



General Assembly

Amendment

January Session, 2025

LCO No. 9086



Offered by:

REP. BLUMENTHAL, 147th Dist.

SEN. FLEXER, 29th Dist.

REP. STEINBERG, 136th Dist.

REP. FOSTER, 57th Dist.

To: Subst. House Bill No. 7206

File No. 687

Cal. No. 427

**"AN ACT CONCERNING PROCEEDINGS OF THE SITING COUNCIL
AND OTHER REQUIREMENTS CONCERNING CERTAIN UTILITY
EXPENDITURES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 16-50n of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2025*):

5 (a) The parties to a certification or amendment proceeding or to a
6 declaratory ruling proceeding shall include: (1) The applicant, certificate
7 holder, or petitioner; (2) each person entitled to receive a copy of the
8 application or resolution under section 16-50l, as amended by this act, if
9 such person has filed with the council a notice of intent to be a party; (3)
10 any domestic or qualified nonprofit corporation or association formed
11 in whole or in part to promote conservation or natural beauty, to protect
12 the environment, personal health or biological values, to preserve

13 historical sites, to promote consumer interests, to represent commercial
14 and industrial groups or to promote the orderly development of the
15 areas in which the facility is to be located, if it has filed with the council
16 a notice of intent to be a party; and (4) such other persons as the council
17 may at any time deem appropriate.

18 (b) The council may permit any person to participate as an intervenor,
19 in accordance with the provisions of section 4-177a, in a certification or
20 amendment proceeding or a declaratory ruling proceeding.
21 Notwithstanding the provisions of section 4-177a, for any proceeding
22 pursuant to section 16-50k concerning a facility described in subdivision
23 (1) of subsection (a) of section 16-50i, the council shall grant any person
24 status as an intervenor in such proceeding if such person: (1) Submits a
25 written petition to the council; and (2) is the owner of any property that
26 abuts the proposed facility, or that abuts a right-of-way in which the
27 proposed facility is to be located. The council shall grant party status to
28 the Consumer Counsel in any proceeding of the council that the
29 Consumer Counsel has determined may significantly impact electric
30 rates, upon the request of the Consumer Counsel to participate.

31 (c) The council in its discretion may provide for the grouping of
32 parties and intervenors with the same interests. If such a group does not
33 designate an agent for the service of notice and documents, the council
34 shall designate such an agent, and notice and documents need be served
35 only on the designated agent. Notwithstanding the provisions of this
36 subsection, any party or intervenor who has been included in a group
37 may, at any time by oral or written notice to the council, elect not to be
38 a member of the group to the extent specified in such notice.

39 (d) The Attorney General shall appoint an assistant attorney general
40 or a special assistant attorney general to act as counsel for the
41 Connecticut Siting Council.

42 (e) Upon receipt of the application, the council may employ one or
43 more independent consultants, at the applicant's expense, to study and
44 measure the consequences of the proposed facility on the environment.

45 The council shall direct such consultant or consultants to study any
46 matter that the council deems important to an adequate appraisal of the
47 application. Any such study and any report issued as a result thereof
48 shall be part of the record of the proceeding.

49 (f) Any person may make a limited appearance at a hearing held
50 pursuant to the provisions of section 16-50m, prior thereto or within
51 thirty days thereafter, entitling such person to file a statement in writing.
52 At the discretion of the council any person may make a limited
53 appearance at any such hearing to present an oral statement under oath.
54 All papers and matters filed by a person making a limited appearance
55 shall become part of the record. No person making a limited
56 appearance, and not otherwise entitled to be a party, shall be a party or
57 shall have the right to cross-examine witnesses, parties or intervenors.

58 Sec. 2. Subsection (a) of section 16-2a of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective October*
60 *1, 2025*):

61 (a) There shall be an independent Office of Consumer Counsel,
62 within the Department of Energy and Environmental Protection, for
63 administrative purposes only, to act as the advocate for consumer
64 interests in all matters which may affect Connecticut consumers with
65 respect to public service companies, electric suppliers and certified
66 telecommunications providers, including, but not limited to, rates and
67 related issues, ratepayer-funded programs and matters concerning the
68 reliability, maintenance, operations, infrastructure and quality of
69 service of such companies, suppliers and providers. The Office of
70 Consumer Counsel is authorized to appear in and participate in any
71 regulatory or judicial proceedings, federal or state, in which such
72 interests of Connecticut consumers may be involved, or in which
73 matters affecting utility services rendered or to be rendered in this state
74 may be involved. The Office of Consumer Counsel shall be a party to
75 each contested case before the Public Utilities Regulatory Authority and
76 shall participate in such proceedings to the extent [it] the Consumer
77 Counsel deems necessary. Said Office of Consumer Counsel may appear

78 from a decision, order or authorization in any such state regulatory
79 proceeding notwithstanding [its] the office's failure to appear or
80 participate in [said] such proceeding.

81 Sec. 3. Section 16-50l of the general statutes is amended by adding
82 subsection (i) as follows (*Effective October 1, 2025*):

83 (NEW) (i) Any applicant that submits an initial application under this
84 section for a facility described in subsection (a) of section 16-50i that
85 retains a communicator lobbyist, as defined in section 1-91, for purposes
86 of influencing the public or interested parties concerning such
87 application, shall immediately provide electronic notice of such retainer
88 to (1) the council; (2) the Attorney General; (3) each member of the
89 legislature in whose assembly or senate district the facility or any
90 alternative location listed in the application is to be located; and (4) the
91 chief elected official of the municipality in which any portion of such
92 facility is to be located, both as primarily proposed and in the alternative
93 locations listed, and any adjoining municipality having a boundary not
94 more than two thousand five hundred feet from such facility.

95 Sec. 4. Subdivision (1) of subsection (a) of section 16-50l of the general
96 statutes is repealed and the following is substituted in lieu thereof
97 (*Effective October 1, 2025*):

98 (1) In the case of facilities described in subdivisions (1), (2) and (4) of
99 subsection (a) of section 16-50i: (A) A description, including estimated
100 costs, of the proposed transmission line, substation or switchyard,
101 covering, where applicable underground cable sizes and specifications,
102 overhead tower design and appearance and heights, if any, conductor
103 sizes, and initial and ultimate voltages and capacities; (B) a statement
104 and full explanation of why the proposed transmission line, substation
105 or switchyard is necessary and how the facility conforms to a long-range
106 plan for expansion of the electric power grid serving the state and
107 interconnected utility systems, that will serve the public need for
108 adequate, reliable and economic service; (C) a map of suitable scale of
109 the proposed routing or site, showing details of the rights-of-way or site

110 in the vicinity of settled areas, parks, recreational areas and scenic areas,
111 residential areas, private or public schools, child care centers, as
112 described in section 19a-77, group child care homes, as described in
113 section 19a-77, family child care homes, as described in section 19a-77,
114 licensed youth camps, and public playgrounds and showing existing
115 transmission lines within one mile of the proposed route or site; (D) a
116 justification for adoption of the route or site selected, including
117 comparison with alternative routes or sites which are environmentally,
118 technically and economically practical, and, in the case of a proposed
119 repair, upgrade, replacement or enhancement, detailed studies of
120 alternative solutions to repairing existing electric transmission lines,
121 with consideration of at least one type of electric grid-enhancing
122 technology; (E) a description of the effect of the proposed transmission
123 line, substation or switchyard on the environment, ecology, and scenic,
124 historic and recreational values; (F) a justification for overhead portions,
125 if any, including life-cycle cost studies comparing overhead alternatives
126 with underground alternatives, and effects described in subparagraph
127 (E) of this subdivision of undergrounding; (G) a schedule of dates
128 showing the proposed program of right-of-way or property acquisition,
129 construction, completion and operation and, in the case of any facility
130 described in subdivision (1) of subsection (a) of section 16-50i, or any
131 modification of such a facility, (i) any appraisal completed by an
132 independent appraiser on behalf of the applicant concerning fair
133 compensation that is to be provided to an owner of real property in
134 connection with the necessity of entering a right-of-way, including any
135 easements or land acquisition, and (ii) for property that the applicant
136 does not own, lease or otherwise have access to, the applicant shall
137 exercise due diligence to seek permission to gain access to such
138 property. Evidence of due diligence shall be established by the
139 submission of: (I) Certified mail, return receipt requested, letters sent to
140 the owner or owners of record of such property requesting access to the
141 property; and (II) an affidavit from the applicant stating that the
142 applicant was not provided access to the property and, in the absence of
143 permission to access the property, the applicant made visual inspections
144 of the property to document existing conditions from public rights-of-

145 way, existing utility rights-of-way or other accessible properties within
146 or surrounding the proposed facility site; (H) an identification of each
147 federal, state, regional, district and municipal agency with which
148 proposed route or site reviews have been undertaken, including a copy
149 of each written agency position on such route or site; [and] (I) an
150 assessment of the impact of any electromagnetic fields to be produced
151 by the proposed transmission line; (J) data for the preceding two years,
152 by quarter, regarding the earned and authorized return on equity on
153 related projects subject to the jurisdiction of the council; (K) an estimate
154 of the return on investment for the proposed facility that is the subject
155 of such application; and (L) an estimate of the impact of the proposed
156 transmission line, substation or switchyard on regional network service
157 and local network service rates for electric distribution companies, and
158 accompanying calculations, including any underlying assumptions for
159 such estimate;

160 Sec. 5. Subdivision (3) of subsection (a) of section 16-50l of the general
161 statutes is repealed and the following is substituted in lieu thereof
162 (*Effective October 1, 2025*):

163 (3) In addition to the requirements of subdivisions (1) and (2) of this
164 subsection, in the case of any facility described in subdivision (1) of
165 subsection (a) of section 16-50i, or any modification of such a facility: (A)
166 A description of the estimated initial and life-cycle costs for the facility
167 or modification, as applicable, and for each feasible and practical
168 alternative; (B) an estimate of the regionalized and localized costs for the
169 facility or modification, as applicable, and for each feasible and practical
170 alternative, in accordance with the regional independent system
171 operator's procedure for pool-supported pool transmission facilities
172 cost review, or a successor procedure; (C) for any difference between the
173 estimated total costs and estimated localized costs, an analysis of the
174 benefits associated with such cost difference; (D) not later than thirty
175 days after the filing of the application, a detailed analysis from an
176 independent engineer selected by the council of any nontransmission
177 alternatives to the proposed facility or proposed modification, as

178 applicable; and (E) (i) for the ten-year period preceding the date of the
179 application, the actual loads for existing transmission lines in the area
180 where the proposed [transmission line] facility is to be located, (ii) for
181 the ten-year period following the date of the application, the projected
182 load for any proposed transmission line, (iii) for the ten-year period
183 preceding the date of application, the performance of all electric circuits
184 for existing transmission lines in the area where the proposed
185 transmission line is to be located, including a description of all service
186 outages or disruptions, any cause for such outage or disruption and the
187 time required to restore service following such outages or disruptions,
188 and (iv) a statement of loads and resources, as described in subsection
189 (a) of section 16-50r, and all planning studies conducted by the regional
190 independent system operator or the applicant associated with the
191 proposed facility.

192 Sec. 6. Section 16-19d of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective October 1, 2025*):

194 (a) As used in this section:

195 (1) "Advertising" means the commercial use of any media, including,
196 but not limited to, newspaper and all other forms of print, radio, [and]
197 television and Internet, in order to transmit a message to a substantial
198 number of members of the public or customers of a public service
199 company;

200 (2) "Political advertising" means any advertising for the purpose of
201 influencing public opinion with respect to any legislative,
202 administrative or electoral decision or with respect to any controversial
203 issue of public importance;

204 (3) "Institutional advertising" means any advertising which is
205 designed to create, enhance or sustain a public service company's image
206 or good will with regard to the general public or its customers;

207 (4) "Promotional advertising" means any advertising that has the
208 purpose of inducing the public to select or use the service or additional

209 service of a public service company or select or install any appliance or
210 equipment designed to use such service, provided such advertising
211 shall not include advertising authorized by order or regulation of the
212 Public Utilities Regulatory Authority.

213 (b) The cost of political, institutional or promotional advertising of
214 any gas company or electric distribution company and the cost of
215 political or institutional advertising of any telephone company shall not
216 be deemed to be an operating expense in any rate schedule proceedings
217 held pursuant to section 16-19. For the purposes of this section, political,
218 institutional or promotional advertising shall not be deemed to include
219 reasonable expenditures for (1) the publication or distribution of
220 existing or proposed tariffs or rate schedules; (2) notices required by law
221 or regulation; (3) public information regarding service interruptions,
222 safety measures, emergency conditions, employment opportunities or
223 the means by which customers can conserve energy or make efficient
224 and economical use of service; (4) the promotion or marketing of
225 efficient gas and electric equipment which the Public Utilities
226 Regulatory Authority determines: (A) Is consistent with the state's
227 energy policy; (B) is consistent with integrated resource planning
228 principles; (C) provides net economic benefit to such company's
229 customers; and (D) shall not have the primary purpose of promoting
230 one fuel over another; or (5) advertising by a gas company that is
231 necessary as a result of competition created by actions and decisions of
232 the Federal Energy Regulatory Commission and the Public Utilities
233 Regulatory Authority. Such advertising shall be limited to the express
234 purpose of promoting gas companies in competition with other
235 providers and marketers of natural gas. Such advertising shall not
236 include any promotions, cash, equipment, installation or service
237 subsidies for the conversion to natural gas from any other energy
238 source.

239 (c) A public service company shall [make application] apply to the
240 authority for determination that equipment meets the requirements of
241 subdivision (4) of subsection (b) of this section. The authority shall, to

242 the extent practicable, make such determination within one hundred
243 twenty days of such filing. All reasonable and proper expenses, required
244 by the authority and the Office of Consumer Counsel, including, but not
245 limited to, the costs associated with analysis, testing, evaluation and
246 testimony at a public hearing or other proceeding, shall be borne by the
247 company and shall be paid by the company at such times and in such
248 manner as the authority directs.

249 (d) The authority shall not allocate any expenditures made by a gas
250 company pursuant to subdivision (5) of subsection (b) of this section to
251 residential customers in any rate schedule proceedings held pursuant to
252 section 16-19 unless the authority finds that effective competition in the
253 residential gas market already exists.

254 (e) The authority shall adopt regulations to carry out the purposes of
255 subsections (a) and (b) of this section.

256 (f) Each gas or electric distribution company shall conspicuously
257 indicate in all of its advertising whether the costs of the advertising are
258 being paid for by the company's shareholders, its customers or both.

259 Sec. 7. Subsection (g) of section 16-50j of the general statutes is
260 repealed and the following is substituted in lieu thereof (*Effective October*
261 *1, 2025*):

262 (g) The council shall employ such employees as may be necessary to
263 carry out the provisions of this chapter, and such employees shall, in the
264 aggregate, have sufficient expertise in engineering and financial
265 analysis to carry out the provisions of this chapter, provided the council
266 shall employ sufficient staff to facilitate the engagement of interested
267 parties in a proceeding and provide a plain language summary of
268 proceedings and shall designate an employee as the public liaison
269 responsible for such engagement and summaries.

270 Sec. 8. Subsection (d) of section 16-19b of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective October*
272 *1, 2025*):

273 (d) The Public Utilities Regulatory Authority shall adjust the retail
274 rate charged by each electric distribution company for electric
275 transmission services periodically to recover all transmission costs
276 prudently incurred by each electric distribution company. The Public
277 Utilities Regulatory Authority, after notice and hearing, shall design the
278 retail transmission rate to provide for recovery of all Federal Energy
279 Regulatory Commission approved transmission costs, rates, tariffs and
280 charges and of other transmission costs prudently incurred by an
281 electric distribution company in accordance with section 16-19e.
282 Notwithstanding the provisions of section 16-19, the authority shall
283 adjust the retail transmission rate in accordance with the provisions of
284 subsections (e) and (h) of this section and to fund costs associated with
285 the Office of the Consumer Counsel retaining consultants to enable the
286 office to participate in proceedings of the Connecticut Siting Council. A
287 transmission rate adjustment clause approved pursuant to this section
288 shall apply to all electric distribution companies similarly affected by
289 transmission costs. The Public Utilities Regulatory Authority's authority
290 to review the prudence of costs shall not apply to any matter over which
291 any agency, department or instrumentality of the federal government
292 has exclusive jurisdiction, or has jurisdiction concurrent with that of the
293 state and has exercised such jurisdiction to the exclusion of regulation
294 of such matter by the state.

295 Sec. 9. Subsection (e) of section 16-2a of the general statutes is
296 repealed and the following is substituted in lieu thereof (*Effective October*
297 *1, 2025*):

298 (e) The Consumer Counsel shall hire such staff as necessary to
299 perform the duties of said Office of Consumer Counsel and may
300 [employ] retain from time to time outside consultants knowledgeable in
301 the utility regulation field including, but not limited to, economists,
302 capital cost experts, [and] rate design experts and engineers. The salaries
303 and qualifications of the [individuals] staff so hired shall be determined
304 by the Commissioner of Administrative Services pursuant to section 4-
305 40.

306 Sec. 10. Section 16-50p of the general statutes is amended by adding
307 subsection (k) as follows (*Effective October 1, 2025*):

308 (NEW) (k) In deciding whether to issue a certificate for a facility
309 described in subsection (a) of section 16-50i, the council shall consider
310 (1) the testimony of the chief elected official of any municipality in
311 which the facility or any part thereof is to be located that the chief elected
312 official gives at any hearing, and (2) any other oral or written witness
313 testimony of the chief elected official of such municipality that is filed
314 or presented by the municipality to the council, if such municipality is a
315 party pursuant to subsection (a) of section 16-50n, as amended by this
316 act.

317 Sec. 11. Subsection (b) of section 16-50j of the general statutes is
318 repealed and the following is substituted in lieu thereof (*Effective October*
319 *1, 2025*):

320 (b) Except as provided in subsection (c) of this section, the council
321 shall consist of: (1) The Commissioner of Energy and Environmental
322 Protection, or the commissioner's designee; (2) the chairperson of the
323 Public Utilities Regulatory Authority, or the chairperson's designee; (3)
324 one designee of the speaker of the House and one designee of the
325 president pro tempore of the Senate; and (4) five public members, to be
326 appointed by the Governor, [at least two of whom shall be experienced
327 in the field of ecology, and] all five of whom shall, consistent with the
328 provisions of section 4-9a, have no substantial financial interest in, not
329 be employed in or by, and not be professionally affiliated with any (A)
330 utility, (B) facility, (C) hazardous waste facility, as defined in section
331 22a-115, or (D) ash residue disposal area, and shall have had no
332 professional affiliation with any such utility, facility, hazardous waste
333 facility or ash residue disposal area for three years preceding such
334 public member's appointment to the council.

335 Sec. 12. Section 4-181 of the general statutes is repealed and the
336 following is substituted in lieu thereof (*Effective October 1, 2025*):

337 (a) [Unless] Except as provided in subsection (b) of this section, unless
338 required for the disposition of ex parte matters authorized by law, no
339 hearing officer or member of an agency who, in a contested case, is to
340 render a final decision or to make a proposed final decision shall
341 communicate, directly or indirectly, in connection with any issue of fact,
342 with any person or party, or, in connection with any issue of law, with
343 any party or the party's representative, without notice and opportunity
344 for all parties to participate.

345 (b) [Notwithstanding the provisions of subsection (a) of this section,
346 a] A member of a multimember agency may communicate with other
347 members of the agency regarding a matter pending before the agency,
348 and members of the agency or a hearing officer may receive the aid and
349 advice of members, employees, or agents of the agency if those
350 members, employees, or agents have not received communications
351 prohibited by subsection (a) of this section.

352 (c) [Unless] Except as provided in section 16-50j, as amended by this
353 act, unless required for the disposition of ex parte matters authorized by
354 law, no party or intervenor in a contested case, no other agency, and no
355 person who has a direct or indirect interest in the outcome of the case,
356 shall communicate, directly or indirectly, in connection with any issue
357 in that case, with a hearing officer or any member of the agency, or with
358 any employee or agent of the agency assigned to assist the hearing
359 officer or members of the agency in such case, without notice and
360 opportunity for all parties to participate in the communication.

361 (d) The provisions of this section apply from the date the matter
362 pending before the agency becomes a contested case to and including
363 the effective date of the final decision. Except as may be otherwise
364 provided by regulation, each contested case shall be deemed to have
365 commenced on the date designated by the agency for that case, but in
366 no event later than the date of hearing.

367 Sec. 13. Section 16-50j of the general statutes is amended by adding
368 subsection (j) as follows (*Effective October 1, 2025*):

369 (NEW) (j) In addition to the communications permitted under
 370 subsection (b) of section 4-181, as amended by this act, the
 371 Commissioner of Energy and Environmental Protection, or the
 372 commissioner's designee, designated pursuant to subsection (b) of this
 373 section, and the chairperson of the Public Utilities Regulatory Authority,
 374 or the chairperson's designee, designated pursuant to subsection (b) of
 375 this section, as members of the council, may communicate with and
 376 receive assistance and advice from employees of the members of the
 377 council and the employees or utility commissioners of the Public
 378 Utilities Regulatory Authority, provided such employees and utility
 379 commissioners have not received any communications prohibited by
 380 subsection (a) of section 4-181, as amended by this act."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2025</i>	16-50n
Sec. 2	<i>October 1, 2025</i>	16-2a(a)
Sec. 3	<i>October 1, 2025</i>	16-50l(i)
Sec. 4	<i>October 1, 2025</i>	16-50l(a)(1)
Sec. 5	<i>October 1, 2025</i>	16-50l(a)(3)
Sec. 6	<i>October 1, 2025</i>	16-19d
Sec. 7	<i>October 1, 2025</i>	16-50j(g)
Sec. 8	<i>October 1, 2025</i>	16-19b(d)
Sec. 9	<i>October 1, 2025</i>	16-2a(e)
Sec. 10	<i>October 1, 2025</i>	16-50p(k)
Sec. 11	<i>October 1, 2025</i>	16-50j(b)
Sec. 12	<i>October 1, 2025</i>	4-181
Sec. 13	<i>October 1, 2025</i>	16-50j(j)