Substitute House Bill No. 5507

Public Act No. 24-144

AN ACT CONCERNING CERTAIN PROCEEDINGS RELATING TO ELECTRIC TRANSMISSION LINES AND THE MEMBERSHIP AND PROCESSES OF THE CONNECTICUT SITING COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (d) of section 16-50i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(d) "Modification" means a significant change or alteration in the general physical characteristics of a facility, including any change or alteration that requires the exercise of any right of eminent domain or that expands any existing easement;

Sec. 2. Section 16-50j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) There is established **[**a "Connecticut Siting Council"**]** the Connecticut Siting Council, hereinafter referred to in this title as the "council", which shall be within the Department of Energy and Environmental Protection for administrative purposes only.

(b) Except **[**for proceedings under chapter 445, this subsection and subsection (c) of this section, the**]** as provided in subsection (c) of this

section, the council shall consist of: (1) The Commissioner of Energy and Environmental Protection, or **[**his**]** the commissioner's designee; (2) the chairperson of the Public Utilities Regulatory Authority, or the chairperson's designee; (3) one designee of the speaker of the House and one designee of the president pro tempore of the Senate; and (4) five public members, **[**of the public,**]** to be appointed by the Governor, at least two of whom shall be experienced in the field of ecology, **[**and not more than one of whom shall have affiliation, past or present,**]** and all five of whom shall, consistent with the provisions of section 4-9a, have no substantial financial interest in, not be employed in or by, and not be professionally affiliated with any (A) utility, **[**or governmental utility regulatory agency, or with any person owning, operating, controlling, or presently contracting with respect to a**]** (B) facility, **[**a**]** (C) hazardous waste facility, as defined in section 22a-115, or **[**an**]** (D) ash residue disposal area, and shall have had no professional affiliation with any such utility, facility, hazardous waste facility or ash residue disposal area for three years preceding such public member's appointment to the council.

(c) For proceedings under chapter 445, **[**subsection (b) of this section and this subsection,**]** the council shall consist of (1) the Commissioners of Public Health and Emergency Services and Public Protection or their designated representatives; (2) the designees of the speaker of the House of Representatives and the president pro tempore of the Senate as provided in subsection (b) of this section; (3) the five public members **[**of the public**]** as provided in subsection (b) of this section; and (4) four ad hoc members, appointed by the chief elected official of the municipality each such member represents, three of whom shall be electors from the municipality in which the proposed facility is to be located and one of whom shall be an elector from a neighboring municipality likely to be most affected by the proposed facility.

[The**]** (d) For the appointment of ad hoc members in accordance with

subsection (c) of this section, the municipality most affected by the proposed facility shall be determined by the permanent members of the council. If any one of the five public members **[**of the public**]** or of the designees of the speaker of the House of Representatives or the president pro tempore of the Senate resides **[**(A)**]** (1) in the municipality in which a hazardous waste facility is proposed to be located for a proceeding concerning a hazardous waste facility or in which a low-level radioactive waste facility is proposed to be located for a proceeding concerning a low-level radioactive waste facility, or **[**(B)**]** (2) in the neighboring municipality likely to be most affected by the proposed facility, the appointing authority shall appoint a substitute member for the proceedings on such proposal. If any appointee is unable to perform **[**his**]** such appointee's duties on the council due to illness, or has a substantial financial or employment interest which is in conflict with the proper discharge of **[**his**]** the appointee's duties under this chapter, the appointing authority shall appoint a substitute member for proceedings on such proposal. An appointee shall report any substantial financial or employment interest which might conflict with the proper discharge of **[**his**]** the appointee's duties under this chapter to the appointing authority who shall determine if such conflict exists. If any state agency is the applicant, an appointee shall not be deemed to have a substantial employment conflict of interest because of employment with the state unless such appointee is directly employed by the state agency making the application. Ad hoc members **[**shall be appointed by the chief elected official of the municipality they represent and**]** shall continue their membership until the council issues a letter of completion of the development and management plan to the applicant.

[(d)**]** (e) The **[**chairman**]** chairperson of the council shall be appointed by the Governor from among the five public members appointed by **[**him**]** the Governor, with the advice and consent of the House or Senate, and shall serve as **[**chairman**]** chairperson at the pleasure of the Governor.

[(e)**]** (f) The public members of the council, including the **[**chairman**]** chairperson, the members appointed by the speaker of the House and president pro tempore of the Senate and the four ad hoc members specified in subsection (c) of this section, shall be compensated for their attendance at public hearings, executive sessions, or other council business as may require their attendance at the rate of two hundred dollars, provided in no case shall the daily compensation exceed two hundred dollars.

(g) The council shall employ such employees as may be necessary to carry out the provisions of this chapter, and such employees shall, in the aggregate, have sufficient expertise in engineering and financial analysis to carry out the provisions of this chapter.

[(f)**]** (h) The council shall, in addition to its other duties prescribed in this chapter, adopt, amend, or rescind suitable regulations to carry out the provisions of this chapter and the policies and practices of the council in connection therewith, and appoint and prescribe the duties of such staff as may be necessary to carry out the provisions of this chapter. The **[**chairman**]** chairperson of the council, with the consent of five or more other members of the council, may appoint an executive director, who shall be the chief administrative officer of the Connecticut Siting Council. The executive director shall be exempt from classified service.

[(g)**]** (i) Prior to commencing any hearing pursuant to section 16-50m, the council shall consult with and solicit written comments from (1) the **[**Department of Energy and Environmental Protection, the Department of Public Health, the Council on Environmental Quality, the Department of Agriculture, the Public Utilities Regulatory Authority, the Office of Policy and Management, the Department of Economic and Community Development and the Department of Transportation**]** Departments of Energy and Environmental Protection, Public Health, Agriculture, Economic and Community Development and Transportation and the Council on Environmental Quality, the Public

Utilities Regulatory Authority, the Office of Policy and Management and the Office of Consumer Counsel, and (2) in a hearing pursuant to section 16-50m, for a facility described in subdivision (3) of subsection (a) of section 16-50i, the Department of Emergency Services and Public Protection, the Department of Administrative Services, **[**and**]** the Labor Department and the Office of Consumer Counsel. Copies of such comments shall be made available to all parties prior to the commencement of the hearing. Subsequent to the commencement of the hearing, said departments, **[**and council**]** Council on Environmental Quality, authority and offices may file additional written comments with the **[**council**]** Connecticut Siting Council within such period of time as the **[**council**]** Connecticut Siting Council designates. All such written comments shall be made part of the record, as provided **[**by**]** in section 16-50o. Said departments, **[**and council**]** Council on Environmental Quality, authority and offices shall not enter any contract or agreement with any party to the proceedings or hearings described in this section or section 16-50p, as amended by this act, that requires said departments, **[**or council**]** Council on Environmental Quality, authority or offices to withhold or retract comments, refrain from participating in or withdraw from said proceedings or hearings.

Sec. 3. Section 16-50*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) To initiate a certification proceeding, an applicant for a certificate shall file with the council an application, in such form as the council may prescribe, accompanied by a filing fee of not more than twenty-five thousand dollars, which fee shall be established in accordance with section 16-50t, and a municipal participation fee of **[**twenty-five**]** forty thousand dollars, or, if the proposed location of the facility is in more than one municipality, eighty thousand dollars, to be deposited in the account established pursuant to section 16-50bb, as amended by this act, except that an application for a facility described in subdivision (5) or

(6) of subsection (a) of section 16-50i shall not pay such municipal participation fee. An application shall contain such information as the applicant may consider relevant, **[**and**]** such information that the council or any department or agency of the state exercising environmental controls may by regulation require, **[**including**]** and the following information:

(1) In the case of facilities described in subdivisions (1), (2) and (4) of subsection (a) of section 16-50i: (A) A description, including estimated costs, of the proposed transmission line, substation or switchyard, covering, where applicable underground cable sizes and specifications, overhead tower design and appearance and heights, if any, conductor sizes, and initial and ultimate voltages and capacities; (B) a statement and full explanation of why the proposed transmission line, substation or switchyard is necessary and how the facility conforms to a long-range plan for expansion of the electric power grid serving the state and interconnected utility systems, that will serve the public need for adequate, reliable and economic service; (C) a map of suitable scale of the proposed routing or site, showing details of the rights-of-way or site in the vicinity of settled areas, parks, recreational areas and scenic areas, residential areas, private or public schools, child care centers, as described in section 19a-77, group child care homes, as described in section 19a-77, family child care homes, as described in section 19a-77, licensed youth camps, and public playgrounds and showing existing transmission lines within one mile of the proposed route or site; (D) a justification for adoption of the route or site selected, including comparison with alternative routes or sites which are environmentally, technically and economically practical; (E) a description of the effect of the proposed transmission line, substation or switchyard on the environment, ecology, and scenic, historic and recreational values; (F) a justification for overhead portions, if any, including life-cycle cost studies comparing overhead alternatives with underground alternatives, and effects described in subparagraph (E) of this

subdivision of undergrounding; (G) a schedule of dates showing the proposed program of right-of-way or property acquisition, construction, completion and operation and, in the case of any facility described in subdivision (1) of subsection (a) of section 16-50i, or any modification of such a facility, (i) any appraisal completed by an independent appraiser on behalf of the applicant concerning fair compensation that is to be provided to an owner of real property in connection with the necessity of entering a right-of-way, including any easements or land acquisition, and (ii) for property that the applicant does not own, lease or otherwise have access to, the applicant shall exercise due diligence to seek permission to gain access to such property. Evidence of due diligence shall be established by the submission of: (I) Certified mail, return receipt requested, letters sent to the owner or owners of record of such property requesting access to the property; and (II) an affidavit from the applicant stating that the applicant was not provided access to the property and, in the absence of permission to access the property, the applicant made visual inspections of the property to document existing conditions from public rights-of-way, existing utility rights-of-way or other accessible properties within or surrounding the proposed facility site; (H) an identification of each federal, state, regional, district and municipal agency with which proposed route or site reviews have been undertaken, including a copy of each written agency position on such route or site; and (I) an assessment of the impact of any electromagnetic fields to be produced by the proposed transmission line; **[**and**]**

(2) In the case of facilities described in subdivision (3) of subsection (a) of section 16-50i: (A) A description of the proposed electric generating or storage facility; (B) a statement and full explanation of why the proposed facility is necessary; (C) a statement of loads and resources, as described in section 16-50r; (D) safety and reliability information, including planned provisions for emergency operations and shutdowns; (E) estimated cost information, including plant costs,

fuel costs, plant service life and capacity factor, and total generating cost per kilowatt-hour, both at the plant and related transmission, and comparative costs of alternatives considered; (F) a schedule showing the program for design, material acquisition, construction and testing, and operating dates; (G) available site information, including maps and description and present and proposed development, and geological, scenic, ecological, seismic, biological, water supply, population and load center data; (H) justification for adoption of the site selected, including comparison with alternative sites; (I) design information, including a description of facilities, plant efficiencies, electrical connections to the system, and control systems; (J) a description of provisions, including devices and operations, for mitigation of the effect of the operation of the facility on air and water quality, for waste disposal, and for noise abatement, and information on other environmental aspects; and (K) a listing of federal, state, regional, district and municipal agencies from which approvals either have been obtained or will be sought covering the proposed facility, copies of approvals received and the planned schedule for obtaining those approvals not yet received; and

(3) In addition to the requirements of subdivisions (1) and (2) of this subsection, in the case of any facility described in subdivision (1) of subsection (a) of section 16-50i, or any modification of such a facility: (A) A description of the estimated initial and life-cycle costs for the facility or modification, as applicable, and for each feasible and practical alternative; (B) an estimate of the regionalized and localized costs for the facility or modification, as applicable, and for each feasible and practical alternative, in accordance with the regional independent system operator's procedure for pool-supported pool transmission facilities cost review, or a successor procedure; (C) for any difference between the estimated total costs and estimated localized costs, an analysis of the benefits associated with such cost difference; (D) a detailed analysis of any nontransmission alternatives to the proposed facility or proposed modification, as applicable; and (E) (i) for the ten-year period preceding

the date of the application, the actual loads for existing transmission lines in the area where the proposed transmission line is to be located, (ii) for the ten-year period following the date of the application, the projected load for any proposed transmission line, (iii) for the ten-year period preceding the date of application, the performance of all electric circuits for existing transmission lines in the area where the proposed transmission line is to be located, including a description of all service outages or disruptions, any cause for such outage or disruption and the time required to restore service following such outages or disruptions, and (iv) a statement of loads and resources, as described in subsection (a) of section 16-50r, and all planning studies conducted by the regional independent system operator or the applicant associated with the proposed facility.

(b) Each application shall be accompanied by proof of service of a copy of such application on: (1) Each municipality in which any portion of such facility is to be located, both as primarily proposed and in the alternative locations listed, and any adjoining municipality having a boundary not more than two thousand five hundred feet from such facility, which copy shall be served on the chief executive officer of each such municipality and shall include notice of the date on or about which the application is to be filed, and the zoning commissions, planning commissions, planning and zoning commissions, conservation commissions and inland wetlands agencies of each such municipality, and the regional councils of governments which encompass each such municipality; (2) the Attorney General; (3) each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located; (4) any agency, department or instrumentality of the federal government that has jurisdiction, whether concurrent with the state or otherwise, over any matter that would be affected by such facility; (5) each state department **[**,**]** and agency **[**and commission**]** named in subsection **[**(g)**]** (i) of section 16-50j, as amended by this act; and (6) such other state and

municipal bodies as the council may by regulation designate. A notice of such application shall be given to the general public, in municipalities entitled to receive notice under subdivision (1) of this subsection, by the publication of a summary of such application and the date on or about which it will be filed. Such notice shall be published under the regulations to be promulgated by the council, in such form and in such newspapers as will serve substantially to inform the public of such application and to afford interested persons sufficient time to prepare for and to be heard at the hearing prescribed in section 16-50m. Such notice shall be published in not less than ten-point type. A notice of such an application for a certificate for a facility described in subdivision (3), (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by certified or registered mail, to each person appearing of record as an owner of property which abuts the proposed primary or alternative sites on which the facility would be located. Such notice shall be sent at the same time that notice of such application is given to the general public. Notice of an application for a certificate for a facility described in subdivision (1) of subsection (a) of section 16-50i shall also be provided to each electric distribution company customer in the municipality where the facility is proposed to be placed. Such notice shall (A) be provided on a separate enclosure with each customer's monthly bill for one or more months, (B) be provided by the electric distribution company not earlier than sixty days prior to filing the application with the council, but not later than the date that the application is filed with the council, and (C) include: A brief description of the project, including its location relative to the affected municipality and adjacent streets; a brief technical description of the project including its proposed length, voltage, and type and range of heights of support structures or underground configuration; the reason for the project; the address and a toll-free telephone number of the applicant by which additional information about the project can be obtained; and a statement in print no smaller than twenty-four-point type size stating "NOTICE OF PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC

TRANSMISSION LINE".

(c) For a facility described in subdivision (3) of subsection (a) of section 16-50i that is a solar photovoltaic facility, the applicant shall also provide notice by certified or registered mail of each proposed site configuration change that occurs after the filing of the application but prior to the granting of a certificate for such facility, that is a material change, as determined by the council, to each person appearing of record as an owner of property that abuts the proposed primary or alternative sites on which the facility would be located.

[(c)**]** (d) An application for a certificate shall contain information on the extent to which the proposed facility has been identified in, and is consistent with, the annual forecast reports and life-cycle cost analysis required by section 16-50r and other advance planning that has been carried out, and shall include an explanation for any failure of the facility to conform with such information.

[(d)**]** (e) An amendment proceeding may be initiated by an application for amendment of a certificate filed with the council by the holder of the certificate or by a resolution of the council. An amendment application by a certificate holder shall be in such form and contain such information as the council shall prescribe. A resolution for amendment by the council shall identify the design, location or route of the portion of a certificated facility described in subdivisions (1) or (2) of subsection (a) of section 16-50i which is subject to modification on the basis of stated conditions or events which could not reasonably have been known or foreseen prior to the issuance of the certificate. No such resolution for amendment of a certificate shall be adopted after the commencement of site preparation or construction of the certificated facility or, in the case of a facility for which approval by the council of a right-of-way development and management plan or other detailed construction plan is a condition of the certificate, after approval of that part of the plan which includes the portion of the facility proposed for modification. A

copy and notice of each amendment application shall be given by the holder of the certificate in the manner set forth in subsection (b) of this section. A copy and notice of each resolution for amendment shall be given by the council in the manner set forth in subsection (b) of this section. The council shall also provide the certificate holder with a copy of such resolution. The certificate holder and the council shall not be required to give such copy and notice to municipalities and the commissions and agencies of such municipalities other than those in which the modified portion of the facility would be located.

[(e)**]** (f) At least sixty days, or, in the case of a facility described in subdivision (1) of subsection (a) of section 16-50i, ninety days prior to the filing of an application with the council, the applicant shall consult with the municipality in which the facility may be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section concerning the proposed and alternative sites of the facility. Such consultation with the municipality shall include, but not be limited to, good faith efforts to meet with the chief elected official of the municipality, or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located. At the time of the consultation, the applicant shall provide the chief elected official, or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. In the case of a proposed transmission line, at the time of the consultation, the applicant shall provide the chief elected official, or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be

located with a report that includes a summary of the status of any negotiation with the owners of real property concerning any required right-of-way access, easements or land acquisition. Any such summary shall not include any confidential or proprietary information. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. **[**Within**]** Not later than sixty days **[**of**]** after the initial consultation, the municipality shall issue its recommendations to the applicant. **[**No**]** Not later than fifteen days after submitting an application to the council, the applicant shall provide to the council all materials provided to **[**the**]** such chief elected official of the municipality, such official's designee, such legislative body of the municipality or any such member of the legislature, **[**and**]** a summary of the consultations with the municipality, including **[**all**]** any meetings with such chief elected official, such official's designee, such legislative body of the municipality and any such member of the legislature and any recommendations issued by the municipality.

[(f)**]** (g) (1) For a facility described in subdivision (6) of subsection (a) of section 16-50i, at least ninety days before filing an application with the council, the applicant shall consult with the municipality in which the facility is proposed to be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section. Consultation with such municipality shall include, but not be limited to, good-faith efforts to meet with the chief elected official of the municipality or such official's designee. At the time of the consultation, the applicant shall provide the municipality with any technical reports concerning the need for the facility, including a map indicating the area of need, the location of existing surrounding facilities, a detailed description of the proposed and any alternate sites under consideration, a listing of other sites or areas considered and rejected, the location of all schools near the proposed facility, an analysis of the potential aesthetic impacts of the facility on said schools, as well

as a discussion of efforts or measures to be taken to mitigate such aesthetic impacts, a description of the site selection process undertaken by the prospective applicant and the potential environmental effects of the proposed facility. The applicant shall also provide copies of such technical reports to such municipality's planning commission, zoning commission or combined planning and zoning commission and inland wetland agency.

(2) Not later than sixty days after the initial municipal consultation meeting, the municipality, in cooperation with the applicant, may hold a public information meeting. If the municipality decides to hold a public information meeting, the applicant shall be responsible for sending notice of such meeting to each person appearing of record as an owner of property which abuts the proposed or alternate facility locations and for publishing notice of such meeting in a newspaper of general circulation in the municipality at least fifteen days before the date of the public information meeting. Such applicant shall pay all administrative expenses associated with such public information meeting.

(3) The municipality shall present the applicant with proposed alternative sites, which may include municipal parcels, for its consideration not later than thirty days after the initial consultation meeting. The applicant shall evaluate these alternate sites presented as part of the municipal consultation process and include the results of its evaluations in its application to the council. The applicant may present any such alternatives to the council in its application for formal consideration.

(h) Any applicant that submits an initial application under this section for a facility described in subdivision (1) of subsection (a) of section 16-50i where the applicant intends to submit one or more additional applications under this section within five years of the date of the initial application for additional facilities described in said

subdivision that will either be physically connected to the facility included in the initial application or located within five miles of such facility shall indicate any such intention that is foreseeable in the initial application, and provide any information regarding such additional facilities required by the council.

Sec. 4. Section 16-50n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) The parties to a certification or amendment proceeding or to a declaratory ruling proceeding shall include: (1) The applicant, certificate holder, or petitioner; (2) each person entitled to receive a copy of the application or resolution under section 16-50*l*, as amended by this act, if such person has filed with the council a notice of intent to be a party; (3) any domestic or qualified nonprofit corporation or association formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the council a notice of intent to be a party; and (4) such other persons as the council may at any time deem appropriate.

(b) The council may permit any person to participate as an intervenor, in accordance with the provisions of section 4-177a, in a certification or amendment proceeding or a declaratory ruling proceeding. Notwithstanding the provisions of section 4-177a, for any proceeding pursuant to section 16-50k concerning a facility described in subdivision (1) of subsection (a) of section 16-50i, the council shall grant any person status as an intervenor in such proceeding if such person: (1) Submits a written petition to the council; and (2) is the owner of any property that abuts the proposed facility, or that abuts a right-of-way in which the proposed facility is to be located.

(c) The council in its discretion may provide for the grouping of parties and intervenors with the same interests. If such a group does not designate an agent for the service of notice and documents, the council shall designate such an agent, and notice and documents need be served only on the designated agent. Notwithstanding the provisions of this subsection, any party or intervenor who has been included in a group may, at any time by oral or written notice to the council, elect not to be a member of the group to the extent specified in such notice.

(d) The Attorney General shall appoint an assistant attorney general or a special assistant attorney general to act as counsel for the Connecticut Siting Council.

(e) Upon receipt of the application, the council may employ one or more independent consultants to study and measure the consequences of the proposed facility on the environment. The council shall direct such consultant or consultants to study any matter that the council deems important to an adequate appraisal of the application. Any such study and any report issued as a result thereof shall be part of the record of the proceeding.

(f) Any person may make a limited appearance at a hearing held pursuant to the provisions of section 16-50m, prior thereto or within thirty days thereafter, entitling such person to file a statement in writing. At the discretion of the council any person may make a limited appearance at any such hearing to present an oral statement under oath. All papers and matters filed by a person making a limited appearance shall become part of the record. No person making a limited appearance, and not otherwise entitled to be a party, shall be a party or shall have the right to cross-examine witnesses, parties or intervenors.

Sec. 5. Section 16-50p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) (1) In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate.

(2) The council's decision shall be rendered in accordance with the following:

(A) Not later than twelve months after the filing of an application for a facility described in subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision (4) of said subsection (a) if the application was incorporated in an application concerning a facility described in subdivision (1) of said subsection (a); and

(B) Not later than one hundred eighty days after the filing of an application for a facility described in subdivisions (3) to (6), inclusive, of subsection (a) of section 16-50i, provided the council may extend such period by not more than one hundred eighty days with the consent of the applicant.

(3) The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine:

(A) Except as provided in subsection (b) or (c) of this section, a public need for the facility and the basis of the need;

(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public

health and safety, (iv) scenic, historic and recreational values, (v) agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish, aquaculture and wildlife;

(C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application;

(D) (i) **[**In**]** From October 1, 2024, to September 30, 2025, inclusive, in the case of an electric transmission line, **[**(i)**]** (I) what part, if any, of the facility shall be located overhead, **[**(ii)**]** (II) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and **[**(iii)**]** (III) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the council may adopt pursuant to section 16-50t, including, but not limited to, the council's best management practices for electric and magnetic fields for electric transmission lines and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the council. In establishing such buffer zone, the council shall consider, among other things, residential areas, private or public schools, licensed child care centers, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone;

(ii) On and after October 1, 2025, in the case of an electric transmission line, (I) what part, if any, of the facility shall be located overhead, (II) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, (III) the estimated initial and life-cycle costs for the facility or modification, as applicable, and for any feasible and practical project alternatives, (IV) the estimated regionalized and localized costs for the facility or modification, as applicable, and for any feasible and practical alternative, (V) for any estimated localized costs for the facility or modification, as applicable, that such estimated localized costs are reasonable compared to the benefits; and (VI) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the council may adopt pursuant to section 16-50t, including, but not limited to, the council's best management practices for electric and magnetic fields for electric transmission lines and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the council. In establishing such buffer zone, the council shall consider, among other things, residential areas, private or public schools, licensed child care centers, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone;

(E) In the case of an electric or fuel transmission line, that the location

of the line will not pose an undue hazard to persons or property along the area traversed by the line;

(F) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i that is (i) proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land, (ii) proposed to be installed on land near a building containing a school, as defined in section 10-154a, or a commercial child care center, as described in subdivision (1) of subsection (a) of section 19a-77, that the facility will not be less than two hundred fifty feet from such school or commercial child care center unless the location is acceptable to the chief elected official of the municipality or the council finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school or commercial child care center is located, or (iii) proposed to be installed on land owned by a water company, as defined in section 25-32a, and which involves a new ground-mounted telecommunications tower, that such land owned by a water company is preferred over any alternative telecommunications tower sites provided the council shall, pursuant to clause (iii) of this subparagraph, consult with the Department of Public Health to determine potential impacts to public drinking water supplies in considering all the environmental impacts identified pursuant to subparagraph (B) of this subdivision. The council shall not render any decision pursuant to this subparagraph that is inconsistent with federal law or regulations; and

(G) That, for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, the council has considered the manufacturer's recommended safety standards for any equipment, machinery or technology for the facility.

(H) For a facility described in subdivision (3) of section 16-50i that is a solar photovoltaic facility, that the council has evaluated potential

noise levels of the proposed facility in conformance with scientifically accepted methods for noise assessment.

(b) (1) Prior to granting an applicant's certificate for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, the council shall examine, in addition to its consideration of subdivisions (1) to (3), inclusive, of subsection (a) of this section: (A) The feasibility of requiring an applicant to share an existing facility, as defined in subsection (b) of section 16-50aa, within a technically derived search area of the site of the proposed facility, provided such shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, (B) whether such facility, if constructed, may be shared with any public or private entity that provides telecommunications or community antenna television service to the public, provided such shared use is technically, legally, environmentally and economically feasible at fair market rates, meets public safety concerns, and the parties' interests have been considered, (C) whether the proposed facility would be located in an area of the state which the council, in consultation with the Department of Energy and Environmental Protection and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance, and (D) the latest facility design options intended to minimize aesthetic and environmental impacts. The council may deny an application for a certificate if it determines that (i) shared use under the provisions of subparagraph (A) of this subdivision is feasible, (ii) the applicant would not cooperate relative to the future shared use of the proposed facility, (iii) the proposed facility would substantially affect the scenic quality of its location or surrounding neighborhood and no public safety concerns require that the proposed facility be constructed in such a location, or (iv) no public safety concerns require that a proposed facility owned or operated by the state be constructed in that location. In evaluating the public need for a cellular facility described in subdivision (6) of subsection (a) of section

16-50i, there shall be a presumption of public need for personal wireless services and the council shall be limited to consideration of a specific need for any proposed facility to be used to provide such services to the public.

(2) When issuing a certificate for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, the council may impose such reasonable conditions as it deems necessary to promote immediate and future shared use of such facilities and avoid the unnecessary proliferation of such facilities in the state. The council shall, prior to issuing a certificate, provide notice of the proposed facility to the municipality in which the facility is to be located. Upon motion of the council, written request by a public or private entity that provides telecommunications or community antenna television service to the public or upon written request by an interested party, the council may conduct a preliminary investigation to determine whether the holder of a certificate for such a facility is in compliance with the certificate. Following its investigation, the council may initiate a certificate review proceeding, which shall include a hearing, to determine whether the holder of a certificate for such a facility is in compliance with the certificate. In such proceeding, the council shall render a decision and may issue orders it deems necessary to compel compliance with the certificate, which may include, but not be limited to, revocation of the certificate. Such orders may be enforced in accordance with the provisions of section 16-50u, as amended by this act.

(c) (1) The council shall not grant a certificate for a facility described in subdivision (3) of subsection (a) of section 16-50i, either as proposed or as modified by the council, unless it finds and determines a public benefit for the facility and considers neighborhood concerns with respect to the factors set forth in subdivision (3) of subsection (a) of this section, including public safety.

(2) (A) On and after October 1, 2025, the council shall not grant a

certificate for a facility described in subdivision (1) of subsection (a) of section 16-50i, either as proposed or as modified by the council, unless the council finds and determines a public need for the facility and considers neighborhood concerns with respect to the factors set forth in subdivision (3) of subsection (a) of this section, including public safety and the impact that the proposed facility is anticipated to have on the tax base of any municipality where any part of such facility is proposed to be located.

(B) The certificate holder shall include in any development and management plan submitted to the council on and after October 1, 2025, for a facility described in subdivision (1) of subsection (a) of section 16-50i, or any modification of such a facility: (i) The estimated cost for the facility or modification, as applicable, based on the design in the development and management plan and current cost information, and (ii) the estimated regionalized and localized costs using such estimated cost. If either (I) such estimate of costs based on the design in the development and management plan and current cost information, or (II) such estimate of localized costs is greater than one hundred ten per cent of the estimated initial, life-cycle or localized costs for the facility or modification, as applicable, determined by the council pursuant to subparagraph (D)(ii) of subdivision (3) of subsection (a) of this section, the certificate holder shall include in the development and management plan a detailed analysis of the difference in cost estimates and shall provide any additional information requested by any member of the council or by any intervenors to the proceeding.

[(2)**]** (C) The council shall not grant a certificate for a facility described in subdivision (1) of subsection (a) of section 16-50i, that is substantially underground or underwater except where such facility interconnects with existing overhead facilities, either as proposed or as modified by the council, unless it finds and determines a public benefit for a facility substantially underground or a public need for a facility substantially

underwater.

(3) For purposes of this section, a public benefit exists when a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity and a public need exists when a facility is necessary for the reliability of the electric power supply of the state.

(4) Any application for an electric transmission line with a capacity of three hundred forty-five kilovolts or more that is filed on or after May 1, 2003, and proposes the underground burial of such line in all residential areas and overhead installation of such line in industrial and open space areas shall have a rebuttable presumption of meeting a public benefit for such facility if the facility is substantially underground and meeting a public need for such facility if the facility is substantially above ground. Such presumption may be overcome by evidence submitted by a party or intervenor to the satisfaction of the council.

(5) The council shall not grant a certificate for a facility described in subdivision (3) of subsection (a) of section 16-50i that is a solar photovoltaic facility if it finds that (A) such facility will not comply with any noise requirements established pursuant to chapter 442, or (B) the distance between any inverters or transformers of such facility and the property line is less than two hundred feet.

(6) The council shall not grant a certificate, either as proposed or as modified by the council, unless it (A) provides summaries and written responses to any comments that the Departments of Administrative Services, Agriculture, Economic and Community Development, Energy and Environmental Protection, Emergency Services and Public Protection, Public Health and Transportation, the Labor Department, the Council on Environmental Quality, the Public Utilities Regulatory Authority, the Office of Policy and Management or the Office of Consumer Counsel submits pursuant to subsection (i) of section 16-50j,

as amended by this act, and (B) provides written responses to the positions of each intervenor that participated in the certification proceeding concerning such certificate. The council shall specifically address any environmental justice concerns raised in the comments of said departments, Council on Environmental Quality, authority and offices, or in the positions of any such intervenor, in such written responses.

(d) If the council determines that the location of all or a part of the proposed facility should be modified, it may condition the certificate upon such modification, provided the municipalities affected by the modification and the residents of such municipalities shall have had notice of the application pursuant to subsection (b) of section 16-50*l*, as amended by this act.

(e) In an amendment proceeding, the council shall render a decision not later than ninety days after the filing of the application or adoption of the resolution initiating the proceeding. The council shall file an opinion with its order stating its reasons for the decision. The council's decision shall include the findings and determinations enumerated in subsection (a) of this section which are relevant to the proposed amendment.

(f) The council shall serve a copy of the order and opinion issued therewith upon each party and publish a notice of the issuance of the order and opinion in such newspapers as will serve substantially to inform the public of the issuance of such order and opinion. The name and address of each party shall be set forth in the order.

(g) In deciding whether to issue a certificate, the council shall in no way be limited by the applicant already having acquired land or an interest therein for the purpose of constructing the facility that is the subject of its application.

(h) For purposes of this section, a public need exists for an energy facility if such facility is necessary for the reliability of the electric power supply of the state.

(i) For a facility described in subdivision (1) of subsection (a) of section 16-50i, with a capacity of not less than three hundred forty-five kilovolts, the presumption shall be that a proposal to place the overhead portions, if any, of such facility adjacent to residential areas, private or public schools, licensed child care centers, licensed youth camps or public playgrounds is inconsistent with the purposes of this chapter. An applicant may rebut this presumption by demonstrating to the council that burying the facility will be technologically infeasible. In determining such infeasibility, the council shall consider the effect of burying the facility on the reliability of the electric transmission system of the state and whether the cost of any contemplated technology or design configuration may result in an unreasonable economic burden on the ratepayers of the state.

(j) Upon a motion of a party or intervenor or a council determination that any party or intervenor relating to a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i has intentionally omitted or misrepresented a material fact in the course of a council proceeding, the council may, by majority vote, request the Attorney General to bring a civil action against such party or intervenor. In any such action, the Attorney General may seek any legal or equitable relief the Superior Court deems appropriate, including, but not limited to, injunctive relief or a civil penalty of not more than ten thousand dollars and reasonable attorney fees and related costs.

Sec. 6. Section 16-50q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) Any party may obtain judicial review of an order issued on an application for a certificate or an amendment of a certificate in

accordance with the provisions of section 4-183. Any judicial review sought pursuant to this chapter shall be privileged in respect to assignment for trial in the Superior Court.

(b) On and after October 1, 2025, if a municipality seeks judicial review under this section, and such municipality is a prevailing party in the action, the court may award the municipality reasonable attorneys' fees and costs. No public service company may recover any such attorneys' fees or costs awarded by a court through rates if the court finds that the public service company acted imprudently in the application process or petition and such imprudence was the primary cause of the municipality prevailing in such action.

Sec. 7. Section 16-50s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) **[**The**]** From October 1, 2024, to September 30, 2025, inclusive, council may give appropriate consideration in all proceedings to (1) the amounts expended by a utility for research on generation and transmission of the form of energy furnished by it and the environmental effect thereof, (2) the amounts expended by such utility for promotion, including advertising, of the use of the form of energy furnished by it, and (3) the relationship between such expenditures.

(b) On and after October 1, 2025, the council shall give appropriate consideration in all proceedings to (1) the amounts expended by a utility for research on generation and transmission of the form of energy furnished by it and the environmental effect of such form of energy, (2) the amounts expended by such utility for promotion, including advertising, of the use of the form of energy furnished by it, and (3) the relationship between such expenditures.

Sec. 8. Section 16-50u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

[The council shall take reasonable steps to insure that each facility for which a certificate has been issued is constructed, maintained and operated in compliance with such certificate and any other standards established pursuant to this chapter. Whenever the council deems it necessary to verify such compliance and whenever the meeting of any such other standards involves expenses, the person to whom such certificate has been issued shall be charged with and pay such expenses. The courts are authorized to grant such restraining orders, and such temporary and permanent injunctive relief, as may be necessary to secure compliance with this chapter and with a certificate issued pursuant to this chapter. The courts**]** (a) Each holder of a certificate issued by the council shall comply with such certificate, any condition of such certificate and any other requirements of this chapter. The council shall enforce the provisions of this chapter and compliance with any condition or requirement of a certificate issued by the council.

(b) If the council finds that any person has failed to secure a certificate pursuant to this chapter or has failed to comply with any certificate, condition of such certificate or any other requirements of this chapter, the council shall fine such person, order such person to pay restitution or order such person to pay a combination of a fine and restitution. The council may assess civil penalties in an amount not less than one thousand dollars per day for each day of construction or operation in material violation of this chapter, or in material violation of any certificate issued pursuant to this chapter. Civil proceedings to enforce this chapter may be brought by the Attorney General in the superior court for any judicial district affected by the violation. The remedies and penalties in this section shall be cumulative and shall be in addition to any other penalties and remedies available at law, or in equity, to any person.

(c) If the council has reason to believe that a violation has occurred for which a civil penalty is authorized pursuant to subsection (b) of this

section, the council shall notify the alleged violator by certified mail, return receipt requested, or by personal service. The notice shall include:

(1) A reference to any applicable section of this title, council regulation or certificate, or to any condition or requirement of such certificate;

(2) A short and plain statement of the matter asserted or charged;

(3) A statement of the prescribed civil penalty for the violation; and

(4) A statement of the person's right to a hearing.

(d) The person to whom the notice is addressed shall have twenty days from the date of receipt of the notice in which to deliver to the council a written application for a hearing. If a hearing is requested, then, after a hearing and upon a finding that a violation has occurred, the council may issue a final order assessing a civil penalty under this section which shall not be greater than the maximum penalty permitted by subsection (b) of this section. If a hearing is not requested, or if such a request is later withdrawn, then the notice shall, on the first day after the expiration of the twenty-day period or on the first day after the withdrawal of the request for hearing, whichever is later, become a final order of the council and the matters asserted or charged in the notice shall be deemed admitted, unless the notice is modified by a consent order before it becomes a final order. A consent order shall be deemed a final order.

(e) All hearings under this section shall be conducted in accordance with sections 4-176e to 4-184, inclusive. Any final order of the council assessing a civil penalty shall be subject to appeal under section 4-183. No challenge to any final order of the council that assesses a civil penalty shall be allowed as to any issue that could have been raised by an appeal of an earlier order of the council. Any civil penalty authorized by this section shall become due and payable (1) at the time of receipt of a final

order, in the case of a civil penalty assessed in such order after a hearing, (2) on the first day after the expiration of the period in which a hearing may be requested, if no hearing is requested, or (3) on the first day after the withdrawal of a request for hearing.

(f) Any civil penalty assessed in a final order of the council under this section may be enforced in the same manner as a judgment of the Superior Court. The council shall deliver the final order to the person found to be in violation by personal service or by certified mail, return receipt requested. After entry of such final order, the council may file a transcript without the payment of costs, in the office of the clerk of the superior court in the judicial district in which such person resides, has a place of business, owns real property, or where any real property that is the subject of the proceedings is located or, if such person is not a resident of the state, in the judicial district of Hartford. Upon such filing, the clerk shall docket the order in the same manner and with the same effect as a judgment entered in the superior court within the judicial district. Upon the docketing, the order may be enforced as a judgment of the court.

(g) Such court may grant such restraining orders, and such temporary and permanent injunctive relief, as may be necessary to secure compliance with this chapter and with a certificate issued pursuant to this chapter, including, but not limited to, requiring modifications to the layout of a facility or the installation of noise-dampening materials or equipment to comply with noise level restrictions required pursuant to such a certificate.

Sec. 9. Subsection (c) of section 16-50z of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(c) When a public service company intends to acquire residential real property by condemnation, **[**and the owner of such property disputes

the company's need to acquire such property, the owner may bring the issue of the purpose for which the property is being acquired to the Siting Council not later than thirty days following the owner being informed of the company's intention**]** the company shall notify the owner of the property not less than sixty days prior to the intended date of condemnation, by certified mail, with the envelope marked in not less than twelve-point size bold type, as follows: "NOTICE REGARDING POTENTIAL CONDEMNATION OF YOUR PROPERTY". The company shall include in its **[**notification**]** notifications under this section to the owner of its intention to acquire such property by condemnation, a statement that the owner may bring the issue of the purpose for which the property is being acquired to the Connecticut Siting Council. **[**The company shall send such notification to the owner by certified mail.**]** If the owner of such property disputes the company's need to acquire such property, the owner may bring the issue of the purpose for which the property is being acquired to the Connecticut Siting Council not later than thirty days after the date on which the owner receives notice of the potential condemnation of property pursuant to this section. Upon written request by the owner, the council shall initiate a proceeding to determine whether the proposed taking is necessary and consistent with the provisions of section 16a-35k. The council shall (1) provide the owner of the property and the public service company with notice of the proceeding, (2) hold a hearing in accordance with the provisions of chapter 54 as part of such a proceeding, and (3) render a decision upon the record not later than ninety days following the council's receipt of the written request for such a proceeding, provided the parties may agree to a longer period, which decision shall state whether the proposed taking is necessary and consistent with the provisions of section 16a-35k and include appropriate findings. The public service company shall pay the expenses incurred by the council in conducting a proceeding pursuant to this subsection. If a public service company and the owner of real property agree that the proposed taking is necessary and consistent with

the provisions of section 16a-35k but cannot agree on fair compensation for the property, or if the public service company or owner disagrees with the decision of the council regarding whether the proposed taking is necessary and consistent with the provisions of section 16a-35k, the public service company or the owner may petition the Superior Court to determine the issue in question. Such a petition shall be submitted to the superior court for the judicial district in which the property is located.

Sec. 10. Subsection (b) of section 16-50bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(b) Payments from the account shall be made upon authorization by the State Treasurer. An application for reimbursement shall be submitted not later than sixty days after the conclusion of a certification proceeding, except for a facility described in subdivisions (5) and (6) of subsection (a) of section 16-50i, by each municipality entitled to receive a copy of an application under section 16-50*l*, as amended by this act, in order to defray expenses incurred by such municipalities in participating as a party to a certification proceeding, except for a proceeding on an application for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i. Any moneys remaining after payments to municipalities in accordance with this section shall be refunded to the applicant in even amounts. Where more than one municipality seeks moneys from such account, the council shall evenly distribute such moneys among the municipalities. No municipality may receive moneys from the account in excess of **[**twenty-five**]** forty thousand dollars. No municipality may receive moneys from the account in excess of the dollar amount such municipality has expended from its own municipal funds.

Sec. 11. Section 16-50gg of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

When notifying a municipality pursuant to section 16-50*l*, as amended by this act, of an application for a telecommunications tower or a proposed transmission line in **[**said**]** such municipality, the Connecticut Siting Council shall request that the municipality provide **[**to said council, within thirty days, any location preferences or criteria for the siting of said telecommunications tower. The**]** the council with any location preferences or criteria relating to the siting of such telecommunications tower or proposed transmission line. The municipality shall provide such location preferences or criteria to the council not later than thirty days after the date of such request. In addition, the council may consider regional location preferences from neighboring municipalities.

Sec. 12. (NEW) (*Effective from passage*) (a) The Department of Energy and Environmental Protection, in consultation with the Connecticut Siting Council, the Departments of Agriculture, Economic and Community Development, Housing, Public Health and Transportation, the Office of Policy and Management, the Council on Environmental Quality, the Public Utilities Regulatory Authority and the Office of Consumer Counsel, shall prepare a report, as described in subsection (c) of this section, concerning the Connecticut Siting Council. Not later than December 31, 2024, the department shall submit such report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, government administration and elections, energy and the environment.

(b) The Department of Energy and Environmental Protection may, within existing resources, hire a consultant to assist in the preparation of such report. Such consultant shall not own or operate any facility, as defined in section 16-50i of the general statutes, as amended by this act.

(c) The report prepared pursuant to subsections (a) and (b) of this section shall examine the Connecticut Siting Council, with a focus on the

council's ability to balance the need for the facilities that the council oversees and the need for timely and thorough administration of the council's duties with the need to protect the environment, public health and safety. Such study shall include evaluations of and recommendations concerning: (1) The scope of the council's jurisdiction, the composition of the council's membership and the council's powers, duties, role and responsibilities, as compared to those of other state agencies; (2) the effectiveness of the council's structure, with consideration of other structures based on best practices in other states, and any statutory or administrative changes that may be needed to implement such recommendations; (3) processes for issuing a certificate of environmental compatibility and public need or approving a petition for a declaratory ruling, as described in section 16-50k of the general statutes, including how to better integrate new technologies into such processes; (4) the council's oversight of completed projects; (5) criteria used by the council in evaluating applications; (6) the council's ability to adhere to statutory timeframes; (7) how the council evaluates any economic, conservation and development impacts of projects that the council approves, including the council's evaluation of (A) a project's consistency with transit-oriented development and other state and municipal economic development objectives, and (B) the degree to which a project forecloses the opportunity for economic development to occur; (8) the efficacy of the council's processes for developing evidence; (9) the efficacy of the council's processes for engaging in deliberations; (10) the council's relationship with municipalities and other governmental bodies; (11) policies, procedures and processes for inclusive public engagement in council decision-making, including to increase transparency and encourage public participation, especially in environmental justice communities, as defined in section 22a-20a of the general statutes; (12) equitable practices and processes in council decision-making for considering community compensation; (13) how the council addresses common public concerns related to siting, such as noise, visual and other community impacts; and (14) whether to provide

each member of the council with an electronic mail address so that each member may receive documents and other information directly.

(d) Not later than November 30, 2024, the Department of Energy and Environmental Protection shall post a draft report on the department's Internet web site for members of the public to review in advance of providing any comment to the department. In addition, the department shall provide a mechanism for receiving public comment and shall, after posting such draft report but prior to submitting a final report pursuant to subsection (a) of this section, host at least one listening session in order to seek public comment and integrate such comments as the department deems appropriate into the final report.

Approved June 6, 2024