

Government Administration and Elections Committee
JOINT FAVORABLE REPORT

Bill No.: HB-5453

AN ACT CONCERNING THE MEMBERSHIP AND PROCESSES OF THE

Title: CONNECTICUT SITING COUNCIL.

Vote Date: 3/22/2024

Vote Action: Joint Favorable

PH Date: 3/13/2024

File No.:

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SPONSORS OF BILL:

Government Administration & Elections Committee

REASONS FOR BILL:

This bill would change the membership of the Connecticut Siting Council to allow for more municipal and public representation in regard to decisions made on facilities being built in certain municipalities. It would require additional cost-benefit analysis for these facilities, require notification of property owners, and review the process for granting applications for a certificate.

RESPONSE FROM ADMINISTRATION/AGENCY:

Melanie Bachmann, Executive Director, Connecticut Siting Council: Has concerns that this bill would result in a cost increase for cellular telecommunications costumers and electricity ratepayers as CSC proceedings costs are passed on to them. States that several changes should be made to the bill to more accurately represent the goals and original intent of the CSC. These include changing the use of certain terms in regard to the environment, increasing the municipal consultation period, and increasing the municipal participation account by adjusting for inflation. Also, comments on a variety of language changes that are unclear, subjective, or do not apply to CSC proceedings. They state that overall, they oppose this bill as it would create ad hoc membership and could hinder state policy goals.

NATURE AND SOURCES OF SUPPORT:

Jason Bowsza, First Selectman, Town of East Windsor: Supports this bill because it increases municipal participation in CSC proceedings, which will result in better decision making. States that one member of the council should be required to be a current or former

chief executive officer of a municipality. States that Section 2 should be amendment to require the Council to consider plans of municipal conservation and development. Also states that the bill helps reinstate local control over the siting of grid-scale solar power projects.

William Gerber, First Selectman, Town of Fairfield: Supports this bill because it will improve the effectiveness of the siting council and ensure that the input of the public and municipalities is taken into consideration while making decisions. States that he supports requiring the appointment of members of the public who have expertise in ecology and engineering, as these members will provide valuable public input while also being knowledgeable on the relevant subjects. Also states that he agrees with limiting the membership of those formerly associated with utilities and expresses displeasure with the excessive amount of time that utilities are given by the Council to make their case.

Mary Hogue, Sustainable Fairfield: Supports this bill because the modifications that it makes will improve the transparency of the Siting Council and ensure that it receives an adequate amount of oversight.

Jack Leslie: Supports this bill because he views the current process of the Siting Council is seriously flawed, as requests for public comments are routinely denied and the public lacks confidence that the process is thorough and fair. States that the current CSC process is too favorable to utilities and public input is far too limited to ensure that a balanced and fair approach is taken.

Andrea Mascaro: Supports this bill because it refocuses the Siting Council to its original goals of protecting communities from potentially harmful utilities facilities. States that residents in towns where large arrays of solar panels have been installed have not been given enough opportunities to oppose or question these facilities and that this bill would restore a sense of municipal and public input in the process of the Siting Council and would reduce the excessive amount of influence currently held by utilities in the Council's decision making.

Ms. Lindsey Miesmer: Supports this bill because the Siting Council has shown favoritism to utilities and their demands. States that residents have been ignored and their requests for input have been denied, and this bill will help give them fair representation in the process.

Andrea Ozyck: Supports this bill because it is a step forward in ensuring more transparency in the process of the Connecticut Siting Council. States that this bill would improve the ability of the Council to support a modern grid while balancing the need for protecting natural beauty. States that several changes could be made to this legislation, such as requiring that the Council receive economic expertise on how a project would impact property values, business opportunities, and tax revenue.

Sean Kelly: Supports this bill because it would address several problems with the Siting Council and believes that the decisions they have made have had a damaging effect on millions of residents in this state. States that the Siting Council must be held accountable for decisions made regarding power lines that have had damaging effects on the environment, ecology, and recreational values, as well as property values and the tax bases of the communities they affect.

Anonymous, Anonymous, Resident & Taxpayer: Has concerns with how the Siting Council has made decisions with no real plans or project cost analysis. States that the membership of the Council needs to change so that they are more proactive in asking for cost-benefit analysis and requiring more notifications be given to the owners of property that are intended to be condemned.

Sean Cowan: Supports this bill because utilities have behaved as if they are not subject to the laws and requirements that they are supposed to be, and that it is wrong that any member of the Siting Council can be directly associated with monopolistic utilities. States that transparency and the right to public comment is critical in ensuring this process functions correctly and that members of the Council should be unquestionably autonomous from conflicts of interest.

Meg Francis: Supports this bill because local ordinances need more consideration while making these decisions. States support for membership changes to the Council, requiring thorough cost-benefit analysis, and requiring notification of property owners.

Betsy Gara, Executive Director, CT COST: Supports this bill because current decisions made by the Connecticut Siting Council have created concerns that facilities would be incompatible with local zoning and land use regulations. States that the Council cannot properly consider the interests of municipalities without local input and representation, and that requiring ad hoc members from the affected and neighboring municipalities would strengthen the integrity of environmentally sensitive areas.

Diana Gray, Secretary & Ex-Board Chair, Fairfield Regional Audubon: Supports this bill as someone who has worked extensively in conservation and the protection of wildlife. States that the decisions made by the Connecticut Siting Council have only benefited utility corporations and have not considered enough public input.

Ellen Levinson: Supports this bill because she believes that the Siting Council should take more information into account while making decisions and that there needs to be more notification of property owners who may be affected by their decisions.

Elizabeth Merritt, Deputy General Counsel, National Trust for Historic Preservation: Supports this bill because the Trust recently participated in a meeting of the Siting Council, and they believe that it was not doing a good job of facilitating public participation. States that while considering the siting of energy projects, the impact on historic and cultural resources in a community must be factored in, and property owners adjacent to the prospective location of a proposed facility must be notified of exactly how it would affect their property.

EJ Northrop: Supports this bill because utilities are not as knowledgeable as residents of communities when it comes to history, culture, business environment, and climate impact. States that utilities often view communities as opponents rather than partners, and that this bill would establish more transparency and input from public and municipal representatives on the Council so that the concerns of property owners and taxpayers are addressed.

Judith Proctor: Supports this bill because it would help ensure that the Siting Council properly represents property owners and electricity users, as they currently seem to be concerned about supporting utilities business interests.

Matthew Reed, Town Administrator, Town of Ellington: Supports this bill, and specifically agrees with the provision that certain solar facilities must meet all conditions set by the municipality. Requests that the requirements be lowered to be applied to any facility producing in excess of 50 megawatts.

Laura Becker Lawlor, President, The Sasquanaug Association: Supports this bill because the current process of the Connecticut Siting Council is flawed as it tends to be biased towards utilities and indifferent to the input of the general public. States that this bill would broaden the membership of the Council and increase public input, leading to increased transparency and potentially better results for the communities affected by these projects.

Jackie Richardson: Supports this bill because those who own property affected by decisions made by the Connecticut Siting Council are given little to no notification and are left with few legal options in defending their property. States that this bill would help improve the process by increasing transparency and making it fairer and representative of public opinion.

Rita Skog: Supports this bill because the current process limits citizen's rights, and this bill would help by expanding cost-benefit analysis and requiring notification of property owners.

Catharine Van Tornhout: Supports this bill.

NATURE AND SOURCES OF OPPOSITION:

Francis Pullaro, Executive Director, RENEW Northeast: Opposes this bill as it would place unfair limits on solar power developers in the state. States that in a veto message last year, the Governor commented that there are already adequate provisions in place to ensure that intervenors and property owners have the right to challenge the construction of a project, and that there are already standards for these facilities established to ensure that they are protecting the environment of the area they are building in as well as the historic nature of the properties adjacent to a building site. States that solar builders are held to a higher standard of conduct than fossil fuel providers in this state.

Kate Shanley, Manager - Transmission Siting, Eversource Energy: Opposes this bill because the creation of ad hoc membership on the Siting Council could undermine the intentions of the Council by increasing emphasis on purely local interests. States that municipal and public interests are already represented on the council through the appointment of five members of the public with at least one being a former mayor or first selectman. States that the increased evidentiary standard for granting a certificate for a facility would tip the scales towards denial of a project. Also states that this bill could put decarbonization goals at risk by limiting the construction of facilities producing clean and renewable energy.

Todd Berman, Avangrid Networks: Opposes this bill as it would undermine the original intent of the Siting Council to have certain municipal control removed to advance projects that benefit the state as a whole. States that this bill doesn't consider that utilities are already requiring to go through the municipal filing process and that municipal standards play a role in the process. States that there could be a situation where an elected municipal leader testifies in front of ad hoc municipally appointed members of the Siting Council, which could present a conflict of interest as those members may have been appointed by the individual testifying.

States that the bill does not make it clear why 5 members of the Council need to have expertise in engineering and financial analysis and suggests that this provision could undermine the legislative intent of the Council.

Several individuals expressed opposition to this bill.

These individuals include:

Krystin D'Amato
Jermaine Cruz
Mr. Glenn Fuoco
Nicholas D'Amato

GENERAL COMMENTS:

Timothy Stuart: Appreciates that this bill looks to address the problems of the Connecticut Siting Council, but states that it fails to address the incremental shifting of assets to owner corporations who are building projects and allow for the continued degradation of communities. States that projects that are arguably unnecessary and have been fought legally by municipalities and members of the public will be allowed to go forward because they benefit the utilities who have an undue amount of influence on the Siting Council.

Anonymous, Anonymous: States that they oppose the Siting Council for everything that they do as they do not take the public interest into consideration when making decisions. States that the limits currently placed on utilities and those constructing telecommunications towers are not enough to protect citizens from the dangers that high-wattage towers present. States that these companies are operating under outdated and irrelevant guidelines that are putting the safety of Connecticut citizens at risk.

Reported by: Gabriel Marques, Assistant Clerk Date: 4/5/2024