

**APPLICATION GUIDES FOR TERRESTRIAL  
ELECTRIC TRANSMISSION LINE FACILITIES**

August 2007

This application guide is 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 transmission line. Such facilities are defined in General Statutes § 16-50i (a) (1).

Applicants shall consult General Statutes §§ 16-50g through 16-50aa 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 (General Statutes § 16-50l (e))

“...at least 60 days prior to the filing of any 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 the 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.”

At the time of the municipal consultation, the applicant shall provide the Connecticut Energy Advisory Board the same technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility.

II. Quantity, Form, and 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 shall be submitted on recyclable paper, primarily regular weight white office paper. Applicants shall 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, Ten 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. If a map includes a key table(s), a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.

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 General Statutes §§ 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.

III. Application Filing Fees (General Statutes § 16-50l(a) and Regs. of Conn. State Agencies § 16-50v-la)

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 \$1,000.00, whichever is greater;
Above \$5,000,000	0.1% or \$25,000.00, 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.

Municipal participation fee

A single fee of \$25,000 to be available to all municipalities within a project area.

IV. Proof of Service (General Statutes § 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, department, commission, or instrumentality which has jurisdiction over the proposed facility; and
- F. The state departments of Environmental Protection, Public Health, Public Utility Control, Economic and Community Development, and Transportation; the Council on Environmental Quality; the Office of Policy and Management; and the State Historic Preservation Officer (SHPO).

V. 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.

VI. Notice (General Statutes § 16-50l (b))

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 sign 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, 2004 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](http://www.ct.gov/csc), or by mail at 10 Franklin Square, New Britain, Connecticut 06051.

VI. Public Notice (General Statutes § 16-50l (b))

Notice shall be made in accordance with all relevant sections of §16-50l(b). Such notice may include the municipality, surrounding municipalities, and relevant municipal boards; the Attorney General; appropriate elected officials; any Federal agency with jurisdiction over the matter or a subject that would be affected by the matter; state departments, agencies or commissions named under §16-50j. The Connecticut Siting 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.

VII. Notice in Utility Bills (General Statutes § 16-50I (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."

VIII. Contents of Application (General Statutes § 16-50I (a) (1) and Regulations § 16-50j- 74)

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

A. A brief description of the proposed facility, including location relative to affected municipalities and location relative to adjacent streets.

B. A statement of the purpose for which the application is being made.

C. A statement describing the statutory authority for such application.

D. 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.

E. 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 to the applicant.

- F. An Executive Summary providing an overview description of the proposal with the address of the facility, and any transmission line facility and routing alternatives.
- G. A statement and full explanation of why the proposed transmission line is needed and how the transmission line 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 transmission line;
  - 4. Identification of system alternatives with the advantages and disadvantages of each; and
  - 5. If applicable, identification of the facility in the forecast of loads and resources pursuant to General Statutes § 16-50r.
  - 6. The extent to which the facility shall be located overhead, pursuant to General Statutes §§ 16-50p(a)(3)(D) and 16-5/(a)(A).
  - 7. An impact assessment of any electromagnetic field to be produced by the proposed transmission line, pursuant to General Statutes § 16-50/(a)(A).

**For Sections H – J:** All applications shall include the following 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.

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- H. A narrative description of the proposed transmission line including:

Existing Conditions:

- 1. The ecological communities of the wetlands, watercourses and upland systems and their functional significance, including but not limited to,
  - a. Floral associations;

- b. Inventory of wildlife habitat with observed and expected wildlife users;
  - c. Species of Special Concern and rare or endangered species, including their habitats;
  - d. Inventory of breeding birds and their habitats;
  - e. Riparian environments and buffer vegetation; and
  - f. Fishery habitat and cold water fisheries.
2. Existing infrastructure (where applicable)
- a. Existing Right-of-Way boundaries;
  - b. Components of existing transmission line; and
  - c. Other improvements within existing and proposed right-of-way.

Proposed Conditions:

- 1. Itemized estimated costs;
- 2. Conductor sizes and specifications;
- 3. Overhead structure 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. Areas of disturbance (temporary and permanent);
- 9. Proposed construction staging areas, conductor pulling sites, material marshaling yards and construction field offices;
- 10. Proposed access roads and opportunities for alternative access;
- 11. Proposed structure location envelopes;
- 12. Proposed blasting, grading, and changes to drainage;
- 13. Substation connections;
- 14. Service areas;
- 15. Construction methods and difficulties; and
- 16. 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.

#### I. Area Description

A proposed route map, and maps or aerial photographs at a suitable scale (one inch = 400 feet to 2,000 feet) showing the rights-of-way and the proximity of the following:

1. Settled areas; schools and daycare centers; youth camps; and group homes;
2. Forests and parks; recreational areas; scenic areas; historic areas; and areas of archaeological interest;
3. Areas regulated under the Inland Wetlands and Watercourses Act and Coastal Zone Management Act, unless provided under Section J;
4. Areas regulated under the Tidal Wetlands Act, unless provided under Section J;
5. Public water supplies;
6. Hunting or wildlife management areas;
7. Existing transmission lines within one mile of the route;
8. Depth to bedrock map (USGS Series), and;
9. Vegetative communities.

#### J. Proposed Route Description

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;
- h. Other sensitive areas requiring special attention.

K. A description of the impact the proposed transmission line and its construction would have on the environment, ecology, and scenic, historic, and recreational values, including effects on:

- 1. Public health and safety; Conn. Gen. Stat. § 16-50p. Proposed and existing routes of underground and overhead lines in proximity to residential areas, schools, day care facilities, camps, playgrounds and industrial areas.
- 2. Local, state, and federal land use plans including energy security;
- 3. Existing and future development;
- 4. Road crossings;
- 5. Wetlands, vernal pools, and watercourses within existing or expanded right-of-way, access roads and other disturbed areas; relationship of these features to adjacent uplands; their values and function assessment;
- 6. Water quality on the right-of-way, and down-slope areas including pollution transport and risks from insulating oils;

7. 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;
  8. Open space and protected areas;
  9. Water supply areas;
  10. Archaeological and historic resources, with documentation by the State Historic Preservation Officer; and
  11. Other environmental concerns identified by the applicant, the Council, or any public agency.
- L. Mapping/plans with an associated description explaining mitigation measures for the proposed transmission line including:
1. Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;
  2. Special routing or design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas;
  3. Justification for maintaining retired or unused facilities on the rights-of-way if removal is not planned;
  4. Methods to prevent and discourage unauthorized use of the rights-of-ways;
  5. 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;
  6. Methods for preservation of vegetation for wildlife habitat and screening;
  7. Methods for mitigating or restoring impacted wildlife habitat, wetlands, and watercourses; and
  8. Erosion and sedimentation controls and methodology.
- 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 transmission line would not pose an undue safety or health hazard to persons or property along the area traversed by the proposed transmission line including:
1. Measurements of existing electric and magnetic fields (EMF) at the boundaries of adjacent schools, daycare facilities, playgrounds, and 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; and

3. A statement describing consistency with the Council's "Best Management Practices for Electric and Magnetic Fields", as amended; and buffer zone requirements, Conn. Gen. Stat. §§ 16-50p(a)(D) and 22-26cc.
- O. A statement and full explanation of why the proposed facility is needed and how the facility would conform to a long-range plan for the expansion of the electric power grid serving 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; and
  5. If applicable, identification of the facility in the forecast of loads and resources pursuant to General Statutes § 16-50r.
- P. A schedule of the proposed program for right-of-way or property acquisition, construction, rehabilitation, testing, and operation.
- Q. Transmission Line Alternatives. Provide narrative descriptions generally addressing the same items required for the proposed transmission line (Section H).
- R. 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 section K for under grounding. Within 60 days of filing, the Applicant shall provide supplemental information for the Council to make a reasonable comparison between the Applicant's proposed route and any reasonable alternative route recommended by the site municipalities pursuant to C.G.S. section 16-50l.
- S. Identification of each federal, state, regional, district, and municipal agency with which proposed route reviews have been undertaken or will be undertaken, a copy of each written agency position on such route, and a schedule for obtaining approvals not yet received.
- T. Bulk filing of municipal zoning, planning, planning and zoning, conservation, and inland wetland regulations and by-laws.
- U. Such information any department or agency of the state exercising environmental controls may, by regulation, require.
- V. Such information the applicant may consider relevant.
- X. 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 information or trade secrets.

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. If a map includes a key table(s) a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table a matching key table shall also be included.

IX. 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 §§ 16-501-4 through 16-501-5)
- 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. (General Statutes § 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. (General Statutes § 16-50m) [The council shall promptly fix a commencement date and location for a public hearing on an application for a certificate complying with section 16-50l, as amended by this act, (1) where no proposals are received pursuant to the request-for-proposal process, not less than thirty days after the deadline for submission of such proposals nor more than sixty days after such deadline; (2) where a proposal is received pursuant to the request-for-proposal process, not less than thirty days after the deadline of submission of an application pursuant to subdivision (3) of subsection (a) of section 16-50l, as amended by this act, nor more than sixty days after such deadline. Applications that are common to a request-for-proposal shall be hear under a consolidated public hearing process.
- D. The Council must render a decision not later than 12 months of receipt of an application, extendible by 180 days upon consent of applicant. (General Statutes § 16-50p) [The Council must render a decision not later than 12 months after the deadline for filing an application following the request-for-proposal process. (General Statutes § 16-50p(a) ]

X.

- 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 16-501 of the general statutes, as amended by this act, for conformance with the infrastructure criteria guidelines created pursuant to section 18 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.**

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