
OLR Bill Analysis

sHB 5551

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

SUMMARY

This bill makes various changes to the energy statutes, primarily related to the Connecticut Siting Council. Among other things, it generally:

1. prohibits the council from starting any proceeding without the Department of Energy and Environmental Protection (DEEP) commissioner and Public Utilities Regulatory Authority (PURA) chairperson, or their designees;
2. requires the council to have an additional ad hoc member appointed by the applicable regional council of governments for certain proceedings;
3. makes various changes to the council's application and approval process, such as (a) requiring applications for certain facilities to include additional information, (b) requiring (rather than allowing) municipalities to hold a public information meeting on proposed cell towers, and (c) requiring applicants to notify certain officials if they retain a lobbyist;
4. allows the consumer counsel to be a party in Siting Council proceedings that may significantly impact electric rates;
5. extends the prohibition on electric distribution company (EDC; Eversource or United Illuminating) or gas company rate recovery for certain advertising expenses to include Internet ads;
6. prohibits EDC rate recovery for the costs of promoting an application before the Siting Council and preparing for a council

proceeding;

7. requires the consumer counsel's staff to have expertise in certain specified areas;
8. limits the Siting Council's ability to approve certain solar facilities in municipalities that already have a solar facility with a generating capacity greater than 100 megawatts; and
9. requires additional approval from the Department of Agriculture and DEEP when siting certain facilities on prime farmland or core forest.

The bill also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2026

§ 1 — SITING COUNCIL MEMBERSHIP & EMPLOYEES

By law, except for proceedings involving hazardous waste, the Siting Council consists of the following members: (1) the DEEP commissioner, or her designee; (2) the PURA chairperson, or his designee; (3) a designee from each of the House speaker and Senate president pro tempore; and (4) five members of the public, with certain qualifications, appointed by the governor.

The bill prohibits the council from beginning any proceeding, including any meeting or public hearing, without the DEEP commissioner and PURA chairperson, or their designees or alternate designees. (It is unclear, but it appears that this provision would prevent the council from beginning any proceedings involving a hazardous waste facility, as the DEEP commissioner and PURA chairperson do not sit on the council for these proceedings (see below).)

By law, for proceedings that involve a hazardous waste facility, the House speaker's, Senate president pro tempore's, and governor's appointees remain on the council, but the public health and emergency services and public protection commissioners replace the DEEP

commissioner and PURA chairperson. Four ad hoc members are also appointed to represent the municipality and neighboring municipality where the proposed facility will be located.

The bill specifies that for all other proceedings, the council must have one additional ad hoc member appointed by the regional council of governments for the planning region where the proposed facility will be located (it is unclear what “other proceedings” this requirement applies to).

Current law generally allows the Siting Council to employ any employees it needs to carry out its purposes. The bill further specifies that the council must employ at least one employee dedicated to facilitating the engagement of interested parties and providing a plain language summary of proceedings.

§ 2 — SITING COUNCIL APPLICATION & APPROVAL PROCESS

The law generally requires developers to obtain a certificate of environmental compatibility and public need from the Siting Council before they can build certain facilities (such as electric generation or transmission facilities or cell towers). The bill makes various changes to the application and approval process for these projects, including explicitly prohibiting the Siting Council from taking any action on an application unless the applicant strictly complied with the law’s provisions on applications and notifications.

Electric Transmission Lines, Fuel Transmission Facilities, and Electric Substations or Switchyards

The law requires applications to the Siting Council for certain electric transmission lines, fuel transmission facilities, or electric substations or switchyards to include certain information, such as their estimated costs, routing maps, and a description of their environmental effect. For those applications proposing a repair, upgrade, replacement, or enhancement, the bill expands the information required to include detailed studies of alternative solutions to repairing existing electric transmission lines.

It also requires the applications to include the following information,

which the council must use to determine the project's cost effectiveness:

1. quarterly data for the preceding two years on the earned and authorized return on equity of related projects subject to the council's jurisdiction (the bill does not further specify how to determine what is a "related project");
2. an estimate of the proposed facility's return on investment; and
3. an estimate of the proposed facility's impact on regional network service and local network service rates for EDCs, and accompanying calculations, including any underlying assumptions for the estimate.

Electric Generation or Storage Facilities

Current law requires applications to the Siting Council for electric generation or storage facilities to include, among other things, safety and reliability information including plans for emergency operations and shutdowns. The bill requires them to also include plans for emergency responses.

Current law also requires these applications to include the comparative costs of alternatives considered. The bill more specifically requires these to be comparative costs of generating sources or configurations considered.

Electric Transmission Lines

The law requires applications to the Siting Council for electric transmission lines to include certain information, which under current law includes a detailed analysis of any non-transmission alternatives to the proposed facility or modification. The bill further specifies that this analysis must be (1) from an independent engineer the Siting Council selects and (2) submitted within 30 days after filing the application.

Public Information Meeting on Cell Towers

For applications to site telecommunication towers, the law generally requires the applicant to consult with the municipality where the tower will be located. Current law allows the municipality, no later than 60

days after this consultation meeting, to hold a public information meeting on the application. The bill instead requires the municipality to hold a public information meeting during this period. As under current law, the applicant must issue certain notices about the meeting at least 15 days in advance and pay for the meeting's costs.

DEEP Input on Prime Farmland or Core Forest

Under the bill, for any application to site a facility on prime farmland or core forest, the DEEP commissioner must submit a written opinion on the facility's impacts on the land. The bill prohibits the Siting Council from issuing a certificate, or approving an amendment to one, without considering this opinion.

By law, "prime farmland" is generally land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses. "Core forest" is unfragmented forest land that is at least 300 feet from the boundary between forest land and non-forest land, as determined by DEEP commissioner.

Notice About Lobbyists

The bill creates a notice requirement for when an applicant who submits an initial application for a facility regulated by the Siting Council retains a communicator lobbyist to influence the public or interested parties about the application. It requires the applicant to immediately send electronic notice about the retainer to:

1. the council;
2. the attorney general;
3. each state legislator whose district includes the proposed facility's location, or an alternative location proposed in the application; and
4. the chief elected official of any municipality that (a) includes a portion of the proposed facility's primary or alternative location or (b) has a boundary within 2,500 feet from the proposed facility.

Under the bill, a “communicator lobbyist” is a lobbyist who communicates directly, or solicits others to communicate with, an official or the official’s staff in the legislative or executive branch, or in a quasi-public agency, to influence legislative or administrative action.

§§ 3 & 4 — CONSUMER COUNSEL PARTY STATUS IN SITING COUNSEL PROCEEDINGS

The bill requires the Siting Council to grant party status to the consumer counsel, upon her request, in any certification, amendment, or declaratory ruling proceeding that she determines may significantly impact electric rates.

Under current law, when the Siting Council receives an application, it may hire independent consultants to study and measure a proposed facility’s environmental consequences. The bill specifies that the applicant must pay for these consultants. Existing law, unchanged by the bill, already requires that the application fee be used to meet the council’s expenses, including for these consultants, and also allows the council to assess the applicant during the proceeding as needed to meet its expenses (CGS § 16-50v).

§ 5 — INTERNET ADVERTISING

The law generally prohibits PURA from considering a gas, electric distribution, or telephone company’s political, institutional, or promotional advertising as part of the company’s operating expenses when setting rates (in effect, prohibiting these expenses from being recovered through the company’s rates). The bill specifies that this includes Internet advertising. Current law covers advertising on any media, such as newspaper (and all other forms of print), radio, and television.

§ 6 — RATE RECOVERY FOR SITING COUNCIL PROCEEDINGS

The bill prohibits EDCs from recovering through their rates, unless federal law requires it, any direct or indirect costs associated with (1) promoting the company’s application before the Siting Council, including costs for consulting, data and analytics, franking, fundraising, market research, community engagement, and Internet website

development, or (2) preparing for a Siting Council proceeding, including appeals.

(This provision could conflict with legal standards for utility cost recovery if it prohibits a company from recovering a cost incurred prudently, efficiently, and economically; for a clear public need and public necessity and convenience; and due to a statutory mandate (for example, see CGS §§ 16-19 & 16-19e).)

§§ 7 & 8 — CONSUMER COUNSEL STAFF AND COST RECOVERY

The bill requires the consumer counsel's staff to at least include a public utilities engineer, public utilities examiner, staff attorney, and communications and outreach associate. It also allows the consumer counsel to hire rate design engineers as consultants.

By law, unchanged by the bill, each PURA-regulated utility company is assessed an annual fee to pay for its share of PURA, Office of Consumer Counsel, and DEEP Bureau of Energy and Technology expenses, among others (CGS § 16-49). PURA must remit the collected fees to the Consumer Counsel and Public Utility Control Fund. The bill further specifies that (1) any staff or consultants hired by the consumer counsel for Siting Council proceedings must be funded through the fund and (2) the fund may be used for their costs.

§ 9 — LIMITS ON APPROVING CERTAIN SOLAR FACILITIES

The bill limits the Siting Council's ability to approve a solar photovoltaic facility with a generating capacity greater than one megawatt (MW) if it is proposed in a municipality where a solar photovoltaic facility with a generating capacity greater than 100 MW is located, or in any municipality abutting the existing facility. For these applications, the bill requires the council to be bound by the approval, disapproval, or conditions set for the proposed facility by the chief executive officer (CEO) or legislative body of the municipality (or the abutting municipality). The CEO or legislative body must submit notice of the approval, disapproval, or conditions to the council within 30 days after the municipality is served a copy of the application as required by law.

§ 10 — DECLARATORY RULINGS FOR CERTAIN SOLAR FACILITIES

For customer-side distributed resource and grid-side distributed resource projects, current law requires the council to approve a certificate by declaratory ruling as long as the project meets DEEP’s air and water quality standards. In addition, if the project is a solar photovoltaic facility with a generating capacity of at least two MW and will be located on prime farmland or forestland, the Department of Agriculture or DEEP must represent in writing that the project will not materially affect the land’s status as prime farmland or core forest, respectively.

The bill removes the two MW capacity threshold, applying this requirement to all council-regulated solar facilities proposed for prime farmland or forestland. As under current law, however, the requirements do not apply to facilities that DEEP selected in certain solicitations issued before July 1, 2017.

BACKGROUND

Related Bills

SB 144 (File 47), reported favorably by the Environment Committee, requires the Siting Council’s membership to include an elector from the municipality where the proposed facility would be located, in addition to the existing membership.

sSB 316, reported favorably by the Environment Committee, requires Siting Council applicants for a solar photovoltaic facility with a capacity of at least two MW to have soil tests done at the proposed location to determine the presence of certain contaminants.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 16 Nay 3 (03/23/2026)