

**Comments of
The United Illuminating Company**

Before the Energy & Technology Committee

Re:

**Raised House Bill No. 5213
AN ACT CONCERNING THE SITING COUNCIL**

**Legislative Office Building
February 23, 2010**

Raised House Bill No. 5213, An Act Concerning the Siting Council (the Bill), provides for any party or intervenor to ask the Connecticut Siting Council ("Siting Council" or "Council") to impose a penalty on an applicant for Siting Council certificate of environmental compatibility and public need "certificate") for claimed misrepresentation of a material fact or omission of a material fact in the application. Any party or intervenor could also ask the Siting Council to impose a penalty on a petitioner for declaratory ruling or holder of a certificate for claimed misrepresentation or omission.

The United Illuminating Company ("UI" or "Company") opposes this Bill as (1) unnecessary and (2) undesirable. This Bill, if enacted, would mean that an opponent of any infrastructure project in the State could file unjustified and unsupportable motions, time after time, for the sole purpose of increasing the applicant's (or petitioner's) costs and making it more difficult to site and construct needed infrastructure in the State.

The Bill is not necessary:

- The Siting Council controls its dockets and the manner of proceeding.
- If the Council receives information that an applicant or petitioner may have misrepresented facts submitted to the Council, the Council can require the applicant/petitioner to explain and provide further supporting information, either in writing or in a hearing subject to cross-examination. The Council also has the authority to allow docket parties and intervenors to present evidence and cross-examine on the matter. If the Siting Council determines that a misrepresentation has occurred, the Council can issue a finding of fact that rejects the misrepresentation, it can issue a finding of fact contrary to the applicant or petitioner, and the Council can vote to deny the application or petition. None of these actions require a change from current law.
- If the Siting Council determines, after issuing a certificate or petition, that the applicant/petitioner misrepresented facts, the Council can reopen the proceeding, take evidence, and modify a certificate or petition.

- Similar actions can be taken now by the Council if it determines that an applicant or petitioner has omitted to provide information to the Council.
- There is no indication that the Siting Council has been unable to address situations of claimed misrepresentations of material facts or omission of such facts in a reasonable manner.
- If a party or intervenor believes that an applicant or petitioner has engaged in misrepresentation or has omitted to provide information, the party or intervenor can call this to the attention of the Siting Council, for appropriate action (see above for actions the Siting Council can take today, rendering the Bill unnecessary).

The Bill is not desirable:

- There is no benefit derived from the Bill. The Siting Council can take all actions reasonably necessary to determine if there has been misrepresentation or omission of information.
- Opponents of projects could utilize the procedures described in the Bill to make motions with the purpose of making the siting process more costly and more time-consuming, thereby delaying and possibly impeding the development of needed infrastructure projects. As discussed above, project opponents already have the ability in proceedings to call the Council's attention to claimed misrepresentations or omissions.
- If the cost of infrastructure projects increases as a result of baseless motions by project opponents, it is Connecticut's customers who will pay the costs.
- If needed infrastructure projects are delayed as a result of baseless motions, it is Connecticut's customers who will suffer the effects of the delay, which could include increased costs and reduced service. If needed infrastructure projects are not proposed in Connecticut at all, the damage is even worse.