



General Assembly

**Amendment**

February Session, 2002

LCO No. 5086

\*HB0520505086SR0\*

Offered by:

SEN. SMITH, 14<sup>th</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.  
SEN. FREEDMAN, 26<sup>th</sup> Dist.  
SEN. ANISKOVICH, 12<sup>th</sup> Dist.  
SEN. PETERS, 20<sup>th</sup> Dist.

To: Subst. House Bill No. 5205

File No. 598

Cal. No. 409

(As Amended)

**"AN ACT CONCERNING THE CERTIFICATION OF  
TELECOMMUNICATIONS SERVICE PROVIDERS."**

1 After line 22, insert the following:

2 "Sec. 2. Subsection (a) of section 16-50p of the general statutes, as  
3 amended by section 2 of public act 01-120, is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2002*):

5 (a) In a certification proceeding, the council shall render a decision  
6 upon the record either granting or denying the application as filed, or  
7 granting it upon such terms, conditions, limitations or modifications of  
8 the construction or operation of the facility as the council may deem  
9 appropriate. The council's decision shall be rendered within twelve

10 months of the filing of an application concerning a facility described in  
11 subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision  
12 (4) of said subsection (a) if the application was incorporated in an  
13 application concerning a facility described in subdivision (1) of said  
14 subsection (a), and within one hundred eighty days of the filing of any  
15 other application concerning a facility described in subdivision (4) of  
16 said subsection (a), and an application concerning a facility described  
17 in subdivision (3), (5) or (6) of said subsection (a), provided such time  
18 periods may be extended by the council by not more than one hundred  
19 eighty days with the consent of the applicant. The council shall file,  
20 with its order, an opinion stating in full its reasons for the decision.  
21 Except as provided in subsection (c) of this section, the council shall  
22 not grant a certificate, either as proposed or as modified by the council,  
23 unless it shall find and determine: (1) A public need for the facility and  
24 the basis of the need; (2) the nature of the probable environmental  
25 impact, including a specification of every significant adverse effect,  
26 whether alone or cumulatively with other effects, on, and conflict with  
27 the policies of the state concerning, the natural environment, ecological  
28 balance, public health and safety, scenic, historic and recreational  
29 values, forests and parks, air and water purity and fish, aquaculture  
30 and wildlife; (3) why the adverse effects or conflicts referred to in  
31 subdivision (2) of this subsection are not sufficient reason to deny the  
32 application; (4) in the case of an electric transmission line, (A) what  
33 part, if any, of the facility shall be located overhead, (B) that the facility  
34 conforms to a long-range plan for expansion of the electric power grid  
35 of the electric systems serving the state and interconnected utility  
36 systems and will serve the interests of electric system economy and  
37 reliability, and (C) that the overhead portions of the facility, if any, are  
38 cost effective and the most appropriate alternative based on a life-cycle  
39 cost analysis of the facility and underground alternatives to such  
40 facility, and are consistent with the purposes of this chapter, with such  
41 regulations as the council may adopt pursuant to subsection (a) of  
42 section 16-50t, and with the Federal Power Commission "Guidelines  
43 for the Protection of Natural Historic Scenic and Recreational Values in  
44 the Design and Location of Rights-of-Way and Transmission Facilities"

45 or any successor guidelines and any other applicable federal  
46 guidelines; (5) in the case of an electric or fuel transmission line, that  
47 the location of the line will not pose an undue hazard to persons or  
48 property along the area traversed by the line. The terms of any  
49 agreement entered into by the applicant and any party to the  
50 certification proceeding, or any third party, in connection with the  
51 construction or operation of the facility, shall be part of the record of  
52 the proceedings and available for public inspection. The full text of any  
53 such agreement, and a statement of any consideration therefor, if not  
54 contained in the agreement, shall be filed with the council prior to the  
55 council's decision; in the case of a telecommunications tower that is  
56 located in whole or in part in any historic district established pursuant  
57 to section 7-147b, the nature of the probable impact, including a  
58 specification of every significant adverse effect, on such district and  
59 why such impact or adverse effect are not sufficient reason to deny the  
60 application. This provision shall not require the public disclosure of  
61 proprietary information or trade secrets."