



General Assembly

Amendment

January Session, 2017

LCO No. 7571



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. DOYLE, 9th Dist.

SEN. SLOSSBERG, 14th Dist.
SEN. GERRATANA, 6th Dist.
SEN. WINFIELD, 10th Dist.

To: Senate Bill No. 536

File No. 471

Cal. No. 245

"AN ACT CONCERNING ESTABLISHING A STATE-WIDE PLAN AND PROCESS FOR SITING SMALL CELL ANTENNA AND DISTRIBUTED ANTENNA SYSTEMS."

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

3 "Section 1. (NEW) (*Effective July 1, 2017*) (a) As used in this section:

4 (1) "Small cell" means low-powered wireless base stations; and

5 (2) "Distributed antenna system" means a network of spatially
6 separated antenna nodes connected to a common source via a
7 transport medium that provides wireless service within a geographic
8 area or structure.

9 (b) On or before January 1, 2018, the Connecticut Siting Council
10 shall incorporate into the state-wide telecommunications coverage
11 plan, developed pursuant to section 16-50ee of the general statutes, a

12 process for siting small cell antenna and distributed antenna systems
13 including, but not limited to, siting attachments to existing structures
14 used for the transmission or distribution of electricity in the public
15 rights-of-way. Such process for siting small cell antenna and
16 distributed antenna systems, including, but not limited to, siting
17 attachments to existing structures used for the transmission or
18 distribution of electricity in the public rights-of-way, shall include
19 participation of the municipality in which the small cell antenna or
20 distributed antenna system is proposed to be sited.

21 Sec. 2. Subsection (a) of section 16-50i of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective July*
23 *1, 2017*):

24 (a) "Facility" means: (1) An electric transmission line of a design
25 capacity of sixty-nine kilovolts or more, including associated
26 equipment but not including a transmission line tap, as defined in
27 subsection (e) of this section; (2) a fuel transmission facility, except a
28 gas transmission line having a design capability of less than two
29 hundred pounds per square inch gauge pressure or having a design
30 capacity of less than twenty per cent of its specified minimum yield
31 strength; (3) any electric generating or storage facility using any fuel,
32 including nuclear materials, including associated equipment for
33 furnishing electricity but not including an emergency generating
34 device, as defined in subsection (f) of this section or a facility (A)
35 owned and operated by a private power producer, as defined in
36 section 16-243b, (B) which is a qualifying small power production
37 facility or a qualifying cogeneration facility under the Public Utility
38 Regulatory Policies Act of 1978, as amended, or a facility determined
39 by the council to be primarily for a producer's own use, and (C) which
40 has, in the case of a facility utilizing renewable energy sources, a
41 generating capacity of one megawatt of electricity or less and, in the
42 case of a facility utilizing cogeneration technology, a generating
43 capacity of twenty-five megawatts of electricity or less; (4) any electric
44 substation or switchyard designed to change or regulate the voltage of
45 electricity at sixty-nine kilovolts or more or to connect two or more

46 electric circuits at such voltage, which substation or switchyard may
47 have a substantial adverse environmental effect, as determined by the
48 council established under section 16-50j, and other facilities which may
49 have a substantial adverse environmental effect as the council may, by
50 regulation, prescribe; (5) such community antenna television towers
51 and head-end structures, including associated equipment, which may
52 have a substantial adverse environmental effect, as said council shall,
53 by regulation, prescribe; and (6) such telecommunication towers,
54 including associated telecommunications equipment, or such small
55 cells, distributed antenna systems and any wireless
56 telecommunications equipment attached to any existing, new or
57 replacement utility pole, including, but not limited to, attachments to
58 existing structures in public rights-of-way, owned or operated by the
59 state, a public service company or a certified telecommunications
60 provider or used in a cellular system, as defined in the Code of Federal
61 Regulations Title 47, Part 22, as amended, which may have a
62 substantial adverse environmental effect, as said council shall, by
63 regulation, prescribe;

64 Sec. 3. Subsection (a) of section 16-50x of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective July*
66 *1, 2017*):

67 (a) Notwithstanding any other provision of the general statutes,
68 [except as provided in section 16-243,] the council shall have exclusive
69 jurisdiction over the location and type of facilities and over the location
70 and type of modifications of facilities subject to the provisions of
71 subsection (d) of this section. When evaluating an application for a
72 telecommunication tower within a particular municipality, the council
73 shall consider any location preferences or criteria (1) provided to the
74 council pursuant to section 16-50gg, or (2) that may exist in the zoning
75 regulations of said municipality as of the submission date of the
76 application to the council. In ruling on applications for certificates or
77 petitions for a declaratory ruling for facilities and on requests for
78 shared use of facilities, the council shall give such consideration to
79 other state laws and municipal regulations as it shall deem

80 appropriate. Whenever the council certifies a facility pursuant to this
 81 chapter, such certification shall satisfy and be in lieu of all
 82 certifications, approvals and other requirements of state and municipal
 83 agencies in regard to any questions of public need, convenience and
 84 necessity for such facility.

85 Sec. 4. Section 16-243 of the general statutes is repealed and the
 86 following is substituted in lieu thereof (*Effective July 1, 2017*):

87 [The] Except as provided in section 1 of this act, the Public Utilities
 88 Regulatory Authority shall have exclusive jurisdiction and direction
 89 over the method of construction or reconstruction in whole or in part
 90 of each system used for the transmission or distribution of electricity,
 91 with the kind, quality and finish of all materials, wires, poles,
 92 conductors and fixtures to be used in the construction and operation
 93 thereof, and the method of their use, including all plants and
 94 apparatus used for generating electricity located upon private property
 95 upon which there are conductors capable of transmitting electricity to
 96 other premises in such manner as to endanger any person or property.
 97 The authority may make any order necessary to the exercise of such
 98 power and direction, which order shall be in writing and entered in the
 99 records of the authority. Each person or corporation operating any
 100 such system or generating plant shall, at its expense, comply with such
 101 order. Any person violating any provision of any such order shall be
 102 subject to the penalty prescribed in section 16-41."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	New section
Sec. 2	<i>July 1, 2017</i>	16-50i(a)
Sec. 3	<i>July 1, 2017</i>	16-50x(a)
Sec. 4	<i>July 1, 2017</i>	16-243