



General Assembly

February Session, 2004

Amendment

LCO No. 3156

HB0553503156HDO

Offered by:

REP. FELTMAN, 6th Dist.

To: Subst. House Bill No. 5535

File No. 410

Cal. No. 283

**"AN ACT CONCERNING OVERBURDENED COMMUNITIES AND
NOTICE OF POLLUTING EVENTS."**

1 Strike section 2 in its entirety and insert the following in lieu thereof:

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3 amended by section 4 of public act 03-140, is repealed and the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

8 (a) To initiate a certification proceeding, an applicant for a certificate
9 shall file with the council an application, in such form as the council
10 may prescribe, accompanied by a filing fee of not more than twenty-
11 five thousand dollars, which fee shall be established in accordance
12 with section 16-50t, and a municipal participation fee of twenty-five
13 thousand dollars to be deposited in the account established pursuant
14 to section 16-50bb, except that an application for a facility described in
15 subdivision (5) or (6) of subsection (a) of section 16-50i, as amended,

16 shall not pay such municipal participation fee. An application shall
17 contain such information as the applicant may consider relevant and
18 the council or any department or agency of the state exercising
19 environmental controls may by regulation require, including the
20 following information:

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

50 proposed route or site reviews have been undertaken, including a copy
51 of each written agency position on such route or site; and (I) an
52 assessment of the impact of any electromagnetic fields to be produced
53 by the proposed facility; and

54 (2) In the case of facilities described in subdivision (3) of subsection
55 (a) of section 16-50i, as amended: (A) A description of the proposed
56 electric generating or storage facility; (B) a statement and full
57 explanation of why the proposed facility is necessary; (C) a statement
58 of loads and resources as described in section 16-50r; (D) safety and
59 reliability information, including planned provisions for emergency
60 operations and shutdowns; (E) estimated cost information, including
61 plant costs, fuel costs, plant service life and capacity factor, and total
62 generating cost per kilowatt-hour, both at the plant and related
63 transmission, and comparative costs of alternatives considered; (F) a
64 schedule showing the program for design, material acquisition,
65 construction and testing, and operating dates; (G) available site
66 information, including maps and description and present and
67 proposed development, and geological, scenic, ecological, seismic,
68 biological, water supply, population and load center data; (H)
69 justification for adoption of the site selected, including comparison
70 with alternative sites; (I) design information, including description of
71 facilities, plant efficiencies, electrical connections to system, and
72 control systems; (J) description of provisions, including devices and
73 operations, for mitigation of the effect of the operation of the facility on
74 air and water quality, for waste disposal, and for noise abatement, and
75 information on other environmental aspects; (K) a listing of federal,
76 state, regional, district and municipal agencies from which approvals
77 either have been obtained or will be sought covering the proposed
78 facility, copies of approvals received and the planned schedule for
79 obtaining those approvals not yet received.

80 Sec. 3. Subsection (a) of section 16-50p of the general statutes, as
81 amended by section 10 of public act 03-140, is repealed and the
82 following is substituted in lieu thereof (*Effective from passage and*
83 *applicable to applications for a certificate of environmental compatibility and*

84 *public need for which the Connecticut Siting Council has not rendered a*
85 *decision upon the record prior to the effective date of this section):*

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

118 subdivision (2) of this subsection are not sufficient reason to deny the
119 application, including why other feasible and prudent alternatives
120 with less adverse effects or fewer conflicts that are provided to the
121 council by a party or intervenor do not address the same public need;
122 (4) in the case of an electric transmission line, (A) what part, if any, of
123 the facility shall be located overhead, (B) that the facility conforms to a
124 long-range plan for expansion of the electric power grid of the electric
125 systems serving the state and interconnected utility systems and will
126 serve the interests of electric system economy and reliability, [and] (C)
127 that the overhead portions, if any, of the facility, or a feasible and
128 prudent alternative provided to the council by a party or intervenor,
129 are cost effective and the most appropriate alternative based on a life-
130 cycle cost analysis of the facility and underground alternatives to such
131 facility, and are consistent with the purposes of this chapter, with such
132 regulations or standards as the council may adopt pursuant to
133 [subsection (a) of] section 16-50t, including, but not limited to, the
134 council's best management practices for electric and magnetic fields
135 and with the Federal Power Commission "Guidelines for the Protection
136 of Natural Historic Scenic and Recreational Values in the Design and
137 Location of Rights-of-Way and Transmission Facilities" or any
138 successor guidelines and any other applicable federal guidelines; (D)
139 the route is the most feasible alternative when considering the impact
140 of the facility on residential areas, private or public schools, licensed
141 child day care facilities, licensed youth camps or public playgrounds
142 together with other criteria that the council is required to apply; (5) in
143 the case of an electric or fuel transmission line, that the location of the
144 line will not pose an undue hazard to persons or property along the
145 area traversed by the line; and (6) in the case of a facility described in
146 subdivision (6) of subsection (a) of section 16-50i, as amended, that is
147 proposed to be installed on land under agricultural restriction, as
148 provided in section 22-26cc, as amended, that the facility will not result
149 in a material decrease of acreage and productivity of the arable land.
150 The terms of any agreement entered into by the applicant and any
151 party to the certification proceeding, or any third party, in connection
152 with the construction or operation of the facility, shall be part of the

153 record of the proceedings and available for public inspection. The full
154 text of any such agreement, and a statement of any consideration
155 therefor, if not contained in the agreement, shall be filed with the
156 council prior to the council's decision. This provision shall not require
157 the public disclosure of proprietary information or trade secrets.

158 Sec. 4. Subsection (a) of section 16-50p of the general statutes, as
159 amended by sections 10 and 11 of public act 03-140, section 6 of public
160 act 03-221, section 120 of public act 03-278 and section 2 of this act, is
161 repealed and the following is substituted in lieu thereof (*Effective*
162 *October 1, 2004*):

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

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

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

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

183 (C) Not later than one hundred eighty days after the filing of an

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

188 (3) The council shall file, with its order, an opinion stating in full its
189 reasons for the decision. Except as provided in subsection (c) of this
190 section, the council shall not grant a certificate, either as proposed or as
191 modified by the council, unless it shall find and determine:

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

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

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

203 (D) In the case of an electric transmission line, (i) what part, if any,
204 of the facility shall be located overhead, (ii) that the facility conforms to
205 a long-range plan for expansion of the electric power grid of the
206 electric systems serving the state and interconnected utility systems
207 and will serve the interests of electric system economy and reliability,
208 (iii) that the overhead portions, if any, of the facility are cost effective
209 and the most appropriate alternative based on a life-cycle cost analysis
210 of the facility and underground alternatives to such facility, and are
211 consistent with the purposes of this chapter, with such regulations or
212 standards as the council may adopt pursuant to section 16-50t,
213 including, but not limited to, the council's best management practices
214 for electric and magnetic fields and with the Federal Power
215 Commission "Guidelines for the Protection of Natural Historic Scenic

216 and Recreational Values in the Design and Location of Rights-of-Way
217 and Transmission Facilities" or any successor guidelines and any other
218 applicable federal guidelines, [(D)] (iv) the route is the most feasible
219 alternative when considering the impact of the facility on residential
220 areas, private or public schools, licensed child day care facilities,
221 licensed youth camps or public playgrounds together with other
222 criteria that the council is required to apply;

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

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

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

237 Sec. 5. Subsection (c) of section 16-50p of the general statutes, as
238 amended by section 12 of public act 03-140, is repealed and the
239 following is substituted in lieu thereof (*Effective from passage and*
240 *applicable to applications for a certificate of environmental compatibility and*
241 *public need for which the Connecticut Siting Council has not rendered a*
242 *decision upon the record prior to the effective date of this section):*

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

248 significant adverse and beneficial effect that, whether alone or
249 cumulatively with other effects, conflicts with the policies of the state
250 concerning the natural environment, ecological balance, public health
251 and safety, scenic, historic and recreational values, forests and parks,
252 air and water purity and fish and wildlife; and (C) why the adverse
253 effects or conflicts referred to in subparagraph (B) of this subdivision
254 are not sufficient reason to deny the application. For purposes of
255 subparagraph (A) of this subdivision, a public benefit exists if such a
256 facility is necessary for the reliability of the electric power supply of
257 the state or for a competitive market for electricity.

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

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

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

279 (C) Why the adverse effects or conflicts referred to in subparagraph

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

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

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

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

313 (3) Any application for an electric transmission line with a capacity
314 of three hundred forty-five kilovolts or more that is filed on or after
315 May 1, 2003, and that proposes the underground burial of such line in
316 all residential areas and overhead installation of such line in industrial
317 and open space areas affected by such proposal shall have a rebuttable
318 presumption of meeting a public benefit for such facility if the facility
319 is substantially underground, and meeting a public need for such
320 facility if the facility is substantially above ground. Such presumption
321 may be overcome by evidence submitted by a party or intervenor to
322 the satisfaction of the council.

323 Sec. 6. Subdivisions (1) and (2) of subsection (c) of section 16-50p of
324 the general statutes, as amended by sections 12 and 13 of public act 03-
325 140, section 1 of public act 03-248, are repealed and the following is
326 substituted in lieu thereof (*Effective October 1, 2004*):

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

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

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

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

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

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

371 [(D)] (E) In the case of a new electric transmission line, (i) what part,
372 if any, of the facility shall be located overhead, (ii) that the facility
373 conforms to a long-range plan for expansion of the electric power grid
374 of the electric systems serving the state and interconnected utility
375 systems and will serve the interests of electric system economy and
376 reliability, and (iii) that the overhead portions of the facility, if any, are
377 cost-effective and the most appropriate alternative based on a life-cycle
378 cost analysis of the facility and underground alternatives to such

379 facility and are consistent with the purposes of this chapter, with such
380 regulations or standards as the council may adopt pursuant to
381 [subsection (a) of] section 16-50t, including, but not limited to, the
382 council's best management practices for electric and magnetic fields
383 and with the Federal Energy Regulatory Commission "Guidelines For
384 the Protection of Natural Historic Scenic and Recreational Values in
385 the Design and Location of Rights-of-Way and Transmission Facilities"
386 or any other successor guidelines and any other applicable federal
387 guidelines;

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

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

402 Sec. 7. Section 16-50o of the general statutes is repealed and the
403 following is substituted in lieu thereof (*Effective from passage and*
404 *applicable to applications for a certificate of environmental compatibility and*
405 *public need for which the Connecticut Siting Council has not rendered a*
406 *decision upon the record prior to the effective date of this section*):

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

411 be required for a full and true disclosure of the facts.

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

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

422 Sec. 8. Section 16-50o of the general statutes, as amended by section
423 9 of public act 03-140 and section 6 of this act, is repealed and the
424 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

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

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

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

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

450 Sec. 9. Section 16-50t of the general statutes is repealed and the
451 following is substituted in lieu thereof (*Effective from passage and*
452 *applicable to applications for a certificate of environmental compatibility and*
453 *public need for which the Connecticut Siting Council has not rendered a*
454 *decision upon the record prior to the effective date of this section*):

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

469 (b) The council may adopt regulations or standards in accordance
470 with the provisions of chapter 54, with respect to subdivisions (1) and
471 (2) of subsection (a) of this section. Such regulations or standards shall
472 be in addition to and not in lieu of any regulation or standard adopted

473 by any other state or local agency or instrumentality. No such
474 regulation or standard shall be adopted by the council without one or
475 more public hearings at which members of the public are given
476 adequate opportunity to be heard.

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

486 ~~[(c)]~~ (d) Expenditures by a utility shall not be considered a necessary
487 and proper expense for the purpose of computing fair net return on
488 invested capital, if such expenditures were incurred (1) for fines,
489 forfeitures and other penalties, including legal fees and other expenses
490 incurred in connection therewith, imposed for failure to comply with
491 any state or federal environmental or pollution standard or (2) in
492 connection with any action described in subsection (a) of section [16-
493 50k(a)] 16-50k prior to issuance of a certificate therefor."