



General Assembly

Substitute Bill No. 5418

February Session, 2004

* HB05418PH 042004 *

**AN ACT CONCERNING ELECTRIC TRANSMISSION LINE SITING
CRITERIA.**

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

1 Section 1. Subsection (a) of section 16-50l of the general statutes, as
2 amended by section 4 of public act 03-140, is repealed and the
3 following is substituted in lieu thereof (*Effective from passage and*
4 *applicable to applications for a certificate of environmental compatibility and*
5 *public need for which the Connecticut Siting Council has not rendered a*
6 *decision upon the record prior to the effective date of this section*):

7 (a) To initiate a certification proceeding, an applicant for a certificate
8 shall file with the council an application, in such form as the council
9 may prescribe, accompanied by a filing fee of not more than twenty-
10 five thousand dollars, which fee shall be established in accordance
11 with section 16-50t, and a municipal participation fee of twenty-five
12 thousand dollars to be deposited in the account established pursuant
13 to section 16-50bb, except that an application for a facility described in
14 subdivision (5) or (6) of subsection (a) of section 16-50i, as amended,
15 shall not pay such municipal participation fee. An application shall
16 contain such information as the applicant may consider relevant and
17 the council or any department or agency of the state exercising
18 environmental controls may by regulation require, including the
19 following information:

20 (1) In the case of facilities described in subdivisions (1), (2) and (4) of
21 subsection (a) of section 16-50i, as amended: (A) A description,
22 including estimated costs, of the proposed transmission line,
23 substation or switchyard, covering, where applicable underground
24 cable sizes and specifications, overhead tower design and appearance
25 and heights, if any, conductor sizes, and initial and ultimate voltages
26 and capacities; (B) a statement and full explanation of why the
27 proposed transmission line, substation or switchyard is necessary and
28 how the facility conforms to a long-range plan for expansion of the
29 electric power grid serving the state and interconnected utility
30 systems, that will serve the public need for adequate, reliable and
31 economic service; (C) a map of suitable scale of the proposed routing
32 or site, showing details of the rights-of-way or site in the vicinity of
33 settled areas, parks, recreational areas and scenic areas, residential
34 areas, private or public schools, licensed child day care facilities,
35 licensed youth camps, and public playgrounds and showing existing
36 transmission lines within one mile of the proposed route or site; (D)
37 justification for adoption of the route or site selected, including
38 comparison with alternative routes or sites which are environmentally,
39 technically and economically practical; (E) a description of the effect of
40 the proposed transmission line, substation or switchyard on the
41 environment, ecology, and scenic, historic and recreational values; (F)
42 a justification for overhead portions, if any, including life-cycle cost
43 studies comparing overhead alternatives with underground
44 alternatives, and effects described in subparagraph (E) of this
45 subdivision of undergrounding; (G) a schedule of dates showing the
46 proposed program of right-of-way or property acquisition,
47 construction, completion and operation; [and] (H) identification of
48 each federal, state, regional, district and municipal agency with which
49 proposed route or site reviews have been undertaken, including a copy
50 of each written agency position on such route or site; and (I) an
51 assessment of the impact of any electromagnetic fields to be produced
52 by the proposed facility; and

53 (2) In the case of facilities described in subdivision (3) of subsection

54 (a) of section 16-50i, as amended: (A) A description of the proposed
55 electric generating or storage facility; (B) a statement and full
56 explanation of why the proposed facility is necessary; (C) a statement
57 of loads and resources as described in section 16-50r; (D) safety and
58 reliability information, including planned provisions for emergency
59 operations and shutdowns; (E) estimated cost information, including
60 plant costs, fuel costs, plant service life and capacity factor, and total
61 generating cost per kilowatt-hour, both at the plant and related
62 transmission, and comparative costs of alternatives considered; (F) a
63 schedule showing the program for design, material acquisition,
64 construction and testing, and operating dates; (G) available site
65 information, including maps and description and present and
66 proposed development, and geological, scenic, ecological, seismic,
67 biological, water supply, population and load center data; (H)
68 justification for adoption of the site selected, including comparison
69 with alternative sites; (I) design information, including description of
70 facilities, plant efficiencies, electrical connections to system, and
71 control systems; (J) description of provisions, including devices and
72 operations, for mitigation of the effect of the operation of the facility on
73 air and water quality, for waste disposal, and for noise abatement, and
74 information on other environmental aspects; (K) a listing of federal,
75 state, regional, district and municipal agencies from which approvals
76 either have been obtained or will be sought covering the proposed
77 facility, copies of approvals received and the planned schedule for
78 obtaining those approvals not yet received.

79 Sec. 2. Subsection (a) of section 16-50p of the general statutes, as
80 amended by section 10 of public act 03-140, is repealed and the
81 following is substituted in lieu thereof (*Effective from passage and*
82 *applicable to applications for a certificate of environmental compatibility and*
83 *public need for which the Connecticut Siting Council has not rendered a*
84 *decision upon the record prior to the effective date of this section*):

85 (a) In a certification proceeding, the council shall render a decision
86 upon the record either granting or denying the application as filed, or
87 granting it upon such terms, conditions, limitations or modifications of

88 the construction or operation of the facility as the council may deem
89 appropriate. The council's decision shall be rendered within twelve
90 months of the filing of an application concerning a facility described in
91 subdivision (1) or (2) of subsection (a) of section 16-50i, as amended, or
92 subdivision (4) of said subsection (a) if the application was
93 incorporated in an application concerning a facility described in
94 subdivision (1) of said subsection (a), and within one hundred eighty
95 days of the filing of any other application concerning a facility
96 described in subdivision (4) of said subsection (a), and an application
97 concerning a facility described in subdivision (3), (5) or (6) of said
98 subsection (a), provided such time periods may be extended by the
99 council by not more than one hundred eighty days with the consent of
100 the applicant. The council shall file, with its order, an opinion stating
101 in full its reasons for the decision. Except as provided in subsection (c)
102 of this section, the council shall not grant a certificate, either as
103 proposed or as modified by the council, unless it shall find and
104 determine: (1) A public need for the facility and the basis of the need
105 taking into consideration other feasible and prudent alternatives
106 provided to the council by a party or intervenor that address the same
107 public need; (2) the nature of the probable environmental impact of the
108 facility, or a feasible and prudent alternative provided to the council
109 by a party or intervenor, alone and cumulatively with other existing
110 facilities, including a specification of every significant adverse effect,
111 including, but not limited to, electromagnetic fields, that, whether
112 alone or cumulatively with other effects, on, and conflict with the
113 policies of the state concerning, the natural environment, ecological
114 balance, public health and safety, scenic, historic and recreational
115 values, forests and parks, air and water purity and fish, aquaculture
116 and wildlife; (3) why the adverse effects or conflicts referred to in
117 subdivision (2) of this subsection are not sufficient reason to deny the
118 application, including why other feasible and prudent alternatives
119 with less adverse effects or fewer conflicts that are provided to the
120 council by a party or intervenor do not address the same public need;
121 (4) in the case of an electric transmission line, (A) what part, if any, of
122 the facility shall be located overhead, (B) that the facility conforms to a

123 long-range plan for expansion of the electric power grid of the electric
124 systems serving the state and interconnected utility systems and will
125 serve the interests of electric system economy and reliability, [and] (C)
126 that the overhead portions, if any, of the facility, or a feasible and
127 prudent alternative provided to the council by a party or intervenor,
128 are cost effective and the most appropriate alternative based on a life-
129 cycle cost analysis of the facility and underground alternatives to such
130 facility, and are consistent with the purposes of this chapter, with such
131 regulations or standards as the council may adopt pursuant to
132 [subsection (a) of] section 16-50t, including, but not limited to, the
133 council's best management practices for electric and magnetic fields
134 and with the Federal Power Commission "Guidelines for the Protection
135 of Natural Historic Scenic and Recreational Values in the Design and
136 Location of Rights-of-Way and Transmission Facilities" or any
137 successor guidelines and any other applicable federal guidelines; (D)
138 the route is the most feasible alternative when considering the impact
139 of the facility on residential areas, private or public schools, licensed
140 child day care facilities, licensed youth camps or public playgrounds
141 together with other criteria that the council is required to apply; (5) in
142 the case of an electric or fuel transmission line, that the location of the
143 line will not pose an undue hazard to persons or property along the
144 area traversed by the line; and (6) in the case of a facility described in
145 subdivision (6) of subsection (a) of section 16-50i, as amended, that is
146 proposed to be installed on land under agricultural restriction, as
147 provided in section 22-26cc, as amended, that the facility will not result
148 in a material decrease of acreage and productivity of the arable land.
149 The terms of any agreement entered into by the applicant and any
150 party to the certification proceeding, or any third party, in connection
151 with the construction or operation of the facility, shall be part of the
152 record of the proceedings and available for public inspection. The full
153 text of any such agreement, and a statement of any consideration
154 therefor, if not contained in the agreement, shall be filed with the
155 council prior to the council's decision. This provision shall not require
156 the public disclosure of proprietary information or trade secrets.

157 Sec. 3. Subsection (a) of section 16-50p of the general statutes, as
158 amended by sections 10 and 11 of public act 03-140, section 6 of public
159 act 03-221, section 120 of public act 03-278 and section 2 of this act, is
160 repealed and the following is substituted in lieu thereof (*Effective*
161 *October 1, 2004*):

162 (a) (1) In a certification proceeding, the council shall render a
163 decision upon the record either granting or denying the application as
164 filed, or granting it upon such terms, conditions, limitations or
165 modifications of the construction or operation of the facility as the
166 council may deem appropriate.

167 (2) The council's decision shall be rendered in accordance with the
168 following:

169 (A) Not later than twelve months after the deadline for filing an
170 application following the request-for-proposal process for a facility
171 described in subdivision (1) or (2) of subsection (a) of section 16-50i, as
172 amended, or subdivision (4) of said subsection (a) if the application
173 was incorporated in an application concerning a facility described in
174 subdivision (1) of said subsection (a);

175 (B) Not later than one hundred eighty days after the deadline for
176 filing an application following the request-for-proposal process for a
177 facility described in subdivision (4) of said subsection (a), and an
178 application concerning a facility described in subdivision (3) of said
179 subsection (a), provided such time periods may be extended by the
180 council by not more than one hundred eighty days with the consent of
181 the applicant; and

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

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

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

191 (A) A public need for the facility and the basis of the need;

192 (B) The nature of the probable environmental impact of the facility
193 alone and cumulatively with other existing facilities, including a
194 specification of every significant adverse effect, including, but not
195 limited to, electromagnetic fields, that, whether alone or cumulatively
196 with other effects, on, and conflict with the policies of the state
197 concerning, the natural environment, ecological balance, public health
198 and safety, scenic, historic and recreational values, forests and parks,
199 air and water purity and fish, aquaculture and wildlife;

200 (C) Why the adverse effects or conflicts referred to in subparagraph
201 (B) of this subdivision are not sufficient reason to deny the application;

202 (D) In the case of an electric transmission line, (i) what part, if any,
203 of the facility shall be located overhead, (ii) that the facility conforms to
204 a long-range plan for expansion of the electric power grid of the
205 electric systems serving the state and interconnected utility systems
206 and will serve the interests of electric system economy and reliability,
207 (iii) that the overhead portions, if any, of the facility are cost effective
208 and the most appropriate alternative based on a life-cycle cost analysis
209 of the facility and underground alternatives to such facility, and are
210 consistent with the purposes of this chapter, with such regulations or
211 standards as the council may adopt pursuant to section 16-50t,
212 including, but not limited to, the council's best management practices
213 for electric and magnetic fields and with the Federal Power
214 Commission "Guidelines for the Protection of Natural Historic Scenic
215 and Recreational Values in the Design and Location of Rights-of-Way
216 and Transmission Facilities" or any successor guidelines and any other
217 applicable federal guidelines, [(D)] (iv) the route is the most feasible
218 alternative when considering the impact of the facility on residential
219 areas, private or public schools, licensed child day care facilities,

220 licensed youth camps or public playgrounds together with other
221 criteria that the council is required to apply;

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

225 (F) In the case of an application that was heard under a consolidated
226 hearing process with other applications that were common to a
227 request-for-proposal, that the facility proposed in the subject
228 application represents the most appropriate alternative among such
229 applications based on the findings and determinations pursuant to this
230 subsection; and

231 (G) In the case of a facility described in subdivision (6) of subsection
232 (a) of section 16-50i, as amended, that is proposed to be installed on
233 land under agricultural restriction, as provided in section 22-26cc, as
234 amended, that the facility will not result in a material decrease of
235 acreage and productivity of the arable land.

236 Sec. 4. Subsection (c) of section 16-50p of the general statutes, as
237 amended by section 12 of public act 03-140, is repealed and the
238 following is substituted in lieu thereof (*Effective from passage and*
239 *applicable to applications for a certificate of environmental compatibility and*
240 *public need for which the Connecticut Siting Council has not rendered a*
241 *decision upon the record prior to the effective date of this section):*

242 (c) (1) The council shall not grant a certificate for a facility described
243 in subdivision (3) of subsection (a) of section 16-50i, as amended, either
244 as proposed or as modified by the council, unless it finds and
245 determines: (A) A public benefit for the facility; (B) the nature of the
246 probable environmental impact, including a specification of every
247 significant adverse and beneficial effect that, whether alone or
248 cumulatively with other effects, conflicts with the policies of the state
249 concerning the natural environment, ecological balance, public health
250 and safety, scenic, historic and recreational values, forests and parks,
251 air and water purity and fish and wildlife; and (C) why the adverse

252 effects or conflicts referred to in subparagraph (B) of this subdivision
253 are not sufficient reason to deny the application. For purposes of
254 subparagraph (A) of this subdivision, a public benefit exists if such a
255 facility is necessary for the reliability of the electric power supply of
256 the state or for a competitive market for electricity.

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

262 (A) A public benefit for the facility, in the case of such facility that is
263 substantially underground, and a public need for such facility, in the
264 case of such facility that is substantially underwater, taking into
265 consideration other feasible and prudent alternatives provided to the
266 council by a party or intervenor that address the same public need or
267 public benefit, as applicable;

268 (B) The nature of the probable environmental impact of the facility,
269 or a feasible and prudent alternative provided to the council by a party
270 intervenor, alone and cumulatively with other existing facilities,
271 including a specification of every single [adverse and beneficial effect]
272 beneficial effect or adverse effect, including, but not limited to,
273 electromagnetic fields, that, whether alone or cumulatively with other
274 effects, conflict with the policies of the state concerning the natural
275 environment, ecological balance, public health and safety, scenic,
276 historic and recreational values, forests and parks, air and purity and
277 fish and wildlife;

278 (C) Why the adverse effects or conflicts referred to in subparagraph
279 (B) of this subdivision are not sufficient reason to deny the application,
280 including why other feasible and prudent alternatives with less
281 adverse effects and fewer conflicts that were provided to the council
282 by a party or intervenor do not address the same public need or public
283 benefit, as applicable;

284 (D) The route is the most feasible alternative when considering the
285 impact of the facility on residential areas, private or public schools,
286 licensed child day care facilities, licensed youth camps or public
287 playgrounds together with other criteria that the council is required to
288 apply;

289 [(D)] (E) In the case of a new electric transmission line, (i) what part,
290 if any, of the facility shall be located overhead, (ii) that the facility
291 conforms to a long-range plan for expansion of the electric power grid
292 of the electric systems serving the state and interconnected utility
293 systems and will serve the interests of electric system economy and
294 reliability, and (iii) that the overhead portions of the facility, if any, are
295 cost-effective and the most appropriate alternative based on a life-cycle
296 cost analysis of the facility and underground alternatives to such
297 facility and are consistent with the purposes of this chapter, with such
298 regulations or standards as the council may adopt pursuant to
299 [subsection (a) of] section 16-50t, including, but not limited to, the
300 council's best management practices for electric and magnetic fields
301 and with the Federal Energy Regulatory Commission "Guidelines For
302 the Protection of Natural Historic Scenic and Recreational Values in
303 the Design and Location of Rights-of-Way and Transmission Facilities"
304 or any other successor guidelines and any other applicable federal
305 guidelines; and

306 [(E)] (F) In the case of an electric or fuel transmission line, that the
307 location of the line will not pose an undue hazard to persons or
308 property along the area traversed by the line. For purposes of
309 subparagraph (A) of this subdivision, a public benefit exists if such a
310 facility is necessary for the reliability of the electric power supply of
311 the state or for the development of a competitive market for electricity.

312 (3) Any application for an electric transmission line with a capacity
313 of three hundred forty-five kilovolts or more that is filed on or after
314 May 1, 2003, and that proposes the underground burial of such line in
315 all residential areas and overhead installation of such line in industrial
316 and open space areas affected by such proposal shall have a rebuttable

317 presumption of meeting a public benefit for such facility if the facility
318 is substantially underground, and meeting a public need for such
319 facility if the facility is substantially above ground. Such presumption
320 may be overcome by evidence submitted by a party or intervenor to
321 the satisfaction of the council.

322 Sec. 5. Subdivisions (1) and (2) of subsection (c) of section 16-50p of
323 the general statutes, as amended by sections 12 and 13 of public act 03-
324 140, section 1 of public act 03-248, are repealed and the following is
325 substituted in lieu thereof (*Effective October 1, 2004*):

326 (c) (1) The council shall not grant a certificate for a facility described
327 in subdivision (3) of subsection (a) of section 16-50i, as amended, either
328 as proposed or as modified by the council, unless it finds and
329 determines: (A) A public benefit for the facility; (B) the nature of the
330 probable environmental impact, including a specification of every
331 significant adverse and beneficial effect that, whether alone or
332 cumulatively with other effects, conflicts with the policies of the state
333 concerning the natural environment, ecological balance, public health
334 and safety, scenic, historic and recreational values, forests and parks,
335 air and water purity and fish and wildlife; (C) why the adverse effects
336 or conflicts referred to in subparagraph (B) of this subdivision are not
337 sufficient reason to deny the application; and (D) in the case of an
338 application that was heard under a consolidated hearing process with
339 other applications that were common to a request-for-proposal, that
340 the facility proposed in the subject application represents the most
341 appropriate alternative among such applications based on the findings
342 and determinations pursuant to this subdivision. For purposes of
343 subparagraph (A) of this subdivision, a public benefit exists if such a
344 facility is necessary for the reliability of the electric power supply of
345 the state or for a competitive market for electricity.

346 (2) The council shall not grant a certificate for a facility described in
347 subdivision (1) of subsection (a) of section 16-50i, as amended, which is
348 substantially underground or underwater except where such facilities
349 interconnect with existing overhead facilities, either as proposed or as

350 modified by the council, unless it finds and determines:

351 (A) A public benefit for the facility, in the case of such facility that is
352 substantially underground, and a public need for such facility, in the
353 case of such facility that is substantially underwater;

354 (B) The nature of the probable environmental impact of the facility
355 alone and cumulatively with other existing facilities, including a
356 specification of every single [adverse and beneficial effect] beneficial
357 effect or adverse effect, including, but not limited to, electromagnetic
358 fields that, whether alone or cumulatively with other effects, conflict
359 with the policies of the state concerning the natural environment,
360 ecological balance, public health and safety, scenic, historic and
361 recreational values, forests and parks, air and purity and fish and
362 wildlife;

363 (C) Why the adverse effects or conflicts referred to in subparagraph
364 (B) of this subdivision are not sufficient reason to deny the application;

365 (D) The route is the most feasible alternative when considering the
366 impact of the facility on residential areas, private or public schools,
367 licensed child care facilities, licensed youth camps or public
368 playgrounds together with other criteria that the council is required to
369 apply;

370 [(D)] (E) In the case of a new electric transmission line, (i) what part,
371 if any, of the facility shall be located overhead, (ii) that the facility
372 conforms to a long-range plan for expansion of the electric power grid
373 of the electric systems serving the state and interconnected utility
374 systems and will serve the interests of electric system economy and
375 reliability, and (iii) that the overhead portions of the facility, if any, are
376 cost-effective and the most appropriate alternative based on a life-cycle
377 cost analysis of the facility and underground alternatives to such
378 facility and are consistent with the purposes of this chapter, with such
379 regulations or standards as the council may adopt pursuant to
380 [subsection (a) of] section 16-50t, including, but not limited to, the
381 council's best management practices for electric and magnetic fields

382 and with the Federal Energy Regulatory Commission "Guidelines For
383 the Protection of Natural Historic Scenic and Recreational Values in
384 the Design and Location of Rights-of-Way and Transmission Facilities"
385 or any other successor guidelines and any other applicable federal
386 guidelines;

387 [(E)] (F) In the case of an electric or fuel transmission line, that the
388 location of the line will not pose an undue hazard to persons or
389 property along the area traversed by the line; and

390 [(F)] (G) In the case of an application that was heard under a
391 consolidated hearing process with other applications that were
392 common to a request-for-proposal, that the facility proposed in the
393 subject application represents the most appropriate alternative among
394 such applications based on the findings and determinations pursuant
395 to this subdivision. For purposes of subparagraph (A) of this
396 subdivision, a public benefit exists if such a facility is necessary for the
397 reliability of the electric power supply of the state or for the
398 development of a competitive market for electricity and a public need
399 exists if such facility is necessary for the reliability of the electric power
400 supply of the state.

401 Sec. 6. Section 16-50o of the general statutes is repealed and the
402 following is substituted in lieu thereof (*Effective from passage and*
403 *applicable to applications for a certificate of environmental compatibility and*
404 *public need for which the Connecticut Siting Council has not rendered a*
405 *decision upon the record prior to the effective date of this section*):

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

411 (b) For an application on a facility described in subdivision (1) of
412 subsection (a) of section 16-50i, as amended, the council shall
413 administratively notice completed and ongoing scientific research on

414 electromagnetic fields.

415 [(b)] (c) A copy of the record shall be available at all reasonable
416 times for examination by the public without cost at the principal office
417 of the council. A copy of the transcript of testimony at the hearing shall
418 be filed at an appropriate public office, as determined by the council,
419 in each county in which the facility or any part thereof is proposed to
420 be located.

421 Sec. 7. Section 16-50o of the general statutes, as amended by section
422 9 of public act 03-140 and section 6 of this act, is repealed and the
423 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

429 (b) For an application on a facility in subdivision (1) of subsection
430 (a) of section 16-50i, as amended, the council shall administratively
431 notice completed and ongoing scientific research on electromagnetic
432 fields.

433 [(b)] (c) The applicant shall submit into the record the full text of the
434 terms of any agreement, and a statement of any consideration therefor,
435 if not contained in such agreement, entered into by the applicant and
436 any party to the certification proceeding, or any third party, in
437 connection with the construction or operation of the facility. This
438 provision shall not require the public disclosure of proprietary
439 information or trade secrets.

440 [(c)] (d) The results of the evaluation process pursuant to subsection
441 (f) of section 19 of [this act] public act 03-140 shall be part of the record,
442 where applicable.

443 [(d)] (e) A copy of the record shall be available at all reasonable

444 times for examination by the public without cost at the principal office
445 of the council. A copy of the transcript of testimony at the hearing shall
446 be filed at an appropriate public office, as determined by the council,
447 in each county in which the facility or any part thereof is proposed to
448 be located.

449 Sec. 8. Section 16-50t of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective from passage and*
451 *applicable to applications for a certificate of environmental compatibility and*
452 *public need for which the Connecticut Siting Council has not rendered a*
453 *decision upon the record prior to the effective date of this section*):

454 (a) The council shall prescribe and establish such reasonable
455 regulations and standards in accordance with the provisions of chapter
456 54 as it deems necessary and in the public interest with respect to
457 application fees, siting of facilities and environmental standards
458 applicable to facilities, including, but not limited to, regulations or
459 standards relating to: (1) Reliability, effluents, thermal effects, air and
460 water emissions, protection of fish and wildlife and other
461 environmental factors; (2) the methodical upgrading or elimination of
462 facilities over appropriate periods of time to meet the standards
463 established pursuant to this subsection or other applicable laws,
464 standards or regulations; and (3) the elimination of overhead electric
465 transmission and distribution lines over appropriate periods of time in
466 accordance with existing applicable technology and the need to
467 provide electric service at the lowest reasonable cost to consumers.

468 (b) The council may adopt regulations or standards in accordance
469 with the provisions of chapter 54, with respect to subdivisions (1) and
470 (2) of subsection (a) of this section. Such regulations or standards shall
471 be in addition to and not in lieu of any regulation or standard adopted
472 by any other state or local agency or instrumentality. No such
473 regulation or standard shall be adopted by the council without one or
474 more public hearings at which members of the public are given
475 adequate opportunity to be heard.

476 (c) The council shall adopt, and revise as the council deems
 477 necessary, standards for best management practices for electric and
 478 magnetic fields. Such standards shall be based on the latest completed
 479 and ongoing scientific research on electromagnetic fields and shall
 480 require individual, project-specific assessments of electromagnetic
 481 fields, taking into consideration design techniques including, but not
 482 limited to, compact spacing, optimum phasing of conductors, and
 483 applicable and appropriate new field management technologies. Such
 484 standards shall not be regulations for purposes of chapter 54.

485 [(c)] (d) Expenditures by a utility shall not be considered a necessary
 486 and proper expense for the purpose of computing fair net return on
 487 invested capital, if such expenditures were incurred (1) for fines,
 488 forfeitures and other penalties, including legal fees and other expenses
 489 incurred in connection therewith, imposed for failure to comply with
 490 any state or federal environmental or pollution standard or (2) in
 491 connection with any action described in subsection (a) of section [16-
 492 50k(a)] 16-50k prior to issuance of a certificate therefor.

This act shall take effect as follows:	
Section 1	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 2	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 5	<i>October 1, 2004</i>

Sec. 6	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>

ET *Joint Favorable Subst.*

ENV *Joint Favorable*

PH *Joint Favorable*