



General Assembly

Substitute Bill No. 5523

February Session, 2004

* HB05523PD 031504 *

AN ACT CONCERNING TELECOMMUNICATIONS COVERAGE PLANS.

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

1 Section 1. (NEW) (*Effective from passage*) On or before October 1,
2 2004, and annually thereafter, the chief elected official of each
3 municipality shall file, annually, with the Connecticut Siting Council,
4 electronically or otherwise, a report containing the location, type and
5 height of each existing and proposed telecommunications tower and
6 antenna subject to local jurisdiction.

7 Sec. 2. (NEW) (*Effective from passage*) On or before January 1, 2005,
8 the Connecticut Siting Council shall develop, maintain and update
9 monthly a state-wide telecommunications coverage data base that
10 includes the location, type and height of all telecommunications towers
11 and antennas in the state, as well as those towers specified in
12 subdivision (6) of subsection (a) of section 16-50i of the general
13 statutes, as amended. Such data base shall be available for inspection
14 by the public in hard copy and shall be accessible electronically by
15 means of the Internet or other media systems available to the public.
16 Upon request of a municipality, the council shall supply any
17 information contained in the data base to the municipality in preparing
18 a plan under section 3 of this act.

19 Sec. 3. (NEW) (*Effective from passage*) On or after January 1, 2006,

20 each municipality may develop a municipal telecommunications
21 coverage plan. Such plan shall consider the information provided to
22 the municipality pursuant to subsection (a) of section 4 of this act, and
23 may include the mapping of all existing telecommunications towers
24 and antennas, radio frequency propagation modeling of existing
25 coverage, hypothetical coverage from alternative sites and
26 identification of sensitive areas for restrictive use. The plan may
27 delineate one or more areas of the municipality within which
28 applications for the siting of telecommunications towers that meet pre-
29 established criteria may receive expedited consideration. Such plan
30 shall be consistent with (1) 47 USC 332(c)(7), as amended, and any
31 regulations adopted pursuant to said 47 USC 332(c)(7), (2) the Code of
32 Federal Regulations Title 47, Part 22, as amended, (3) tower sharing
33 provisions of section 16-50aa of the general statutes, and (4) the state-
34 wide telecommunications coverage plan adopted by the Connecticut
35 Siting Council pursuant to subsection (a) of section 4 of this act. At the
36 request of a municipality, the Connecticut Siting Council shall provide
37 technical assistance to the municipality in preparing a plan under this
38 subsection.

39 Sec. 4. (NEW) (*Effective from passage*) (a) On or before September 1,
40 2006, the Connecticut Siting Council shall develop a plan for state-
41 wide telecommunications coverage and annually shall review and
42 revise such plan as necessary. The plan shall be consistent with the
43 federal Telecommunications Act of 1996, as amended, and with the
44 tower sharing provisions of section 16-50aa of the general statutes. The
45 plan shall contain information on population growth in the state and
46 an analysis of existing and projected demands for telecommunications
47 coverage. On or before November 1, 2006, the Connecticut Siting
48 Council shall supply all information contained in such plan that
49 concerns any municipality and any abutting or adjoining
50 municipalities, to a municipality upon request under section 8-2 of the
51 general statutes or any special act regulating the siting of
52 telecommunications towers.

53 (b) On and after January 1, 2005, each provider of

54 telecommunications services shall file with the Connecticut Siting
55 Council, on a form prescribed by the council, on the non-tower
56 locations of antenna array serving cellular and PCS telephone
57 operations in the state. Such information shall be used solely to
58 prepare the plan required under subsection (a) of this section and
59 disclosure of such information shall not be subject to the Freedom of
60 Information Act, as defined in section 1-200 of the general statutes.

61 Sec. 5. Section 16-50v of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective from passage*):

63 (a) All expenses of administering this chapter and sections 2 and 4
64 of this act, including the functions of the council and its staff, shall be
65 financed as provided in this section.

66 (b) (1) Before December thirty-first of each year, the council shall
67 review the anticipated amount of expenses attributable to energy
68 facilities for the next fiscal year, excluding expenses under subsection
69 (c), (d), (e), (g) or (h) of this section at a public meeting, notice of which
70 shall be given to each person subject to assessment under this
71 subsection, and at which interested persons shall be heard. After the
72 meeting, the council shall determine the anticipated amount of such
73 expenses and submit its determination to the joint standing committee
74 of the General Assembly having cognizance of appropriations and the
75 budgets of state agencies. After the committee completes its review,
76 the council shall apportion and assess the anticipated amount of
77 expenses among those persons having gross revenue from the sale of
78 electric power at retail in the state in excess of one hundred thousand
79 dollars during the preceding calendar year, in the proportion which
80 the gross revenue of each such person bears to the aggregate gross
81 revenues of all such persons. Each such person shall pay the
82 assessment in three equal installments on or before July thirty-first,
83 October thirty-first, and January thirty-first of the fiscal year. During
84 the fiscal year the council may further apportion and assess the
85 additional amount of such expenses as could not reasonably have been
86 anticipated prior to the fiscal year, apportioned in the same manner

87 after notice and hearing in the same manner. The total of such
88 assessments for any fiscal year shall not exceed one million dollars. No
89 proceeds from any assessment under this subsection may be used by
90 the council after June 30, 1984, for any proceedings concerning
91 hazardous waste facilities.

92 (2) As used in this subdivision, "communications services" means
93 services involving transmitting or receiving signals in the
94 electromagnetic spectrum for a public or commercial purpose
95 pursuant to a Federal Communications Commission license. Before
96 December thirty-first of each year, the council shall review the
97 anticipated amount of administrative expenses attributable to facilities
98 used for providing communications services for the next fiscal year,
99 excluding expenses under subsection (c), (d), (e), (g) or (h) of this
100 section, at a public meeting, notice of which shall be given to each
101 person subject to assessment under this subsection, and at which
102 interested persons shall be heard. After the meeting, the council shall
103 determine the anticipated amount of such expenses and submit its
104 determination to the joint standing committee of the General Assembly
105 having cognizance of matters relating to appropriations and the
106 budgets of state agencies. The council shall apportion and assess the
107 anticipated amount of expenses equitably in proportion to the
108 frequency of appearance, the degree of regulation required and the
109 percentage of the council's workload, among those persons which
110 provide communications services and have come before the council in
111 the preceding calendar year. Each such person shall pay the
112 assessment and submit a return, on a form prescribed by the council,
113 to the council in four equal installments, on or before July 1, 1994, and
114 July thirty-first of each year thereafter, October 31, 1994, and October
115 thirty-first of each year thereafter, January 31, 1995, and January thirty-
116 first of each year thereafter, and April 30, 1995, and April thirtieth of
117 each year thereafter. The council shall transfer all payments received
118 pursuant to this section to the Treasurer who shall credit such
119 payments to the Siting Council Fund. Such payments shall be
120 considered administrative expenses recovered from communications

121 services providers.

122 (c) The fee for each application for a certificate for a facility
123 described in subdivisions (1) to (4), inclusive, of subsection (a) of
124 section 16-50i, as amended, shall be used to meet the expenses of the
125 council in connection with the review of, hearing on and decision on
126 the application, including the expenses of any consultant employed by
127 the council under subsection (d) of section 16-50n. The council shall, by
128 regulation, adjust the fees to meet the expenses. In addition, the
129 council may assess the applicant during the proceeding on the
130 application and thereafter, as may be necessary to meet the expenses.
131 The amount of any fees and assessments paid under this subsection
132 which are in excess of the expenses of the council in reviewing and
133 acting upon the application for which the fees and assessments were
134 paid shall be refunded within sixty days after completion of the
135 matter.

136 (d) The fee for each application for a certificate for a facility
137 described in subdivisions (5) and (6) of subsection (a) of section 16-50i,
138 as amended, or for a determination regarding shared use of a facility
139 used for providing communications services, as defined in subdivision
140 (2) of subsection (b) of this section, shall be established by regulation
141 and used for the administrative expenses of the council and its staff
142 incurred in processing the application or determination. In the event a
143 hearing is held on any such application or determination, the council
144 may assess an applicant during the proceeding and thereafter for all
145 expenses of the council in connection with the review of, hearing on
146 and decision on such application or determination, including the
147 expenses of any consultant employed by the council pursuant to
148 subsection (d) of section 16-50n.

149 (e) With regard to any facility described in subsection (a) of section
150 16-50i, as amended, the council shall, by regulation, establish such
151 filing fees and provide for such assessments as may be necessary to
152 meet the expenses of the council and its staff in reviewing and acting
153 upon each application for an amendment of a certificate, each

154 statement of intent to acquire property prior to the issuance of a
155 certificate, each petition for an advisory ruling, each notice of
156 modification and each appeal pursuant to subsection (d) of section 16-
157 50x. The amount of any fees and assessments paid under this
158 subsection which are in excess of the expenses of the council in
159 reviewing and acting upon the application, statement of intent,
160 petition for an advisory ruling, notice of modification or appeal for
161 which the fees and assessments were paid shall be refunded within
162 sixty days after completion of the matter.

163 (f) The council shall obtain such full-time and part-time staff and
164 consultants as may be appropriate to carry out its duties and the
165 provisions of this chapter and sections 2 and 4 of this act.

166 (g) The council may undertake such studies as it deems necessary to
167 carry out its duties under subdivision (2) of subsection (a) of section
168 16-50t. The council shall apportion and assess its expenses for
169 consultants, hearing facilities and stenographic reports and other
170 reasonable and necessary expenses to carry out its duties under
171 subsection (a) of section 16-50t among those persons having gross
172 revenue from the sale of electric power at retail in excess of one
173 hundred thousand dollars during the preceding calendar year, in the
174 proportion which the gross revenue of each such person bears to the
175 aggregate gross revenues of all such persons. Each such person shall
176 pay the assessment within thirty days. Before incurring expenses for
177 which assessments will be made under this subsection, the council
178 shall review the anticipated expenses at a public meeting, notice of
179 which shall be given to each person subject to the assessment, and at
180 which interested persons shall be heard.

181 (h) With regard to any facility described in subsection (a) of section
182 16-50i, as amended, the council shall, by regulation, establish such fees
183 and assessments as are necessary to meet the expenses of the council
184 and its staff in conducting field inspections of (1) a certified project
185 constructed pursuant to a development and management plan or (2) a
186 completed project for which a declaratory or advisory ruling has been

187 issued.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

PD *Joint Favorable Subst.*