



General Assembly

January Session, 2003

Amendment

LCO No. 6455

HB0650806455HD0

Offered by:

REP. DUFF, 137 th Dist.	REP. MEGNA, 97 th Dist.
REP. DELGOBBO, 70 th Dist.	REP. MERRILL, 54 th Dist.
REP. BACKER, 121 st Dist.	REP. MIKUTEL, 45 th Dist.
SEN. PETERS, 20 th Dist.	REP. MUSHINSKY, 85 th Dist.
SEN. MCDONALD, 27 th Dist.	REP. NAFIS, 27 th Dist.
SEN. HERLIHY, 8 th Dist.	REP. NARDELLO, 89 th Dist.
SEN. FINCH, 22 nd Dist.	REP. O'BRIEN, 24 th Dist.
SEN. GENUARIO, 25 th Dist.	REP. O'CONNOR, 35 th Dist.
SEN. FREEDMAN, 26 th Dist.	REP. OLSON, 46 th Dist.
SEN. MCKINNEY, 28 th Dist.	REP. ORANGE, 48 th Dist.
SEN. WILLIAMS, 29 th Dist.	REP. PANARONI, 102 nd Dist.
REP. BARRY, 12 th Dist.	REP. PAWELKIEWICZ, 49 th Dist.
REP. BEAMON, 72 nd Dist.	REP. REINOSO, 130 th Dist.
REP. BERGER, 73 rd Dist.	REP. ROY, 119 th Dist.
REP. BOUKUS, 22 nd Dist.	REP. RYAN, 139 th Dist.
REP. CANDELARIA, 95 th Dist.	REP. SHARKEY, 88 th Dist.
REP. CARTER, 7 th Dist.	REP. SPALLONE, 36 th Dist.
REP. CARUSO, 126 th Dist.	REP. STILLMAN, 38 th Dist.
REP. CHRIST, 11 th Dist.	REP. STONE, 9 th Dist.
REP. COCCO, 127 th Dist.	REP. THOMPSON, 13 th Dist.
REP. CURREY, 10 th Dist.	REP. TRUGLIA, 145 th Dist.
REP. DIAMANTIS, 79 th Dist.	REP. VILLANO, 91 st Dist.
REP. DILLON, 92 nd Dist.	REP. WALKER, 93 rd Dist.
REP. DONOVAN, 84 th Dist.	REP. WIDLITZ, 98 th Dist.
REP. FLEISCHMANN, 18 th Dist.	REP. WILBER, 63 rd Dist.
REP. FONTANA, 87 th Dist.	REP. WILLIS, 64 th Dist.
REP. FOX, 144 th Dist.	REP. ZALASKI, 81 st Dist.
REP. FRITZ, 90 th Dist.	REP. ADINOLFI, 103 rd Dist.
REP. GIANNAROS, 21 st Dist.	REP. BERNHARD, 136 th Dist.
REP. GODFREY, 110 th Dist.	REP. BIELAWA, 2 nd Dist.

REP. GONZALEZ, 3 rd Dist.	REP. CAFERO, 142 nd Dist.
REP. GRAZIANI, 57 th Dist.	REP. DICKMAN, 132 nd Dist.
REP. GUERRERA, 29 th Dist.	REP. FERRARI, 62 nd Dist.
REP. HYSLOP, 39 th Dist.	REP. FLOREN, 149 th Dist.
REP. JARMOC, 59 th Dist.	REP. GIBBONS, 150 th Dist.
REP. KEELEY, 129 th Dist.	REP. HETHERINGTON, 125 th Dist.
REP. KERENSKY, 14 th Dist.	REP. KLARIDES, 114 th Dist.
REP. KIRKLEY-BEY, 5 th Dist.	REP. LABRIOLA, 131 st Dist.
REP. LEONE, 148 th Dist.	REP. MINER, 66 th Dist.
REP. LEWIS, 8 th Dist.	REP. NOUJAIM, 74 th Dist.
REP. MALONE, 47 th Dist.	REP. RYAN, 141 st Dist.
REP. MANN, 140 th Dist.	REP. SHERER, 147 th Dist.
REP. MANTILLA, 4 th Dist.	REP. STONE, 134 th Dist.
REP. MARTINEZ, 128 th Dist.	REP. STRIPP, 135 th Dist.
REP. MAZUREK, 80 th Dist.	REP. TERCYAK, 26 th Dist.
REP. MCCLUSKEY, 20 th Dist.	REP. TYMNIAK, 133 rd Dist.
REP. MCMAHON, 15 th Dist.	REP. URBAN, 43 rd Dist.

To: Subst. House Bill No. 6508

File No. 481

Cal. No. 326

"AN ACT CONCERNING LONG-TERM PLANNING FOR ENERGY FACILITIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 16-50g of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2003*):

5 The legislature finds that power generating plants and transmission
6 lines for electricity and fuels, community antenna television towers
7 and telecommunication towers have had a significant impact on the
8 environment and ecology of the state of Connecticut; and that
9 continued operation and development of such power plants, lines and
10 towers, if not properly planned and controlled, could adversely affect
11 the quality of the environment, the ecological, scenic, historic and

12 recreational values of the state. The purposes of this chapter are: To
13 provide for the balancing of the need for adequate and reliable public
14 utility services at the lowest reasonable cost to consumers with the
15 need to protect the environment and ecology of the state and to
16 minimize damage to scenic, historic, and recreational values; to
17 provide environmental quality standards and criteria for the location,
18 design, construction and operation of facilities for the furnishing of
19 public utility services at least as stringent as the federal environmental
20 quality standards and criteria, and technically sufficient to assure the
21 welfare and protection of the people of the state; to encourage research
22 to develop new and improved methods of generating, storing and
23 transmitting electricity and fuel and of transmitting and receiving
24 television and telecommunications with minimal damage to the
25 environment and other values described above; to promote energy
26 security; to promote the sharing of towers for fair consideration
27 wherever technically, legally, environmentally and economically
28 feasible to avoid the unnecessary proliferation of towers in the state
29 particularly where installation of such towers would adversely impact
30 class I and II watershed lands, and aquifers; to require annual forecasts
31 of the demand for electric power, together with identification and
32 advance planning of the facilities needed to supply that demand and
33 to facilitate local, regional, state-wide and interstate planning to
34 implement the foregoing purposes.

35 Sec. 2. Subsection (a) of section 16-50i of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective*
37 *October 1, 2004*):

38 (a) "Facility" means: (1) An electric transmission line of a design
39 capacity of sixty-nine kilovolts or more, including associated
40 equipment but not including a transmission line tap, as defined in
41 subsection (e) of this section; (2) a fuel transmission facility, except a
42 gas transmission line having a design capability of less than two
43 hundred pounds per square inch gauge pressure; (3) any electric
44 generating or storage facility using any fuel, including nuclear
45 materials, including associated equipment for furnishing electricity but

46 not including an emergency generating device, as defined in
47 subsection (f) of this section or a facility (i) owned and operated by a
48 private power producer, as defined in section 16-243b, (ii) which is a
49 qualifying small power production facility or a qualifying
50 cogeneration facility under the Public Utility Regulatory Policies Act of
51 1978, as amended, or a facility determined by the council to be
52 primarily for a producer's own use, and (iii) which has, in the case of a
53 facility utilizing renewable energy sources, a generating capacity of
54 one megawatt of electricity or less and, in the case of a facility utilizing
55 cogeneration technology, a generating capacity of twenty-five
56 megawatts of electricity or less; (4) any electric substation or
57 switchyard designed to change or regulate the voltage of electricity at
58 sixty-nine kilovolts or more or to connect two or more electric circuits
59 at such voltage, which substation or switchyard may have a substantial
60 adverse environmental effect, as determined by the council established
61 under section 16-50j, and other facilities which may have a substantial
62 adverse environmental effect as the council may, by regulation,
63 prescribe; (5) such community antenna television towers and head-end
64 structures, including associated equipment, which may have a
65 substantial adverse environmental effect, as said council shall, by
66 regulation, prescribe; [and] (6) such telecommunication towers,
67 including associated telecommunications equipment, owned or
68 operated by the state, a public service company or a certified
69 telecommunications provider or used in a cellular system, as defined
70 in the Code of Federal Regulations Title 47, Part 22, as amended, which
71 may have a substantial adverse environmental effect, as said council
72 shall, by regulation, prescribe; and (7) any component of a proposal
73 submitted pursuant to the request-for-proposal process.

74 Sec. 3. Section 16-50i of the general statutes is amended by adding
75 subsection (g) as follows (*Effective October 1, 2004*):

76 (NEW) (g) "Request-for-proposal process" or "request-for-proposal"
77 means the process set forth in section 19 of this act.

78 Sec. 4. Subsection (a) of section 16-50l of the general statutes is

79 repealed and the following is substituted in lieu thereof (*Effective July*
80 *1, 2003*):

81 (a) To initiate a certification proceeding, an applicant for a certificate
82 shall file with the council an application, in such form as the council
83 may prescribe, accompanied by a filing fee of not more than twenty-
84 five thousand dollars, which fee shall be established in accordance
85 with section 16-50t, [containing] and a municipal participation fee of
86 twenty-five thousand dollars to be deposited in the account
87 established pursuant to section 15 of this act, except that an application
88 for a facility described in subdivision (5) or (6) of subsection (a) of
89 section 16-50i, as amended by this act, shall not pay such municipal
90 participation fee. An application shall contain such information as the
91 applicant may consider relevant and the council or any department or
92 agency of the state exercising environmental controls may by
93 regulation require, including the following information:

94 (1) In the case of facilities described in subdivisions (1), (2) and (4) of
95 subsection (a) of section 16-50i, as amended by this act: (A) A
96 description, including estimated costs, of the proposed transmission
97 line, substation or switchyard, covering, where applicable
98 underground cable sizes and specifications, overhead tower design
99 and appearance and heights, if any, conductor sizes, and initial and
100 ultimate voltages and capacities; (B) a statement and full explanation
101 of why the proposed transmission line, substation or switchyard is
102 necessary and how the facility conforms to a long-range plan for
103 expansion of the electric power grid serving the state and
104 interconnected utility systems, that will serve the public need for
105 adequate, reliable and economic service; (C) a map of suitable scale of
106 the proposed routing or site, showing details of the rights-of-way or
107 site in the vicinity of settled areas, parks, recreational areas and scenic
108 areas, and showing existing transmission lines within one mile of the
109 proposed route or site; (D) justification for adoption of the route or site
110 selected, including comparison with alternative routes or sites which
111 are environmentally, technically and economically practical; (E) a
112 description of the effect of the proposed transmission line, substation

113 or switchyard on the environment, ecology, and scenic, historic and
114 recreational values; (F) a justification for overhead portions, if any,
115 including life-cycle cost studies comparing overhead alternatives with
116 underground alternatives, and effects described in [subdivision]
117 subparagraph (E) of this subdivision of undergrounding; (G) a
118 schedule of dates showing the proposed program of right-of-way or
119 property acquisition, construction, completion and operation; and (H)
120 identification of each federal, state, regional, district and municipal
121 agency with which proposed route or site reviews have been
122 undertaken, including a copy of each written agency position on such
123 route or site; and

124 (2) [in] In the case of facilities described in subdivision (3) of
125 subsection (a) of section 16-50i, as amended by this act: (A) A
126 description of the proposed electric generating or storage facility; (B) a
127 statement and full explanation of why the proposed facility is
128 necessary; (C) a statement of loads and resources as described in
129 section 16-50r; (D) safety and reliability information, including
130 planned provisions for emergency operations and shutdowns; (E)
131 estimated cost information, including plant costs, fuel costs, plant
132 service life and capacity factor, and total generating cost per kilowatt-
133 hour, both at the plant and related transmission, and comparative costs
134 of alternatives considered; (F) a schedule showing the program for
135 design, material acquisition, construction and testing, and operating
136 dates; (G) available site information, including maps and description
137 and present and proposed development, and geological, scenic,
138 ecological, seismic, biological, water supply, population and load
139 center data; (H) justification for adoption of the site selected, including
140 comparison with alternative sites; (I) design information, including
141 description of facilities, plant efficiencies, electrical connections to
142 system, and control systems; (J) description of provisions, including
143 devices and operations, for mitigation of the effect of the operation of
144 the facility on air and water quality, for waste disposal, and for noise
145 abatement, and information on other environmental aspects; (K) a
146 listing of federal, state, regional, district and municipal agencies from

147 which approvals either have been obtained or will be sought covering
148 the proposed facility, copies of approvals received and the planned
149 schedule for obtaining those approvals not yet received.

150 Sec. 5. Subsection (a) of section 16-50l of the general statutes, as
151 amended by section 4 of this act, is repealed and the following is
152 substituted in lieu thereof (*Effective December 1, 2004*):

153 (a) (1) To initiate a certification proceeding, an applicant for a
154 certificate shall file with the council an application, in such form as the
155 council may prescribe, accompanied by a filing fee of not more than
156 twenty-five thousand dollars, which fee shall be established in
157 accordance with section 16-50t, and a municipal participation fee of
158 twenty-five thousand dollars to be deposited in the account
159 established pursuant to section 15 of this act, except that an application
160 for a facility described in subdivision (5) or (6) of subsection (a) of
161 section 16-50i, as amended by this act, shall not pay such municipal
162 participation fee. An application shall contain such information as the
163 applicant may consider relevant and the council or any department or
164 agency of the state exercising environmental controls may by
165 regulation require, including the following information:

166 [(1)] (A) In the case of facilities described in subdivisions (1), (2) and
167 (4) of subsection (a) of section 16-50i, as amended by this act: [(A)] (i) A
168 description, including estimated costs, of the proposed transmission
169 line, substation or switchyard, covering, where applicable
170 underground cable sizes and specifications, overhead tower design
171 and appearance and heights, if any, conductor sizes, and initial and
172 ultimate voltages and capacities; [(B)] (ii) a statement and full
173 explanation of why the proposed transmission line, substation or
174 switchyard is necessary and how the facility conforms to a long-range
175 plan for expansion of the electric power grid serving the state and
176 interconnected utility systems, that will serve the public need for
177 adequate, reliable and economic service; [(C)] (iii) a map of suitable
178 scale of the proposed routing or site, showing details of the rights-of-
179 way or site in the vicinity of settled areas, parks, recreational areas and

180 scenic areas, and showing existing transmission lines within one mile
181 of the proposed route or site; [(D)] (iv) justification for adoption of the
182 route or site selected, including comparison with alternative routes or
183 sites which are environmentally, technically and economically
184 practical; [(E)] (v) a description of the effect of the proposed
185 transmission line, substation or switchyard on the environment,
186 ecology, and scenic, historic and recreational values; [(F)] (vi) a
187 justification for overhead portions, if any, including life-cycle cost
188 studies comparing overhead alternatives with underground
189 alternatives, and effects described in [subparagraph (E)] (v) of this
190 [subdivision] subparagraph of undergrounding; [(G)] (vii) a schedule
191 of dates showing the proposed program of right-of-way or property
192 acquisition, construction, completion and operation; and [(H)] (viii)
193 identification of each federal, state, regional, district and municipal
194 agency with which proposed route or site reviews have been
195 undertaken, including a copy of each written agency position on such
196 route or site; and

197 [(2)] (B) In the case of facilities described in subdivision (3) of
198 subsection (a) of section 16-50i, as amended by this act: [(A)] (i) A
199 description of the proposed electric generating or storage facility; [(B)]
200 (ii) a statement and full explanation of why the proposed facility is
201 necessary; [(C)] (iii) a statement of loads and resources as described in
202 section 16-50r; [(D)] (iv) safety and reliability information, including
203 planned provisions for emergency operations and shutdowns; [(E)] (v)
204 estimated cost information, including plant costs, fuel costs, plant
205 service life and capacity factor, and total generating cost per kilowatt-
206 hour, both at the plant and related transmission, and comparative costs
207 of alternatives considered; [(F)] (vi) a schedule showing the program
208 for design, material acquisition, construction and testing, and
209 operating dates; [(G)] (vii) available site information, including maps
210 and description and present and proposed development, and
211 geological, scenic, ecological, seismic, biological, water supply,
212 population and load center data; [(H)] (viii) justification for adoption
213 of the site selected, including comparison with alternative sites; [(I)]

214 (ix) design information, including description of facilities, plant
215 efficiencies, electrical connections to system, and control systems; ~~[(J)]~~
216 (x) description of provisions, including devices and operations, for
217 mitigation of the effect of the operation of the facility on air and water
218 quality, for waste disposal, and for noise abatement, and information
219 on other environmental aspects; ~~[(K)]~~ (xi) a listing of federal, state,
220 regional, district and municipal agencies from which approvals either
221 have been obtained or will be sought covering the proposed facility,
222 copies of approvals received and the planned schedule for obtaining
223 those approvals not yet received.

224 (2) On or after December 1, 2004, the filing of an application
225 pursuant to subdivision (1) of this subsection shall initiate the request-
226 for-proposal process, except for an application for a facility described
227 in subdivision (5) or (6) of subsection (a) of section 16-50i, as amended
228 by this act.

229 (3) Notwithstanding the provisions of this subsection, an entity that
230 has submitted a proposal pursuant to the request-for-proposal process
231 may initiate a certification proceeding by filing with the council an
232 application containing the information required pursuant to this
233 section, accompanied by a filing fee of not more than twenty-five
234 thousand dollars, which fee shall be established in accordance with
235 section 16-50t, and a municipal participation fee of twenty-five
236 thousand dollars to be deposited in the account established pursuant
237 to section 15 of this act, not later than thirty days after the Connecticut
238 Energy Advisory Board performs the evaluation process pursuant to
239 subsection (f) of section 19 of this act.

240 Sec. 6. Subsection (a) of section 16-50k of the general statutes is
241 repealed and the following is substituted in lieu thereof (*Effective from*
242 *passage*):

243 (a) Except as provided in subsection (b) of section 16-50z, no person
244 shall exercise any right of eminent domain in contemplation of,
245 commence the preparation of the site for, or commence the

246 construction or supplying of a facility, or commence any modification
247 of a facility, that may, as determined by the council, have a substantial
248 adverse environmental effect in the state without having first obtained
249 a certificate of environmental compatibility and public need,
250 hereinafter referred to as a "certificate", issued with respect to such
251 facility or modification by the council, except fuel cells with a
252 generating capacity of ten kilowatts or less which shall not require
253 such certificate. Any facility with respect to which a certificate is
254 required shall thereafter be built, maintained and operated in
255 conformity with such certificate and any terms, limitations or
256 conditions contained therein. Notwithstanding the provisions of this
257 [subsection] chapter or title 16a, the council shall, in the exercise of its
258 jurisdiction over the siting of generating facilities, approve by
259 declaratory ruling (1) the construction of a facility solely for the
260 purpose of generating electricity, other than an electric generating
261 facility that uses nuclear materials or coal as fuel, at a site where an
262 electric generating facility operated prior to July 1, 1998, [and] (2) the
263 construction or location of any fuel cell, unless the council finds a
264 substantial adverse environmental effect, and (3) the siting of
265 temporary generation solicited by the Department of Public Utility
266 Control pursuant to section 17 of substitute senate bill 733 of the
267 current session.

268 Sec. 7. Subsection (e) of section 16-50l of the general statutes is
269 repealed and the following is substituted in lieu thereof (*Effective*
270 *October 1, 2004*):

271 (e) [At] Except as provided in subsection (e) of section 19 of this act,
272 at least sixty days prior to the filing of [any] an application with the
273 council, the applicant shall consult with the municipality in which the
274 facility may be located and with any other municipality required to be
275 served with a copy of the application under subdivision (1) of
276 subsection (b) of this section concerning the proposed and alternative
277 sites of the facility. For a facility described in subdivisions (1) to (4),
278 inclusive, of subsection (a) of section 16-50i, as amended by this act, the
279 applicant shall submit to the Connecticut Energy Advisory Board the

280 same information that it provides to a municipality pursuant to this
281 subsection on the same day of the consultation with the municipality.
282 Such consultation with the municipality shall include, but not be
283 limited to good faith efforts to meet with the chief elected official of the
284 municipality. At the time of the consultation, the applicant shall
285 provide the chief elected official with any technical reports concerning
286 the public need, the site selection process and the environmental
287 effects of the proposed facility. The municipality may conduct public
288 hearings and meetings as it deems necessary for it to advise the
289 applicant of its recommendations concerning the proposed facility.
290 Within sixty days of the initial consultation, the municipality shall
291 issue its recommendations to the applicant. No later than fifteen days
292 after submitting [the] an application to the council, the applicant shall
293 provide to the council all materials provided to the municipality and a
294 summary of the consultations with the municipality including all
295 recommendations issued by the municipality.

296 Sec. 8. Subsection (a) of section 16-50m of the general statutes is
297 repealed and the following is substituted in lieu thereof (*Effective*
298 *October 1, 2004*):

299 (a) [Upon the receipt of an application for a certificate complying
300 with section 16-50l, the council shall promptly fix a commencement
301 date and location for a public hearing thereon not less than thirty days
302 nor more than one hundred fifty days after such receipt.] The council
303 shall promptly fix a commencement date and location for a public
304 hearing on an application for a certificate complying with section 16-
305 50l, as amended by this act, (1) where no proposals are received
306 pursuant to the request-for-proposal process, not less than thirty days
307 after the deadline for submission of such proposals nor more than sixty
308 days after such deadline; (2) where a proposal is received pursuant to
309 the request-for-proposal process, not less than thirty days after the
310 deadline of submission of an application pursuant to subdivision (3) of
311 subsection (a) of section 16-50l, as amended by this act, nor more than
312 sixty days after such deadline; or (3) where the application is for a
313 facility described in subdivision (5) or (6) of subsection (a) of section

314 16-50i, as amended by this act, not less than thirty days after receipt of
315 an application nor more than one hundred fifty days after such receipt.
316 Applications that are common to a request-for-proposal shall be heard
317 under a consolidated public hearing process. At least one session of
318 such hearing shall be held at a location selected by the council in the
319 county in which the facility or any part thereof is to be located after
320 six-thirty p.m. for the convenience of the general public. After holding
321 at least one hearing session in the county in which the facility or any
322 part thereof is to be located, the council may, in its discretion, hold
323 additional hearing sessions at other locations. If the proposed facility is
324 to be located in more than one county, the council shall fix the location
325 for at least one public hearing session in whichever county it
326 determines is most appropriate, provided the council may hold
327 hearing sessions in more than one county.

328 Sec. 9. Section 16-50o of the general statutes is repealed and the
329 following is substituted in lieu thereof (*Effective October 1, 2004*):

330 (a) A record shall be made of the hearing and of all testimony taken
331 and the cross-examinations thereon. Every party or group of parties as
332 provided in section 16-50n shall have the right to present such oral or
333 documentary evidence and to conduct such cross-examination as may
334 be required for a full and true disclosure of the facts.

335 (b) The applicant shall submit into the record the full text of the
336 terms of any agreement, and a statement of any consideration therefor,
337 if not contained in such agreement, entered into by the applicant and
338 any party to the certification proceeding, or any third party, in
339 connection with the construction or operation of the facility. This
340 provision shall not require the public disclosure of proprietary
341 information or trade secrets.

342 (c) The results of the evaluation process pursuant to subsection (f) of
343 section 19 of this act shall be part of the record, where applicable.

344 [(b)] (d) A copy of the record shall be available at all reasonable
345 times for examination by the public without cost at the principal office

346 of the council. A copy of the transcript of testimony at the hearing shall
347 be filed at an appropriate public office, as determined by the council,
348 in each county in which the facility or any part thereof is proposed to
349 be located.

350 Sec. 10. Subsection (a) of section 16-50p of the general statutes is
351 repealed and the following is substituted in lieu thereof (*Effective July*
352 *1, 2003, and applicable to applications for a certificate of environmental*
353 *compatibility and public need filed after July 1, 2003*):

354 (a) In a certification proceeding, the council shall render a decision
355 upon the record either granting or denying the application as filed, or
356 granting it upon such terms, conditions, limitations or modifications of
357 the construction or operation of the facility as the council may deem
358 appropriate. The council's decision shall be rendered within twelve
359 months of the filing of an application concerning a facility described in
360 subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision
361 (4) of said subsection (a) if the application was incorporated in an
362 application concerning a facility described in subdivision (1) of said
363 subsection (a), and within one hundred eighty days of the filing of any
364 other application concerning a facility described in subdivision (4) of
365 said subsection (a), and an application concerning a facility described
366 in subdivision (3), (5) or (6) of said subsection (a), provided such time
367 periods may be extended by the council by not more than one hundred
368 eighty days with the consent of the applicant. The council shall file,
369 with its order, an opinion stating in full its reasons for the decision.
370 Except as provided in subsection (c) of this section, the council shall
371 not grant a certificate, either as proposed or as modified by the council,
372 unless it shall find and determine: (1) A public need for the facility and
373 the basis of the need taking into consideration other feasible and
374 prudent alternatives provided to the council by a party or intervenor
375 that address the same public need; (2) the nature of the probable
376 environmental impact of the facility, or a feasible and prudent
377 alternative provided to the council by a party or intervenor, alone and
378 cumulatively with other existing facilities, including a specification of
379 every significant adverse effect, whether alone or cumulatively with

380 other effects, on, and conflict with the policies of the state concerning,
381 the natural environment, ecological balance, public health and safety,
382 scenic, historic and recreational values, forests and parks, air and
383 water purity and fish, aquaculture and wildlife; (3) why the adverse
384 effects or conflicts referred to in subdivision (2) of this subsection are
385 not sufficient reason to deny the application, including why other
386 feasible and prudent alternatives with less adverse effects or fewer
387 conflicts that are provided to the council by a party or intervenor do
388 not address the same public need; (4) in the case of an electric
389 transmission line, (A) what part, if any, of the facility shall be located
390 overhead, (B) that the facility conforms to a long-range plan for
391 expansion of the electric power grid of the electric systems serving the
392 state and interconnected utility systems and will serve the interests of
393 electric system economy and reliability, and (C) that the overhead
394 portions, if any, of the facility, [if any] or a feasible and prudent
395 alternative provided to the council by a party intervenor, are cost
396 effective and the most appropriate alternative based on a life-cycle cost
397 analysis of the facility and underground alternatives to such facility,
398 and are consistent with the purposes of this chapter, with such
399 regulations as the council may adopt pursuant to subsection (a) of
400 section 16-50t, and with the Federal Power Commission "Guidelines
401 for the Protection of Natural Historic Scenic and Recreational Values in
402 the Design and Location of Rights-of-Way and Transmission Facilities"
403 or any successor guidelines and any other applicable federal
404 guidelines; (5) in the case of an electric or fuel transmission line, that
405 the location of the line will not pose an undue hazard to persons or
406 property along the area traversed by the line. The terms of any
407 agreement entered into by the applicant and any party to the
408 certification proceeding, or any third party, in connection with the
409 construction or operation of the facility, shall be part of the record of
410 the proceedings and available for public inspection. The full text of any
411 such agreement, and a statement of any consideration therefor, if not
412 contained in the agreement, shall be filed with the council prior to the
413 council's decision. This provision shall not require the public
414 disclosure of proprietary information or trade secrets.

415 Sec. 11. Subsection (a) of section 16-50p of the general statutes, as
416 amended by section 10 of this act, is repealed and the following is
417 substituted in lieu thereof (*Effective October 1, 2004*):

418 (a) (1) In a certification proceeding, the council shall render a
419 decision upon the record either granting or denying the application as
420 filed, or granting it upon such terms, conditions, limitations or
421 modifications of the construction or operation of the facility as the
422 council may deem appropriate.

423 (2) The council's decision shall be rendered [within] in accordance
424 with the following:

425 (A) Not later than twelve months [of the filing of an application
426 concerning] after the deadline for filing an application following the
427 request-for-proposal process for a facility described in subdivision (1)
428 or (2) of subsection (a) of section 16-50i, as amended by this act, or
429 subdivision (4) of said subsection (a) if the application was
430 incorporated in an application concerning a facility described in
431 subdivision (1) of said subsection (a); [, and within]

432 (B) Not later than one hundred eighty days [of the filing of any
433 other application concerning] after the deadline for filing an
434 application following the request-for-proposal process for a facility
435 described in subdivision (4) of said subsection (a), and an application
436 concerning a facility described in subdivision (3) [, (5) or (6)] of said
437 subsection (a), provided such time periods may be extended by the
438 council by not more than one hundred eighty days with the consent of
439 the applicant; and

440 (C) Not later than one hundred eighty days after the filing of an
441 application for a facility described in subdivision (5) or (6) of said
442 subsection (a), provided such time period may be extended by the
443 council by not more than one hundred eighty days with the consent of
444 the applicant.

445 (3) The council shall file, with its order, an opinion stating in full its

446 reasons for the decision. Except as provided in subsection (c) of this
447 section, the council shall not grant a certificate, either as proposed or as
448 modified by the council, unless it shall find and determine:

449 [(1)] (A) A public need for the facility and the basis of the need;
450 [taking into consideration other feasible and prudent alternatives
451 provided to the council by a party or intervenor that address the same
452 public need;]

453 [(2) the] (B) The nature of the probable environmental impact of the
454 facility [, or a feasible and prudent alternative provided to the council
455 by a party intervenor,] alone and cumulatively with other existing
456 facilities, including a specification of every significant adverse effect,
457 whether alone or cumulatively with other effects, on, and conflict with
458 the policies of the state concerning, the natural environment, ecological
459 balance, public health and safety, scenic, historic and recreational
460 values, forests and parks, air and water purity and fish, aquaculture
461 and wildlife;

462 [(3) why] (C) Why the adverse effects or conflicts referred to in
463 [subdivision (2) of this subsection] subparagraph (B) of this
464 subdivision are not sufficient reason to deny the application; [,
465 including why other feasible and prudent alternatives with less
466 adverse effects or fewer conflicts that are provided to the council by a
467 party or intervenor do not address the same public need;]

468 [(4) in] (D) In the case of an electric transmission line, [(A)] (i) what
469 part, if any, of the facility shall be located overhead, [(B)] (ii) that the
470 facility conforms to a long-range plan for expansion of the electric
471 power grid of the electric systems serving the state and interconnected
472 utility systems and will serve the interests of electric system economy
473 and reliability, and [(C)] (iii) that the overhead portions, if any, of the
474 facility [, or a feasible and prudent alternative provided to the council
475 by a party intervenor,] are cost effective and the most appropriate
476 alternative based on a life-cycle cost analysis of the facility and
477 underground alternatives to such facility, and are consistent with the

478 purposes of this chapter, with such regulations as the council may
479 adopt pursuant to subsection (a) of section 16-50t, and with the Federal
480 Power Commission "Guidelines for the Protection of Natural Historic
481 Scenic and Recreational Values in the Design and Location of Rights-
482 of-Way and Transmission Facilities" or any successor guidelines and
483 any other applicable federal guidelines;

484 [(5) in] (E) In the case of an electric or fuel transmission line, that the
485 location of the line will not pose an undue hazard to persons or
486 property along the area traversed by the line; and

487 (F) In the case of an application that was heard under a consolidated
488 hearing process with other applications that were common to a
489 request-for-proposal, that the facility proposed in the subject
490 application represents the most appropriate alternative among such
491 applications based on the findings and determinations pursuant to this
492 subsection.

493 [The terms of any agreement entered into by the applicant and any
494 party to the certification proceeding, or any third party, in connection
495 with the construction or operation of the facility, shall be part of the
496 record of the proceedings and available for public inspection. The full
497 text of any such agreement, and a statement of any consideration
498 therefor, if not contained in the agreement, shall be filed with the
499 council prior to the council's decision. This provision shall not require
500 the public disclosure of proprietary information or trade secrets.]

501 Sec. 12. Subsection (c) of section 16-50p of the general statutes is
502 repealed and the following is substituted in lieu thereof (*Effective July*
503 *1, 2003, and applicable to applications for a certificate of environmental*
504 *compatibility and public need filed after July 1, 2003*):

505 (c) (1) The council shall not grant a certificate for a facility described
506 in subdivision (3) of subsection (a) of section 16-50i, either as proposed
507 or as modified by the council, unless it finds and determines: (A) A
508 public benefit for the facility; (B) the nature of the probable
509 environmental impact, including a specification of every significant

510 adverse and beneficial effect that, whether alone or cumulatively with
511 other effects, conflicts with the policies of the state concerning the
512 natural environment, ecological balance, public health and safety,
513 scenic, historic and recreational values, forests and parks, air and
514 water purity and fish and wildlife; and (C) why the adverse effects or
515 conflicts referred to in subparagraph (B) of this subdivision are not
516 sufficient reason to deny the application. For purposes of
517 subparagraph (A) of this subdivision, a public benefit exists if such a
518 facility is necessary for the reliability of the electric power supply of
519 the state or for a competitive market for electricity.

520 (2) The council shall not grant a certificate for a facility described in
521 subdivision (1) of subsection (a) of section 16-50i which is substantially
522 underground or underwater except where such facilities interconnect
523 with existing overhead facilities, either as proposed or as modified by
524 the council, unless it finds and determines:

525 (A) A public benefit for the facility, in the case of such facility that is
526 substantially underground, and a public need for such facility, in the
527 case of such facility that is substantially underwater, taking into
528 consideration other feasible and prudent alternatives provided to the
529 council by a party or intervenor that address the same public need or
530 public benefit, as applicable;

531 (B) [the] The nature of the probable environmental impact of the
532 facility, or a feasible and prudent alternative provided to the council
533 by a party intervenor, alone and cumulatively with other existing
534 facilities, including a specification of every single adverse and
535 beneficial effect that, whether alone or cumulatively with other effects,
536 conflict with the policies of the state concerning the natural
537 environment, ecological balance, public health and safety, scenic,
538 historic and recreational values, forests and parks, air and purity and
539 fish and wildlife;

540 (C) [why] Why the adverse effects or conflicts referred to in
541 subparagraph (B) of this subdivision are not sufficient reason to deny

542 the application, including why other feasible and prudent alternatives
543 with less adverse effects and fewer conflicts that were provided to the
544 council by a party or intervenor do not address the same public need
545 or public benefit, as applicable;

546 (D) [in] In the case of a new electric transmission line, (i) what part,
547 if any, of the facility shall be located overhead, (ii) that the facility
548 conforms to a long-range plan for expansion of the electric power grid
549 of the electric systems serving the state and interconnected utility
550 systems and will serve the interests of electric system economy and
551 reliability, and (iii) that the overhead portions of the facility, if any, are
552 cost-effective and the most appropriate alternative based on a life-cycle
553 cost analysis of the facility and underground alternatives to such
554 facility and are consistent with the purposes of this chapter, with such
555 regulations as the council may adopt pursuant to subsection (a) of
556 section 16-50t, and with the Federal Energy Regulatory Commission
557 "Guidelines For the Protection of Natural Historic Scenic and
558 Recreational Values in the Design and Location of Rights-of-Way and
559 Transmission Facilities" or any other successor guidelines and any
560 other applicable federal guidelines; and

561 (E) [in] In the case of an electric or fuel transmission line, that the
562 location of the line will not pose an undue hazard to persons or
563 property along the area traversed by the line. For purposes of
564 subparagraph (A) of this subdivision, a public benefit exists if such a
565 facility is necessary for the reliability of the electric power supply of
566 the state or for the development of a competitive market for electricity.

567 Sec. 13. Subsection (c) of section 16-50p of the general statutes, as
568 amended by section 12 of this act, is repealed and the following is
569 substituted in lieu thereof (*Effective October 1, 2004*):

570 (c) (1) The council shall not grant a certificate for a facility described
571 in subdivision (3) of subsection (a) of section 16-50i, either as proposed
572 or as modified by the council, unless it finds and determines: (A) A
573 public benefit for the facility; (B) the nature of the probable

574 environmental impact, including a specification of every significant
575 adverse and beneficial effect that, whether alone or cumulatively with
576 other effects, conflicts with the policies of the state concerning the
577 natural environment, ecological balance, public health and safety,
578 scenic, historic and recreational values, forests and parks, air and
579 water purity and fish and wildlife; [and] (C) why the adverse effects or
580 conflicts referred to in subparagraph (B) of this subdivision are not
581 sufficient reason to deny the application; and (D) in the case of an
582 application that was heard under a consolidated hearing process with
583 other applications that were common to a request-for-proposal, that
584 the facility proposed in the subject application represents the most
585 appropriate alternative among such applications based on the findings
586 and determinations pursuant to this subdivision. For purposes of
587 subparagraph (A) of this subdivision, a public benefit exists if such a
588 facility is necessary for the reliability of the electric power supply of
589 the state or for a competitive market for electricity.

590 (2) The council shall not grant a certificate for a facility described in
591 subdivision (1) of subsection (a) of section 16-50i which is substantially
592 underground or underwater except where such facilities interconnect
593 with existing overhead facilities, either as proposed or as modified by
594 the council, unless it finds and determines:

595 (A) A public benefit for the facility, in the case of such facility that is
596 substantially underground, and a public need for such facility, in the
597 case of such facility that is substantially underwater; [taking into
598 consideration other feasible and prudent alternatives provided to the
599 council by a party or intervenor that address the same public need or
600 public benefit, as applicable;]

601 (B) The nature of the probable environmental impact of the facility [,
602 or a feasible and prudent alternative provided to the council by a party
603 intervenor,] alone and cumulatively with other existing facilities,
604 including a specification of every single adverse and beneficial effect
605 that, whether alone or cumulatively with other effects, conflict with the
606 policies of the state concerning the natural environment, ecological

607 balance, public health and safety, scenic, historic and recreational
608 values, forests and parks, air and purity and fish and wildlife;

609 (C) Why the adverse effects or conflicts referred to in subparagraph
610 (B) of this subdivision are not sufficient reason to deny the application;
611 [, including why other feasible and prudent alternatives with less
612 adverse effects and fewer conflicts that were provided to the council
613 by a party or intervenor do not address the same public need or public
614 benefit, as applicable;]

615 (D) In the case of a new electric transmission line, (i) what part, if
616 any, of the facility shall be located overhead, (ii) that the facility
617 conforms to a long-range plan for expansion of the electric power grid
618 of the electric systems serving the state and interconnected utility
619 systems and will serve the interests of electric system economy and
620 reliability, and (iii) that the overhead portions of the facility, if any, are
621 cost-effective and the most appropriate alternative based on a life-cycle
622 cost analysis of the facility and underground alternatives to such
623 facility and are consistent with the purposes of this chapter, with such
624 regulations as the council may adopt pursuant to subsection (a) of
625 section 16-50t, and with the Federal Energy Regulatory Commission
626 "Guidelines For the Protection of Natural Historic Scenic and
627 Recreational Values in the Design and Location of Rights-of-Way and
628 Transmission Facilities" or any other successor guidelines and any
629 other applicable federal guidelines; [and]

630 (E) In the case of an electric or fuel transmission line, that the
631 location of the line will not pose an undue hazard to persons or
632 property along the area traversed by the line; and

633 (F) In the case of an application that was heard under a consolidated
634 hearing process with other applications that were common to a
635 request-for-proposal, that the facility proposed in the subject
636 application represents the most appropriate alternative among such
637 applications based on the findings and determinations pursuant to this
638 subdivision. For purposes of subparagraph (A) of this subdivision, a

639 public benefit exists if such a facility is necessary for the reliability of
640 the electric power supply of the state or for the development of a
641 competitive market for electricity and a public need exists if such
642 facility is necessary for the reliability of the electric power supply of
643 the state.

644 Sec. 14. Subsection (a) of section 16-245l of the general statutes is
645 repealed and the following is substituted in lieu thereof (*Effective July*
646 *1, 2003*):

647 (a) The Department of Public Utility Control shall establish and each
648 electric distribution company shall collect a systems benefits charge to
649 be imposed against all end use customers of each electric distribution
650 company beginning January 1, 2000. The department shall hold a
651 hearing that shall be conducted as a contested case in accordance with
652 chapter 54 to establish the amount of the systems benefits charge. The
653 department may revise the systems benefits charge or any element of
654 said charge as the need arises. The systems benefits charge shall be
655 used to fund (1) the expenses of the public education outreach
656 program developed under subsection (a) of section 16-244d other than
657 expenses for department staff, (2) the reasonable and proper expenses
658 of the education outreach consultant pursuant to subsection (d) of
659 section 16-244d, (3) the cost of hardship protection measures under
660 sections 16-262c and 16-262d and other hardship protections, including
661 but not limited to, electric service bill payment programs, funding and
662 technical support for energy assistance, fuel bank and weatherization
663 programs and weatherization services, (4) the payment program to
664 offset tax losses described in section 12-94d, (5) any sums paid to a
665 resource recovery authority pursuant to subsection (b) of section 16-
666 243e, (6) low income conservation programs approved by the
667 Department of Public Utility Control, (7) displaced worker protection
668 costs, (8) unfunded storage and disposal costs for spent nuclear fuel
669 generated before January 1, 2000, approved by the appropriate
670 regulatory agencies, (9) postretirement safe shutdown and site
671 protection costs that are incurred in preparation for decommissioning,
672 (10) decommissioning fund contributions, [and] (11) operating

673 expenses for the Connecticut Energy Advisory Board, and (12) legal,
674 appraisal and purchase costs of a conservation or land use restriction
675 and other related costs as the department in its discretion deems
676 appropriate, incurred by a municipality on or before January 1, 2000, to
677 ensure the environmental, recreational and scenic preservation of any
678 reservoir located within this state created by a pump storage
679 hydroelectric generating facility. As used in this subsection, "displaced
680 worker protection costs" means the reasonable costs incurred, prior to
681 January 1, 2006, by an electric company or a generation entity or
682 affiliate arising from the dislocation of any employee other than an
683 officer, provided such dislocation is a result of restructuring of the
684 electric generation market and such dislocation occurs on or after July
685 1, 1998; and provided further such costs result from either the
686 execution of agreements reached through collective bargaining for
687 union employees or from the company's or entity's or affiliate's
688 programs and policies for nonunion employees. "Displaced worker
689 protection costs" includes costs incurred or projected for severance,
690 retraining, early retirement, outplacement and related expenses.
691 "Displaced worker protection costs" does not include those costs
692 included in determining a tax credit pursuant to section 12-217bb.

693 Sec. 15. (NEW) (*Effective July 1, 2003, and applicable to applications for a*
694 *certificate of environmental compatibility and public need filed after July 1,*
695 *2003)* (a) There is established an account to be known as the "municipal
696 participation account", within the General Fund, which shall be a
697 separate, nonlapsing account. There shall be deposited in the account
698 the municipal participation fees received pursuant to subdivisions (1)
699 and (3) of subsection (a) of section 16-50l of the general statutes, as
700 amended by this act. The interest derived from the investment of the
701 account shall be credited to the fund. Any balance remaining in the
702 account at the end of any fiscal year shall be carried forward in the
703 account for the fiscal year next succeeding.

704 (b) Payments from the account shall be made upon authorization by
705 the State Treasurer not later than sixty days after receipt of an
706 application for a proposed facility, except for a facility described in

707 subdivisions (5) and (6) of subsection (a) of section 16-50i of the general
708 statutes, as amended by this act, to each municipality entitled to
709 receive a copy of such application under section 16-50l of the general
710 statutes, as amended by this act, in order to defray expenses incurred
711 by such municipalities in participating as a party to a certification
712 proceeding, except for a proceeding on an application for a facility
713 described in subdivision (5) or (6) of subsection (a) of section 16-50i of
714 the general statutes, as amended by this act. Any moneys remaining at
715 the end of such proceeding shall be refunded to the applicant in even
716 amounts. Where more than one municipality seeks moneys from such
717 account, the council shall evenly distribute such moneys among the
718 municipalities. No municipality may receive moneys from the account
719 in excess of twenty-five thousand dollars. No municipality may receive
720 moneys from the account in excess of the dollar amount such
721 municipality has expended from its own municipal funds. A
722 municipality that has received moneys from the account in excess of
723 the costs it incurred in participating in the certification proceeding, as
724 determined by the council, shall refund such excess moneys to the
725 account upon the conclusion of such proceeding.

726 (c) In administering the moneys in the account, the State Treasurer
727 shall verify that the subject municipality (1) actually participated as a
728 party to the subject certification proceeding, and (2) actually spent the
729 money it claims to have spent on participating in the subject
730 certification proceeding.

731 Sec. 16. Section 16a-3 of the general statutes is repealed and the
732 following is substituted in lieu thereof (*Effective July 1, 2003*):

733 (a) There is established a Connecticut Energy Advisory Board
734 consisting of [sixteen] nine members, including [the Commissioner of
735 Economic and Community Development,] the Commissioner of
736 Environmental Protection, [the chairperson of the Connecticut Siting
737 Council,] the chairperson of the Public Utilities Control Authority, [the
738 Commissioner of Public Works and] the Commissioner of
739 Transportation, the Consumer Counsel, the Commissioner of

740 Agriculture, and the Secretary of the Office of Policy and Management,
741 or their respective designees. The Governor shall appoint [four
742 members] one member, the president pro tempore of the Senate shall
743 appoint [three members] one member, and the speaker of the House of
744 Representatives shall appoint [three members] one member, all of
745 whom shall serve in accordance with section 4-1a. [At least one of the
746 members appointed to said board by the Governor shall be a
747 representative of organized labor.] No appointee may be employed by,
748 or a consultant of, a public service company, as defined in section 16-1,
749 or an electric supplier, as defined in section 16-1 or an affiliate or
750 subsidiary of such company or supplier.

751 (b) The board shall, [(1) under section 16a-7, (A) recommend to the
752 Governor and General Assembly programs for enhancing the state's
753 energy management and carrying out the purposes of section 16a-35k
754 and (B) recommend long-range energy supply and demand options
755 with particular emphasis on conservation and energy resource
756 development within the state, (2) act as a mediator and coordinator for
757 programs which will identify opportunities for and concerns of the
758 state in managing its future energy requirements, especially with
759 regard to conservation and the use of renewable energy resources, (3)
760 respond to requests of the General Assembly to review or examine
761 issues requiring consideration and policy formulation and (4) examine
762 the energy component of the state's economy as it affects citizens,
763 government, commerce and industry] (1) prepare an annual report
764 pursuant to section 17 of this act; (2) represent the state in regional
765 energy system planning processes conducted by the regional
766 independent system operator, as defined in section 16-1; (3) encourage
767 representatives from the municipalities that are affected by a proposed
768 project of regional significance to participate in regional energy system
769 planning processes conducted by the regional independent system
770 operator; (4) issue a request-for-proposal in accordance with
771 subsections (b) and (c) of section 19 of this act; (5) evaluate the
772 proposals received pursuant to the request-for-proposal in accordance
773 with subsection (f) of section 19 of this act; (6) participate in a forecast

774 proceeding conducted pursuant to subsection (a) of section 16-50r; and
775 (7) participate in a life-cycle proceeding conducted pursuant to
776 subsection (b) of section 16-50r.

777 (c) The board shall elect a chairman and a vice-chairman from
778 among its members and shall adopt such rules of procedure as are
779 necessary to carry out its functions. [Each member of the board who
780 holds no salaried state office shall be compensated for the performance
781 of his official duties at the rate of fifty dollars per day.]

782 (d) The board shall convene its first meeting not later than
783 September 1, 2003. A quorum of the board shall consist of two-thirds
784 of the members currently serving on the board.

785 (e) The board shall employ such staff as is required for the proper
786 discharge of its duties. The board shall annually submit to the
787 Department of Public Utility Control a proposal regarding the level of
788 funding required for the discharge of its duties, which proposal shall
789 be approved by the department either as submitted or as modified by
790 the department.

791 [(d)] (f) The Connecticut Energy Advisory Board shall be within the
792 Office of Policy and Management for administrative purposes only.

793 Sec. 17. (NEW) (*Effective July 1, 2003*) On or before January 1, 2004,
794 and annually thereafter, the Connecticut Energy Advisory Board shall
795 prepare a comprehensive energy plan based on existing reports and
796 studies as to the need for new energy resources, new energy
797 transmission facilities in the state and new energy conservation
798 initiatives in the state. The board shall hold regional public hearings on
799 the proposed plan and shall give at least thirty days notice of each
800 hearing by publication on the Internet websites of the agencies
801 participating on the board. Notice of such hearing may be published in
802 one or more newspapers having general circulation in each
803 municipality as deemed necessary by the board. The notice shall state
804 the date, time and place of the hearing, the subject matter of the
805 hearing, the statutory authority for the plan and the location where a

806 copy of the plan may be examined. Any person may comment on the
807 proposed plan. The board shall provide a time period of not less than
808 forty-five days from the date the notice is published on the Internet
809 websites of the agencies participating on the board for review and
810 comment. The board shall consider fully, after all public hearings, all
811 written and oral comments respecting the proposed plan and shall
812 mail to each person who commented or requested notification, notice
813 of availability of the following documents at a designated location: The
814 text of the final plan, a summary of the differences between the
815 proposed and final plan and the reasons for such differences, and the
816 principal considerations raised in opposition to the proposed plan and
817 the reasons for rejecting any such considerations. The chairman of the
818 board shall sign the final plan and shall submit it to the joint standing
819 committee of the General Assembly having cognizance of matters
820 relating to energy, the environment and transportation. Such plan shall
821 reflect the legislative findings and policy stated in section 16a-35k of
822 the general statutes, shall be consistent with the state plan of
823 conservation and development adopted under chapter 297 of the
824 general statutes, and shall include, but not be limited to, (1) an
825 assessment of current energy supplies, demand and costs; (2) an
826 identification and evaluation of the factors likely to affect future
827 energy supplies, demand and costs; (3) a statement of progress made
828 toward long-term goals set in the previous report; (4)
829 recommendations for decreasing dependency on fossil fuels by
830 promoting energy conservation, solar and other alternative energy
831 sources; (5) an assessment of the infrastructure of the state for natural
832 gas and electric systems; (6) an evaluation of the impact of regional
833 transmission infrastructure planning processes conducted by the
834 regional independent system operator, as defined in section 16-1 of the
835 general statutes, on the state's environment, on energy market design,
836 and economic development in the state; (7) the consideration of
837 alternative energy planning mechanisms and targets as an alternative
838 to integrated resource planning; (8) a statement of energy policies and
839 long-range energy planning objectives and strategies appropriate to
840 achieve, among other things, the least-cost mix of energy supply

841 sources and measures that reduce demand for energy, giving due
842 regard to such factors as ratepayer impacts, security and diversity of
843 fuel supplies and energy generating methods, protection of public
844 health and safety, adverse or beneficial environmental impacts,
845 conservation of energy and energy resources and the ability of the state
846 to compete economically; and (9) recommendations for administrative
847 and legislative actions to implement such policies, objectives and
848 strategies.

849 Sec. 18. (NEW) (*Effective July 1, 2003*) Not later than December 1,
850 2004, the Connecticut Energy Advisory Board shall develop
851 infrastructure criteria guidelines for the evaluation process under
852 subsection (f) of section 19 of this act, which guidelines shall be
853 consistent with state environmental policy, state economic
854 development policy, the state's policy regarding the restructuring of
855 the electric industry, as set forth in section 16-244 of the general
856 statutes, and the findings in the comprehensive energy plan prepared
857 pursuant to section 17 of this act, and shall include, but not be limited
858 to, the following: (1) Environmental preference standards; (2)
859 efficiency standards, including, but not limited to, efficiency standards
860 for transmission, generation and demand-side management; (3)
861 generation preference standards; (4) electric capacity, use trends and
862 forecasted resource needs; (5) natural gas capacity, use trends and
863 forecasted resource needs; and (6) national and regional reliability
864 criteria applicable to the regional bulk power grid, as determined in
865 consultation with the regional independent system operator, as
866 defined in section 16-1 of the general statutes.

867 Sec. 19. (NEW) (*Effective October 1, 2004*) (a) Not later than fifteen
868 days after receiving information pursuant to subsection (e) of section
869 16-50l of the general statutes, as amended by this act, the Connecticut
870 Energy Advisory Board shall publish such information in one or more
871 newspapers or periodicals, as selected by the board.

872 (b) On or after December 1, 2004, not later than fifteen days after the
873 filing of an application pursuant to subdivision (1) of subsection (a) of

874 section 16-50i of the general statutes, as amended by this act, except for
875 an application for a facility described in subdivision (5) or (6) of
876 subsection (a) of section 16-50i of the general statutes, as amended by
877 this act, the Connecticut Energy Advisory Board shall issue a request-
878 for-proposal to seek alternative solutions to the need that will be
879 addressed by the proposed facility in such application. Such request-
880 for-proposal shall, where relevant, solicit proposals that include
881 distributed generation or energy efficiency measures. The board shall
882 publish such request-for-proposal in one or more newspapers or
883 periodicals, as selected by the board.

884 (c) The board may issue a request-for-proposal for solutions to a
885 need for new energy resources, new energy transmission facilities in
886 the state, and new energy conservation initiatives in the state identified
887 in the annual comprehensive energy report prepared under section 17
888 of this act or identified in regional energy system planning processes
889 conducted by the regional independent system operator, as defined in
890 section 16-1 of the general statutes. Such request-for-proposal shall,
891 where relevant, solicit proposals that include distributed generation or
892 energy efficiency measures. The board shall publish such request-for-
893 proposal in one or more newspapers or periodicals, as selected by the
894 board.

895 (d) Not later than sixty days after the first date of publication of a
896 request-for-proposal, a person or any legal entity may submit a
897 proposal by filing with the board information as such person or entity
898 may consider relevant to such proposal. The board may request
899 further information from the person or entity that it deems necessary
900 to evaluate the proposal pursuant to subsection (f) of this section.

901 (e) Upon the submission of a proposal pursuant to a request-for-
902 proposal, the person or entity submitting the proposal shall consult
903 with the municipality in which the facility may be located and with
904 any other municipality that would be required to be served with a
905 copy of an application for such proposal under subdivision (1) of
906 subsection (b) of section 16-50l of the general statutes, as amended by

907 this act, concerning the proposed and alternative sites of the facility.
908 Such consultation with the municipality shall include, but not be
909 limited to, good faith efforts to meet with the chief elected official of
910 the municipality. At the time of the consultation, the person or entity
911 submitting the proposal shall provide the chief elected official with
912 any technical reports concerning the public need, the site selection
913 process and the environmental effects of the proposed facility. The
914 municipality may conduct public hearings and meetings as it deems
915 necessary for it to advise the person or entity submitting the proposal
916 of its recommendations concerning the proposed facility. Within sixty
917 days of the initial consultation, the municipality shall issue its
918 recommendations to the person or entity submitting the proposal. If a
919 person or entity chooses to file an application pursuant to subdivision
920 (3) of subsection (a) of section 16-50l, as amended by this act, then such
921 person or entity shall provide to the Connecticut Siting Council a
922 summary of the consultations with the municipality, including all
923 recommendations issued by the municipality. A person or entity that
924 has complied with this subsection shall be exempt from the provisions
925 of subsection (e) of section 16-50l, as amended by this act.

926 (f) Not later than forty-five days after the deadline for submissions
927 in response to a request-for-proposal, the board shall issue a report
928 that evaluates each proposal received, including any proposal
929 contained in an application to the council that initiated a request-for-
930 proposal, based on the materials received pursuant to subsection (d) of
931 this section, or information contained in the application, as required by
932 section 16-50l of the general statutes, as amended by this act, for
933 conformance with the infrastructure criteria guidelines created
934 pursuant to section 18 of this act. The board shall forward the results of
935 such evaluation process to the Connecticut Siting Council.

936 Sec. 20. Section 16a-4 of the general statutes is repealed and the
937 following is substituted in lieu thereof (*Effective July 1, 2003*):

938 The Secretary of the Office of Policy and Management shall employ,
939 subject to the provisions of chapter 67, such staff as is required for the

940 proper discharge of duties of the office as set forth in this chapter and
941 sections 4-5, 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, 8-189, subsection
942 (b) of section 8-206, sections 16a-20, 16a-102, 22a-352 and 22a-353. [,
943 and shall provide the board with such assistance as is necessary to
944 enable the board to fulfill its obligations as set forth in this chapter and
945 section 16a-102.] The secretary may adopt, pursuant to chapter 54, such
946 regulations as are necessary to carry out the purposes of this chapter.

947 Sec. 21. Section 16a-8 of the general statutes is repealed and the
948 following is substituted in lieu thereof (*Effective July 1, 2003*):

949 The board shall encourage programs to foster cooperative efforts by
950 and among Connecticut business, industry, utilities, the academic
951 community and government to develop new sources of energy. [The
952 board may include in its report pursuant to section 16a-7 its
953 recommendations concerning implementation of such programs.]

954 Sec. 22. Subsection (e) of section 25-204 of the general statutes is
955 repealed and the following is substituted in lieu thereof (*Effective July*
956 *1, 2003*):

957 (e) After adoption pursuant to subsection (d) of this section of an
958 inventory, statement of objectives and map, the river committee shall
959 prepare a report on all federal, state and municipal laws, plans,
960 programs and proposed activities which may affect the river corridor
961 defined in such map. Such laws shall include regulations adopted
962 pursuant to chapter 440 and zoning, subdivision and site plan
963 regulations adopted pursuant to section 8-3. Such plans shall include
964 plans of conservation and development adopted pursuant to section 8-
965 23, the state plan for conservation and development, water utility
966 supply plans adopted pursuant to section 25-32d, coordinated water
967 system plans adopted pursuant to section 25-33h, the comprehensive
968 energy plan adopted pursuant to section [16a-35m] 17 of this act,
969 municipal open space plans, the commissioner's fish and wildlife
970 plans, the master transportation plan adopted pursuant to section 13b-
971 15, plans prepared by regional planning agencies pursuant to section

972 8-31a, and publicly-owned wastewater treatment facility plans. State
973 and regional agencies shall, within available resources, assist the river
974 committee in identifying such laws, plans, programs and proposed
975 activities. The report to be prepared pursuant to this section shall
976 identify any conflicts between such federal, state, regional and
977 municipal laws, plans, programs and proposed activities and the river
978 committee's objectives for river corridor protection and preservation as
979 reflected in the statement of objectives. If conflicts are identified, the
980 river committee shall notify the applicable state, regional or municipal
981 agencies and such agencies shall, within available resources, attempt
982 with the river commission to resolve such conflicts.

983 Sec. 23. Subdivision (4) of section 25-231 of the general statutes is
984 repealed and the following is substituted in lieu thereof (*Effective July*
985 *1, 2003*):

986 (4) "Major state plan" means any of the following: The master
987 transportation plan adopted pursuant to section 13b-15, the plan for
988 development of outdoor recreation adopted pursuant to section 22a-21,
989 the solid waste management plan adopted pursuant to section 22a-211,
990 the state-wide plan for the management of water resources adopted
991 pursuant to section 22a-352, the state-wide environmental plan
992 adopted pursuant to section 22a-8, the historic preservation plan
993 adopted under the National Historic Preservation Act, 16 USC 470 et
994 seq., the state-wide facility and capital plan adopted pursuant to
995 section 4b-23, the long-range state housing plan adopted pursuant to
996 section 8-37t, the comprehensive energy plan adopted pursuant to
997 section [16a-35m] 17 of this act, the water quality management plan
998 adopted under the federal Clean Water Act, 33 USC 1251 et seq., the
999 Connecticut hazardous waste management plan adopted pursuant to
1000 section 22a-134cc, any plans for managing forest resources adopted
1001 pursuant to section 23-20 and the Connecticut River Atlantic Salmon
1002 Compact adopted pursuant to section 26-302.

1003 Sec. 24. Subsection (e) of section 25-234 of the general statutes is
1004 repealed and the following is substituted in lieu thereof (*Effective July*

1005 1, 2003):

1006 (e) After adoption of an inventory, statement of objectives and map,
 1007 pursuant to subsection (d) of this section, the river commission shall
 1008 prepare a report on all federal, state, regional and municipal laws,
 1009 plans, programs and proposed activities which may affect the river
 1010 corridor defined in such map. Such federal, state, regional and
 1011 municipal laws shall include regulations adopted pursuant to chapter
 1012 440, and zoning, subdivision and site plan regulations adopted
 1013 pursuant to section 8-3. Such federal, state, regional and municipal
 1014 plans shall include plans of development adopted pursuant to section
 1015 8-23, the state plan for conservation and development, water utility
 1016 supply plans submitted pursuant to section 25-32d, coordinated water
 1017 system plans submitted pursuant to section 25-33h, the comprehensive
 1018 energy plan adopted pursuant to section [16a-35m] 17 of this act, the
 1019 master transportation plan adopted pursuant to section 13b-15, plans
 1020 prepared by regional planning organizations pursuant to section 8-31a
 1021 and plans of publicly-owned wastewater treatment facilities whose
 1022 discharges may affect the subject river corridor. State and regional
 1023 agencies shall, within available resources, assist the river commission
 1024 in identifying such laws, plans, programs and proposed activities. The
 1025 report to be prepared pursuant to this section shall identify any
 1026 conflicts between such federal, state, regional and municipal laws,
 1027 plans, programs and proposed activities and the river commission's
 1028 objectives for river corridor management as reflected in the statement
 1029 of objectives. If conflicts are identified, the river commission shall
 1030 notify the applicable state, regional or municipal agencies and such
 1031 agencies shall, within available resources and in consultation with the
 1032 river commission, attempt to resolve such conflicts.

1033 Sec. 25. (Effective July 1, 2003) Sections 16a-7 and 16a-35m of the
 1034 general statutes are repealed."

This act shall take effect as follows:	
Section 1	July 1, 2003

Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>December 1, 2004</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>July 1, 2003, and applicable to applications for a certificate of environmental compatibility and public need filed after July 1, 2003</i>
Sec. 11	<i>October 1, 2004</i>
Sec. 12	<i>July 1, 2003, and applicable to applications for a certificate of environmental compatibility and public need filed after July 1, 2003</i>
Sec. 13	<i>October 1, 2004</i>
Sec. 14	<i>July 1, 2003</i>
Sec. 15	<i>July 1, 2003, and applicable to applications for a certificate of environmental compatibility and public need filed after July 1, 2003</i>
Sec. 16	<i>July 1, 2003</i>
Sec. 17	<i>July 1, 2003</i>
Sec. 18	<i>July 1, 2003</i>
Sec. 19	<i>October 1, 2004</i>
Sec. 20	<i>July 1, 2003</i>
Sec. 21	<i>July 1, 2003</i>
Sec. 22	<i>July 1, 2003</i>
Sec. 23	<i>July 1, 2003</i>
Sec. 24	<i>July 1, 2003</i>
Sec. 25	<i>July 1, 2003</i>