Bill No.: HB-5318
Title: AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL FOR CERTAIN PROJECTS.
Vote Date: 3/8/2019
Vote Action: Joint Favorable Substitute
PH Date: 2/4/2019
File No.: 113

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SPONSORS OF BILL:


REASONS FOR BILL:

Concern has been shared with the committee in regards to a lack of municipal and local representation in the Connecticut Siting Council (CSC). Current law requires the CSC to notify local residents of any project applications on abutting property. However, local residents are often unaware or do not understand the technical language used in such notices, or the potential impact of a project. The bill seeks to address these concerns by requiring a nonvoting municipal representative for each application before the CSC for any proceedings involving an electric distribution company. If a proposed facility will be located in more than one municipality, the CSC must include an elector appointed by the applicable regional council of governments for the affected municipalities.

Substitute Language – LCO No. 5658
Concerns had been shared with the committee in regards to (1) proposed projects that would be located on multiple municipalities, and (2) confidential information that are shared to members of the CSC as part of an application process. Substitute language requires the municipalities regional council of governments to appoint an elector to proceedings for projects that would be located on multiple municipalities, and requires that any such member representing municipalities abide by all applicable rules of confidentiality.
RESPONSE FROM ADMINISTRATION/AGENCY:

James J. Murphy, Jr. Acting Chairman, Connecticut Siting Council (CSC): Opposes the bill. The legislative purpose of the CSC was to "end ad hoc town-by-town regulation of energy and telecommunications infrastructure in favor of regulation by a statewide body." The CSC opposes the bill for the following reasons: (1) CSC has continuously consisted of a former Mayor or First Selectman voting member, (2) CSC members residing in a town where a facility is proposed will recuse themselves from proceedings to avoid the appearance of bias, (3) "off the record" communications with a member of the CSC or its staff is prohibited by law, (4) towns have a right to participate in CSC proceedings as a party with rights to an appeal, (5) electric transmission lines generally traverse multiple towns, (6) applicants are required by law to consult with the municipality where a facility is proposed, prior to submitting an application with the CSC, and (7) communications between voting members of the CSC and their attorneys are privileged and confidential.

NATURE AND SOURCES OF SUPPORT:

Donna Hamzy, Advocacy Manager, Connecticut Conference of Municipalities: Locally elected officials understand their communities, they are charged with keeping their residents safe and protecting the property values of the community. While supportive of the bill, municipal representation should be expanded to all CSC proceedings.

Patrick M. Comins, Executive Director, The Connecticut Audubon Society: Local knowledge of ecological features is essential in evaluating potential impacts of project applications.

NATURE AND SOURCES OF OPPOSITION:

Kathleen M. Shanley, Manager of Transmission Siting, Eversource Energy: Eversource Energy opposes the bill for the following reasons: (1) the Public Utility Environmental Standards Act that created the CSC was intended to provide a decision-making framework for evaluating the interests of the entire State as a whole, (2) municipalities already have an opportunity to apply for and receive party or intervenor status, (3) CSC members routinely recuse themselves from proceedings regarding facilities in their town of residence, (4) municipal interests are already served in the CSC by the appointment of a former Mayor or First Selectman, (5) projects regarding transmission lines impact multiple municipalities, (6) the bill would create an ethics dilemma if adopted because they already apply for party status, (7) the bill is unfairly targeting “electric distribution companies” and (8) definitions criteria’s for numerous terms are absent from the bill.

Reported by: Pamela Bianca / Ussawin R. Bumpen 3/28/2019