

CITIZENS GUIDE TO SITING COUNCIL PROCEDURES FOR ELECTRIC GENERATING FACILITIES

1. The Connecticut Siting Council

The Connecticut Siting Council (Council) consists of nine members from all over the state. Five members are appointed by the Governor and four members are designees of the Senate, the House, the Commissioner of Environmental Protection and the Chairman of the Department of Public Utility Control. At least two members are experienced in ecology and not more than one member has an affiliation, past or present, with any utility or governmental utility regulatory agency. The Council reviews applications on the need for and placement of cell towers, power plants, power lines and other energy and telecommunications infrastructure.

2. Nature of Siting Council Proceedings

The Council's proceedings are very different from a local planning and zoning hearing or a town meeting. Council proceedings are governed by state statute: specifically, the Uniform Administrative Procedures Act. This means that the hearing is conducted in a manner similar to a courtroom proceeding. Public hearings must be held in an orderly fashion to ensure the transcriptionist is able to record every word.

3. Participants in Siting Council Proceedings

The participants in a Council proceeding consist of the following:

- a. Applicant or Petitioner:** The applicant is the company proposing to build an energy facility, such as an electric transmission line, fuel transmission line, electric generating facility or electric substation, on a particular site and is a party in the proceeding. The applicant files evidence with the Council before the hearing and presents witnesses at the hearing for questioning by the Council and other participants in the proceeding. Questions from the Council and other participants in the hearing are limited to the subject matter that is filed before the hearing. The applicant may ask questions of other parties and intervenors on evidence that was submitted by those parties and intervenors before the hearing.
- b. Parties and Intervenors:** Parties and intervenors are participants in the proceeding who requested party or intervenor status from the Council before the hearing and were granted such status. Both parties and intervenors file evidence with the Council before the hearing and present witnesses at the hearing for questioning by the Council and other parties and intervenors in the proceeding. Parties and intervenors may ask questions of the applicant and other parties and intervenors on evidence that was submitted by the applicant and other parties and intervenors before the hearing. Parties and intervenors are not allowed to make their own case by giving oral testimony at the hearing. They must make their case in writing and, in exchange, they may cross-examine the applicant and other parties and intervenors and their witnesses.

- c. **Limited Appearance Statements:** Limited appearance statements are made by residents and other persons who would like to express their comments and concerns about the proposed electric generating facility site by providing an oral statement during the public comment session of the hearing or by submitting a written statement to the Council before, during or after the hearing. They may not ask questions of the applicant, parties and intervenors, or the Council. The 7 PM public comment session of the hearing is reserved for oral limited appearance statements. Following the public comment session, the Council often asks further questions of the applicant that directly address concerns expressed by persons making oral limited appearance statements.

No person who is a party or intervenor in the proceeding may also make an oral limited appearance statement during the public comment session of the hearing or submit a written limited appearance statement to the Council before, during or after the hearing.

The Council requests that oral limited appearance statements are brief in order to ensure all concerned persons have an opportunity express their concerns at the hearing. Oral limited appearance statements must be spoken into the microphone to be acknowledged by the Council and to be part of the transcript of the hearing.

4. Council Review of Electric Generating Facilities

Companies present the Council with an application or a petition for an electric generating facility site. The Council does not establish search areas or select sites for electric generating facilities that are not proposed by the applicant or petitioner. Also, the Council does not have powers of eminent domain. This means that the Council may not take property from a private owner for the purpose of siting an electric generating facility there.

The applicant or petitioner has the burden of proving to the Council that the proposed facility would have a public benefit and that its construction and operation at the site selected would not result in a significant adverse environmental impact.

The role of the Council is to review the applicant or petitioner's evidence of public benefit for the electric generating facility and evidence of environmental impact for the selected site.

After balancing the public benefit against the environmental impact, the Council makes a decision to approve or deny the site. The decision is made at a Council meeting held at least 30 days after any public hearings. Council meetings are typically held at the Council's office, and all agendas are publicly noticed.