



General Assembly

February Session, 2002

Raised Bill No. 343

LCO No. 1535

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING ELECTRIC TRANSMISSION FACILITIES.

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

1 Section 1. Subsection (a) of section 16-50k of the general statutes, as
2 amended by section 7 of public act 01-49, is repealed and the following
3 is substituted in lieu thereof (*Effective July 1, 2002*):

4 (a) Except as provided in subsection (b) of section 16-50z, no person
5 shall exercise any right of eminent domain in contemplation of,
6 commence the preparation of the site for, or commence the
7 construction or supplying of a facility, or commence any modification
8 of a facility, that may, as determined by the council, have a substantial
9 adverse environmental effect in the state without having first obtained
10 a certificate of environmental compatibility and public need,
11 hereinafter referred to as a "certificate", issued with respect to such
12 facility or modification by the council, except fuel cells with a
13 generating capacity of ten kilowatts or less which shall not require
14 such certificate. Any facility with respect to which a certificate is
15 required shall thereafter be built, maintained and operated in
16 conformity with such certificate and any terms, limitations or
17 conditions contained therein. Notwithstanding the provisions of this

18 subsection, the council shall, in the exercise of its jurisdiction over the
19 siting of generating facilities, approve by declaratory ruling (1) the
20 construction of a facility solely for the purpose of generating
21 electricity, other than an electric generating facility that uses nuclear
22 materials or coal as fuel, at a site where an electric generating facility
23 operated prior to July 1, 1998, [and] (2) the construction or location of
24 any fuel cell, unless the council finds a substantial adverse
25 environmental effect, and (3) the construction of a facility described in
26 subdivision (1) of subsection (a) of section 16-50i if such facility is in
27 the right-of-way of an existing transmission line.

28 Sec. 2. Subsection (e) of section 16-50l of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective July*
30 *1, 2002*):

31 (e) At least sixty days prior to the filing of any application with the
32 council, the applicant shall consult with the municipality in which the
33 facility may be located and with any other municipality required to be
34 served with a copy of the application under subdivision (1) of
35 subsection (b) of this section concerning the proposed and alternative
36 sites of the facility. Such consultation with the municipality shall
37 include, but not be limited to good faith efforts to meet with the chief
38 elected official of the municipality. At the time of the consultation, the
39 applicant shall provide the chief elected official with any technical
40 reports concerning the public need, the site selection process and the
41 environmental effects of the proposed facility and shall negotiate the
42 characteristics of the proposed facility. The municipality may conduct
43 public hearings and meetings as it deems necessary for it to advise the
44 applicant of its recommendations concerning the proposed facility.
45 Within sixty days of the initial consultation, the municipality shall
46 issue its recommendations to the applicant. No later than fifteen days
47 after submitting the application to the council, the applicant shall
48 provide to the council all materials provided to the municipality and a
49 summary of the consultations with the municipality including all
50 recommendations issued by the municipality.

51 Sec. 3. Subsection (c) of section 16-50p of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective July*
53 *1, 2002*):

54 (c) (1) The council shall not grant a certificate for a facility described
55 in subdivision (3) of subsection (a) of section 16-50i, either as proposed
56 or as modified by the council, unless it finds and determines: (A) A
57 public benefit for the facility; (B) the nature of the probable
58 environmental impact, including a specification of every significant
59 adverse and beneficial effect that, whether alone or cumulatively with
60 other effects, conflicts with the policies of the state concerning the
61 natural environment, ecological balance, public health and safety,
62 scenic, historic and recreational values, forests and parks, air and
63 water purity and fish and wildlife; and (C) why the adverse effects or
64 conflicts referred to in subparagraph (B) of this subdivision are not
65 sufficient reason to deny the application. For purposes of
66 subparagraph (A) of this subdivision, a public benefit exists if such a
67 facility is necessary for the reliability of the electric power supply of
68 the state or for a competitive market for electricity.

69 (2) The council shall not grant a certificate for a facility described in
70 subdivision (1) of subsection (a) of section 16-50i [which is
71 substantially underground or underwater except where such facilities
72 interconnect with existing overhead facilities,] either as proposed or as
73 modified by the council, unless it finds and determines: (A) A public
74 benefit for the facility; (B) the nature of the probable environmental
75 impact, including a specification of every single adverse and beneficial
76 effect that, whether alone or cumulatively with other effects, conflict
77 with the policies of the state concerning the natural environment,
78 ecological balance, public health and safety, scenic, historic and
79 recreational values, forests and parks, air and purity and fish and
80 wildlife; (C) why the adverse effects or conflicts referred to in
81 subparagraph (B) of this subdivision are not sufficient reason to deny
82 the application; (D) in the case of a new electric transmission line, (i)
83 what part, if any, of the facility shall be located overhead, (ii) that the

84 facility conforms to a long-range plan for expansion of the electric
85 power grid of the electric systems serving the state and interconnected
86 utility systems and will serve the interests of electric system economy
87 and reliability, and (iii) that the overhead portions of the facility, if any,
88 are cost-effective and the most appropriate alternative based on a life-
89 cycle cost analysis of the facility and underground alternatives to such
90 facility and are consistent with the purposes of this chapter, with such
91 regulations as the council may adopt pursuant to subsection (a) of
92 section 16-50t, and with the Federal Energy Regulatory Commission
93 "Guidelines For the Protection of Natural Historic Scenic and
94 Recreational Values in the Design and Location of Rights-of-Way and
95 Transmission Facilities" or any other successor guidelines and any
96 other applicable federal guidelines; and (E) in the case of an electric or
97 fuel transmission line, that the location of the line will not pose an
98 undue hazard to persons or property along the area traversed by the
99 line. For purposes of subparagraph (A) of this subdivision, a public
100 benefit exists if such a facility is necessary for the reliability of the
101 electric power supply of the state or for the development of a
102 competitive market for electricity or if the regional independent
103 system operator has determined that such a facility is necessary for the
104 reliability of the electric power supply of the state.

105 Sec. 4. Subsection (d) of section 16-245m of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective July*
107 *1, 2002*):

108 (d) The Energy Conservation Management Board shall advise and
109 assist the electric distribution companies in the development and
110 implementation of a comprehensive plan, which plan shall be
111 approved by the Department of Public Utility Control, to implement
112 cost-effective energy conservation programs and market
113 transformation initiatives. Programs included in the plan shall be
114 screened through cost-effectiveness testing which compares the value
115 and payback period of program benefits to program costs to ensure
116 that programs are designed to obtain energy savings whose value is

117 greater than the costs of the programs. Program cost-effectiveness shall
118 be reviewed annually, or otherwise as is practicable. If a program is
119 determined to fail the cost-effectiveness test as part of the review
120 process, it shall either be modified to meet the test or shall be
121 terminated. On or before January 31, 2001, and annually thereafter
122 until January 31, 2006, the board shall provide a report to the joint
123 standing committees of the General Assembly having cognizance of
124 matters relating to energy and the environment which documents
125 expenditures, fund balances and evaluates the cost-effectiveness of
126 such programs conducted in the preceding year. Such programs may
127 include, but not be limited to: (1) Conservation and load management
128 programs; (2) research, development and commercialization of
129 products or processes which are more energy-efficient than those
130 generally available; (3) development of markets for such products and
131 processes; (4) support for energy use assessment, engineering studies
132 and services related to new construction or major building renovation;
133 (5) the design, manufacture, commercialization and purchase of
134 energy-efficient appliances and heating, air conditioning and lighting
135 devices; (6) program planning and evaluation; [and] (7) public
136 education regarding conservation; and (8) conservation programs
137 targeted to areas of the state with transmission congestion. Such
138 support may be by direct funding, manufacturers' rebates, sale price
139 and loan subsidies, leases and promotional and educational activities.
140 Any other expenditure by the collaborative shall be limited to
141 retention of expert consultants and reasonable administrative costs
142 provided such consultants shall not be employed by, or have any
143 contractual relationship with, an electric distribution company. Such
144 costs shall not exceed five per cent of the total revenue collected from
145 the assessment.

146 Sec. 5. Subsection (c) of section 16-245n of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective July*
148 *1, 2002*):

149 (c) There is hereby created a Renewable Energy Investment Fund

150 which shall be administered by Connecticut Innovations, Incorporated.
151 The fund may receive any amount required by law to be deposited
152 into the fund and may receive any federal funds as may become
153 available to the state for renewable energy investments. Connecticut
154 Innovations, Incorporated, may use any amount in said fund for
155 expenditures which promote investment in renewable energy sources
156 in accordance with a comprehensive plan developed by it to foster the
157 growth, development and commercialization of renewable energy
158 sources, related enterprises and stimulate demand for renewable
159 energy, [and] deployment of renewable energy sources which serve
160 end use customers in this state, and the use of renewable energy
161 sources in areas of the state with transmission congestion. Such
162 expenditures may include, but not be limited to, grants, direct or
163 equity investments, contracts or other actions which support research,
164 development, manufacture, commercialization, deployment and
165 installation of renewable energy technologies, and actions which
166 expand the expertise of individuals, businesses and lending
167 institutions with regard to renewable energy technologies.

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| This act shall take effect as follows: | |
| Section 1 | <i>July 1, 2002</i> |
| Sec. 2 | <i>July 1, 2002</i> |
| Sec. 3 | <i>July 1, 2002</i> |
| Sec. 4 | <i>July 1, 2002</i> |
| Sec. 5 | <i>July 1, 2002</i> |

Statement of Purpose:

To streamline siting processes for electric transmission facilities and to explicitly allow conservation and renewable funds to be targeted to areas with transmission congestion.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]