



Written Testimony of the Connecticut Siting Council

Submitted to the Energy and Technology Committee

**In Reference to Raised Bill No. 6435
An Act Streamlining the Permitting Process for the Installation of Solar
Photovoltaic Systems
February 19, 2015**

Good afternoon Senator Doyle, Representative Reed, ranking and distinguished members of the Energy and Technology Committee.

Thank you for the opportunity to provide testimony in connection with Raised Bill No. 6435, An Act Streamlining the Permitting Process for the Installation of Solar Photovoltaic Systems. The Connecticut Siting Council (Council) is the state agency with jurisdiction over the construction, operation and maintenance of electric generating facilities utilizing renewable energy sources, including solar. Regrettably, the Council has one of its two regular monthly meetings scheduled at the same time as your committee's public hearing; otherwise, we would be able to provide you with oral testimony.

At the outset, the Council notes that the electric generating facilities in the state over which we have jurisdiction are those **with a generating capacity of greater than one megawatt of electricity**. Jurisdiction over generating facilities utilizing renewable energy sources with a generating capacity of one megawatt or less rests with the host municipality. Rooftop solar facilities typically have a generating capacity of less than one megawatt, so they are under municipal jurisdiction. Even though rooftop solar facilities are non-jurisdictional to the Council, we believe we can present useful testimony on the bill's proposal to amend Title 16 of the General Statutes to streamline the permitting process for the installation of solar photovoltaic systems.

The Council strongly supports the Renewable Energy Policy of the state and the expedited siting of electric generating facilities utilizing renewable energy sources, including solar. So far, we have approved three commercial, jurisdictional solar facilities under Title 16 of the General Statutes: the first for a 5-megawatt solar facility in the Town of Somers; the second for a 5-megawatt solar facility in the Town of East Lyme; and the third for a 2.2-megawatt solar facility in the City of Bridgeport. All of these facilities were submitted as petitions for declaratory rulings.

Under the Uniform Administrative Procedure Act, a provision regarding a petition for a declaratory ruling determines the time any agency shall take to render a decision, namely, within 180 days after the filing of the petition or within such longer period as may be agreed by the parties. Under Conn. Gen. Stat. §16-50k(a), a provision regarding a petition for a declaratory ruling determines the basic criteria the Council, in particular, must consider in rendering a

decision, namely, whether a project “meets air and water quality standards of the Department of Energy and Environmental Protection.” These key provisions apply to proposed solar and other electric generating facilities utilizing renewable energy sources over which the Council has jurisdiction, and they are indeed intended to expedite, or streamline, siting. However, no provision under either the Uniform Administrative Procedure Act or the Public Utility Environmental Standards Act applies to proposed solar and other electric generating facilities utilizing renewable energy sources that are **not** under the Council’s jurisdiction.

A prime example of a facility non-jurisdictional to the Council is the wind turbine sited at the Phoenix Press building in New Haven. It has a generating capacity of 100 kilowatts of electricity, which is used to provide power to the Press’s building and printing operation. Given its capacity of less than one megawatt, the turbine was approved by the City of New Haven rather than the Council. Upon consideration, the Council does not believe that an amendment to Title 16 of the General Statutes to streamline the permitting process for the installation of solar photovoltaic systems would apply to facilities such as the Phoenix Press wind turbine, or to any electric generating facilities utilizing renewable energy sources that have a generating capacity of less than one megawatt, such as rooftop solar installations. To accomplish the purpose of the proposed bill, the Council recommends a provision in a different title of the General Statutes that would apply to solar photovoltaic systems approved by the host municipalities: perhaps Title 7 or Title 8.

In summary, the Council supports the passage of Raised Bill No. 6435 with a provision in a different title of the General Statutes that would streamline the permitting process for the installation of solar photovoltaic systems not under the jurisdiction of the Council.

Thank you again for the opportunity to provide testimony on this proposal. Should you have any questions or seek additional information, please feel free to contact me at 860-827-2951 or Melanie.bachman@ct.gov.

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