are pending before the Energy and Technology and Planning and Development committees.

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Report

Yea 11 Nay 0