

# Judiciary Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-5507

AN ACT CONCERNING STATE AGENCY AND COURT PROCEEDINGS

**Title:** RELATING TO ELECTRIC TRANSMISSION LINES.

**Vote Date:** 3/26/2024

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/20/2024

**File No.:**

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### SPONSORS OF BILL:

Judiciary Committee

### CO-SPONSORS OF BILL:

Sen. Tony Hwang, 28th Dist.

Rep. Jennifer Leeper, 132nd Dist.

Rep. Steven J. Stafstrom, 129th Dist.

### REASONS FOR BILL:

Individuals believe that applications to the Siting Council by utility companies can lack community input. This bill seeks to change the way the application process works with the Siting Council relating to new electric transmission lines.

### SUBSTITUTE LANGUAGE:

The substitute language adds additional provisions related to notice, planning studies, who can receive documents from a municipality, granting a certificate without a public need and neighborhood consideration, and adding the Office of The Consumer Counsel to the list of agencies with whom the Siting Council must consult.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**Melanie Bachman, Executive Director, Connecticut Siting Council (CSC):** She submitted testimony on the bill and recommends blending the intent of the bill with existing statutory language to maintain the balance among competing interests in its proceedings. She opposes any proposal that increases costs to electric ratepayers and/or thwarts regional and state policy goals. She also recommended various edits throughout the bill.

## **NATURE AND SOURCES OF SUPPORT:**

**Betsy Gara, Executive Director, Connecticut Council of Small Towns (COST):** She testified in support of the bill because municipalities are often caught off guard when an application for a new electric transmission line is submitted to the CT Siting Council. She believes a solution to this is to require utilities to notify municipal leaders, affected landowners, and others when an application is submitted to the CT Siting Council. She supports the strengthening of the ability of intervenors to obtain judicial review of an order issued.

**Senator Tony Hwang, CGA:** He testified in support of the bill, explaining that it would ensure that utilities applying to the Siting Council must not only consult with the municipal CEO of the city/town the project is in, but must also notify the municipality's legislative body, any affected landowners, as well as the state senator and representative of the project location. She stated that it also expands the ability for intervenors in Siting Council decisions to obtain judicial review of an order issued. He furthered that through this bill, elected officials will be brought into the process and will be able to relay information to their constituents. He stated that intervenors also deserve the same rights to obtain and present facts as the utilities, which they were not given in the Fairfield & Bridgeport case; this bill would give them the right to get a second opinion as to whether all information was properly considered.

**Representative Jennifer Leeper, CGA:** She testified in support of the bill, citing the issue of the transmission lines in Bridgeport and Fairfield, and mentioned that while her district is not an environmental justice community, the members still had a very hard time getting information about this project, clear answers about the impact of it, and having a seat at the table to represent their interests. She stated that her community was better resourced and more able to mobilize than most communities, which is how she knows just how important it is that EJC's are afforded all considerations provided to them because they otherwise will get steamrolled. She also added a few additional considerations for the bill language.

**Cary Lynch, Climate and Energy Policy Manager, The Nature Conservancy in Connecticut:** She testified in support of the bill because it will help achieve improvement in transmission planning procedures in Connecticut through more mindful consideration of negative impacts to the environmental and societal structures. She does, however, urge caution in applying the changes so as not to cause further delays in building and upgrading transmission infrastructure.

**Jane Montanaro, Executive Director, Preservation Connecticut:** She testified in support of the bill given her recent experience advocating for several historic property owners, organizations, and other stakeholders located along the proposed corridors of the United Illuminating transmission line. She stated that many individuals who will be either directly or indirectly impacted by the installations had little understanding of the process or chance to oppose the design and no opportunity to have input on alternatives. She believes that if changes included in this bill had already been in place, there would have been a fairer fight for members of the impacted communities to defend their community against the installation of transmission lines through their neighborhoods.

**Lamond Daniels:** He testified in support of the bill stating that it is essential to ensure any legislation regarding electric transmission lines addresses environmental justice concerns

and prioritizes the well-being of impacted communities. He provided nine reasons for his support; some include a preference for underground transmission lines, access to legal resources for intervenors, expert resources for comprehensive assessment, representation of environmental justice communities, and enhanced notification procedures among others.

**Stephen Ozyck, Co-Founder, SCNETI:** He testified in support of the bill after going through the ordeal of the installation of transmission lines through Fairfield and Bridgeport by United Illuminating. He specifically supports the following impactful reforms: a permanent member of the Siting Council from an EJC who is free of conflict of interest, notification requirements, any new easement taking located only in public Right of Way and all other “preferred route” explorations underground, and a penalty for negligence and misrepresentation, the cost of which should be taken from corporate profits and executive pay, not reflected in rate payer increases.

**Maryann:** She testified in support of the bill stating that utility companies’ installations and projects should be approved in the manner the bill proposes to address citizens’ and environmental concerns.

**Cathy Granneberg:** She testified in support of the bill because she is concerned about the new project in Fairfield and Southport which will affect many properties for many years. She stated that the lines should be put underground instead.

**EJ Northrop:** He testified in support of the bill stating that the Siting Council requirement on hearings is an outdated process and maximum transparency is critically important. He listed six key issues that will add transparency: sharing any appraisals revealing anticipated costs of easements; identifying each federal, state, regional, district, and municipality agency with which the proposed project and/or site reviews have been undertaken including a written agency position; share loads for the transmission line starting ten years before and after its proposed installation; provide information to and consult with all members of the legislature representing areas proposed to be affected by the proposed transmission line ninety days prior to filing; provide appraisals of the total projected costs associated with easements and the economic impact that the proposed facility will have on the tax base; include inventory of state or federally designated historic districts; and seek and make the determination that adverse impact caused is substantially outweighed by the public benefits of the proposal.

**Lynn Raymond:** She testified in support of the bill as it aims to address the reform of the Connecticut Siting Council in environmental justice communities. She stated that the recent decision by the CSC to approve Docket 516 without a clear plan in place underscores the necessity for reform within the CSC. She provided a list of areas that need to be addressed by the CSC, including the prioritization of underground infrastructure, access to legal resources for intervenors, proper notification procedures, and availability of expert resources for engineering, economic impact, and environmental impact among others.

**Sabrina Smeltz, CEO, Wakeman Boys & Girls Club:** She testified in support of the bill as it would amend a statutory provision relating to the rights of parties and intervenors in proceedings before the Siting Council relating to the construction of electric transmission lines. She stated that they were recently informed of a decision by the Connecticut Siting Council to allow UI to install a new transmission line that potentially directly impacts their Southport/Fairfield clubhouse, but the current process does not allow them the opportunity to

be an intervenor and formally question or engage to better understand the potential impacts on their clubhouse property.

**Mike Muszynski, CCM:** He testified in support of the bill as it would ensure the notification of applications to the Siting Council to the municipal government, state legislators, and affected landowners as well as expanding the ability for intervenors in Siting Council decisions to obtain judicial review of the final order. He believes this would correct past issues where there has been limited knowledge by state and local leaders as well as property owners when public utility companies have proposed new power lines to the Siting Council. In addition, provisions in the bill afford those impacted greater the opportunity to challenge the Council's decision in court, which would be a valuable tool for addressing any concerns they may have.

**John Turitzin:** He testified in support of the bill because it appropriately heightens the burden on utilities to justify their proposals to build or expand “affecting facilities”, as is requiring utilities to bear the attorney's fees and costs of prevailing municipalities.

**Binh Ta, Fairfield Resident:** They testified in support of the bill because they want more ability to be an intervenor on the building of the utility transmission monopoles in the neighborhood.

**Joanie Webster:** She testified in support of the bill because she is concerned about the recent vote by the Connecticut Siting Council to green light United Illuminating for the Hannon-Morrisette Alternative and wants more oversight of the Council.

**The Carbone Family:** They testified in support of the bill because they are concerned about the recent vote by the Connecticut Siting Council to green light United Illuminating for the Hannon-Morrisette Alternative and wants more oversight of the Council.

**Brian Coughlan:** He testified in support of the bill because he is concerned that United Illuminating is being allowed to do as they please and not being held in check by the Connecticut Siting Council.

**Dan Delventhal, CEO, MowGreen:** He testified in support of the bill as he believes it will help keep things fair and provide adequate notice and review prior to changes.

**Nicholas Granneberg:** He testified in support of the bill stating that he is opposed to UI's proposed relocation of the power lines and wishes there were more ability for him to voice his concerns prior to the approval.

**Sean Kelly, Southport resident:** He testified in support of the bill as it would require adequate notice to the city, legislators, and affected landowners about new projects as well as expanding the ability for intervenors in Siting Council decisions to obtain judicial review of an issued order. He cited Docket #516 where the Siting Council accepted a plan by United Illuminating, even though UI did not give adequate notice to impacted properties and town officials as being an example of why this is needed.

**Ellen Levinson:** She testified in support of the bill as it will help protect the rights of citizens and towns and prevent the Siting Council from unfairly siding with companies like United Illuminating in the future.

**Kathleen Maher, Executive Director, Barnum Museum Foundation Inc.:** She testified in support of the bill because it would give communities a voice in Siting Council decisions, which it did not get in the United Illuminating decision in Bridgeport.

**Andrea Ozyck:** She testified in support of the bill, stating that it will alleviate many deficiencies and inequities in the process of the approval by the Siting Council for new utility projects. She made recommendations for the bill such as transmission lines placed underground in environmental justice communities, there be an environmental justice advocate on the Siting Council, automatic intervenor status for project abutters, stricter notification requirements, and penalties for noncompliance which should be funded from utility company profits or executive compensation, not ratepayers.

**Jacquelyn Richardson:** She testified in support of the bill because it would increase transparency and provide more agency for intervenors. She knows from personal experience as her mother's historic residence was adversely affected by United Illuminating's proposal to the Siting Council and she was not given the agency or transparency to do anything about it.

**Shaw Cass:** They testified in support of the bill as it would give the community more of a voice in Siting Council proposals, such as that with UI.

**Timothy Stuart:** He testified in support of the bill as it addresses problems with the approval process for public infrastructure projects; problems which include lack of notification requirements and inability for affected parties to effectively voice their concerns with projects before an unbiased Siting Council. He stated that one thing the bill fails to address is the shortcomings of the current regulatory system of the CSC as it gives unwarranted power to utility asset operators to determine future public infrastructure strategy. He believes the CSC does not have the required competence or ability to access the appropriate information needed to make long-term strategic assessments of power transmission infrastructure; it should instead be done by a regulatory agency like PURA.

**Paula Tommins:** She testified in support of the bill because she knows the regulatory process needs to be changed after following the monopoly issue closely.

**David Webster:** He testified in support of the bill because of his concerns with how the UI transmission line rebuild project was handled in Southport. He feels that there is currently not enough ability of the little guy to voice his concerns against big business projects like this.

#### **NATURE AND SOURCES OF OPPOSITION:**

**Todd Berman, Director of Environmental Permitting, Avangrid Networks:** He testified in opposition to the bill, stating that making electric transmission lines an "affecting facility" does not serve the purpose of the state's environmental justice statute, which is to address disproportionate amounts of sources of air pollution and other pollutants in environmental justice communities. He stated that sections two and three of the bill would increase the municipal participation fee from. He furthered that section three of the bill would force the company to enter into discussions with property owners about project easements and property acquisitions prior to submission of the Siting Council application; that section also requires UI to certify to the Council that it has "completed negotiations on the amount of fair compensation" to be provided "in connection with the necessity of entering a right-of-way", which means an individual property owner would have the ability to prevent or delay an

application from being filed with the Council by never agreeing with the company on what is fair compensation.

**Kathleen Shanley, Manager, Transmission Siting, Eversource Energy:** She testified in opposition to the bill for several reasons. She stated that section one would single out electric transmission lines as a new “affected facility” even though transmission lines are not sources of air pollution or other pollution. She stated that section two would increase the amount of money put up by an applicant to defray expenses incurred by a municipality and Eversource believes that the current amount of \$25,000 is sufficient; she also objects to the requirement to submit copies of appraisals to be provided to an owner of real property as a part of the application, but this would intrude on private land negotiations between parties. Similarly, she objects to sharing appraisal and compensation information with the municipalities and the legislature. She disagrees with the proposed requirement to submit load information for existing transmission lines in the area where a new line is proposed because it is duplicative of information already submitted to the Siting Council; she explained that the requirement to supply information concerning “performance of all electric circuits at issue” is not defined enough and would encompass distribution as well as transmission lines, making the volume of data unnecessary and unwieldy. She also objects to describing the economic impact the proposed facility would have on the municipality because “economic impact” is not defined.

**Reported by:** Hillary Desideraggio

**Date:** 4-4-24