



General Assembly

January Session, 2003

Amendment

LCO No. 7000

HB0668207000HR0

Offered by:

REP. GIULIANO, 23rd Dist.

To: Subst. House Bill No. 6682

File No. 488

Cal. No. 329

**"AN ACT CONCERNING A MUNICIPAL PARTICIPATION FEE AND
THE SITING COUNCIL REVIEW OF UNDERGROUND OR
UNDERWATER TRANSMISSION LINES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 16-50p of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2003*):

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

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

50 facility described in subdivision (6) of subsection (a) of section 16-50i
51 that is proposed to be installed on land under agricultural restriction,
52 that the facility will not result in a material decrease of acreage and
53 productivity of the arable land. The terms of any agreement entered
54 into by the applicant and any party to the certification proceeding, or
55 any third party, in connection with the construction or operation of the
56 facility, shall be part of the record of the proceedings and available for
57 public inspection. The full text of any such agreement, and a statement
58 of any consideration therefor, if not contained in the agreement, shall
59 be filed with the council prior to the council's decision. This provision
60 shall not require the public disclosure of proprietary information or
61 trade secrets."