

Connecticut Siting Council

Application Guide for an

ELECTRIC AND FUEL TRANSMISSION LINE FACILITY

April 2010

This application guide is intended to assist applicants in filing for a Certificate of Environmental Compatibility and Public Need (Certificate) from the Connecticut Siting Council (Council) for the construction of an electric or fuel transmission line. Such facilities are defined in Connecticut General Statutes § 16-50i (a) (1) and (2).

Applicants should consult Connecticut General Statutes §§ 16-50g through 16-50aa and § 16a-7c, and Sections 16-50j-1 through 16-50z-4 of the Regulations of Connecticut State Agencies to assure complete compliance with the requirements of those sections. Where appropriate, statutory and regulatory references are noted below.

I. Pre-Application Process

Municipal Consultation (Conn. Gen. Stat. § 16-50l (e))

“... at least sixty 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 [any adjoining municipality having a boundary not more than 2500 feet from such facility] 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. At the time of the consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. 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 60 days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than 15 days after submitting an application to the Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.”

“The applicant shall provide the Connecticut Energy Advisory Board (CEAB) the same information that it provides to a municipality... on the same day of the consultation with the municipality.”

II. Form of Application (Regs. Conn. State Agencies §16-50l-2)

All applications shall include the following components:

- a. The purpose for which the application is being made;
- b. The statutory authority for such application;
- c. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized;
- d. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;
- e. Such information as may be required under the applicable provisions of Section 16-50l of the Connecticut General Statutes;
- f. Such information as any department or agency of the state exercising environmental controls may, by regulation, require; and
- g. Such information as the applicant may consider relevant.

III. Filing Requirements (Regs., Conn. State Agencies § 16-50j-12)

- A. Except as may be otherwise required, at the time applications are filed with the Council, there shall be furnished to the Council an original and 20 copies. All filings from the applicant, parties, or intervenors must consist of an original and 20 copies, labeled with the docket number, properly collated and paginated, and bound. An electronic version of all filings, as appropriate, should be provided.
- B. Bulk filing should be provided of not less than four (4) copies of the applicable town zoning and Inland wetlands regulations (including a map showing the location of inland wetlands if relevant) and plan of development and any other publicly available material in support of the application. These documents shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained.

- C. Applications filed for the purpose of any proceeding before the Council shall be printed or typewritten on paper cut or folded to letter size, 8 1/2 by 11 inches. Width of margins shall be not less than one inch. The impression shall be on only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photoduplicated, or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible. In accordance with the State Solid Waste Management Plan, all filings should be submitted on recyclable paper, primarily regular weight white office paper. Applicants should avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
- D. Every original shall be signed by the applicant or by one or more attorneys in their individual names on behalf of the applicant. All applications shall be filed at the office of the Council, 10 Franklin Square, New Britain, Connecticut 06051. Service of all documents and other papers filed as applications, briefs, and exhibits, but not limited to those categories, shall be by personal delivery or by first class mail to the Council and all parties and intervenors to the proceeding, unless service has been waived.
- E. Any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the granting of the application shall be attached to the application. In addition, annexed materials shall include such exhibits, sworn written testimony, and other data that any statute or regulations may require. The applicant may request administrative notice of and refer in the application to portions of other Council docket records and generic hearings or statements prepared by the Council as a result of generic hearings. All documents, including but not limited to maps, shall include effective dates, revision dates, or dates of adoption. If no such dates are available the document shall include the date the document was obtained. Maps must include a key table(s) and a matching source list/table, appropriately organized.
- F. Applicants may present material in a sequence and format most appropriate for the particular proposal. To allow timely Council review, include with the application a copy of this form with page references for each item required in Section VI below.
- G. Potential applicants are urged to carefully review Conn. Gen. Stat. §§16-50l(e), 16-50i and 16a-7c to determine whether the proposed project falls within the Connecticut Energy Advisory Board (CEAB) “request for proposal” process.

IV. Application Filing Fees (Conn. Gen. Stat. § 16-50l (a); Conn. Gen. Stat. §4-189j; Regs., Conn. State Agencies § 16-50v-la)

Conn. Gen. Stat § 16-50l (a) mandates a municipal participation fee of \$25,000, to be deposited in the account established in accordance with Conn. Gen. Stat. § 16-50bb.

The filing fee for an application is determined by the following schedule:

| <u>Estimated Construction Cost</u> | | <u>Fee</u> |
|------------------------------------|-------------|--|
| Up to | \$5,000,000 | 0.05% or \$1,250.00, whichever is greater; |
| Above | \$5,000,000 | 0.1% or \$25,250.00, whichever is less. |

All application fees shall be paid to the Council at the time an application is filed with the Council. Additional assessments may be made for expenses in excess of the filing fee. Fees in excess of the Council's actual costs will be refunded to the applicant.

V. Municipal Participation Account (Conn. Gen. Stat. §16-50bb; Conn. Gen. Stat. §16-50l(a)(3))

Conn. Gen. Stat. §16-50bb requires that each application be accompanied by a payment in the amount of \$25,000 to be deposited in a Municipal Participation Account within the General Fund to defray expenses incurred by each municipality entitled to receive a copy the application under Conn. Gen. Stat. § 16-50l that chooses to participate as a party to the certification proceeding. Any moneys remaining at the end of the proceeding shall be refunded to the applicant.

VI. Contents of Application (Conn. Gen. Stat. § 16-50l (a) (1) (A); Conn. Gen. Stat. §16-50p; Conn. Gen. Stat. §16-50o)

An application for a Certificate for the construction of a transmission line facility should include or be accompanied by the following:

- A. An executive summary. A description of the proposed facility, including location relative to affected municipalities and location relative to adjacent streets.
- B. A description of the technical specifications, including but not limited to:
 - 1. Itemized estimated costs;
 - 2. Conductor sizes and specifications;
 - 3. Overhead tower design, appearance, and heights, if any;
 - 4. Length of line;
 - 5. Terminal points;

6. Initial and design voltages and capacities;
 7. Rights-of-way and access way acquisition;
 8. Substation connections;
 9. Service area;
 10. Construction methods; and
 11. For an electric transmission line, a description of the life-cycle costs of the proposed transmission line and alternative facilities, including overhead and underground lines, including all capital and operating costs, and other associated effects that can be calculated for development and operation of the specified transmission line and alternative lines over their expected operational lives.
- C. A statement and full explanation of why the proposed facility is needed and how the facility would conform to a long-range plan for expansion of utility service in the state and interconnected utility systems that would serve the public need for adequate, reliable, and economic service, including:
1. A description and documentation of the existing system and its limitations;
 2. Justification for the proposed in-service date;
 3. The estimated length of time the existing system is judged to be adequate with and without the proposed facility;
 4. Identification of system alternatives with the advantages and disadvantages of each;
 5. If applicable, identification of the facility in the forecast of loads and resources pursuant to Conn. Gen. Stat. § 16-50r; and
 6. An impact assessment of any electromagnetic fields to be produced by the proposed transmission line, pursuant to Conn. Gen. Stat. §16-50l(a)(1)(A)(ix).
- D. A justification for overhead portions, if any, including life cycle cost studies comparing overhead alternatives with underground alternatives.
- E. A schedule of dates showing the proposed program of right of way or property acquisition, construction, completion and operation.
- F. All applications shall include information for property within the proposed project area, including access roads and the proposed right-of-way. To the extent that the Applicant does not own, lease or otherwise have access to property within the proposed project areas, the applicant shall exert due diligence to seek permission to gain access. Due diligence shall be established by the submission of (1) Certified Mailing receipts for letters sent to the owner or owners of record requesting access to the property; and (2) an affidavit from the applicant stating that it was not provided access to the property. In the absence of permission to access, the applicant shall make visual inspections to document existing conditions from public rights-of-way,

existing utility rights-of-way and/or from other accessible properties within or surrounding the proposed project area.

- G. A proposed route map at a scale no smaller than one inch = 2,000 feet or a USGS topographic map and aerial photos of suitable scale showing details of the rights-of-way and the proximity to the following:
1. Settled residential areas;
 2. Public and Private schools, licensed daycare centers, licensed youth camps and public playgrounds;
 3. Hospitals;
 4. Group homes;
 5. Forests and parks
 6. Recreational areas;
 7. Scenic areas;
 8. Historic areas;
 9. Areas of archaeological interest;
 10. Areas regulated under the Inland Wetlands and Watercourses Act and Coastal Zone Management Act;
 11. Areas regulated under the Tidal Wetlands Act;
 12. Public water supplies;
 13. Hunting or wildlife management areas; and
 14. Existing transmission lines within one mile of the route.
- H. A narrative description of the proposed transmission line and transmission line alternatives, including:
1. Existing conditions:
 - a. The ecological communities of the wetlands, watercourses and upland systems and their functional significance, including but not limited to,
 - i. Floral associations;
 - ii. Inventory of wildlife habitat with observed and expected wildlife users;
 - iii. Endangered, threatened, special concern or rare species, including their habitats;
 - iv. Inventory of breeding birds and their habitats;
 - v. Riparian environments and buffer vegetation; and
 - vi. Fishery habitat and cold water fisheries.
 - b. Existing infrastructure (where applicable)
 - i. Existing Right-of-Way boundaries;

- ii. Components of existing transmission line; and
- iii. Other improvements within existing and proposed right-of-way.

2. Proposed conditions:

- a. Areas of disturbance (temporary and permanent);
- b. Proposed construction staging areas, conductor pulling sites, material marshaling yards and construction field offices;
- c. Proposed access roads and opportunities for alternative access;
- d. Proposed structure location envelopes; and
- e. Proposed blasting, grading, and changes to drainage.

I. Proposed route plans at a scale no smaller than 1 inch = 100 feet, except as otherwise required, can be provided in a stacked version and bulk filed, showing existing conditions and certain proposed transmission line changes, expanding upon the narrative descriptions in Section H.

1. Existing conditions:

- a. Identification of existing and proposed right-of-way boundaries;
- b. Locations of any existing transmission line structures and accessways;
- c. Contour mapping at two-foot intervals;
- d. Inland and tidal wetlands boundaries, vernal pools, and intermittent and perennial watercourses, as determined in the field, unless existing mapping is adequate, with a 50 foot buffer shown for wetlands and a 100 foot buffer shown for vernal pools and watercourses.
- e. Coastal Management Zone boundaries;
- f. 100-year flood plain boundaries as identified by the Federal Emergency Management Agency;
- g. Locations of protected and special concern species;
- h. Areas susceptible to soil erosion;
- i. Habitat for protected and special concern species, including those represented by the DEP Natural Diversity Data Base (confidential data provided in an appropriate manner);
- j. Fishery habitat and cold water fisheries.

(All maps shall identify the location(s) of source information.)

2. Changes to existing conditions for the proposed transmission line:

- a. Additional Rights-of-way width required, if any;

- b. Anticipated transmission line structure location envelopes;
 - c. Anticipated areas of disturbance (temporary and permanent);
 - d. Anticipated area of disturbance to an inland wetland buffer boundary or inland wetland;
 - e. Anticipated area of disturbance for material staging and conductor pulling sites;
 - f. Anticipated access roads and opportunities for alternative access;
 - g. Substation connections; and
 - h. Other sensitive areas requiring special attention.
- J. A justification for adoption of the route selected including a comparison with alternative routes which are environmentally, technically, and economically practicable. For electric transmission lines, provide a justification of overhead portions, if any, including comparative cost studies and a comparative analysis of effects described in Conn. Gen. Stat. § 16-50l (a)(1)(A) and section K below for undergrounding. Include enough information for a complete comparison between the proposed route and any alternative route contemplated.
- K. A description of the effect that the proposed facility would have on the environment, ecology, and scenic, historic, and recreational values, including effects on:
1. Public health and safety;
 2. Local, state, and federal land use plans;
 3. Existing and future development;
 4. Road and waterway crossings;
 5. Wetland crossings;
 6. Wildlife and vegetation, including rare and endangered species, and species of special concern, with documentation by the Department of Environmental Protection Natural Diversity Data Base;
 7. Water supply areas;
 8. Archaeological and historic resources, with documentation by the State Historic Preservation Officer; and
 9. Other environmental concerns identified by the applicant, the Council, or any public agency, including but not limited to, where applicable:
 - Coastal Consistency Analysis (C.G.S. §22a-90)
 - Connecticut Heritage Areas (C.G.S. §16a-27)
 - Ridgeline Protection Zones (C.G.S. §8-1aa)
 - Aquifer Protection Zones (C.G.S. §22a-354b)
 - DOT Scenic Lands (C.G.S. §13a-85a)
 - State Parks and Forests (C.G.S. §23-5)
 - Agricultural Lands (C.G.S. §22-26aa)

- Wild and Scenic Rivers (C.G.S. §25-199)
- Protected Rivers (C.G.S. §25-200)
- Endangered, Threatened or Special Concern Species (C.G.S. §26-303)

L. A statement explaining mitigation measures for the proposed facility including:

1. Description of proposed site clearing for access including type of vegetation scheduled for removal and quantity of trees greater than six inches diameter at breast height and involvement with wetlands;
2. Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;
3. Special routing or design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas;
4. Justification for maintaining retired or unused facilities on the rights-of-way if removal is not planned;
5. Methods to prevent and discourage unauthorized use of the rights-of-way;
6. Establishment of vegetation proposed near residential, recreational, and scenic areas and at road crossings, waterways, ridgelines, and areas where the line would be exposed to view; and
7. Methods for preservation of vegetation for wildlife habitat and screening.

M. Safety and reliability information, including:

1. Provisions for emergency operations and shutdowns; and
2. Fire suppression technology.

N. Justification that the location of the proposed facility would not pose an undue safety or health hazard to persons or property along the area traversed by the proposed facility including:

1. Measurements of existing electric and magnetic fields (EMF) at the boundaries of adjacent schools, daycare facilities, playgrounds, and hospitals (and any other facilities described in Conn. Gen. Stat. § 16-50I), with extrapolated calculations of exposure levels during expected normal and peak normal line loading;
2. Calculations of expected EMF levels at the above listed locations that would occur during normal and peak normal operation of the transmission line;
3. A statement describing consistency with the Council's "Best Management Practices for Electric and Magnetic Fields," as amended; and buffer zone requirements; and

4. A description of siting security measures for the proposed facility, consistent with the Council's "White Paper on the Security of Siting Energy Facilities," as amended.
- O. A schedule of the proposed program for right-of-way or property acquisition, construction, rehabilitation, testing, and operation.
- P. Identification of each federal, state, regional, district, and municipal agency with which proposed route or site reviews have been undertaken or will be undertaken, including a copy of each written agency position on such route or site, and a schedule for obtaining approvals not yet received.
- Q. Bulk filing of the most recent conservation, inland wetland, zoning, and plan of development documents of the municipality, including a description of the zoning classification of the site and surrounding areas, and a narrative summary of the consistency of the project with the Town's regulations and plans.
- R. Such information any department or agency of the state exercising environmental controls may, by regulation, require.
- S. Pursuant to Conn. Gen. Stat. §16-50o, the applicant shall submit into the record the full text of the terms of any agreement, and a statement of any consideration therefor, if not contained in such agreement, entered into by the applicant and any party to the certification proceeding, or any third party, in connection with the construction or operation of the facility. This provision shall not require the public disclosure of proprietary or trade secrets.
- T. Such information the applicant may consider relevant.

Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. Maps must include a key table(s) and a matching source list/table, appropriately organized.

VII. Proof of Service (Conn. Gen. Stat. § 16-50l (b))

Each application shall be accompanied by proof of service of such application on:

- A. The chief elected official, the zoning commission, planning commission, the planning and zoning commissions, and the conservation and wetlands commissions of the site municipality and any adjoining municipality having a boundary not more than 2500 feet from the facility;
- B. The regional planning agency that encompasses the route municipalities;

- C. The State Attorney General;
- D. Each member of the Legislature in whose district the facility is proposed;
- E. Any federal agency which has jurisdiction over the proposed facility;
- F. The state Departments of Environmental Protection, Public Health, Public Utility Control, Economic and Community Development, Agriculture and Transportation; the Council on Environmental Quality; and the Office of Policy and Management; and
- G. Other state and municipal bodies as the Council may by regulation designate, including but not limited to, the State Historic Preservation Officer of the Commission on Culture and Tourism and the Department of Emergency Management and Homeland Security.

VIII. Notice to Community Organizations

The applicant shall use reasonable efforts to provide notice of the application on the following:

- A. Affected community groups including Chambers of Commerce, land trusts, environmental groups, trail organizations, historic preservation groups, advocacy groups for the protection of Long Island Sound, and river protection organizations within the watershed affected by the proposed facility that have been identified by a municipality where the facility is proposed to be located or that have registered with the Council to be provided notice; and
- B. Any affected water company within the watershed affected by the proposed facility.

IX. Public Notice (Conn. Gen. Stat. § 16-50l (b))

Notice shall be made in accordance with all relevant sections of Conn. Gen. Stat. §16-50l(b). The Council's regulations should also be consulted when determining appropriate notice. Notice of the application shall be published at least twice prior to the filing of the application in a newspaper having general circulation in the site municipality or municipalities. The notice shall state the name of the applicant, the date of filing, and a summary of the application. The notice must be published in not less than ten point type.

The Council also recommends to each applicant that at least ten business days prior to the public hearing such applicant should erect and maintain in a legible condition a sign not less than six feet by four feet at conspicuous locations along the route of the proposed line, especially close to populated areas. The signs should be erected in sufficient number to fairly notify most residents living in proximity to the route and set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).

Example:

PUBLIC NOTICE:

CL&P has filed an application with the Connecticut Siting Council (Council) for construction of an electric transmission line facility on this site. The Council will hold a public hearing on March 27, 2010 at the Newington Town Hall Auditorium at 3 and 7 p.m. A copy of the application can be reviewed at the town hall or at the Council offices in New Britain, CT. For more information, please contact the Council by telephone at 860-827-2935, electronically at www.ct.gov/csc, or by mail at 10 Franklin Square, New Britain, Connecticut 06051.

X. Notice in Utility Bills (Conn. Gen. Stat. § 16-50l (b))

For electric transmission facilities, notice shall also be provided to each electric company customer in the municipality where the facility is proposed on a separate enclosure with each customer's monthly bill for one or more months, not earlier than 60 days prior to filing the application with the Council, but not later than the date the application is filed with the Council. Such notice shall include the following:

- A. A brief description of the project including:
 - 1. Location relative to the affected municipality, and
 - 2. Location relative to adjacent streets.

- B. A brief technical description of the project including:
 - 1. Proposed length;
 - 2. Proposed voltage; and
 - 3. Type and range of heights of support structures or underground configurations.

- C. The reason for the project.

- D. Address and a toll-free telephone number of the applicant by which additional information about the project can be obtained.
- E. A statement in print no smaller than twenty-four point type size stating, “NOTICE OF PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC TRANSMISSION LINE.”
- F. A description of how the project will meet the Council’s “Best Management Practices for Electric and Magnetic Fields,” as amended, including:
 - 1. a brief statement of specific design elements planned to decrease magnetic fields;
 - 2. how to obtain siting and magnetic field information specific to the project at the Council’s website and at respective town halls;
 - 3. how to obtain final post-construction structure and conductor specifications including calculated magnetic field levels specific to the project at the Council’s website and at respective town halls; and
 - 4. phone numbers for follow up information including Department of Public Health and utility representatives.

XI. Procedures

- A. The Council will review and may reject the application within 30 days if it fails to comply with specific data or exhibit requirements or if the applicant fails to promptly correct deficiencies. (Regs., Conn. State Agencies §§ 16-50l-4 through 16-50l-5)
- B. The Council and any party or intervenor to the proceeding may file exhibits and interrogatories requesting supplemental or explanatory materials. All filings will be subject to cross-examination and the Council’s discretion for admission into the record. (Conn. Gen. Stat. § 16-50o)
- C. A public hearing must be held in the county within which the proposed facility is to be located, or in whichever county the Council deems appropriate for inter-county facilities, with one session held after 6:30 p.m. for the convenience of the public. The Council’s record must remain open for 30 days after the close of the hearing. (Conn. Gen. Stat. § 16-50m)
- D. The Council must render a decision not later than twelve months after the deadline for filing an application following the request-for-proposal process for a facility

described in subdivision (1) or (2) of subsection (a) of Conn. Gen. Stat. § 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). (Conn. Gen. Stat. § 16-50p)

XII. CEAB Evaluation (Conn. Gen. Stat. §16a-7c)

- A. On or after December 1, 2004, not later than fifteen days after the filing of an application pursuant to subdivision (1) of subsection (a) of section 16-50i of the general statutes, as amended by this act, except for an application for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i of the general statutes, as amended by this act, the Connecticut Energy Advisory Board shall issue a request-for-proposal to seek alternative solutions to the need that will be addressed by the proposed facility in such application.
- B. Not later than forty-five days after the deadline for submissions in response to a request-for-proposal, the board shall issue a report that evaluates each proposal received, including any proposal contained in an application to the council that initiated a request-for-proposal, based on the materials received pursuant to subsection (d) of this section, or information contained in the application, as required by section 16-50j of the General Statutes, as amended by this act, for conformance with the infrastructure criteria guidelines created pursuant to section 16a-7b of this act. The board shall forward the results of such evaluation process to the Connecticut Siting Council.

PLEASE NOTE THAT THIS GUIDE IS NO SUBSTITUTION FOR OBTAINING ADVICE FROM LEGAL COUNSEL. IN THE EVENT OF ANY CONFLICT BETWEEN THIS GUIDE AND THE ACTUAL STATUTES AND REGULATIONS, THE STATUTES AND REGULATIONS SHALL GOVERN.