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 CONNECTICUT
 SITING COUNCIL

REPRESENTATIVE KEVIN M. DELGOBBO
 SEVENTIETH DISTRICT

83 MEADOW STREET
 NAUGATUCK, CONNECTICUT 06770
 HOME: (203) 720-7503
 CAPITOL: 1-800-842-1423

RANKING MEMBER
 ENERGY & TECHNOLOGY COMMITTEE
 MEMBER
 FINANCE, REVENUE & BONDING COMMITTEE
 PROGRAM REVIEW & INVESTIGATIONS COMMITTEE

September 2, 2004

The Honorable Pamela B. Katz
 Chairman
 Connecticut Siting Council
 Ten Franklin Square
 New Britain, CT 06501

Re: The Buffer Zone Provision of Public Act 04-246

Dear Chairman Katz and members of the Council,

I very much regret that I will be out of the country on September 8, 2004 when the Connecticut Siting Council will consider comments on the "buffer zone" provisions of Public Act 04-246. Otherwise, I would be with you to share my thoughts on this important subject. The bill that became PA 04-246 was reported by the Energy and Technology Committee, of which I have been the ranking member for the last six years. As one of the principal co-authors that legislation, and I am very familiar with its history, and I am very concerned that it be applied properly.

As the record of the adoption of this legislation amply reflects, PA 04-246 was a compromise. Although there were some legislators who wished to prescribe specific distances or other quantitative limits for a buffer zone, or to require the Siting Council to do so, there were no such provisions in the final version of the bill that was enacted. I am convinced that a bill that required any such specific limits would not have passed. The compromise, which passed by an overwhelming majority – was to entrust the application of the buffer zone provision to the good judgment and expertise of the Siting Council, with no restrictions on the exercise of that judgment other than requiring that, if overhead transmission line construction on an existing right of way is approved, the facilities must be contained within a buffer zone that is at least equal to the existing right of way.

The co-authors of the bill understood that there is widespread public concern about transmission line EMF, but that no one knows if there is really any hazard or, if there is, what kind of exposure could be hazardous. We therefore entrusted the determination of such issues to the Siting Council, expecting you to deal with them as you capably have for many years. I believe that you will also find that the legislative record of the adoption of this bill demonstrates that we well understood and reaffirmed the critical role of the Siting Council as well. In many respects, P.A. 04-246 codifies long-standing practices of the Siting Council, such as recognizing and giving the force of law to the Council's "Best Management Practices" regarding EMF. Similarly, the buffer zone provision is meant to assure that in each and every docket in which overhead transmission lines are considered, the Council will closely consider and appropriately apply scientific evidence concerning the potential risks of transmission line magnetic fields.

I also wish to express that PA 04-246 is not intended to alter the Council's traditional charge to balancing multiple public policy objectives, which remains embedded in the Public Utilities Environmental Standards Act. In particular, the general assembly has long recognized that we must have a **reliable electric transmission system in Connecticut**. The provision of a reliable electric system is, I believe, fundamental to the government's obligation to protect public health and safety, as well as essential to the economic health of the State. The general assembly is also well aware that there are **urgent reliability and congestion problems in Southwest Connecticut that must be addressed**, and that will be addressed by the plan of transmission upgrades of which the Norwalk to Middletown line you are now considering is a part. And while it is reasonable to pay more for a margin of safety, we can not afford to make electricity a luxury item for Connecticut's families and the companies that employ them.

The general assembly sought to strike a balance of all of these considerations. With respect to the buffer zone provision, we made it very clear that an electric transmission right of way, including an existing right of way, could serve as a "buffer zone" for the facilities contained within that right of way. Indeed, I would say that it is a good starting point to presume that the existing right of way will provide a sufficient buffer zone unless the Siting Council concludes, in a given case, that it will not.

We did not require the Council to adopt any buffer zone rules or regulations that would apply universally, but left it to the Council to make specific fact-findings on a case by case basis, with respect to each transmission line application. That allows the Council to apply its best management practices effectively. Most important, the finding that must be made pursuant to PA 04-246 is that the buffer zone will be adequate to protect the public health and safety "as determined by the Council." It is for the Council to determine if there is a hazard that requires protection, and if so, what protection is appropriate. If the Council can not determine that there is a proven hazard, then it is for the Council to determine what kind of a buffer zone might be reasonable as a precaution against the unproven risk. I understand that such an analysis is challenging, and that it requires a weighing of scientific and medical evidence, technical analysis of the contribution of transmission lines to overall magnetic field exposures, and an assessment

of whether the costs required to achieve particular reductions in magnetic fields are prudent. No state entity is in a better position to do that than the Siting Council.

I believe that the General Assembly struck a critical compromise in PA 04-246. Now it is your task to strike a balance of all the competing values that the Public Utilities Environmental Standards Act requires you to consider. I am confident that you will be equal to that task.

Thank you for your extraordinary work and dedication. I wish you success on this critical issue.

Sincerely,



Kevin M. DelGobbo
State Representative