



General Assembly

February Session, 2004

Amendment

LCO No. 4907

HB0542204907SD0

Offered by:

SEN. PETERS, 20th Dist.

To: Subst. House Bill No. 5422

File No. 107

Cal. No. 300

**"AN ACT CONCERNING PARTICIPATION IN DEPARTMENT OF
PUBLIC UTILITY CONTROL PROCEEDINGS."**

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

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

9 Sec. 2. (NEW) (*Effective from passage*) On or before January 1, 2006,
10 the Connecticut Siting Council shall develop, maintain and update
11 quarterly a state-wide telecommunications coverage data base that
12 includes the location, type and height of all telecommunications towers
13 and antennas in the state, as well as those towers specified in
14 subdivision (6) of subsection (a) of section 16-50i of the general
15 statutes, as amended. Such data base shall be available for inspection

16 by the public in hard copy and shall be accessible electronically by
17 means of the Internet or other media systems available to the public.
18 Upon request of a municipality, the council shall supply any
19 information contained in the data base to the municipality in preparing
20 a plan under section 3 of this act.

21 Sec. 3. (NEW) (*Effective from passage*) On or after January 1, 2007,
22 each municipality may develop a municipal telecommunications
23 coverage plan. Such plan shall consider the information provided to
24 the municipality pursuant to subsection (a) of section 4 of this act, and
25 may include the mapping of all existing telecommunications towers
26 and antennas, radio frequency propagation modeling of existing
27 coverage, hypothetical coverage from alternative sites and
28 identification of sensitive areas for restrictive use. The plan may
29 delineate one or more areas of the municipality within which
30 applications for the siting of telecommunications towers that meet pre-
31 established criteria may receive expedited consideration. Such plan
32 shall be consistent with (1) 47 USC 332(c)(7), as amended, and any
33 regulations adopted pursuant to said 47 USC 332(c)(7), (2) the Code of
34 Federal Regulations Title 47, Part 22, as amended, (3) tower sharing
35 provisions of section 16-50aa of the general statutes, and (4) the state-
36 wide telecommunications coverage plan adopted by the Connecticut
37 Siting Council pursuant to subsection (a) of section 4 of this act. At the
38 request of a municipality, the Connecticut Siting Council shall provide
39 technical assistance to the municipality in preparing a plan under this
40 subsection.

41 Sec. 4. (NEW) (*Effective from passage*) (a) On or before September 1,
42 2006, the Connecticut Siting Council shall develop a plan for state-
43 wide telecommunications coverage and annually shall review and
44 revise such plan as necessary. The plan shall be consistent with the
45 federal Telecommunications Act of 1996, as amended, with sections 16-
46 247a to 16-247s, inclusive, of the general statutes and with the tower
47 sharing provisions of section 16-50aa of the general statutes. The plan
48 shall contain information on population growth in the state and an
49 analysis of existing and projected demands for telecommunications

50 coverage. On or before November 1, 2006, the Connecticut Siting
51 Council shall supply all information contained in such plan that
52 concerns any municipality and any abutting or adjoining
53 municipalities, to a municipality upon request under section 8-2 of the
54 general statutes or any special act regulating the siting of
55 telecommunications towers.

56 (b) On and after April 1, 2005, each provider of telecommunications
57 services shall file with the Connecticut Siting Council, on a form
58 prescribed by the council, on the non-tower locations of antenna array
59 serving cellular and PCS telephone operations in the state. Such
60 information shall be used solely to prepare the plan required under
61 subsection (a) of this section and disclosure of such information shall
62 not be subject to the Freedom of Information Act, as defined in section
63 1-200 of the general statutes.

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

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

69 (b) (1) Before December thirty-first of each year, the council shall
70 review the anticipated amount of expenses attributable to energy
71 facilities for the next fiscal year, excluding expenses under subsection
72 (c), (d), (e), (g) or (h) of this section at a public meeting, notice of which
73 shall be given to each person subject to assessment under this
74 subsection, and at which interested persons shall be heard. After the
75 meeting, the council shall determine the anticipated amount of such
76 expenses and submit its determination to the joint standing committee
77 of the General Assembly having cognizance of appropriations and the
78 budgets of state agencies. After the committee completes its review,
79 the council shall apportion and assess the anticipated amount of
80 expenses among those persons having gross revenue from the sale of
81 electric power at retail in the state in excess of one hundred thousand

82 dollars during the preceding calendar year, in the proportion which
83 the gross revenue of each such person bears to the aggregate gross
84 revenues of all such persons. Each such person shall pay the
85 assessment in three equal installments on or before July thirty-first,
86 October thirty-first, and January thirty-first of the fiscal year. During
87 the fiscal year the council may further apportion and assess the
88 additional amount of such expenses as could not reasonably have been
89 anticipated prior to the fiscal year, apportioned in the same manner
90 after notice and hearing in the same manner. The total of such
91 assessments for any fiscal year shall not exceed one million dollars. No
92 proceeds from any assessment under this subsection may be used by
93 the council after June 30, 1984, for any proceedings concerning
94 hazardous waste facilities.

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

116 to the council in four equal installments, on or before July 1, 1994, and
117 July thirty-first of each year thereafter, October 31, 1994, and October
118 thirty-first of each year thereafter, January 31, 1995, and January thirty-
119 first of each year thereafter, and April 30, 1995, and April thirtieth of
120 each year thereafter. The council shall transfer all payments received
121 pursuant to this section to the Treasurer who shall credit such
122 payments to the Siting Council Fund. Such payments shall be
123 considered administrative expenses recovered from communications
124 services providers.

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

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

150 expenses of any consultant employed by the council pursuant to
151 subsection (d) of section 16-50n.

152 (e) With regard to any facility described in subsection (a) of section
153 16-50i, as amended, the council shall, by regulation, establish such
154 filing fees and provide for such assessments as may be necessary to
155 meet the expenses of the council and its staff in reviewing and acting
156 upon each application for an amendment of a certificate, each
157 statement of intent to acquire property prior to the issuance of a
158 certificate, each petition for an advisory ruling, each notice of
159 modification and each appeal pursuant to subsection (d) of section 16-
160 50x. The amount of any fees and assessments paid under this
161 subsection which are in excess of the expenses of the council in
162 reviewing and acting upon the application, statement of intent,
163 petition for an advisory ruling, notice of modification or appeal for
164 which the fees and assessments were paid shall be refunded within
165 sixty days after completion of the matter.

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

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

183 which interested persons shall be heard.

184 (h) With regard to any facility described in subsection (a) of section
185 16-50i, as amended, the council shall, by regulation, establish such fees
186 and assessments as are necessary to meet the expenses of the council
187 and its staff in conducting field inspections of (1) a certified project
188 constructed pursuant to a development and management plan, or (2) a
189 completed project for which a declaratory or advisory ruling has been
190 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>