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Submitted to the Energy and Technology Committee,
In Reference to
Raised Bill No. 6250
An Act Concerning the Siting Council

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Good afternoon Senator Fonfara, Representative Nardello, ranking and distinguished members of the Energy and Technology Committee. My name is Barbara Currier Bell; I am a member of the Connecticut Siting Council.

Thank you for this opportunity to provide this testimony in connection with Raised Bill No. 6250, An Act Concerning the Siting Council.

Raised Bill No. 6250, An Act Concerning the Siting Council seeks to make various changes to the Siting Council's procedures, including ones directly related to the siting of certain facilities.

There are already numerous provisions in the existing statutes to provide guidelines for the Siting Council, and the Council strictly adheres to them. We understand that Raised Bill No. 6250 serves to clarify legislative intent and codify existing practice, and, on that basis, the Council has no objection to it, with two exceptions.

Section 3 (B). This section of the proposed bill would place a 750-foot restriction on the siting of telecommunication towers within the proximity of schools, day care centers, places of worship and residences. The Council shares the concerns behind this proposal and has been addressing them regularly. We heavily scrutinize each application. We develop a lengthy record related to the purported need and

contrast that with the evidence about adverse environmental effects. This experience leads us to believe that prohibitions against towers in selected locations will have unintended and undesirable consequences.

Connecticut residents are expanding their demand for telecommunication services. These services are provided via statewide interconnected networks, not sets of isolated points. Picture an inflating balloon. Pushing down in one spot doesn't stop the inflation, but increases the pressure elsewhere. As carriers build out their networks to meet demand, prohibitions against towers in selected locations will likely result in more towers rather than fewer towers overall, and taller, more intrusive towers in almost every case.

Although the Council does not relish authorizing the development of towers in the areas redlined by Section 3 (B), the legislature has trusted the Council with this discretion. We continue to find this discretion key for making decisions that take into account all residents of the state.

Section 4 (i). This section would allow the Council by a majority vote to request the Attorney General to bring a civil action against any party or intervener who intentionally omitted or misrepresented a material fact in the course of a Council proceeding. We believe this part of the proposed bill, while doubtless well-intended, should not become law.

The Siting Council is an adjudicatory, fact-finding agency. We process each application individually and ask questions pertinent to that particular application. Because it is virtually impossible for applicants to anticipate every element of information we need, we make our requests through written interrogatories. Incomplete or inconsistent responses to such interrogatories are not necessarily an indication of negligence on the part of the applicant but could be used by opponents as sufficient cause for the Siting Council to petition the Attorney General to bring suit where none is warranted. The Council would prefer to conduct the questioning process in good faith. We find this is usually the best way to discover options.

If enacted, Section 4 (i) would create an environment that could discourage companies from withdrawing their applications without incurring liability and prevent them from pursuing an alternative that for legitimate reasons they believe viable. This would run counter to good decision-making on the part of the Council.

In summary, I would like to repeat that the Siting Council finds the majority of this proposed legislation serves to clarify legislative intent and codify existing practice. However we find the two sections noted above—each of which restricts the

Council's discretion in different ways—give us concern. We believe they limit the Council's ability to accomplish goals the legislature has asked us to fulfill.

I would be pleased to take your questions.