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STANDING
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HEARINGS

ENVIRONMENT
PART 2
426-737

1973

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REPRESENTATIVE HOFMEISTER: Next on the agenda is Committee Bill 2203 AN ACT CONCERNING POWER FACILITY EVALUATION COUNCIL. There is no list and just those people who like to speak for these bills, please just step forward.

MR. JOHN M. C. BETTS: Mr. Chairman, my name is John M.C. Betts, I am Vice-president of United Aluminating Company. I am appearing in support of bill #2203. I would like to make just a very brief statement; others I am sure are going to go into more detail on this. When Public Act 575 was under consideration at the 1971 Session of this Assembly, we opposed its passage because we believe that a number of its provisions if enacted, would have the ultimate result of making far more difficult if not impossible, the task of the Electric Utilities in discharging their responsibilities to provide electric service adequate to meet customers' demands. The amendments contained in bill No. 2203 adjust themselves to a number of those matters over which we were particularly concerned two years ago. Formost among those is the provision for so-called "one stop" consideration. It is our belief that the adoption of these changes; while they will not eliminate all of the problems inherent in the present law, will substantially improve its workability. For this reason, even though the proposed bill does not include all of the changes which we think would be desirable, we believe that its passage is in the public's interest and strongly urge that the assembly enact it. Thank you very much.

REPRESENTATIVE HOFMEISTER: Thank you sir.

EVON KOCHAY: Statement given attached. (A)

REPRESENTATIVE HOFMEISTER: Thank you.

WILLIAM H. CUDDY: Statement given - attached. (B)

REPRESENTATIVE HOFMEISTER: Thank you.

SIDNEY GARVE: My name is Sidney Garve. I am here to read a statement into the record prepared by Colin Tait, Professor of Law, University of Connecticut. Professor is one of the drafters of the original bill. (see attached statement (C)).

REPRESENTATIVE HOFMEISTER: Thank you.

DAVID TUNDERMANN: Good afternoon Mr. Chairman, members of the Committee. My name is David Tundermann. I am Assistant Commissioner of Environmental Protection representing the Department of Environmental Protection this afternoon in commenting on Senate 2203. We'll have written comments and I won't bore the committee with reading them today. We have only two things two principle points to make this afternoon and if I might request leave of the committee to transform these scribbled notes into some legible commentary and get them in written form to the committee early next week. The two comments we'd like to make this afternoon pertain to section 4a of the so-called "one stop permitting" requirement and to section 14 which would permit land-banking

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DAVID TUNDERMANN: (continued) Both of those provisions have received, I think the bulk of comment today. Section 4A is new. It would empower the PFEC to override any other state or local law regulating the location of power facilities. It would establish what is called "one-stop permitting", that is the need for a utility to get only one permit before it could build and operate a power facility.

The argument made in support of one-stop permitting is that centralized regulation of power facilities siting is in the public interest because it promotes efficiency. Utilities, the argument goes, are needlessly burdened with various permit requirements. The PFEC regulates power facilities siting now, and should take over the entire field.

There are three problems with this argument:

First, the PFEC is still just setting up. It has handled only one case so far, with a second one pending. It has only an executive director, and two secretaries, and no technical staff. It simply doesn't have the experience or staff capability to take on added responsibilities.

Second, centralized regulation of power facilities siting has to be balanced against other important values, including centralized planning and regulation of water and related resource use.

Connecticut's coastal, tidal and navigable waters and wetlands are under heavy and increasing development pressure. The remaining unspoiled shoreline and inland riverways are decreasing due to encroachments such as filling and dredging operations, marina construction, industrial expansion, and transmission line crossing. The risk of losing the remaining unspoiled waterways and wetlands caused the legislature to enact laws such as Public Act 569 in 1963, which centralized the regulation of these waterways in the Water Resources Commission and Public Act 695 in 1969, which placed wetlands regulation in the Department of Agriculture. Both of these functions are now in the Department of Environmental Protection.

Public Act 569 instructs the Department to consider a broad range of factors including navigation, erosion, pollution control, land development and recreation before permitting any new encroachment. It reflects a legislative judgment that one agency - one which also provides recreational facilities and pollution control - should primarily supervise the use of water and related resources. Public Act 695 mandates a similar broad consideration concerning tidal wetlands regulation.

Section 4(a) of Senate Bill #2203 would change this policy and make an exception for the utility industry. It would transfer to the PFEC regulatory jurisdiction over tidal, coastal and navigable waters for the utilities alone, fragmenting an otherwise consolidated approach. It would permit the utilities to build encroachments in, on and over state waters and wetlands on a separate basis from anyone else.

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DAVID TUNDERMANN: (continued) Water resources are getting scarcer and scarcer. The environmental costs of water and wetlands use are going up all the time. In view of this, the utilities should compete on the same basis as other potential water and related resource users and should not be singled out for the special treatment this bill would provide.

The third reason why Section 4(a) is deficient is because it doesn't fully accomplish its purpose. The value promoted by the section is centralized planning and regulation of the energy industry, in order to balance energy needs against environmental and other social costs. Centralized energy control implies control over energy-producing resources, energy demand, and energy pricing. These controls, however, rest with the Public Utilities Commission and are not transferred by the bill.

If the Committee is considering centralized energy policy planning and regulation, the Department would cooperate enthusiastically and assist the Committee in drafting the bill that creates a workable structure for regulating the use of oil, gas, coal, nuclear fuel and other resources for energy production, the pricing of such resources, the pricing of energy, and the construction of energy facilities. Section 4(a) falls far short of this. It represents a piecemeal approach to a large, complex and important problem.

The second section of the bill on which I would like to comment. Section 14. That section recognizes a distinction between land acquisition for siting purposes and land acquisition for distribution and transmission lines. Now this is a legitimate distinction and the earlier comments presented today in support of land-banking for site acquisition are comments which we support. Thank you, I'll be submitting my comments in written form.

REPRESENTATIVE HOFMEISTER: Question?

REPRESENTATIVE APTHORP: Dave, in 4(a) - The way I read that up on, is that this unit could over-rule local zoning. Is that correct?

DAVID TUNDERMANN: That's correct.

REPRESENTATIVE APTHORP: In other words, we're creating something here that you can go into a town and say, "Gee you've got this beautiful residential area but we've decided to put a power plant in the middle and that's the end of that. Is that the way you read that?"

DAVID TUNDERMAN: Eventually it could work out that way. The bill establishes council as an administrative appellate tribunal. So that if a local decision, if a utility has agreed to buy a decision by a zoning board of appeals or a zoning board, they could appeal before going to courts to the PFEC and the PFEC could override the local zoning decision. I assume although the bill does not state that appeal to the courts would thereafter be available. But it does permit PFEC override of local zoning decisions.

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MARTY ROGOL: Mr. Chairman, members of the Committee, my name is Marty Rogal and I am the Legislative Coordinator of the Connecticut Citizen Action Group (CCAG). I assume, because I am here to oppose Committee Bill 2203 that I do not fall into the category a modern environmentalist. That I am one of those who has been referred to as a person who is not reasonable, who is not willing to deal with the problems of the utilities and their needs. I would prefer to deal with needs of the environment rather than the needs of the utilities.

We discussed with a number of the members of this committee, those of you who were up for re-election - the need by the standing committees of the General Assembly for over-sight of the laws they have passed and the implementations by the agencies that are supposed to enforce those laws. The PFEC who has been in existence less than one year in terms of active authority. The PFEC has had one case - the Branford to Old Saybrook line which was, to say the least, a problem for them. They have not had time to shake down a lot of their problems, but yet we see already amendments coming in by the Utilities - the same Utilities who opposed enactment of this bill initially. I would suggest, Mr. Chairman, that if anything is to be done about Public Act 575 it should not be done in the rush of legislative business with a deadline coming up for this committee to report out bills. That if anything should be done, an interim study committee should be established to review one, the law and two, the PFEC including the appointments by the Governor; whether in fact this committee is capable of performing its functions under Public Act 575. If it needs more money, what type of staff activity is there? Have they used their consultants? There are serious questions. There is no question about the fact that there is a serious question; but they are not answered by coming in after only one hearing and proposing a bill. I would like to just make one comment regarding the land bank. There are others here who will go into in much greater detail. Let's look at it from the viewpoint of a consumer. This land can be held for years prior to its use. The cost of that land goes into the rate base. That means that you as a consumer are sitting there paying for land that may never be used by the Utilities. That goes into your bill, your monthly bill and the consumer continually pays for that. I would suggest that both on environmental, both on sound legislative activity and additionally on consumer ground that any action on this bill other than to put it into the hopper for further study would be much premature. Thank you.

REPRESENTATIVE HOFMEISTER: Thank you. Is there any other positions on Committee Bill 2203?

EREMIAH WADSWORTH: Mr. Chairman and members of the Environment Committee, I am Jeremiah Wadsworth, Chairman of the PFEC. I just noticed this afternoon, I am wearing my other hat. I wish to comment on several bills before you for consideration and first of all I would like to remark somewhat about the

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Application
has filed
published

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JBREMIAS WADSWORTH: (continued) Power Facilities Evaluation Council's activities in the last 14¹/₂ months. (see attached statement (D))

(after the first two pages of the statement submitted, the following comments were added)

At a meeting of the Council regarding bills 1671 concerning acquisition of land, and 1731, concerning applications where land is already owned by a utility, it was decided that the content of these bills should be replaced by section 14 of bill 2203.

The Council is in general agreement with bill 2203 except for the following: and I would mention at this time that we have submitted written testimony of the PFEC on action on each individual change in 2203 from Public Act 575 that now exist. I have delivered four copies and we will add additional copies to that plus copies of the testimony here this afternoon.

First the PFEC has concerned sub-section f 16-50j and again we - when we review these proposed changes we use the present act in references because the copy of the 2203 was not available for section by line reference so some of this we have done in the last couple of days.

We do not believe all these state agencies by future reference from the act should become parties to each application. However, we do endorse their receiving copies of each application and we welcome written comment upon each application as representing good coordination among governmental agencies, as being part of good planning considering future economic impact upon the State of Connecticut. This is also true in later sections referring to municipal agencies such as zoning and planning commissions, conservation commissions etc. We want these groups and the Public informed so as to participate, but their reference in other sections should not automatically make them parties but could be represented in hearings by the chief municipal officer of their community or their legislators become automatically parties. They could be made parties by requesting this of the PFEC prior to any hearings and I would say that two conservations commissions in Litchfield, Redding are parties to our action, a hearing next week.

Second, in referring to the same section, PFEC requests a revision in reference to the proposed 2203. The council feels that municipal agencies listed under 16-50L sub-section (b) A and added agencies listed under 16-50L sub-section (b) e and f were presently agencies that would automatically made parties. The council recommends that this section be re-written as follows:

"Transfer the listed municipal agencies 16-50L subsection h-F for additional boards and commissions be notified by the PFEC inacting regulations and or copies of applications and these applications, copies could be secured for them by the chief executive office of the municipality or by the legislators.

Third, 16-50N subsection , I can't read my own writing. P, I guess. Subsection 2 it proposes to read - each person entitled to receive a copy of the application under a through d subsection b of section 16-50L unless such person has filed with the council within 15 days after the date given in the notice published

JEREMIAH WADSWORTH: (continued) under subsection B of section 16-50L as the date for filing of the application a notice of intent not to be a party.

Fourth area we'd like to recommend a change from the proposal and from the present act would be section 16-50N subsection B-4. PFEC recommends a change to read - SUCH OTHER PERSONS AS THE CHAIRMAN OF THE COUNCIL MAY AT ANY TIME, DEEM APPROPRIATE. THE COUNCIL VOTED THEY WOULD LIKE THE CHAIRMAN OF THE COUNCIL BE ABLE TO NAME PARTIES AS THE REQUEST COME IN FROM THE DIFFERENT AREAS OF THE APPLICATION. We have not, up to the present time, foresee refusing any reasonable request to be a party and the chairman would still have the opportunity to refer these to the full council for consideration.

Fifth area concerns 16-50N subsection D. This is section 7 of the proposed 2203 page 8 lines 217 and 228. The PFEC recommends bill 1263 in place of this proposal and so that limited appearances can be made before a hearing or during a hearing and not after a hearing. This limits the limited appearances to be put in writing up to the end of the hearing, and the proceedings would be complete at the conclusion of the hearing and then in the same section 16-50M subsection D. A change is recommended, also in bill 1263; the PFEC feels that the limited appearances should not be subjected to cross examination. They can not cross examine other witnesses. There should be a difference between the limited appearance becoming a party. They also have the opportunity any time becoming a party up to and including the hearing.

We propose an additional amendment to 2203. The new section - we have labeled 16-50Z B - this is towards the end of the present act. It reads as follows: we hope it will read as follows:
 THE POWER FACILITY EVALUATION COUNCIL MAY UNDERTAKE SUCH STUDIES AS IT DEEMS NECESSARY TO CARRY ITS DUTIES. UNDER THE PROVISION OF CHAPTER 277A OF THE 1971 NON-CUMULATIVE SUPPLEMENT TO THE GENERAL STATUTES. AS AMENDED IT MAY FROM TIME TO TIME ASSESS EACH PUBLIC SERVICE COMPANY GENERATING ELECTRIC POWER AND HAVING GROSS REVENUE IN EXCESS OF \$100,000 FOR A PRO-RATED SHARE OF THE EXPENSES OF SUCH STUDIES BASED ON A PROPORTION WHICH THE GROSS REVENUE OF SUCH COMPANY FOR THE CALENDER YEAR IMMEDIATELY PRIOR OF SUCH ASSESSMENT BEARS TO THE _____ GROSS REVENUE OF ALL COMPANIES TO BE SO ASSESSED. This is to the finance studies such as I mentioned in my opening remarks such as are covered in Public Act 575 at the present time giving us a responsibility to seek the policies on eliminating overhead transmission lines in the future state policy. I would also remark in the previous reference to section 4A on over-coming the decisions of local municipalities as pertains to plant siting or to transmission lines sites. This is taking the section that was amended in 1971 Legislature - 16-235 of the state General Statutes and putting in a PFEC responsibility into the Public Act 575 rather than a separate hearing of the statutes, and also the addition section 13 in this act is the area in that 16-235 that covers the PUC responsibilities and areas of jurisdiction in that same act. So they have separated the PFEC responsibility and I don't believe there is any changing in the words of 16-235. I refer to the committee for

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JEREMIAH WADSWORTH: (continued) that reference.

Section 12D of the new amendment to allow assessment of - that's the same area as I think already - I think section 12 of 2203 sub-section C we would just refer the committee on the Environment to section 12B of the proposal page 13, lines 346 and 347 and this is a proposal to that the Council shall hire such staff and consultants as is necessary to - as may be necessary to carry out the intent of this Act. I would refer the Committee just to two sections in the Act that we see is covering this already and if it was the Committee's choice to cover it the second time we have no objection. This proposal is already covered in Public Act 575 under 16-50J subsection E for the staff and 16-50N subsection C for consultants. Again we just refer this for your consideration of your Committee.

Section 14 has been explained to the Committee by others before me; but this is a new section which the PFEC recommends in place of bill 1671 and 1731 as I previously mentioned. This section provides the PFEC to hold hearings and gives certification five years ahead of construction time and for electric generating plants but not transmission lines, and to allow for future planning and plant siting. We considered this and as we considered the proposal of 2203 we did some work and we did read the President's bill on plant siting which has gone to Congress, and we would glad to make copies of this available to you if - the new bill this year is a one-stop rather than two-stop but the two-stop seems to be an approved procedure. We found that a great deal of reference to - for legislative consideration, from the council on State Governments at a whole area on plant siting and this two-stop plant siting, or land banking or whatever you might refer it as , was referred to in those areas and again we would make those references available to the Committee if they would so desire. That finishes my testimony on these and this 2203 Sir.

REPRESENTATIVE HOFMEISTER: Question?

REPRESENTATIVE APTHORP: Yes Sir, you testified to changes in section 12 C, I believe if you look back two pages, a , holding the bill in front of me, I find no section 12 "Charlie" or "C"!

JEREMIAH WADSWORTH: I'm sorry, I believe that our suggested change in that area - we - I inadvertently didn't explain this. We offered an amendment to Senate Bill to this bill 2203 and labeled it Subsection B of that section. So my reference to that should have been to "B", as we offered this other amendment for "B" I didn't refer, maybe I should have referred to our amendment as Subsection "C". It makes no difference except that - you're correct our amendment is not part of 2203. It is a new addition that we have printed and have made available to your Committee.

REPRESENTATIVE APTHORP: Apparently you've read all those good laws and all that legalees and all that stuff - do you interpret 14 as over-ride, over-riding local zoning?

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REPRESENTATIVE APTHORP: (Continued) Present section 14 which is new - if this is enacted, does this override local zoning?

JEREMIAH WADSWORTH: Well our interpretation has it that the local zoning has their powers under a different statute or cumulative and would use those in those - I guess their - under this Act they would have a - they would have the appeal to the council and to the courts. Any decision of ours - I think it - future land use planning we would hope that actually plant siting as discussed in the new State Planning Development and conservation of development a that some consideration to plant siting might be given so that local authorities would have some inclining of what siting might be down - coming down the road. This is where we are a - cognizant of the state plan and also that plant siting and a new site that calls for between 400-500 acres - this is what you would have - I agree with you would have considerable impact upon local authorities.

REPRESENTATIVE HOFMEISTER: Thank you.

ABBY ROSENBERG: Mr. Chairman and members of the Committee - my name is Abby Rosenberg and I come from Woodbury. (see Exhibit D attached)

REPRESENTATIVE HOFMEISTER: Thank you Miss Rosenberg. Is there any other position on Bill 2203?

JOHN LOEWENTHALL: Now is it working? My name is John Loewenthal of Bridgewater. I am a Professor of Law at _____ Law School and I am the principal author of the Statute under consideration, that is to say the original Public Utility Environmental Standards Act. I am quite familiar with its virtues and its defects, but its principle defect is one that hasn't been mentioned today in my opinion. This principle defect is that it has so far failed in practice, to insure a Power Facility Evaluation Council wholeheartedly devoted to the Public interest rather than too closely identified with the Public Utilities. A - I have a written statement that I will leave with and will not read to you, analyzing in some detail Northeast Utilities proposals for your today. I also have a statement from the Connecticut Conservation Association endorsing my statement which the Connecticut Conservation Association asked me to file with you, which I will do. The Northeast Utilities proposals before you today are plainly designed to subvert the Statute as it was originally enacted two years ago. The purpose of the Statute was to bring the Public strongly into the decision making process on questions involving power development and the location and type of any new power facility. To have the Public make those decisions because they affect the Public locally and collectively. The purpose of the amendments offered today, and certainly their effect, as any one reading them can see; consolidates the position of the Utility Industry in making those decisions as to the amount of new power development and its location. The two principle devices by which Northeast Utilities proposes to do this are the one-stop proceedings and the _____ acquisitions. As to one-stop - the Utility Industry throughout the country, in every state, fights very hard to get one-stop service. Why is the Utility Industry always hell-bent for one-stop service? I can't improve on a sentence that I found in a Law Revue article and I want to quote it - "It the objective is to enable Industry to

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JOHN LOEWENTHALL: (continued) build a power plant wherever it pleases, with as few concessions to the Environment as possible; success consists of a one-stop procedure that would effectively neutralize parties most likely to cause difficulty." Now that is in fact the way one-stop works out. Whether its desirable is for your Committee and the Legislature to decide; but, lets not make any mistakes about the purpose of one-stop legislation such as that proposed today. Now why is Northeast Utilities interested in one-stop here? Clearly it has had some experience, although limited with the PFEC to date. So far, in my view based on observation of the way the PFEC has functioned, the Utility industry in effect determines the outcome of PFEC proceedings. I think that a - although I must be careful in remarking on this because I am told that it is about to go into litigation, I think that Senator Costello can bear me out in connection and perhaps Chairman Wadsworth of the PFEC also in connection with the very first proceedings under this Act brought before the PFEC. In that proceeding w hich concerned a proposal by Connecticut Light and Power to build a transmission line between Branford and Old Saybrook, a, for which CL & P applied to the PFEC last year. In that proceeding the PFEC called a hearing on very quick notice - six weeks, instead of the six months it could have waited. So quick and the notice was so a so couched that most people in the area didn't even know what was going on until it was all over. Nor did the PFEC retain its own consultants to study the matter, either the Environmental factors or the CL & P application. So it worked out that only party that was really prepared for that hearing was the Connecticut Light and Power Company, and the hearing was over in one day plus a visit to the site; but not to the alternative site. After that almost 2000 people, including I believe, Senator Costello himself, asked the PFEC to reopen that hearing, to take evidence that lots of those people wanted to bring in, including expert testimony; to question, examine closely CL & P applications, discuss a lot of environmental and other factors relevant to the proceedings. But the PFEC refused to reopen the hearing and granted that application. Now I think I have stated only the facts and I won't go further because as I say, I understand that the matter is about to go to Court, but it is of public record that the Northeast Utility Company was quite satisfied with the PFEC's conduct of that proceeding and indeed the President and Chairman of Northeast Utilities, Mr. Silon, recently told the New York Society of Security Analysts that we are very encouraged by its balance and its super examination of the realities associated with our meeting customers requirements. That was what Mr. Silon said of the PFEC in connection with that first proceeding. So I think its perfectly plain why Northeast Utilities is now proposing to provide one-stop service with this PFEC and it is likewise underable that the PFEC itself supports it. I would suggest that your Committee might do better to wait and examine whats going on. Watch the future performana, and examine the past performance of the PFEC, to see how it is implementing the present act before it a goes for anything like one-stop proceeding. In fact, one-stop consolidates everything for the Utility Industry. In one centralized agency that the Utility Industry has a better chance of controlling than local interests. But in fact, the Public is composed of a lot of local interests. We are all local someplace and those local interests are, in large part, what life is about. I don't mean that they don't inter-relate, they do in very

JOHN LOEWENTHAL: (continued) complex way; but those local interests, our local interests are entitled to recognition and if it isn't effectively granted there will not be much left of any local interest in Connecticut. The land is going pretty quickly as you all know. As for local zoning, - under the present act, in my view, local zoning is not sub-planted, but the proposal today, submitted by Northeast Utilities, as I understand them but I'm not certain of this; would go a long way to overwhelm local zoning. When you combine one-stop plus the early acquisition proceedings - now after the early acquisition that Northeast Utilities request - in reality what that would do is simply to give legislative blessing to what is already done largely in practice. It would give legislative sanction to the Utilities buying up such land as they wished, and putting the cost of it into the rate base so that rates would go up, whether or not the land were used for years to come, if indeed ever. There is a claim in, well I heard in testimony today, it is a claim that in such of the cases in the bill where early acquisition depends upon prior location approval of the PFEC, that that location approval would not be binding in any later proceedings before the PFEC to put up the power facility at that location. Well we don't have much more than ordinary realists to understand that a location approval previously granted by the PFEC would surely be quite persuasive to that same PFEC in a later proceeding concerning its facility to be put up at that location. So in effect what the early acquisition does is simply let the power company pre-empt sites of their own choosing; that in effect it constitutes "a state of compli" so far as future power developments and facilities are concerned and to great extent shuts out the public. Well, finally these proposals today are not based on any evidence or on any studies or on any experience to the act. That experience is much too limited to base proposals like this on. Rather these proposals today, simply represent what Northeast Utilities regards as ideal legislation; what the utility industry would have written two years ago when the present act was enacted into law. I would suggest that instead of further entrenching the Utilities in their position of determining power policies and land use policies and further shutting out the Public from those matters; rather than do that at this point, and rather than make radical changes in the Statute, that this Committee might consider instead setting up a Legislative Watchdog to see how the PFEC in the future implements the Act as it is at present written and in that way the Committee would soon gain enough information to make an informed judgement as to when, as to whether any further legislation is desirable. If you have any questions, I'm probably sufficiently familiar with the Act so that I would be happy to respond.

SENATOR PHILIP COSTELLO: I was very interested in your comments, Sir, and I would like to ask you if you feel that the continuation of the present law would in any way add to the so called "Energy Crisis" or possibilities of future shortages of electric power in the State because of the inability of the utilities to get their plants on line within a reasonable period of time?

JOHN LOEWENTHAL: I doubt very much that the Statute would do that. Whether the PFEC implementing the Statute would do that, I can not say. There is room in the

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JOHN LOEWENTHAL: (Continued) Statute as it now stands for the PFEC to reflect a variety of conflicting and competing interests, - increased energy and increased pressures for environmental protection and conservation of energy and land. How that is worked out is essentially up to the PFEC under the Statute as it is now. I have not heard or seen anything in experience so far under the Statute that would inhibit the PFEC from making a rational choice between these competing interests in the Public good if it so desires. The problem essentially is that the Utility Industry is always single minded in its approach. It has essentially only one approach, and that is- more power in traditional ways with very little attention paid to technological development that might produce less strain on scarce land and other environmental interests; and the problem is that the competition between the desire for more electric power, which is certainly legitimate, and the desire to preserve what's left of our land and to avoid too much environmental degradation in getting this extra power. The problem is that there are inevitable binds; there are some hard choices - we can't have it all. The PFEC is there to make those choices in the Public interest and in my view the Statute as it is now worded, gives plenty of leeway.

SENATOR COSTELLO: Do you believe, Sir, that the land-banking proposal might - is it possible that that might save the rate bearers money, because the land can be acquired at a considerable lower price than if it were publicized or acquired at a later date?

JOHN LOEWENTHAL: I never understood that argument, though I've heard it. The power of eminent domain in effect permits the Utility Companies, that have a right to exercise that power as they do under this Statute, once the PFEC certifies a site. The power of, the right of eminent domain is designed in common law, to insure a fair price - not an inflated price. It's true that as time goes by, the dollar inflates, for everything and everybody; but that hardly justifies buying land now with today's dollar and holding it for five or ten or fifteen years at the continuous cost to the consumer, because the cost of that land goes in the rate-base, while the consumer gets no utility service out of that land. Rather than waiting and paying for that land at higher prices with inflated dollars in the future. But, the argument that the Utility Companies, in order to keep down the cost of land, have to go quietly sneaking around buying it up through nominee names and the like, in order to avoid inflated prices simply is not borne out by experience. The extent that they confide in the experience, and I haven't seen any, it hardly seems to be the justified, the undesirable features that go along with it.

SENATOR COSTELLO: Thank you very much.

JOHN LOEWENTHAL: Thank you.

SENATOR COSTELLO: Is there further testimony?

MORT GELSTON: Mr. Chairman.

SENATOR COSTELLO: Yes, Mr. Gelston.

MORTIMER GELSTON: My name is Mortimer Gelston. I am a dairy farmer, practicing

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PORTIMER GELSTON: (continued) Conservationist from East Haddam, Connecticut. I'm not a moderate or extremist or liberal or whatever you call me. I'm a practicing conservationist. I'm proud of it and I have been practicing conservationist all my life. I concur with the testimony given by Chairman Jeremiah Wadsworth as far as Senate Bill 2203 is concerned. But, a, I'd like to speak on my own behalf for a minute, because I am interested in this problem, I have been interested for a long time, so I shall speak just as a Dairy Farmer. Try to give a little common sense in not too many words.

As a Dairy Farmer as I told you before I have been a practicing conservationist for a good many years. Now I hold the position as Chairman of the Middlesex Soil and Water Conservation District. They have seen fit to award me many awards over the past 25 years, and years before that more than I really would like to recall sometimes. But, I'd like to interject a little, as I said before common sense. We've heard this one-stop here today. I think sometimes all of us don't really understand just what's one-stop is all a bout. You go back to when P.A. 575 was formed - good legislators in their judgement - put public members on the council. At the same time they put the Chairman of Public Utilities Commissioner on that Council and at the same time they put the Commissioner of the Department of Environmental Protection on it. There was, I am sure, good reason for the Legislature to do this in their judgement - I understand it was quite debated - lengthy debate in the House - finally it was passed. Really what we are talking about is this "one-stop" of these public members of the Council in conjunction with not against, in conjunction with the Commissioner of Environmental Protection and the Public Utilities Commissioner who are represented on the Council and together they can make the right kind of a judgement and not apart. You know, I said before I am a Conservationist - some of you people know where I live down in East Haddam. Some of these concerns from the Environment and the rivers and all of the rest have really been my concern, because I own probably one of the longest uninterrupted stretches above the Connecticut River down there in East Haddam. I have enjoyed it over the years. Now I would like to see that my children and your children enjoy it for the years to come. As I said before about common sense, I think we have to balance some of these needs with some of the needs for you - The Public. I would just like to say one thing before I close - as a public member of the Council, appointed by the Governor to represent the public, I in conjunction with the other members of the body, I feel we will come up with some of the right decisions. That is really our responsibility to put this all together. As I said before, Mr. Chairman, and you members I think we have to take a good long look at what this really "one-stop" means. We've heard a lot of words here today on some of these subjects, but I think we should interject a little common sense. I haven't got this written down, but I would just like to take a moment with your people. A little common sense about this "one-stop" where everybody participates in this one place to go. It doesn't give anybody that much power because its all right here - the Commissioner of Environmental Protection, the PUC Commissioner, the public members of the body coming to decision that's based on the best thing for all public.

SENATOR COSTELLO: Thank you, Sir.

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ELMER GARRETT: Mr. Chairman, I'm Elmer Garrett from Roxbury. I'm opposed to the concept of location hearings for the land-bank. I am fearful that land will be put in large amounts of land will be put into these land-banks not used and charged to the Utility customers. Once the land is acquired in this manner, it is almost certain to be used for the applications the Utility has in mind, whether or not it turns out to be the most suitable land when the project finally materializes. We have an example of this in the case of the Connecticut River crossings which were referred to a little earlier today. Under the findings of the Water Resources Commission five years ago, the utility was instructed to consider all alternate sites for an underwater crossing of these three river lines. As it actually turned they refused to consider the alternate crossings which they did not own themselves. They only considered land which was already in their possession. I think this indicates that once land is put in the land-bank, it is the land that will be the choice of the utilities and it will be extremely difficult to reject that land and to select other properties. We are in an era of changing technologies and I do not feel that land acquired today for power plant will necessarily suit the requirements for the power plant that is being constructed 15 or 20 years from now. We don't know what the requirements of that plant will be. I think it is better to wait until the technology is developed and then to acquire the land for the particular plant.

There is one other small point in 2203 that bothers me a little bit. That is in section 4 paragraphs (c). I am bothered by the phrase in there talking about the immediate take-over of the property after the certificate is granted by the power facility council. It seems to me that this gives the property owner very little chance to even pack his bags and get out. It talks about the Utility moving in immediately. I would urge that you give that some serious consideration. Thank you very much.

SENATOR COSTELLO: Thank you Sir. Is there further testimony?

DONALD HARRIS: Mr. Chairman, I'm Donald Harris of Roxbury. I only want to make a very brief comment in connection with 2203. In general I support most of the provisions in it. I particularly want to say a word in connection with section 4. Now, most of, in fact all of the opposition that I have heard is the, that section - seems to be based on a suspicion or a distrust of the PFEC. A - from the Department of Environmental Protection we hear the objection that well the PFEC is a young organization, it's just a baby, let's watch it act like a man that has grown up. On the other side, on the environmentalists side, we have heard the objection that so far as their behavior so far is concerned - we have no assurance that they aren't just a department that is a puppet for the Utilities. This reminds me of a thing that I read a good many years ago, that Secretary Simpson was supposed to have remarked to Harry Truman of how do you keep people that are trustworthy. He said, "After a long of experience, you learn one thing, and that is that if you wish to have somebody trustworthy, if you wish to be sure that they are trustworthy, just trust them and let them know it." I think that so far as the PFEC is concerned, that this board, this Council was set up with Public members and with representation from the DEP, representatives from PUC - a - they have been given this responsibility and I think they should be given a good fair opportunity to show that they are going

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RONALD HARRIS: (continued) to do a good job. I believe that so far as section 4 is concerned - that this really goes to the heart of the question, of whether they really can do a job. Unless they have exclusive jurisdiction, except for the traditional local jurisdiction of the local municipalities, unless they have jurisdiction, you're in essence saying or we are essence saying, "We don't quite trust you." we think that there ought to be also a veto power in some other part of the Government. I think that they should have the entire responsibility, I think that that is the best way to take care of it. If it turns out in a few years that the people of the State of Connecticut find that that - they don't think the PFEC is a suitable body then I think that ought to toss them out and try something else. But meanwhile I think we got to stick with them. Thank you.

SENATOR COSTELLO: Thank you.

DR. BERNARD ROSENBERG: I'm Dr. Bernard Rosenberg. I live in Woodbury, Connecticut, practice in Danbury. I've been vitally concerned with this issue and I was not aware of this meeting until last night and I really am unprepared. I haven't read the Act, but I understand from the few minutes that I've been here what the general nature of this is all about. I am also in another capacity - I've headed up a small group of us in Woodbury who have been fighting CL&P in an organization called "SWAT" which is Southbury, Woodbury, Against Transmission". I've been exposed to these people; I know what they do. They're rather sneaky they sluck around corners; you never quite know what they're up to. Here is an example of what they are up to: they're trying to change the ground rules before the ground rules have even be tried. I think the PFEC has a chance to do something good for the Public. We have been down the old routes of the Utilities running everything and I think it is time for the Public to have a chance to do things for itself. I am deeply opposed emotionally and every other way to kind of maneuvering that seems to be going on here. I'm not very experienced in legislative matters, but I just don't like the way this thing smells. It just doesn't seem to be appropriate or very scrupulous to me.

SENATOR COSTELLO: Thank you Doctor.

WYON KOCHEY: Senator Costello - I wonder if I might set the records straight on a couple of inaccurate statements that have just been made?

SENATOR COSTELLO: Mrs. Kochy, it is not appropriate to debate at these public hearings. I would respectfully request that if you have such a desire that you contact the Committee outside of the Public Hearing. I'd really not have a debate take place.

WYON KOCHY: No, it wasn't intended to be debating - it was a little legislative history as to how these amendments came about. It was no question about their origin.

SENATOR COSTELLO: Well I believe the Committee how the amendments came about.

WYON KOCHEY: Thank you.

SENATOR COSTELLO: We're the ones that are here today to learn more. Thank you.

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DR. SAMUEL SEELY: Mr. Chairman, my name is Dr. Samuel Seely. I've been a Professor of Electrical Engineering for more than 35 years. I'm with the University of Connecticut and I've been involved in a peripheral way with the PFEC on docket number one; so I have had occasion to read PA 575 pretty thoroughly over the past, but I've not had opportunity to study #2203 nearly as much as I wish and shall. A - in glancing at 2203 there were several points that struck me as, rather forcibly and I'd like to speak to these. These in no way represent all of the points that one, that you have heard discussed this afternoon. But, the one that bothered me considerably was this question of land-banking to which others have referred. Since the provisions, as proposed will completely negate the provisions of the act that were included to protect the public interest and the public. Land-banking, that not only allows utilities to purchase land for purposes and objectives known only to itself. But these purchases, again as pointed out on a number of occasions, appear in the rate structure. So the utilities have no reason for curtailing their efforts at land-banking in a large quantity and whether, and one can make quite a reasonable kind of a proposal that five years from now we want to do something and we need this land. So I think that this question of land-banking is a very critical one, especially if the purposes of this land-banking is interpreted by a PFEC whose membership may not be terribly sympathetic to the purposes of 575. Then there is the smaller point, which relates to the question of limited provision, the limited appearance. This is terribly undesirable, because this has been one of the key contentions on Docket number one - the only action that has so far been taken by PFEC. This was a single hearing - it was not very well advertised and even if it were, the fact of the matter is, very few people attended. There was virtually no input by the public for this and the only recourse that has existed so far is that the public has in essence after the fact and just the fact that time has elapsed in no way less make some of these problems less compelling than they were if they had been brought to the attention of the Council prior to a hearing. So this question of turning off the limited appearance with the hearing is, in my opinion, a terrible mistake because it is virtually the only channel by which people can go in

SENATOR COSTELLO: Excuse me Doctor - but I think that's a later bill that you are

DR. SAMUEL SEELY: No.....

SENATOR COSTELLO: Is there provision.....

DR. SAMUEL SEELY: There is provision in 2203yes Sir....

SENATOR COSTELLO: I'm looking for it here...but I haven't found it yet.....

DR. SAMUEL SEELY: Yes...so let me just conclude by just saying that as Mr. Loewelthal mentioned that I don't see that there is a need to modify the existing Act, that this early stage of its existance ... but rather what really needs to be done is for there to be a fairly strong review committee ... it was referred to as a "watchdog committee" perhaps that needed to insure that the PFEC is implementing the provisions of the Act...both according to the intent and the letter of the law. A...the action on Docket number one is one that there is serious question whether all of the provisions, the intent and so on were in fact satisfied and

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DR. SAMUEL SEELY: (continued) this is going to be contested in the courts to establish whether or not it has been. Thank you.

SENATOR COSTELLO: Thank you Doctor.

SCOTT VREARBURGH: Mr. Chairman, I'm Scott Vredarburgh from Clinton and I am a representative of the Morgan School there, High School. (see Exhibit "E")

SENATOR COSTELLO: Thank you. Is there further testimony on Raised Committee Bill #2203?

SHERMAN WILSON: Mr. Chairman and members of the Committee, my name is Sherman Wilson. I live in Gilbert, Connecticut; I do not have a prepared statement and I'll make my comments very brief. You heard from a dairy farmer not very long ago and I am a Salesman. I'm concerned with this bill and the new power line because it involves me in two different ways. Number one the line will go very close to some property that I own and I'm strictly against having an overhead power line in this particular area. As a property owner, I would be very lenient and try to work as closely as possible with the Power Company if they said they wanted to come across my property and bury the line. As far as running an overhead line, I do not want to see this in the town of Gilbert or in any area of Connecticut. In my travels, I cover 13 states and I drive a good bit of those states and it really is a shame to see the crosswork of overhead power lines in some of these beautiful states and I say to every person here Connecticut is a beautiful, beautiful state....let's do everything we can as far as keeping our environment, keeping the scenic atmosphere that we have and I am against bill 2203 because I believe it gives the Power Companies added power to do as they please. Thank you, Sir.

SENATOR COSTELLO: If there is no further testimony on Bill 2203, we'll proceed to Senate Bill 1671 AN ACT CONCERNING THE ACQUISITION OF REAL PROPERTY IN CONNECTION WITH A POWER FACILITY.

JEREMIAH WADSWORTH: Mr. Chairman, again I am Jerry Wadsworth, Chairman of the PFEC. I would just like to testify again, I think it was in my original testimony that we have requested that this bill be considered along with the section 14 of 2203....that is section 14 of 2203 which is a land-banking, the Council has voted that they recommend section 14 of 2203 over this bill and the bill that allows us not to be influenced by the purchase, previous purchase of property and making a final decision on certification/ So I just refer that to the Chairman for their consideration as they consider these two bills.

SENATOR COSTELLO: Thank you. Mr. Rogal.

MARTY ROGAL: Mr. Chairman and members of the Committee...my name is Marty Rogal from the Connecticut Citizen Action, just for the purposes of the record our objection are the same and refer to bill 1671.

SENATOR COSTELLO: Thank you.

EVON KOCHHEY: Senator Costello, my name is Evon Kochey. I am here to speak for the Ecolleague in strong opposition for Committee Bill 1671. We feel that it is

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EVON KOCHY: (continued) essential for the well-being of the people of the state that the review and the power to acquire land remain under the jurisdiction of the Power Facility Evaluation Council. We therefore feel that the land-bank provision that will be provided in Senate Bill 2203 provides the needed checks and balances and therefore we appear in opposition to this bill.

SENATOR COSTELLO: Thank you. Is there testimony on Bill #1671? If not we will proceed to Senate Bill 1673 - AN ACT CONCERNING HEARINGS HELD BY THE POWER FACILITY EVALUATION COUNCIL. Mr. Wadsworth.

JEREMIAH WADSWORTH: Thank you Mr. Chairman, I am again the Chairman of PFEC. This is a change in Public Act 575 that the PFEC Council recommends to the Committee for their passage or recommendation. This changes 16-50M sub-section A of our Act. It states that a hearing shall be held in the County in which the proposed facility is to be located. In our very first application we ran into one that was quite a long transmission line and we asked for a ruling on whether or not we should have a hearing in each county... a ruling came back that we would not have to have one in each county...so the Council chose Clinton Town Hall as being midway between, as close as we could get between the two counties involved New Haven and Middlesex. Transmission lines often run through more than one county and the question has been raised as to whether or not a hearing should be held in each county. On August 10, 1972, as I refer to the Attorney General issue an opinion that we only have to have one hearing on each application in the County in which the proposed facility is to be located, or in any one of the counties in the case where the facility will run through more than one county. The transmission line running through more than one county may be short, such as the one now under discussion and we received this application this week running from Derby in New Haven County across into Shelton in Fairfield County....about 1/2 mile long...is what this hearing will encompass...the whole construction is a mile and a half long...or maybe very long such as one running across the entire state and that is why the Council retains the prerogative of having hearings in more than one county if it seems to fit the public need for maximum public input into our hearings. And so we urge your passage of this a this bill.

SENATOR COSTELLO: Thank you Sir. Is there further testimony on bill #1673? If not we'll proceed to Senate Bill #1730 - AN ACT CONCERNING LIMITED APPEARANCE WITH CERTIFICATION PROCEEDINGS. Mr. Wadsworth.....

JEREMIAH WADSWORTH: Again I would like to speak in favor of 1730.. it is a section 16-50N sub-section D of Public Act 575 in which we stated that any person may make a limited appearance at any time in the proceeding. Pursuant to this, the Council accepts written statements of those making limited appearances after the conclusion of a hearing and until the decision is made on an application. This happened on Docket number one- we received the application in July of 1972 - we held a hearing on September 11, 1972 - we made the decision in the middle of January 1973 and received limited appearances up to that day, and they became part of the proceedings and consideration of a thing over of a - application over a long period of time and we do have 30 to 180 days in which to hold a hearing after receiving an application; we have one year in which to make a decision; you can see that at some point in the proceedings, limited appearances should be cut off so that

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JEREMIAH WADSWORTH: (Continued) the Council can start to judge the input. There was a short time between our announcement of the hearing Branford-Old Saybrook, about 40 days and for this hearing coming up next week the 28th, we have put out publication and we've made a decision on having the hearing next week pretty near two months ago. So we are trying to give the public ample time to investigate the application, study it, and make limited appearances either prior to the hearing or at the hearing in written form. We would hope that this would be sufficient. So we urge approval of this Act as written. Thank you.

SENATOR COSTELLO: Sir, in connection with an earlier bill 2203 - Dr. Seely expressed his concern about any restrictions on limited appearances - subsequent to the hearing...from my own observations of Docket number one - there was considerable value perhaps in having limited appearances come in after the hearing because of the apparent lack of understanding of the public of the procedures to be followed. I am wondering if you've given any consideration to some restricted time period following the hearing for the receipt of limited appearances. I see your problem - you don't want them coming in until the day before you make your decisions - but have you considered the possibility of permitting them for a month or 30 days or 60 days following the public hearing to permit people to a react to a limited appearance and argument in writing to what they might observe at the hearing?

JEREMIAH WADSWORTH: I..a.. think we have talked about this. I don't think it's been totally rejected .. a.. our advice is that hopefully the proceedings could be completed on the day of the hearing. We aren't necessarily in any great rush to make a decision in each case. I think that the Council could and would seriously consider some time area for some-one to be able to put something after the hearing. This act was written this way so hopefully people would get informed before the hearing ..a..hopefully as in the Branford-Saybrook Case there actually were informal briefings by the applicant with the Municipal Governments involved. It probably, it didn't get public and it didn't give them an opportunity to be informed...so I had hoped that they could have get informed but if the Committee feels that there should be some waiting time, I think the Council would give consideration and its okay to that...as long as it was within reason such as two parties in a court action- we do operate under a APA Act and having opportunity for briefs to be submitted - I think that this also should be furthered to the public - I don't have any personal objections to giving them 10 day er 30 day time limit - As long as we have an understood time limit and could enforce it at that time we could have the proceedings over with.....

SENATOR COSTELLO: Is it fair to say that the real problem is to have the limited appearances trickling in all through your deliberations period, so that you are constantly having to adjust your thinking, read new arguments, and also distribute copies to all the parties?

JEREMIAH WADSWORTH: Yes, and mixed up with limited appearances on this first docket, it was appropriate under our Act - it was the petitions to re-open the case re-open the hearing and these getting mixed up and actually your limited appearances that come in a week before you reach the decision, aren't as pertinent to your judgement, or effective on your judgement as the ones that

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JEREMIAH WADSWORTH: (Continued) might come in two or three months before you reach a decision. We have, we did take time to make a decision.

SENATOR COSTELLO: Do you recall Sir, how limited appearances you received subsequent to the public hearing in Docket number one? Approximately?

JEREMIAH WADSWORTH: Well...there were a great many..a one of them was in the form of a very long petition. It was an 1,800 names bill...1,800 name petition. And then there were some additional all the way from the form of a telegram to the form of personal letters. There were letters from Town Officials, Town bodies, mostly asking for a re-opening of the hearing; but, they were giving their opinion about the, about the thing, a ...counting the petitions and series of things as one...I'd say there were 30-40 limited appearances after the hearing in Clinton in September.

SENATOR COSTELLO: Thank you. Is there further testimony on bill #1730? If not, we'll proceed to bill, Senate Bill #1731...AN ACT CONCERNING THE BASIS FOR DECISIONS OF THE PFEC ON CERTIFICATION PROCEEDINGS.

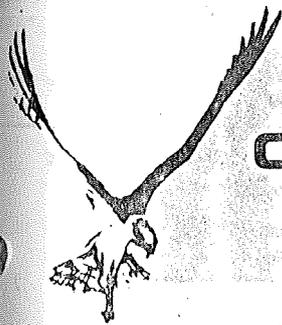
JEREMIAH WADSWORTH: Mr. Chairman, again Mr. Wadsworth of the PFEC... I just again would refer that this is a bill that removes the Council from being bound by previous purchase referred to in 1671 by the Utility of a site...a...which actually as it's worded would cover both plant siting and transmission lines. Again we..I refer to the Council's recommendation to the Committee that we defer these two bills to section 14 in 2203.

SENATOR COSTELLO: Do you have an opinion, Sir, having served as Chairman of the Power Facility Evaluation Council whether in practice or in fact the pre-acquisition of property by the Power Company would predispose members of the Council to be more sympathetic to that particular location as a site rather than starting cold with no knowledge whatsoever of any property acquired in anticipation of this siting of a power plant?

JEREMIAH WADSWORTH: Well we've, we felt in the drawing of 1671 and 1731 that the Council would not be held by their decision to buy land. I think we have interpreted this part of the Act where they are prevented from buying any land very extraneously and we did take an action during our first year in this area. A...I think the Council feels that they could look at it unbiased at that time by the fact that the land would be owned. The feeling on section 14 is that we would have a hearing for public input and group input and have a regular hearing on the site far enough in advance so that if the site was turned down that other sites...alternative sites could be looked at if the facility was in public need. A...we felt that we would not have been bound by their purchase of the property any more then we would have been bound by their ordering of supplies for their plant, years ahead of time which they apparently they have to do.

SENATOR COSTELLO: Thank you. Is there further testimony on bill #1731? If not, we reach our final bill #8419 on today's hearing list...AN ACT CONCERNING PERMIT FOR COLLECTION OR DISPOSAL OF WASTE PRODUCTS. Is there any testimony on House Bill 8419? Hearing none, I declare the hearing closed. Thank you very much for staying late into the day.

Hearing adjourned at 4:35 p.m.



CONNECTICUT CONSERVATION ASSOCIATION

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NORTHROP STREET, BRIDGEWATER, CONNECTICUT 06752

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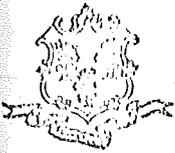
The Connecticut Conservation Association would like to enter the record of this hearing in opposition to Committee Bill #2203.

The Association is familiar with, and understands the contents, of the statement to be made by Mr. John Lowenthal of Bridgewater, Conn.

The Association endorses Mr. Lowenthal's position and therefore wishes this Committee to accept the testimony of Mr. Lowenthal as the views and opinions of the Connecticut Conservation Association,

Thank you.

Dallas Miner
Assistant to the Executive Vice President
Connecticut Conservation Association



STATE OF CONNECTICUT

POWER FACILITY EVALUATION COUNCIL

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115

TEL. (203) 566-5612

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COMMENTS OF POWER FACILITY EVALUATION COUNCIL ON BILL 2203

- 1) 16-50i (a) 4 Recommended
Clarifies that a certificate would be required only when environmental impact of any facility under jurisdiction of PFEC is substantial.
- 2) 16-50i (d) Recommended
Clarifies to same extent definition of modification.
- 3) 16-50j (f) Recommended
The additional agencies are vitally involved in the availability of electric energy. Reports included from these agencies will provide information helpful to the Council in making a decision.
- 4) 16-50k (a)
Refer to NEW section 14 of proposed bill.
See comments #30-42.
- 5) 16-50k (a) Recommended
Present wording could prevent utility from ordering any material until site is approved. Some material requires long delivery time and must be ordered prior to site approval. By eliminating the word "supplying", material could be placed on order, subject to modification. Material ordered could be of the type which could be used on any of the several sites under consideration.
- 6) 16-50k (d) Recommended
The Council has assumed that it does have such authority and has so stated on its findings in answer to twelve separate petitions for advisory determinations from the utility companies.
- 7) New Section 14 (a) Recommended
This provides for one stop jurisdiction over public need, convenience, necessity and location of a facility.

- 8) New Section 4 (b) Recommended
 Authority to use eminent domain after certificate is issued is in accordance with one stop procedure.
- 9) New Section 4 (c) Recommended
 Immediate entry eliminates one source of delay in starting construction of facilities which have been determined to be for the public good. It also protects the property owner should any injunction be sustained.
- 10) New Section 4 (d) Recommended
 This provides for municipal jurisdiction of location of generating facilities, sub-stations and other facilities similar to present provision of 16-235. However, if appealed, the PFEC can overrule the decision of the municipality. It does not give the PFEC authority to waive air or water quality or other such standards promulgated by other State or Federal agencies.
 It is suggested that the wording of the first sentence be changed to "any municipality or agency thereof" instead of listing city, borough, town and the several agencies of the municipality.
- 11) 16-501 (a) Recommended
 Deletes authority for other departments or agencies to require the Council to obtain information from the applicant which the Council may not consider necessary. Reports are required from other State agencies as specified in 16-501 (j). Application forms drawn by PFEC specify information PFEC feels is necessary.
- 12) 16-501 (a) 1 B Recommended
 This would provide information helpful to the Council in determining immediate and future needs for power. It would also be helpful in determining need as specified in 16-501 (a) 4 B.
- 13) 16-501 (a) 1 F Recommended
 Eliminates redundant language. The alternate to overhead is underground.
- 14) 16-501 (a) 1 H Recommended
 Deletes requirement that applicant speak for an agency of the Federal, State or local government which may have chosen not to take a position prior to filing of the application.
- 14a) 16-501 (a) 2 C Recommended
 Eliminates meaningless language.

- 15) 16-501 (a) 2 E Recommended
Unnecessary information is specified. Council lists information it requires on application forms.
- 16) 16-501 (b) A Recommended
Service of application in the additional agencies would provide wider publicity. However, we feel that these agencies should not automatically become parties by cross reference section 16-50n (a) 2 and therefore should be placed under a new paragraph "F" and present paragraph F changed to G.
- 17) 16-501 (b) E New-Recommended
Same reasoning as #16.
- 18) 16-501 (b) F New-Recommended
Same reasoning as #16.
- 19) 16-50 New-Recommended
Defines number of Council members required to hold hearing. Council feels a majority is necessary.
- 19a) 16-50ⁿ (a) 2 Revision Requested
Council feels that additional municipal agencies listed under 16-501 (b) A and added agencies listed under 16-501 (b) E and 16-501 (b) F should not automatically be made parties. Therefore, the Council recommends that this section be rewritten accordingly. Any of these agencies desiring to become parties, could be so named by application to this Council.
- 19b) 16-50n (a) 4 Revision Requested
The Chairman should be authorized to name parties without having to call a meeting of the Council. Therefore, the word "Council" in this section should be changed to "Chairman".
- 20) 16-50m (d) Revision Requested
Recommend Bill 1263 which states that limited appearance can be made only until the conclusion of the hearing.
- 21) 16-50m (d) Not Recommended
Recommend Bill 1263. Council does not feel persons making limited appearances should be subject to cross examination.
- 22) 16-50p (a) 2 Recommended
Addition of word significant permits the Council to determine degree of environmental impact and act accordingly.

- 23) 16-50p (a) h Recommended
Consistant with 16-50g.
- 24) 16-50p (a) 6 Recommended
This section in conflict with one stop legisla-
tion.
- 25) 16-50q Recommended
Deletes special provisions for rehearing in
order that the Council may determine whether or
not to allow rehearings in accordance with general
principles of administrative law.
- 26) 16-50q Recommended
Conforms with (25).
- 27) 16-50q Recommended
Conforms with (25).
- 28) 16-50t (a) Recommended
Technical correction.
- 29) 16-50t (a) 1 Recommended
Deletes authority of Council over matters
that are regulated by other agencies (Reliability-
FUC) (effluence, thermal effects, air and water
emissions, protection of fish and wildlife and
other environmental factors-DEP).
- 30) 16-50t (a) 1 Recommended
Renumbers section.
- 31) 16-50t (a) 2 Recommended
Renumbers section and adds state of the art
which makes this section more workable and in
accord with overall public good. Council keeps
informed on state of the art through studies
and publications.
- 32) 16-50t (b) Recommended
Technical correction.
- 33) 16-50t (b) Recommended
Technical correction.
- 34) 16-50 U Recommended
Clarification of wording. Makes Council
responsible for enforcing only provisions of its
own decisions.
- 35) 16-50 V (b) Recommended
However, this is already covered in 16-50j (e)
(Staff) and 16-50n (c) (Consultants).

- 35a) 16-50 V Addition
 Council now submitting new bill to authorize assessment of electric utilities to finance studies to be made by Council.

- 36) New Section 13 Recommended
 Revises 16-235 to clarify the jurisdiction of municipalities and appeals procedure to PUC and PPEC.

- 37) New Section 13 Recommended
 Same as #36.

- 38)-41) New Section 14 Recommended
 Details method of acquiring power plant sites-- Follows generally plans outlined by Federal Government "Guidelines for Suggested Legislation", published by the Council of State Government, and general thinking regarding land use. PPEC bill requested authorization for utilities to purchase land in advance of need.

- 42) New Section 14 Recommended
 If utility is required to buy land it should be compensated accordingly.

- 43) New Section 14 Recommended
 Provides for consideration of changed conditions.

718

Botsford Hill Road
Roxbury, Conn. 06783
March 22, 1973

To: The Environmental Committee

Regarding: Proposal No. 1376 *Bills 1671 & 2203*
Bill to permit acquisition of Real Property
in connection with a Power Facility

My name is Elmer Garrett. I am a resident of Roxbury. I have been concerned with the environmental effects of new power facilities in our part of the state as a member of FLEC, the Fairfield-Litchfield Environmental Council, and ACUTE, Active Citizens Upholding The Environment (of Roxbury, Bridgewater and New Milford). Most recently I have attended 15 sessions of the hearing on transmission line crossings of the Connecticut River held by the Department of Environmental Protection. It is this last experience which leads to the remark I wish to make concerning this proposed legislation.

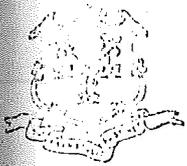
As the result of hearings held on May 11, 1966 the Water Resources Commission permitted three transmission lines to be constructed over the Connecticut River at Bodkin Rock and Scovill Rock, below Middletown, with the understanding that these would be placed underwater or moved to other locations better suited for underwater construction within five years.

During the following five years no action was taken by the utility to comply with the Commission's ruling.

Recently, probably because of indications that compliance might be required, the utility made some studies of underwater construction of the lines. However these were limited to studies of construction at sites already owned by the company. A company witness testified that construction at other sites, which might be better suited for undergrounding, was categorically excluded from consideration.

This example shows that the advance acquisition of sites for power facilities, without thorough study of the needs, can dictate unfavorable ultimate locations of the facilities. Thus subsequent attempts to have the power facilities sited at locations best suited to advanced technologies and to changes in the growth pattern of the state can turn out to be a mockery. For this reason I am opposed to the proposed legislation. The state needs the protection of Public Act 575 as now written.

Elmer Garrett
Elmer Garrett



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

7193

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115

COMMENTS ON SENATE BILL # 2203, AN ACT CONCERNING
THE POWER FACILITY EVALUATION COUNCIL

DAN W. LUFKIN
COMMISSIONER

Section 1. Line 27 adds a redundant phrase to Section 16-50i(a), the definitional section of the act. The amendment would exempt from the definition of "facility" such substations, switchyards and other facilities which do not have a "substantial adverse environmental effect". The environmental impact standard already is embodied in Section 16-50k(a), however, which establishes the jurisdictional limits of PFEC permitting authority. It would add nothing to repeat it here.

Lines 33-34 add a definition of "modification" which is straightforward, except that the word "general" should be deleted because it is meaningless. Leaving it in will only give rise to disputes over what physical characteristics are "general" or not "general".

Section 2. Lines 42-44 add several relevant agencies to the list in Section 16-50j(f) of those with whom the PFEC is directed to consult. It is a useful addition.

Section 3. Line 50 deletes from Section 16-50k(a) the requirement that utilities get a permit before they begin supplying a new facility. Presumably, a utility already would have a PFEC permit for land acquisition or construction well before it began supplying a new facility. The question is whether, if the supply operation may have a substantial adverse environmental impact, the utility should have to get another PFEC permit before

it begins the first supply operation.

By the time a utility acquires the land and builds a plant, it is too late in the day for a fresh review. The concern for supply operations with adverse environmental impact could be handled by the PFEC's considering the impact of supply operations when it reviews the construction permit application. Section 16-50p(a)(2) covers this now. The amendment is a worthwhile change.

Lines 69-73 add that the act applies to significant facilities modifications as well as to new construction. This is a good addition. The amendment could be made more simply, however, by merely inserting "or modification" after "construction" on Line 66 and after "construction" on Line 67 instead of adding a new sentence.

Section 4. (a) Lines 82-90 $\frac{1}{2}$, is new and would empower the PFEC to override any other state or local law regulating the location of power facilities. It would establish what is called "one-stop permitting", that is, the need for a utility to get only one permit before it could build and operate a power facility.

The argument made in support of one-stop permitting is that centralized regulation of power facilities siting is in the public interest because it promotes efficiency. Utilities, the argument goes, are needlessly burdened with various permit requirements. The PFEC regulates power facilities siting now, and should take over the entire field.

There are three problems with this argument:

First, the PFEC is still just setting up. It has handled only one case so far, with a second one pending. It has only an executive director, and two secretaries, and no technical

staff. It simply doesn't have the experience or staff capability to take on added responsibilities.

Second, centralized regulation of power facilities siting has to be balanced against other important values, including centralized planning and regulation of water and related resource use.

Connecticut's coastal, tidal and navigable waters and wetlands are under heavy and increasing development pressure. The remaining unspoiled shoreline and inland riverways are decreasing due to encroachments such as filling and dredging operations, marina construction, industrial expansion, and transmission line crossings. The risk of losing the remaining unspoiled waterways and wetlands caused the legislature to enact laws such as Public Act 569 in 1963, which centralized the regulation of these waterways in the Water Resources Commission and Public Act 695 in 1969, which placed wetlands regulation in the Department of Agriculture. Both of these functions are now in the Department of Environmental Protection.

Public Act 569 instructs the Department to consider a broad range of factors, including navigation, erosion, pollution control, land development and recreation before permitting any new encroachment. It reflects a legislative judgment that one agency - one which also provides recreational facilities and pollution control - should primarily supervise the use of water and related resources. Public Act 695 mandates a similar broad consideration concerning tidal wetlands regulation.

Section 4(a) of Senate Bill # 2203 would change this policy and make an exception for the utility industry. It would transfer

to the PFEC regulatory jurisdiction over tidal, coastal and navigable waters for the utilities alone, fragmenting an otherwise consolidated approach. It would permit the utilities to build encroachments in, on and over state waters and wetlands on a separate basis from anyone else.

Water resources are getting scarcer and scarcer. The environmental costs of water and wetlands use are going up all the time. In view of this, the utilities should compete on the same basis as other potential water and related resource users and should not be singled out for the special treatment this bill would provide.

The third reason why Section 4(a) is deficient is because it doesn't fully accomplish its purpose. The value promoted by the section is centralized planning and regulation of the energy industry, in order to balance energy needs against environmental and other social costs. Centralized energy control implies control over energy-producing resources, energy demand, and energy pricing. These controls, however, rest with the Public Utilities Commission and are not transferred by the bill.

If the Committee is considering centralized energy policy planning and regulation, the Department would cooperate enthusiastically and assist the Committee in drafting a bill that creates a workable structure for regulating the use of oil, gas, coal, nuclear fuel and other resources for energy production, the pricing of such resources, the pricing of energy, and the construction of energy facilities. Section 4(a) falls far short of this. It represents a piecemeal approach to a large, complex and important problem.

Subsection (b), Lines 91-94 $\frac{1}{2}$, would permit one utility to act as agent for other in acquiring land through condemnation. This may promote efficiency among the utilities and seems worthwhile.

Subsection (c), Lines 95-119 $\frac{1}{2}$, permits a court to authorize immediate occupation of land while a condemnation proceeding is pending. This could work hardships on residents or small businessmen which could not be compensated by damages even if the owner later won his case. The Committee might consider adding an exception for private residences or for any property used for residential or retail commercial purposes.

Subsection (d), Lines 120-132 $\frac{1}{2}$, gives the PFEC authority to override a local decision affecting power facilities siting. The comments above addressed to subsection (b) apply here as well. The bill carves out exceptions for the utility industry from the inland wetlands act and other applicable laws without accomplishing its intended purpose -- to centralize energy policy planning and implementation.

Section 5. Lines 141-142 leave to the PFEC the determination of what an application should contain. This is as it should be.

Lines 148-151 add a useful change, requiring the utility to submit certain additional information in their applications.

Lines 158-159 delete a potentially useful provision, in the event that transmission methods other than overhead or underground (e.g., overground) become feasible. The deletion seems unwarranted.

Lines 163-165 eliminate an unworkable provision.

Line 168 $\frac{1}{2}$ deletes a provision that data on "loads and

resources" include information "by area". The deletion seems unwarranted, for the PFEC may want this information broken down geographically.

Lines 171-171 $\frac{1}{2}$ delete a provision which requires, albeit in awkward language, that data be categorized in a particular way. The act may be awkward, but deletion is not the answer.

Lines 192-194, 200-204 make a useful addition, adding local agencies to the list of agencies which get notice of PFEC proceedings.

Section 6. Lines 215-216 $\frac{1}{2}$ provide a majority of the PFEC constitutes a quorum. The Committee might consider raising it to 2/3.

Section 7. Line 219 $\frac{1}{2}$ requires that limited appearances be made during or prior to hearing. The Committee might consider revising the amendment to read "within five days after the conclusion of the hearing," in order to permit citizens who attend a hearing to submit comments following it.

Lines 221 $\frac{1}{2}$ -226 manifest an excessive concern with the formalities of the law of evidence. The PFEC is perfectly capable of assessing the weight of citizens' statements without a formal requirement such as this one.

Section 8. Lines 240-241 make a constructive addition.

Lines 250-250 $\frac{1}{2}$ conform to the amendment in Section 4(a). If Section 4(a) is deleted, as it should be, this amendment should be eliminated also.

Section 9. Lines 262 $\frac{1}{2}$, 263, 264-269 $\frac{1}{2}$, 273 $\frac{1}{2}$, 275, 285-286 eliminate administrative provisions designed to provide additional procedural safeguards to parties to a PFEC proceeding, by permitting

them to seek rehearing. The Committee should consider whether it wants to change this policy at this time; in the one case the PFEC has decided so far, this provision was invoked to bring new evidence to the PFEC's attention.

Section 10. Lines 293-294 add an amendment to conform to the Administrative Procedures Act.

Lines 297-299 delete superfluous language.

Lines 303-303½ add a standard of "applicable technology" to govern underground. "Best available technology" is a better standard, and is the one used in the federal air and water pollution laws.

Section 11. Line 325 adds a clarification.

Section 12. Lines 346-347½ add a useful staffing provision.

Section 13. Lines 368-370 conform to the exclusive PFEC jurisdiction provided in Section 4(a). This amendment would eliminate local control over power facilities siting. All the earlier comments against these provisions apply here.

Section 14. (a) is new, and creates a permit system for five year prior review of sites for 300 Mw generating facilities. This is a good concept, but the application requirements in lines 391-401 should be expanded to include a showing of need and a tie-in with long range planning and with state land use plans, such as the Plan of Conservation and Development.

Subsection (b), lines 402-407½ would permit land acquisition for generating sites prior to application. This reflects a legitimate industry need and is a useful addition.

Subsection (c), lines 408-415½, would exempt from PFEC jurisdiction land acquisition for transmission or distribution

corridors which (1) had to be relocated because of government action (such as highway construction), (2) were already subject to a utility easement, or (3) represented expansions of existing corridors. Since land acquisition for these purposes might involve substantial adverse environmental impacts, there is no reason why it should be exempted. If certain acquisitions do not have substantial adverse impacts, they already are exempt. There is no reason for the exemption except to carve out a special case without apparent reason.

Subsection (d), lines 416-433 $\frac{1}{2}$, establishes the permit review process for 300 Mw siting permits. By shifting the burden of proof from the utility (where it is now) to the PFEC, however, the amendment would make permit review a near sham. The utilities possess much of the data, pro and con, necessary to evaluate their applications. If the burden shifts to the PFEC to grant a permit unless it can make certain negative findings, the PFEC will rarely be able to deny a permit because it won't have adequate information.

Instead of the process proposed in subsection (d) of the bill, the existing review process in Section 16-50p of the existing law should be extended to the 300 Mw permit system.

Subsection (e), lines 434-438 $\frac{1}{2}$, permit land covered by a 300 Mw permit to be included in the rate base. This is a valuable addition and would permit utility rates to reflect more accurately legitimate business expenses.

CONNECTICUT CITIZEN ACTION GROUP

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727

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OFFICES: CCAG, CEAG — 57 FARMINGTON AVENUE

Mr. Chairmen, members of the Committee, my name is Marty Rogol, and I am the Legislative Coordinator of the Connecticut Citizen Action Group (CCAG). I appear before you to oppose Committee Bill 2203.

During the past summer we discussed with those of you previously in the General Assembly the concept of "oversight"-- the responsibility of committees to review the bills that they had passed in previous sessions and the action of the agency delegated to implement such laws.

Today we have before us the reason why CCAG strongly supports the need for oversight. This bill was presented to the Committee by Northeast Utilities. It was devised in no way by investigation of this committee into the actions of the Power Facilities Evaluation Council (PFEC). Have any of the members of this Committee seen a PFEC hearing? Do any of the members of this Committee know that these changes are necessary due to a serious indepth investigation?

There has been no oversight of this agency, and whether changes are necessary. There has only been an effort by the utilities to make regulation softer for them.

I would at least expect that this Committee would allow the subcommittee responsible for this law to study the matter during the interim and provide the full committee and the public with recommendations for improvements, if any are in fact needed.

The bill makes substantial changes in the relationship between the PFEC and the utilities. In a number of instances, the burden of proof is switched to the PFEC.

Additionally, the bill strengths the condemnation powers of a privately owned company over property held by a member of the public. Such delegations of power should be weighed very carefully and given serious study and review.

Nor would CCAG see any need for striking the provisions for a rehearing. One can assume that it would be more appropriate

to resolve the matter at the administrative level rather than further overburden our court system.

And, of course, there is the authority to hold land for a period of years, and to charge the costs of such land to the consumer, both as to initial investment and operating expenses. This would provide the utility with a larger rate base upon which to receive a larger rate of return with no corresponding benefit to the consumer. If such a dramatic departure from the past is justified, it should be done after considerable thought and study. The PFEC has only been functioning for one year and has decided the environmental capability of only one major line. With that little knowledge of the actions under P.A. 575 any decision by this Committee other than the establishment of a mechanism for studying the performance of the PFEC would be a total dereliction of duty.

Finally, as some of you may remember, CCAG was extremely critical of the appointments by the Governor to the PFEC and charged that Anthony Wallace, President of CL&P gave a list of acceptables to the Governor. If this bill is passed, not only will Mr. Wallace have hand picked the Council members but he will also have begun the emasculation process of a statute he fought hard to defeat.

23 March 1973

729

To: Committee on Environment, Connecticut General Assembly
Re: Public Utility Environmental Standards Act --- Statement in Opposition
to amendments proposed by Northeast Utilities #1 1671
2.2.73
From: John Lowenthal, Bridgewater, Connecticut 06752
Tel. (203) 354-0538; (212) 666-3271

Professor of Law, Rutgers University School of Law;
draftsman, Public Utility Environmental Standards Act

The utility industry has long been a dominant force in determining land use policy in Connecticut. That practice would be given legislative sanction by the amendments that Northeast Utilities is proposing to the Public Utility Environmental Standards Act (the Act).

BACKGROUND

The Act was passed for the purpose of having the public, rather than the utility industry, make the choices in the energy-environment dilemma. Two years ago, the problem was brought home to thousands of people throughout the state by hotly-contested proceedings before the Public Utilities Commission (PUC) involving a CL&P plan to construct overhead transmission lines through 75 miles of southwestern Connecticut. That contest carried the warning that the usual trade-offs of scarce land and other environmental costs are becoming too high a price to pay for all the new power plants and transmission lines the utility companies insist we need. An informed public might prefer instead to curtail power use, or to pay more dollars to save some land or river, or to hold out for better technological solutions. In any event, the public concluded that the choices should be made by local and other public interests, not by the utility industry and a utility-oriented PUC.

Accordingly, Sen. Gunther and Rep. Ciampi introduced the Act: Reps. Harlow, Collins, Guidera, and others sponsored it; and it became law as P.A. 575 (1971) with a final effective date of April 1, 1972.*

The Act established the Power Facility Evaluation Council (PFEC) to represent the public and to make the choices and decisions on behalf of the public. It has not, however, worked out that way in practice. Instead, the PFEC has so far behaved just like an arm of the utility industry, as may be seen from the following example:

The first proceeding before the PFEC involved a CL&P application for a certificate to construct a 22.9-mile-long overhead transmission line between Branford and Old Saybrook. The PFEC called a hearing on such short and inadequate notice to the public that few affected property owners or other interested people realized what was happening until it was all over. The PFEC did not even take the precaution of retaining independent consultants to study the environmental factors and examine the CL&P application. When almost 2,000 citizens -- including Sen. Costello -- asked the PFEC to reopen the hearing to additional evidence, thorough examination of the CL&P application, and genuine public participation, the PFEC refused, and granted the CL&P application. (Northeast Utilities recently expressed its appreciation of the PFEC: "The first proceeding before that body has been completed, and we are very much encouraged by its balance and its sober examination of the realities associated with our nesting customers' requirements." Remarks of Lelan F. Sillin, Jr., Chairman and President, Northeast Utilities, The New York Society of Security Analysts, March 7, 1973.)

* For further background and explanation of the Act, see J. Lowenthal, PROMETHEUS, MEET THE POWER FACILITY EVALUATION COUNCIL, 46 Conn. Bar J. 379 (1972).

While the FFEC to date has been hostile or indifferent to the public interest, a change of heart or personnel could provide authentic implementation of the Act. Against that possibility, Northeast Utilities (NU), which bitterly opposed the Act in 1971, now proposes to rewrite it. NU's proposals are not based on or supported by any evidence, studies, or experience under the Act; they simply embody an industry view of ideal legislation.

THE PROPOSED NU AMENDMENTS

Land acquisitions. The Act prohibits utility companies from acquiring land, exercising rights of eminent domain, or commencing site preparation, construction, or supplying of a facility, without first obtaining from the FFEC a certificate of environmental compatibility and public need for the facility. § 16-50k. Each of those particular actions was included in the statutory prohibition because each is such a big foot in the door as to make a power facility sought by the utility company practically a fait accompli.

NU would delete the prohibitions on acquiring land and exercising rights of eminent domain without a FFEC certificate (4) (numbers in parentheses refer to NU's Comments dated March 7, 1973). Instead, NU would allow utility companies to acquire land for power-plant sites without any FFEC approval (39); acquire land and exercise rights of eminent domain without any FFEC approval, whenever they wish to obtain additional rights to property for transmission lines where there is already an easement or right-of-way for either transmission or distribution lines (40); and exercise rights of eminent domain after approval by the FFEC of just

the location (not a facility) (39). Approval of the location would be virtually guaranteed by provisions making it practically impossible to withhold (41). There is also window-dressing language to the effect that such approval shall not be "binding" in a later proceeding before the PSC to certify a facility at that location (43); it is difficult to imagine such approval not being sufficiently persuasive to the very agency that had granted it.

NU calls this proposal "land banking", a euphemism for utility-determined power growth, facility siting, and rate raising. The utility company would choose what land to "bank" with itself; and the cost would be added to the rate base immediately and forever, although no additional utility services would flow from the "banked" land for years, if ever. The result would be to reduce practically to the vanishing point any opportunity for meaningful participation by the public in deciding whether a particular power facility should be built at all, and if so, where; the utility company's ownership of the land would practically foreordain a power facility there whenever the company wished to proceed. Another result would be to increase utility rates and profits immediately and continuously, without any corresponding increase in utility services for years, if ever.

A respectable argument for some kind of "land banking" is that it pre-empts scarce sites for possible future development by utility companies instead of by less important industries or people. If this is considered to be a benefit to the public, it can be realized by more public-spirited long-range planning than NU's self-aggrandizing proposal. Where pre-empting of possible sites has been legislated as part of the planning process, as in Maryland, the "land banking" is done by independent public agencies, not by utility companies to their own profit at the expense of their customers.

Super-eminant domain. The Act permits eminent domain proceedings after PFEC certification. §. 16-50k. NU would now empower the courts to permit utility companies to enter upon property and start construction immediately after PFEC certification, without even abiding the outcome of the eminent domain proceedings (9).

This extraordinary and Draconian power, beyond even common-law rights of eminent domain, would compel property owners, on pain of losing their rights by default on ten days' notice, to hire lawyers, engineers, and appraisers to oppose the utility companies in court -- all in addition to the eminent domain proceedings, and ~~to~~ the property owners' own expense. If there is any public benefit great enough to outweigh these burdens on property owners and the courts, it has not been identified.

"One-stop" proceedings. Utility interests fight hard to get "one-stop" service, because they know they can more likely control one agency than contend successfully with an array of regulatory agencies, local interests, and environmental groups. Succinctly put,

if the objective is to enable industry to build a power plant wherever it pleases with as few concessions to the environment as possible, success consists of a "one stop" procedure that would effectively neutralize parties most likely to cause difficulties.*

"One stop" is designed to tilt the balance further toward the utility interests and away from local, environmental, and other public interests. The Act, however, assumes that every one of us -- that is, the

* Rodgers, SITING POWER PLANTS IN WASHINGTON STATE, 47 Wash. L. Rev. 9, 20 (1972).

public -- is local to some place; that our local concerns are legitimate and entitled to recognition; that our different local environments also interrelate with one another; and that we, locally and collectively, and not the utility industry, should make the decisions about power and the environment that affect us locally and collectively. "One stop", however, means that the utility industry makes the decisions.

Judicial review. The Act provides that a trial court reviewing a PFEC order will normally accept the facts as found by the PFEC, but will also have the discretion to find facts "de novo", that is, to take testimony and other evidence in court and reach its own independent conclusions of fact, if that seems warranted by the state of the proceedings before the PFEC. § 16-50q. The reason for giving courts that discretion is to afford some relief from the tendency of an administrative agency to identify more closely with the industry it is supposed to regulate than with the public interest, whereas courts usually remain more independent. Such judicial discretion can also afford relief from plain errors and oversights by the administrative agency.

NU would deprive reviewing courts of their discretion to find facts "de novo" (27). The record of the PFEC to date amply demonstrates the need to retain that judicial discretion in the public interest.

Miscellaneous. Most of the less important NU proposals also reflect the industry's special interests. For example, NU would deprive the PFEC of authority over environmental factors allegedly within the jurisdiction of the Department of Environmental Protection (DEP) (29). But it is doubtful that any DEP approval involving those factors is required for a utility company to construct a power facility. Therefore,

depriving the PFEC of such authority would leave those environmental factors unconsidered. Another NU proposal assumes the desirability of "expansion of the electric power grid" (12). Whether it is in fact desirable is one of the basic questions that the PFEC is supposed to consider, not merely to accept the utility industry's traditional answer.

CONCLUSION and RECOMMENDATION

The Act has been fully in force for less than a year. The limited experience with it to date indicates that its most grievous shortcoming is its failure or inability to prevent the appointment to the PFEC of members who are unsympathetic with the purposes of the Act.

NU's proposals would not just weaken the Act. They would nullify or eliminate its emphasis on public participation and environmental concerns, and would further entrench the utility industry in land-use planning.

Rather than try radical changes in the Act at this early stage of its life, the Environment Committee might consider establishing a legislative watchdog to monitor the PFEC's implementation of the Act. In that way, the Committee could acquire enough information on which to base sound legislative judgments about the Act. Such a step might also have a salutary effect on the PFEC's performance.

- - - - -

I would like to speak in favor of Senate Bill No. 2203, which amends 1971 P.A. 575 (C.G.S. Sec. 16-50g et seq). As that Act is currently written, before utilities can acquire land or start construction of transmissions lines or generating plants, they must apply for and receive a certificate of environmental compatibility and public need from the Power Facility Evaluation Council (PFEC). Thus, before they can acquire land, (by gift, purchase or condemnation) they must also get approval of the actual site development and construction plans. This requirement delays the acquisition of land until a complete development plan can be prepared and approved, potentially a lengthy process. The principle change made by this bill is to provide for early acquisition and land banking of potential sites for power generating facilities before the few suitable and available sites remaining in Connecticut are preempted by other uses. This bill would authorize utilities (1) to acquire land (except by condemnation) from a willing seller or donor without prior approval of the PFEC, and (2) to acquire land by condemnation for power plants (but not transmission lines) provided the PFEC gives preliminary approval to the site. This would be a preliminary certificate only, limited to site acquisition. In no case would the utility be permitted to develop the site without going to the PFEC for a certificate of environmental compatibility and public need. The early acquisition of land would in no way bind the PFEC from denying the final certificate on any grounds, including inappropriate location. I support this two-step procedure: initial approval for land acquisition, and final approval of both the site location and development plans.

The other major change is to permit, as much as possible, one-stop licensing. Thus, the bill provides that the only certificate or approval necessary is that issued by the PFEC. I believe that the concept of one-stop licensing is meritorious provided the one-stop is a meaningful, full-fledged inquiry into the matter and that the public has had an ample opportunity to be heard. I believe PA 575 satisfies those criteria and that one-stop licensing could help reduce the time and cost involved in meeting the reasonable power needs of Connecticut citizens without jeopardizing our environment.

The other amendments to the act are more technical in nature. They either remove ambiguities and clarify, or improve the internal workings of the act.

March 23, 1973



Colin C. Tait
Eno Hill Road
Colebrook, Connecticut

Botsford Hill Road
 Roxbury, Conn. 06783
 March 22, 1973

To: The Environmental Committee

Regarding: Proposal No. 1376 Bills 1671 & 2203
 Bill to permit acquisition of Real Property
 in connection with a Power Facility

My name is Elmer Garrett. I am a resident of Roxbury. I have been concerned with the environmental effects of new power facilities in our part of the state as a member of FLEC, the Fairfield-Litchfield Environmental Council, and ACUTE, Active Citizens Upholding The Environment (of Roxbury, Bridgewater and New Milford). Most recently I have attended 15 sessions of the hearing on transmission line crossings of the Connecticut River held by the Department of Environmental Protection. It is this last experience which leads to the remark I wish to make concerning this proposed legislation.

As the result of hearings held on May 11, 1966 the Water Resources Commission permitted three transmission lines to be constructed over the Connecticut River at Bodkin Rock and Scovill Rock, below Middletown, with the understanding that these would be placed underwater or moved to other locations better suited for underwater construction within five years.

During the following five years no action was taken by the utility to comply with the Commission's ruling.

Recently, probably because of indications that compliance might be required, the utility made some studies of underwater construction of the lines. However these were limited to studies of construction at sites already owned by the company. A company witness testified that construction at other sites, which might be better suited for undergrounding, was categorically excluded from consideration.

This example shows that the advance acquisition of sites for power facilities, without thorough study of the needs, can dictate unfavorable ultimate locations of the facilities. Thus subsequent attempts to have the power facilities sited at locations best suited to advanced technologies and to changes in the growth pattern of the state can turn out to be a mockery. For this reason I am opposed to the proposed legislation. The state needs the protection of Public Act 575 as now written.

Elmer Garrett
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JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT
PART 3
738-1036

1973

MR. HOLBROOK (Con't): it has to be conceded that anyone shooting any kind of a weapon can possibly miss. Even so, our club conducts shooting competition throughout the summer season, spring and fall and summer and we are uncommonly able to place quite small groups in targets at our range, which unfortunately is 200 yards. I could produce such a target or we could have a demonstration of interest, but I do ask you to take my word that the accuracy of these guns approaches at least the accuracy of modern guns for a single shot and if you will examine these two pipes over there, you can take my word for the fact that I shot one and my friend shot the other with one shot and in each case they were our first and only shots, I think you'll agree that they were hit fairly well.

SEN. COSTELLO: How close were you?

MR. HOLBROOK: That was close, about 30 yards, but how much room for error do you admit to.

SEN. COSTELLO: Thank you very much. Do any members of the Committee have questions? Thank you, Mr. Holbrook. Representative DeMerrell.

REP. DEMERRELL: I would think that at least 90% of deer taken in the State of Connecticut by hunters is at ranges of less than 50 yards.

SEN. COSTELLO: Anything further. Is there any further testimony on the hunting with primitive weapons. Nothing from the Sierra Club. I want to thank you, gentlemen, for waiting until the very end of this long meeting. We appreciate your interest and I think it evidences your interest in this bill. Is there any testimony on any other legislation at this time.

MS. BOWERS: Ruth Bowers here, Sierra Club. I'd like to enter in tonight, if I could, our testimony on four other bills and I will do it quickly because I know the hour is late. The first one is on noise pollution. In order to give the Department of Environmental Protection the tools needed to deal with the problems of noise pollution, the Sierra Club urges the passage of the Noise Pollution Control Act and I am at this point, not quite sure which number that act is going to be, for the purposes of empowering the Department to set standards, to issue and enforce regulations for the noise controls. The permanent effects of excessive noise levels upon the community and in our industrial occupations are only beginning to be brought to public awareness but noise is a concern of public health. It is our understanding that this bill would further implement the Walsh Healy Act, which is a federal Noise Pollution Control Act of 1972. Passage of this bill by Connecticut will help coordinate regulations at both governmental levels. However, since this is a program that is not in the proposed budget, an appropriation would need to be considered with the bill.

As regards to the Power Facility and Evaluation Committee, the Sierra Club is most concerned with the revisions being presented to change the powers of the P.F.E.C. However, we confess inability to be

MS. BOWERS: knowledgable in a very short time since Committee Bill 2203 has been available. The P.F.E.C. is only just getting established. The public has had no opportunity to access its ability to accomplish the purposes for which it was established. Certainly anything that lessens the public's ability to give input to the P.F.E.C. deliberations should not be permitted. Connecticut's environment along with its waterways, both coastal and inland, as well as other potential sites, are subjected to too many development pressures. The utility industry should be no exception from review. The cause of deficiency has been given as a reason to consolidate permit requirements. The Sierra Club feels that the public interest in environmental protection is far greater than inefficiency. Speed is not the criteria for establishing a power plant. The protection of our waterways, the need for evaluation of such proposals with other planning for the area, the need for the public to evaluate reasons for acquisition of the land are all reasons that the Connecticut Chapter of the Sierra Club expresses its objections to Committee Bill 2203 as presented.

It is our understanding that the bill of last year to establish a population growth study commission has been re-introduced in this session. Quite apart from the current declines in the rate of birth in Connecticut, the Sierra Club feels that there is a need for a state study on the long range impact of growth and population density levels in Connecticut. Our environmental problems and planning, as can be reflected throughout the testimony of the many bills this year on solid waste, on noise, air and water and the like, all arise from the necessity to protect Connecticut from environmental abuse. Fundamental to these is the degree of urbanizing industrializing that is to occur. We feel that a study commission is a logical beginning to look at these problems totally.

I do not have the number on the act concerning taxation of natural areas and open space but I believe that is the correct title for what I am addressing here. In the area of protecting open space, much has been done through the efforts of private citizens and by citizen organizations to dedicate natural areas, preserves and choice parts of our Connecticut natural heritage. Correction, I believe Senate Bill 465 is the one that I am referring to and if so, it is needed to help keep this land dedicated for the benefit of Connecticut citizens, present and future. It will exempt open space from the burden of betterman assessments, for improvement which are of no benefit to such an area. It would not be used by the nature of what the stipulations of such areas are. If we are to have, if we do have the dedication sufficient to permanently preserve these areas, let us not lose them through the burden of local betterment taxation. Thank you.

SEN. COSTELLO: Thank you. Under threat of death, I have decided not to ask if anyone wishes to testify and I hereby declare the hearing closed and I thank those of you who stayed to the end.

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Senator Fauliso	No	Senator Murphy	No
Wilbur Smith	No	Cashman	Yes
Burke	No	Gunther	Yes
Odegard	Yes	Scalo	Yes
Lenge	Absent	Caldwell	No
Zisk	No	Petroni	Yes
Alfano	No	Lyons	Yes
Rome	Yes	Guidera	Yes
Truex	Yes	Strada	No
Lieberman	No	Gormley	Yes
Ciarlone	No	Berry	Yes
Page	Yes	Power	Yes
Zajac	Yes	Dinielli	No
Winthrop Smith	Yes	Bozzuto	Yes
Cuttillo	No	Costello	Yes
Sullivan	No	DeNardis	Yes
Powanda	Yes	Carruthers	Yes
Hellier	Yes	Finney	Yes

THE CHAIR:

Results of the roll call vote on Substitute House Bill 8210:

Whole Number Voting	35
Necessary for Passage	18
Those Voting Yeah	22
Those Voting Nay	13
Those Absent and Not Voting	1

The bill is passed.

THE CLERK:

Going to Page 7 of the Calendar, top of the page. Calendar No. 793. File No. 761. Substitute for Senate Bill No. 2203.

An act concerning power facility evaluation council with a favorable report of the Committee on Environment. The Clerk has Senate Amendment Schedule A and Schedule B.

THE CHAIR:

Senator Costello.

SENATOR COSTELLO:

Thank you, Mr. President, I move acceptance of the Joint

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Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR COSTELLO:

Yes. Would the...

THE CHAIR:

Do you want to take the amendments?

SENATOR COSTELLO:

...Clerk read the first amendment, please, Mr. President.

THE CLERK:

Senate Amendment Schedule A offered by Senator Costello to Substitute Senate Bill No. 2203, File No. 761. In Line 41 after the period following the word "commission" insert the following language: "in addition, the Department of Environmental Protection shall have the continuing responsibility to investigate and report to the Council on all applications which prior to the effective date of this act were within the jurisdiction of said Department of Environmental Protection with respect to the granting of a permit."

THE CHAIR:

Senator Costello.

SENATOR COSTELLO:

Thank you, Mr. President. One of the provisions of this bill is to create a one-stop permit procedure which in some instances would remove present permitting procedures from the Department of Environmental Protection. In our committee work

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and in discussion of this bill with many environmental groups, it has become apparent that it would improve the bill and provide greater environmental safeguards if we would continue to have the Department of Environmental Protection conduct thorough investigations and make complete reports to the Power Facilities Council as if they were reporting to their own commissioner, so this is the purpose of this amendment and I move its adoption.

THE CHAIR:

Remark further. All those in favor signify by saying Aye. Opposed, Nay? The Ayes have it. The amendment is adopted and ruled technical. Senator Costello.

SENATOR COSTELLO:

Would the Clerk please call Senate Amendment B--please read it.

THE CHAIR:

Please read the amendment.

THE CLERK:

Senate Amendment Schedule B offered by Senator Costello and Senator Gunther to Substitute Senate Bill No. 2203, File No. 761. In Line 178 after the word "in" delete the word "sub-sections" and insert in lieu thereof the words "sub-divisions (3) and (4) of Section 1 of this act". In Line 179, delete the words "(A), (3) or (4) of Section 16-50--Senator, is that 1 or I?"

SENATOR COSTELLO:

1.

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501". In Line 194 after the word "thereof", insert the words "by a vote of six members of the Council".

SENATOR COSTELLO:

Thank you.

THE CHAIR:

Senator Costello.

SENATOR COSTELLO:

Mr. President, the first two lines that the Clerk read are technical amendments put in by the Legislative Commissioner's Office. The substantive amendment is the final line which suggests that six members of the Council must vote affirmatively to override any local zoning which is a safeguard--an environmental safeguard--to protect local zoning. There has not been any overriding of local zoning for plant siting that I'm aware of, but this would require six of the nine members to vote on the P.F.E.C. in order to override. On the main bill--oh, I move adoption of Amendment B.

THE CHAIR:

Question is on adoption of Amendment B. Will you remark further? All those in favor signify by saying Aye. Opposed, Nay? The Ayes have it. The amendment is adopted and ruled technical. I'd also like the Journal to note that Senator Lyons is out of the Chamber under Rule 15. Senator Costello.

SENATOR COSTELLO:

Thank you, Mr. President. On the main bill as amended, these are amendments to the Public Utilities Environmental Standards

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Act which was adopted in 1971 by this General Assembly to provide a citizens' council to balance and act as a watchdog for the safeguards of environmental protection in the connection with power plant siting and the construction of transmission lines. The basic proposals as contained in Senate Bill 2203 are to create a one-stop permitting procedure which is outlined in Section 4 of the bill which will in effect streamline the procedures by which the power companies must make applications for site approval and construction approval. I have in my hand a sample--this is an application for Millstone Nuclear Power Station No. 3 in Waterford. You can see just from the size of the application the amount of work that's involved in these proceedings. Under present law under some circumstances, the Utilities must also apply for permitting approval from other state agencies, in particular, the Department of Environmental Protection and the Public Utilities Commission. The Power Facilities Evaluation Council which was created in 1971, has on its membership the Chairman of the Public Utilities Commission as well as the Commissioner of Environmental Protection. It is our belief in sponsoring this bill that the entire application procedure should take place before one state agency. It will have the representation of those two other important state agencies and we also provide in this bill an amendment to permit them to fund their activities; the Power Facilities Council was not given adequate funding in the original legislation; they have not been--unable rather--to undertake their responsibility to seek

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expert advice, consultation and attempt to provide for the eventual undergrounding of electric transmission lines in the State of Connecticut which is one of the charges given to them under this bill. The assessment procedures contained in Section 12-C of the proposed bill will permit them to assess the electric companies for whatever expenses are necessary to do research, obtain expert advice concerning the eventual undergrounding of transmission lines which is a major environmental goal. Another provision of this bill permits the utility companies to land bank which is the concept that permits them to go out and negotiate for the purchase of land which may eventually be used as a site for the construction of an electrical energy plant. Under present law, they are prohibited from engaging in land banking. It is apparent that the energy needs of the State will require additional power plant sites in the future. These sites are diminishing as the State grows and the development of the State is beginning to spread throughout the State, particularly in areas where more power may be needed. This does not in any way give the power of eminent domain to the utilities for their land banking purposes. That concept has been of concern to some and I hasten to put that to sleep. There is no eminent domain provisions given to the utilities under this bill for land banking purposes. This bill should provide a much more streamlined and simplified procedure for the processing of an application by a utility for a transmission line or for the siting of an atomic power plant. Under present law, some 16 permits and approvals must be obtained

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before an atomic power plant can be put into operation--constructed. And we hope through this to eliminate the possibility of dilatory litigation, (inaudible) appeals, from various state agencies so that the entire contest over any application will be before the Power Facilities Evaluation Council and to the funding of this bill we believe that they will be able to effectively carry out their functions. I move adoption.

THE CHAIR:

Will you remark further? Senator Petroni.

SENATOR PETRONI:

Mr. President, members of the Circle, I rise in opposition to this bill, for merely because of the language I find in Section 4 which begins at Line 14, whenever the Council certifies a facility pursuant to this act, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies in regard to any guidelines of public need, convenience and necessity for such facility and location of such facility. In my opinion, that language gives an advantage to the utility in an appeal to the Courts of this State. In my judgment, that advantage is not justifiable. I believe that any individual or any agency of the State or local government should be able to go into the Courts on the same equal footing, on the same frame of reference. I also do not think that we had enough experience with the present law which got its great impetus I believe in my district in the last

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Session. Because of those reasons, I intend to vote against it.

THE CHAIR:

The Chair would like to associate himself with the remarks of Senator Costello. Will you remark further? Senator Gunther.

SENATOR GUNTHER:

Mr. President, I'd like to associate myself with the remarks of Senator Costello. I think he did a fine job. It's unfortunate that the people of the State that are in opposition to this couldn't sit down and listen to a discussion or at least listen to a presentation. I think many of us have had--been done to death with a lot of misconceptions, misstatements, untruths and I think it's unfortunate because very frankly I think there's many things embodied in this bill that the people that are complaining about it right now and are opposing it want. The early part of this Session, I had consumer groups that were complaining of the cost of going through the processes of opposing petitions and that up here. This will stop it down to one stop instead of going through these processes where three and four hearings are necessary before they can go to a final determination on the case. Each one of those steps would be very costly. I think that very typical of the type of dialogue we've been getting-- just today I got a letter from a constituent who said they objected to this bill because it gives the Power Facility Evaluation Council a power to hire professional people to help them write their decisions but if the Governor appointed men to the Council who are qualified, they would not need additional

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help--they could make their own decisions. Very frankly, many of the people have been complaining that this particular Council does not have the staff--does not have the help--does not have the consultation--does not have the money--and yet very typical of what the misconceptions and the untruths that are floating around as to what the impact of this bill is--this letter I feel is very typical. I've had many many letters that have come in where I've called the constituents back in my area to find out that the only reason their opposition was there was because the troops were called out to oppose this bill, not that they knew anything about it. Most of them didn't even have a copy of the bill, didn't even read the bill, had never discussed it--merely had the call to arms to oppose this. Now very frankly, I think that the particular bill we're considering here today as amended is a good amendment to the P.F.E.C. act which will not dilute the environmental overview but it will make this act more workable and a benefit to everybody and I think we should strongly support it.

THE CHAIR:

Will you remark further? Hearing none, all those in favor signify by saying Aye. Opposed, Nay? In the opinion of the Chair, the Ayes have it. The bill is passed.

SENATOR DINIELLI:

Mr. President.

SENATOR DINIELLI:

A point of personal privilege.

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SENATOR WINTHROP SMITH:

I urge that this be placed on the Consent Calendar.

THE CHAIR:

Thank you, Senator. The motion is to place Senate Bill No. 2007 on the Consent Calendar. There being no objections, it is so ordered. The Clerk will proceed.

SENATOR ROME:

Mr. President.

THE CHAIR:

Senator Rome.

SENATOR ROME:

On Page 7, the top of Page 7, Calendar No. 7--excuse me-- Calendar No. 793, Substitute for Senate Bill No. 2203, an act concerning Power Facility Evaluation Council. This is a--one of those important bills. It has been our policy to roll call important bills. I would move to reconsider. I hope that the motion is favorably considered. I would then like to roll call without debate the bill.

THE CHAIR:

Thank you, Senator. The question is on reconsideration of Calendar No. 793. Will you remark? There being no further remarks, all those in favor of reconsideration will signify by saying Aye. All those opposed will say Nay. The Calendar No. 793 is reconsidered. Senator Rome.

SENATOR ROME:

Mr. President, will the Clerk call the bill and may we

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proceed immediately to a roll call--the debate was extensive.

THE CLERK:

Calendar No. 793. File No. 761. Substitute for Senate Bill No. 2203. An act concerning Power Facility Evaluation. Favorable report of the Committee on Environment. Senate Amendment Schedule A and Senate Amendment Schedule B were adopted.

THE CHAIR:

I believe we need a motion for acceptance and passage, Senator.

SENATOR ROME:

Mr. President, I move acceptance and passage of the Committee's joint favorable report as amended by the amendments earlier introduced today and passed today. The bill as amended is here for reconsideration.

THE CHAIR:

Thank you, Senator. The Clerk will make the appropriate announcement.

THE CLERK:

There will be an immediate roll call vote taken in the Senate. There will be an immediate roll call vote taken in the Senate.

THE CHAIR:

Are there further remarks on the bill? There being no further remarks, the Clerk will proceed to call the roll.

THE CLERK:

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Senator Fauliso	Yes	Senator Murphy	Yes
Wilbur Smith	Yes	Cashman	Yes
Burke	Absent	Gunther	Yes
Odegard	Yes	Scalo	Yes
Lenge	No	Caldwell	Yes
Zisk	Yes	Petroni	No
Alfano	Yes	Lyons	Absent
Rome	Yes	Guidera	No
Truex	Yes	Strada	Yes
Lieberman	Yes	Gormley	No
Ciarlone	No	Berry	Yes
Page	No	Power	Yes
Zajac	Yes	Dinielli	Yes
Winthrop Smith	No	Bozzuto	No
Cuttillo	Yes	Costello	Yes
Sullivan	Yes	DeNardis	Yes
Powanda	No	Carruthers	Yes
Hellier	Yes	Finney	Yes

SENATOR ROME:

May the Clerk note and the record note that Senator Lyons has absented himself on his vote under Section 15---Rule 15.

THE CHAIR:

The results of the roll call vote on Substitute Senate Bill 2203 as amended by Senate Amendment A and Senate Amendment B is as follows:

Whole Number Voting	34
Necessary for Passage	18
Those Voting Yeah	25
Those Voting Nay	2 (9)
Those Absent and Not Voting	2

The bill is declared passed.

SENATOR ROME:

Mr. President.

THE CHAIR:

Senator Rome.

SENATOR ROME:

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I think today we are beating a dead horse and we are trying to resuscitate, revive that horse. Mr. President, I think every single one of us feels it a privilege and an honor to sit in this circle and to serve in the General Assembly. This has become a full-time job in every sense of the word. I don't know of any individual who is presently serving in this circle who is not giving his all for his constituents and for the State of Connecticut. Now Mr. President, it might be easier for me and it would be a simple thing for me to say, vote for repeal again, vote for this measure. Mr. President, I have to think of those people too, who come from distant places, who do make a greater sacrifice and who are giving of themselves and giving great service to the State of Connecticut. I also have to think in terms of whether or not we are going to invite people into this tribunal, into the General Assembly who are not affluent. This should not be made a rich man's circle or a rich man's General Assembly. We should invite all segments of our society, all people and without imposing any burden upon them. Now you may argue that this may be an inducement, if it is so, let it be, Mr. President. I definitely think that the Legislature, in its wisdom, spoke a year ago, attempts were made - when do we stop, when a court makes a decision. When does it reach finality. Now Mr. President, I know that I am probably imposing a burden by repeating some of the things that have been said before. Let's not retreat. Let's have the courage of our conviction. Let's not react to the fact that there may be some special interests who are looking over us as a guardian angel. Let's

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respond to the courage of our convictions. We voted a year ago and we voted for this pension. We voted for increases, perhaps I might say maybe we shouldn't have, but it was done. That decision, in my opinion, should have been final. I am going to oppose this measure.

THE CHAIR:

Senator Rome.

SENATOR ROME: (8th)

Mr. President, a very brief remark. I have a feeling that this bill or Senator Lenge's position on this bill will be upheld and yet it makes it all the more courageous for Dr. Gunther or Senator Lyons, Senator Fauliso to make the remarks that they did. I think the political decision is easy. The political decision is to vote to pass Senator Lenge's request to repeal the pension. I think the correct position, however, has been spelled out most eloquently by those three Senators and I would like to join them after a great deal of thought and reservations.

THE CHAIR:

Senator Lenge.

SENATOR LENGE:

Mr. President, I rise briefly. I think the area has been covered. I would like to respond to Senator Lyons however, and say that, in response to his saying that not one legislator refused the increase. I would like to say to the President that I introduced a bill that would have made it possible for that re-

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fusal to have taken place and the Management Committee, in its wisdom, saw fit to not report it. On the other hand, I have used that increase in salary to make it more available to the constituency I represent by opening an office. I have rejected that increase, but that is not valid, Senator, the important thing is that a fair and sound and just salary is proper and it is not related to pension. So far as courage is concerned, it takes as much courage to stand here and call for repeal as it does to vote the other way. What's the distinction. There are members of this circle and there are those who have left who are just as interested in the retention of this pension as those who would oppose it. Where do you get the corner on the market of courage. And so far as Congress is concerned, let's not emulate the Congress. I mean are they held up as the standard. The southern senators, with their tenure and their penchant for pork barrel and pension, when the initial nomination is tantamount to qualification for the pension. The fact is that it does not relate to this office. It never has. It never will. And the right thing, and Senator Fauliso said it, there was never a public hearing even on this and it could be separated from the compensation salary issue. But we had a public hearing after we left here and if ever we had one, we had it on this. The people of this state have been telling us, day in and day out, that it was wrong. They don't like it. It's not related to this position. This is a two-year position. It's an office. It's not employment and it should have no connection with pension

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MR. SPEAKER:

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Question is on suspension of the rules for immediate consideration of the resolutions just outlined by the gentleman from the 87th. Is there objection to suspension? Without objection, the rules are suspended. The gentleman from the 87th.

REP. CRETELLA: (87th)

I now move adoption of S.J. Resolutions Nos. 102, 103, 105, 106, 107, 108, and House Resolution 78, RESOLUTION CONGRATULATING MONSIGNOR JOHN. F. McGOUGH, introduced by Rep. Bevacqua.

MR. SPEAKER:

Is there objection to any of the items for passage on the Consent Calendar? Without objection, all those in favor of adoption of the resolutions indicate by saying AYE. Those opposed. The resolutions are adopted.

Clerk please return to the Calendar.

THE CLERK:

On page 20 of your Calendar, Cal. No. 907, File No. 761, Sub. for S.B. No. 2203, AN ACT CONCERNING POWER FACILITY EVALUATION COUNCIL, as amended by Senate Amendment Schedules "A" and "B".

Favorable report of the Committee on The Environment.

MR. SPEAKER:

Gentleman from the 37th.

REP. WAGNER: (37th)

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage in concurrence with the Senate.

MR. SPEAKER:

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Question is acceptance and passage in concurrence with the Senate. Will you remark.

REP. WAGNER: (37th)

Yes, I will, Mr. Speaker. Mr. Speaker, there are two Senate Amendments. With permission, I'll summarize Senate Amendment "A".

MR. SPEAKER:

Clerk please call House "A". Is there objection to the gentleman summarizing Senate Amendment Schedule "A"? (Chair is in error) Without objection, please proceed with your summary on Senate "A".

REP. WAGNER: (37th)

Thank you Mr. Speaker. Senate "A" was introduced in the Senate to add certain safeguards to the existing bill that's in the files. It adds in language in section 2 right after the existing language adding in other organizations which shall contribute to the PFEC's hearings.

This particular amendment merely guarantees that the commissioner of environmental protection shall be mandated to provide to the PFEC all of the necessary information that they now do provide. This is to insure that the PFEC in the future will have all of the environmental information on any particular site.

This is a technical amendment. It corrects a misunderstanding and it's a good amendment. I urge its adoption, Mr. Speaker.

MR. SPEAKER:

Question is on adoption of Senate Amendment Schedule "A". Will you remark further. If not, all those in favor of adoption

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of Senate "A" indicate by saying AYE. Those opposed. hw

The amendment is adopted. The Chair rules Senate "A" technical. Clerk is in possession of Senate "B". Is there objection to the gentleman from the 37th summarizing Senate Amendment Schedule "B"? Without objection, please proceed with the summary.

REP. WAGNER: (37th)

Thank you Mr. Speaker. Senate Amendment "B" is also technical. It makes three changes. The first change deletes some language in subsection D of section 4, that language at line 178 and 179 to bring it in conformity with the bill. It was an oversight in drafting. It will revert back to the original statute rather to language that has been changed in section 1 of the bill.

The third part of the amendment which is far more important requires that at the end of section 4, subsection D, that in order for the PFEC to override any local zoning there must be a two-thirds vote. Six members out of nine must vote in favor.

I urge adoption of the amendment, Mr. Speaker.

MR. SPEAKER:

Will you remark further on Senate Amendment Schedule "B". Gentleman from the 52nd.

REP. LOCKE: (52nd)

Mr. Speaker, I would like to remove myself from the House under the code of ethics bill and have the Journal so note.

MR. SPEAKER:

In accordance with the provisions of the General Statutes would the Journal please show that the gentleman from the 52nd

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has absented himself from the House in accordance with the conflict division of the General Statutes. Gentleman from the 59th.

REP. VELLA: (59th)

Mr. Speaker, I too ask to have the Clerk list that I asked myself to be removed from the chamber.

MR. SPEAKER:

Same notation be made in the Journal on behalf of the gentleman from the 59th. Gentleman from the 71st.

REP. COLUCCI: (71st)

The same, Mr. Speaker.

MR. SPEAKER:

The Journal will also make the same notation for the gentleman from the 71st. Gentleman from the 79th.

REP. GRANDE: (79th)

Mr. Speaker, I wish to absent myself from the House, same.

MR. SPEAKER:

The same notation be made for the gentleman from the 79th in the Journal. (Anybody from the Press care to remove themselves?)

Gentleman from the 58th.

REP. MORRISON: (58th)

Mr. Speaker, I'd like to excuse myself under the same provisions.

MR. SPEAKER:

The Journal please show the same notation for the gentleman from the 58th.

REP. MORRIS: (94th)

Mr. Speaker, may the Journal show that I have absented my-

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self from this House during the debate. It's the first time hw
I've ever been able to do that.

MR. SPEAKER:

With deep regret. The Journal please make the same notat-
ion for the gentleman from the 94th. Is there anyone left in
the House? (There is somebody) The gentleman from the 81st.

REP. CLYNES: (81st)

Please, the same notation, Mr. Speaker, reluctantly.

MR. SPEAKER:

Please note the gentleman from the 81st is absenting himself
from the House.

Question is on adoption of Senate Amendment Schedule "B".
Would you remark further. If not, all those in favor of adopt-
ion indicate by saying AYE. Those opposed. The amendment is
adopted. The Chair will rule the amendment technical.

The question is now on acceptance and passage of the bill
as amended by Senate Amendment "A" and Senate Amendment "B".
Clerk is in possession of several House Amendments.

The gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. Before we take up those amendments
if I might put us ease of the House and summarize what this bill
is about and then we can proceed on with the different amendments
because they would be meaningless until that point.

Briefly in history, Mr. Speaker, the PFEC was created by
the General Assembly in 1971 to be a citizens' watchdog and lobby
with concerning the siting of power facilities including power

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plants and the transmission lines.

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In the experience over the one year that it has been in full operation the amendments that you find on File No. 761 were brought on in this year. This is a combination of certain environmental groups and representatives of certain public utilities to make this, PFEC, a workable and good organization which will help the citizens in the State of Connecticut.

So were the major problems that were determined after the PFEC started was that the funding that was provided to the council only applies to each application and it was only up to twenty-five thousand dollars. In other words, the PFEC may make an assessment against an applicant presently for twenty-five thousand dollars but it would only be for that particular application and provides for no permanent funding and for no funding for staff year round.

These are very serious short falls because an organization that is supposed to be doing all the siting must have at least an equal amount of technical talent either on its staff or available to it as outside consultants to equal that of the utility companies that are coming before them trying to say this is where a power plant should be located.

(Tape #13)

To correct that, we are allowing the PFEC to make assessments against the utilities for the applicants for other purposes than just that one particular applicant. This will allow the PFEC to continue on with its legislative charge in 1971 of coming up eventually with the feasibility of having all transmission lines under ground, something which I think all of us

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would agree would be desirable. h

The next most important part of these amendments would provide for what has been referred to the most part as one-stop application procedure. Currently amongst the various and sundry state, federal, and local agencies that a power plant or public utility must go before to have a power plant, be approximately sixteen separate applications. The one-stop does not mean that all of these would be eliminated but it would consolidate the ones on the state level to one. Currently a utility must go before the power facilities evaluation council if there is any environmental impact as far as tidal wetlands or other things that must go before the Department of Environmental Protection and also must go before the Public Utilities Commission. As each one of these there is the power of individuals to bring an action after the administrative decision has been made by the agency. This gives the possibility of tying an applicant up into three separate court suits.

What is provided for in this amendment is to allow everyone to come in at one hearing. The chairman of the PUC is a member of the PFEC. The commissioner of environmental protection is a member of the PFEC, and obviously the PFEC would be at its own hearing, everyone would appear by Senate Amendment Schedule "A". The Department of Environmental Protection is mandated to bring in all of the necessary environmental information concerning the site so that the information would be available. The council could take its action. There is provisions for notice to other groups, other interested parties to come on in and provide their

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information. If it was then determined to take an appeal, there would be one court action. The whole point, the whole idea is to allow a power plant to be built in a reasonable period of time and to allow a full and fair hearing but not to allow dilatory tactics just to delay.

There is no change whatsoever to the requirements that an applicant must meet the necessary requirements of water, thermal and air pollution, and receive the necessary permits from the Department of Environmental Protection. There's no change to that at all. There's no change at all to the local requirements. Where they exist an applicant must receive local zoning, planning and wetlands agency approval.

It is merely a consolidation of what is currently now, three things to one, PUC, Department of Environmental Protection, and the PFEC into one hearing, giving this citizens' watchdog council the ability to make the administrative decision as to whether a power facility should be located where the applicant wants it.

The third and final change is to allow a utility to purchase land in anticipation of eventually siting a power facility there. This land would be purchased in the open market, a sale made between a willing seller and a willing buyer, and in no way would this particular sale be any kind of endorsement of that site by the PFEC.

If you recall, Mr. Speaker, approximately a week and a half ago we passed a bill in this House which required the PFEC not to take into account the fact that a utility already owns land when they are considering an application for siting a plant on

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that land. That particular bill was tied on into this provision of land banking. In the instance that when and if a plant is going to be built on property purchased by a utility in anticipation of building a power facility there, it will be whether there should be a power facility there on its merits will be the basis of the decision and not the fact that the utility already owns the land.

The reason for land banking is that we are locked in to having a very few sites for power plants in the State of Connecticut and it is considered better to purchase this property now on the open market and hold them in reserve rather than in sometime in the future have to take it by condemnation and have to eliminate what existing uses there might be there. Land banking should afford in the long run lower power rates to Connecticut and a more efficient operation for the generation of power.

Mr. Speaker, this bill is a compromise between two extremes. The extreme of the public utility that says, I'll build a plant wherever I want to and the heck with you public, and the other extreme of the environmentalist that says there should be no power plants at all built in the State of Connecticut. Obviously there is division but this bill walks down with these amendments to the PFEC with the bill that's before you, walks down a very narrow path providing a compromise so that we can have power in the future remembering that it's going to take ten years from the time that power plant is planned until the time it will be supplying electricity to the State of Connecticut. Hopefully,

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that we will not have a great crisis or any crisis at all. hw

It's a good bill, Mr. Speaker, and ought to pass.

MR. SPEAKER:

Clerk please call the first amendment.

THE CLERK:

House Amendment Schedule "A" offered by Rep. Sayre, Rep. Apthorp to LCO No. 8073 to File No. 761:

In line 106 after the letter "a" delete the word "the" and insert the following "on and after July 1, 1974 the"

MR. SPEAKER:

Gentleman from the 68th.

REP. SAYRE: (68th)

I move passage of the amendment.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "A". Will you remark.

REP. SAYRE: (68th)

Yes, Mr. Speaker. I move that when the vote be taken, it be taken by roll call.

MR. SPEAKER:

Question is on a roll call vote on House Amendment Schedule "A". All those in favor of a roll call indicate by saying AYE. The necessary 20% having indicated the desire for a roll call, a roll call will be ordered. Clerk please announce a roll call.

Gentleman from the 68th.

REP. SAYRE: (68th)

Mr. Speaker, I believe that Rep. Wagner is on the right

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track with the amendments just passed. Unfortunately the amendments don't do the whole job. This bill is seventeen pages long and in my opinion much thought should be given before passage of such fundamental changes in public act 575. hw

This amendment simply does one thing, implementation of section 4, that section dealing with the one-stop provision would take effect on July 1974 rather than July of 1973. There is merit to the idea of one-stop certification rather than the present three-stop. However, public act 575 creating the public watchdog agency, PFEC, which is Power Facility Evaluation Council, is just over one year old and its staff is minimal. There are problems. In the bill, lines 111 through 117 allows an overruling by the PFEC of state laws and municipal ordinances. This was a former PUC function, Public Utility Commission. If this is desirable, why was the power eliminated from the PUC and transferred to the PFEC? It doesn't make sense. We must have checks and balances.

My understanding is that if the PUC ruled against a citizen or a town, there was an appeal to the Department of Environment and to the Power Facility Evaluation Council which would not be possible under this bill before us because this bill was only one stop in section 4.

Under the three appeal system a citizen has a right to prepare his evidence and go before the hearing. If he blew the hearing and if his evidence was not well documented, he had a chance to hear the other side of the argument and prepare a better case the second time around. Not being an expert in the

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field this is a highly desirable check and balance for the average citizen. hw

Since January 1 of '73 the power companies have started or completed five major projects and five minor projects dealing with transmission lines and three major sub stations, two major modifications to sub stations, and ten minor modifications to sub stations, all of which were not opposed by the citizens of this state.

In addition, copper lines are being converted to aluminum increasing line voltage from sixty to one hundred and fifteen volts. If this is a people's bill, why are the utilities so much in favor of it? I don't see the agony that's being alluded to by the power companies. Let's bring out a good bill, sound, technically correct, with public safeguards built in, and a bill to which our DEP would not be opposed, and DEP does oppose it now in public testimony and on record in this environment committee.

Further, our environment committee voted on an eight-to-eight tie basis to amend the bill with this particular amendment which was co-sponsored by Rep. Apthorp and myself. This bill without amendment represents exclusively industry views. Let the environment committee review this bill which had its first public hearing on March 23rd of this year which was only seven days before the environment committee reported out.

Take the time to work out the problems of the bill and preserve the safeguards of our citizens. My original thought was to recommit this bill. However there are a series of amendments to be presented to this body which I feel will make this a good

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piece of legislation. hv

We are charged with protecting the public interest. I urge passage of the amendment. Thank you.

MR. SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Mr. Speaker, the Judiciary Committee will meet in the Speaker's office immediately to consider judicial nominations.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "A". Gentleman from the 119th.

REP. STEVENS: (119th)

Mr. Speaker, I rise to oppose the amendment. The reason I do so is that I think there are before the House today a series of amendments directed toward restoring a needed balance to this legislation. The amendments will be discussed in full in just a few minutes. However should we adopt as our first amendment today one that would put off the effective date of this legislation for a period of one year, you would in effect be saying that the bill is not needed, and this gets into the very substance of the argument on this legislation, whether or not it is needed.

I think a credible case has been made by the proponents of the legislation for the need in some revision in the bill that is presently on our statutes.

I would also urge the members to consider very carefully the amendments that are going to be offered in a few moments

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that will make this bill one that balances both the needs of the environment with the need for power in the State of Connecticut, and accordingly I would have to ask that we reject the very first amendment which would destroy the effectiveness of the legislation if it is amended this afternoon and put it off until after another session of a General Assembly.

If you feel you cannot support this legislation, then I would say by all means after the amendments defeat the bill. But before that let us not emasculate the bill by saying, we are not going to have it go into effect for another year.

I would urge a "no" vote on the amendment.

MR. SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, I too rise to oppose the amendment. It seems to me that if we're going to pass the bill today to meet a very specific set of needs which are encompassed in the purview of the bill itself, it makes no sense at all to say that we're passing the bill but we're not really passing it because we can't use it for a year. So for that reason and if for no other I would say that the amendment is a very bad idea. You'll get to the substance of the question much more readily, it seems to me, by debating the merits of the bill and voting either for or against it on that basis. I oppose the amendment.

MR. SPEAKER:

Gentleman from the 45th.

REP. APTHORP: (45th)

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Mr. Speaker, I hesitate to rise with two such distinguished h: lawyers having spoken against our amendment. This amendment was offered as a compromise to allow the bill to proceed on. It does not hold the total bill off for one year but merely allows the PFEC to have funding to staff up. Right now the PFEC consists of the council and one secretary and of course is in no position to make any evaluation from an environmental standpoint.

However since there are amendments which we have not been able to see, I would like to ask that this amendment be passed temporarily until the other amendments are offered. Then, if they in fact correct the bill, I will withdraw the amendment at a later time.

MR. SPEAKER:

Is there objection to the gentleman's motion to passing House Amendment Schedule "A" temporarily? Gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, I think as a matter of parliamentary practice it's necessary for him to withdraw it. I have no objection to (Tape #14) his re-offering it later on but I don't think we can pass an amendment temporarily and then take up another amendment.

MR. SPEAKER:

Chair believes the gentleman from the 104th to be correct, and would indicate to the gentleman from the 45th that the correct procedure would either be to leave the amendment in and have the vote on it, a roll call ordered on the vote, or withdraw the amendment at this time which would require the re-

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moval of the roll call also.

hw

REP. SAYRE: (68th)

Mr. Speaker, can we put it in later in this discussion today?

MR. SPEAKER:

Certainly.

REP. SAYRE: (68th)

I would then ask that Schedule "A" be withdrawn.

MR. SPEAKER:

Gentleman from the 68th withdraw his motion for a roll call?

REP. SAYRE: (68th)

Yes. I do.

MR. SPEAKER:

Motion for a roll call has been withdrawn and the gentleman has withdrawn House Amendment Schedule "A".

Is there objection to the withdrawal by the gentlemen of the 68th and 45th of House Amendment Schedule "A"? Without objection, the amendment is withdrawn.

THE CLERK:

House Amendment Schedule "B" offered by Reps. Stevens, Harlow, Avcollie, and Camp, File No. 761:

In line 721, after the word "shall" insert the word "not"

THE DEPUTY SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. Mr. Speaker, what this amendment does -- I would move passage of the amendment.

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THE DEPUTY SPEAKER:

hw

Question is on the adoption of the amendment. Will you remark.

REP. HARLOW: (66th)

Thank you Mr. Speaker. What this amendment does is makes one small change in line 721 of the bill and changes the language, utilities commission shall be included to shall not be included and I'll explain the amendment very briefly.

What we're doing is changing the requirement that if a utility land banks or purchases a piece of property for future utility consideration the law now stipulates that that cost or acquisition price be built into the rate structure. This amendment would prohibit the cost of real estate acquisition from being built into the rate structure for the consumer.

It would also, in my opinion, create a situation whereby the utility would have to take a good hard look as to its acquisition practices in terms of not getting into the real estate market unless such acquisition was immediately needed and would thereby debar the cost from the consumer.

THE DEPUTY SPEAKER:

Gentleman from the 76th.

REP. CIAMPI: (76th)

Mr. Speaker, I rise in support of this amendment. As the bill stands now the public utility can acquire land without a permit from the council and hold up for five years. The catch is that the utility can include the land in its base rate thus forcing the consumer to pay for the acquired land.

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This amendment prohibits the inclusion from the base rate of acquired land which is not being developed. It is a prohibit of land banking by public utilities with the consumer footing the bill. The utilities still can buy land for future development as a (inaudible) facility but they cannot pass on the cost of the land to the already overcharged consumer.

I urge the adoption of this amendment.

THE DEPUTY SPEAKER:

Are there any further remarks on the amendment.

The gentleman from the 68th.

REP. SAYRE: (68th)

Mr. Speaker, I too rise to support this amendment. There are a series of amendments as I have said before and my hope is we can make this bill a good bill by amendment. Thank you.

THE DEPUTY SPEAKER:

Are there any further remarks? Gentleman from the 109th.

REP. RATCHFORD: (109th)

Mr. Speaker, I too rise to support the amendment and I think it's one of the key votes that will be taken on the bill itself. One of the great fears brought about by some of the indefinite approaches of some of the utilities in this state is that they would buy up large amounts of land without the people in the area having any idea as to what that use would be and secondly, with the result being that the land acquisition was built into the rate cost passed on to the consumer. We've seen in far too many parts of the state where this has been the practice and it's caused, quite frankly, the public to become suspicious. It's

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also resulted in some areas in the utilities building up large land holdings for indefinite usages some of which quite frankly never come about. So I think one is the protection of the people in the immediate area and two, more important as a protection against potential rate increases.

This amendment should be adopted if this bill is going to be further considered this afternoon.

THE DEPUTY SPEAKER:

The gentleman from the 17th.

REP. COHEN: (17th)

Mr. Speaker, this "not" is a good amendment and I shall vote for it.

THE DEPUTY SPEAKER:

Are there any further remarks? The gentleman from the 66th.

REP. HARLOW: (66th)

Yes, Mr. Speaker. I move that when the vote be taken, it be taken by roll call.

THE DEPUTY SPEAKER:

Question is on a roll call vote. All those in favor of a roll call vote signify by saying AYE. In the opinion of the Chair 20% have answered in the affirmative and a roll call vote will be ordered. Will the Clerk please announce a roll call vote outside the chamber.

Are there any further remarks? I would ask that the aisles be cleared. All staff members return to the well of the House. Will all members of the chamber please take their seats.

The gentleman from the 70th.

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REP. AVCOLLIE: (70th)

hw

Mr. Speaker, for the benefit of those members just coming into the House this amendment attached to the Power Facility Evaluation Council bill would prohibit the public utility making application for a location permit for the purpose of land banking from including the cost of that land banking in their base rate when applying for rate increases.

While this is an environmental bill and this is a bill which certainly will go a long way towards guaranteeing we have a proper source of energy the particular section in the bill was unwarranted and it would add rather than subtract to the base rate for the consumer who are already -----

THE DEPUTY SPEAKER:

Please give your attention to the gentleman from the 70th as he explains the amendment.

REP. AVCOLLIE: (70th)

---to those consumers who are already paying what I think we would all agree are a maximum utility rates. I don't think there's any question about the fact that this certainly makes the bill a great deal more palatable to some of us who would not otherwise have been able to support it, and I would urge your support unanimously.

THE DEPUTY SPEAKER:

The gentleman from the 62nd.

REP. POST: (62nd)

Mr. Speaker, a question if I may to the proponent of the amendment.

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THE DEPUTY SPEAKER: h

Please state your question.

REP. POST: (62nd)

It occurs to me the public utilities derive all of their funds from their rate. They're there to serve the public. They're regulated. I'm confused as to if we are in favor of the concept of public utilities operating efficiently for the benefit of the public and part of the PFEC concept and part of the bill before us today is to permit them to operate efficiently to acquire land when necessary at a reasonable cost rather than waiting for the land to be developed, how then are the utilities supposed to purchase this land and with what funds if not from their rates.

THE DEPUTY SPEAKER:

The gentleman from the 70th care to respond.

REP. AVCOLLIE: (70th)

Yes, Mr. Speaker, I would recommend they derive the funds from the profits. We really don't care where they get the funds as long as we don't pay it through our rate increases and this is -- by them applying the cost of this property to their base rate is a vehicle by which we the consumer pay for it through our rate increases.

This is what we do not want. It's most undesirable and they have sufficient costs now to pass on to us, we don't care to have any more.

THE DEPUTY SPEAKER:

Gentleman from the 62nd.

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REP. POST: (62nd)

hw

Thank you Mr. Speaker. Thank you for the answer but I don't know that I understand the answer or agree with you.

If the utilities operate profitably, that is they're able to provide the service at reasonable cost and below the rate, then I think you and I would pressure the utilities to re-establish their rates.

REP. AVCOLLIE: (70th)

If that's a question, Mr. Speaker ---

REP. POST: (62nd)

No, it is not, yet.

THE DEPUTY SPEAKER:

The gentleman from the 62nd has the floor and I'm sure the gentleman from the 70th is waiting anxiously to answer his question, when he puts his question.

REP. POST: (62nd)

And if -- I would think we would be trying to adopt legislation that would permit the public utilities to do their job as efficiently as possible. Part of that is to allow them to buy the site necessary to provide power in the future.

It seems to me that it's perfectly appropriate for the public utilities to take that into account when they're establishing their rates. I'm therefore confused by the amendment because it looks to me as though we're trying to cover (inaudible) across of acquiring sites.

The reasonable part of the operation of a public utility, it should be right there in front of us all. It should be included

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in any consideration of rate structures and therefore --- hw

THE DEPUTY SPEAKER:

The gentleman from the 62nd still has the floor.

REP. POST: (62nd)

Therefore it would seem to me that this particular amendment is an attempt to prevent public utilities from an unreasonable way acquiring whatever sites are necessary and whatever sites would later be approved by the PFEC, and therefore as now explained by other speakers at this point I would have to oppose the amendment. I would hope that other speakers could clarify it for me.

THE DEPUTY SPEAKER:

The gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I'm sorry that Mr. Post can't support the bill because in not supporting the bill he's not supporting his Governor who just recently came out publicly in opposition to increased utility rates.

We believe that it's clear that they simply shall not include the cost in the rate base of the company at the time this location approval is obtained. I'm sure there other costs that cannot be included in that. I might add that we at one time here during the last week when we've been discussing this amendment have found that utility companies have no objection, to my knowledge, to us including this prohibition and so I would hope that Mr. Post would review his position. At any rate with or without Rep. Post's support we would urge adoption of the amendment.

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I think it's most essential that this bill is going to pass because I certainly for one will not vote for any legislation that's going to have costs built into it that will result during the next five years in further increases in our rates.

THE DEPUTY SPEAKER:

The gentleman from the 149th.

REP. FOX: (149th)

Mr. Speaker, it seems to me that this amendment is going to cost the public a great deal more if it is adopted than if it is not adopted. What the effect of the amendment would be, would be to say, as I read this, that the utility may not include in its rate base at any subsequent time any land that it has bought in advance of its application.

This means that the company is under pressure not to acquire land until after the application and the cost of land acquired after the application is going to be far more and that will be allowed in the rate base and that will result in much higher rates and for that reason unless I am wrong in my interpretation I think that this is a bad amendment.

THE DEPUTY SPEAKER:

Gentleman from the 119th.

REP. STEVENS: (119th)

Mr. Speaker, I rise to support this amendment. In fact I think I am a co-sponsor on it and I don't read it as some of the most recent speakers have.

It's my understanding that a utility may properly include in its rate base property which forms a part of the company's

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holdings and which is used to generate service to the public hw
that the company is providing.

What we're saying here is, land which they acquire under the banking provisions in this bill may never be included in the rate base at some subsequent date if they do not get approval of the commission and until they have the approval it's not fair to pass this cost back on to the rate paying public. The purpose behind this amendment is to make sure that the utility bill payers are only paying for land which can in fact be utilized by the public service companies providing that service.

I think it's a good amendment. It strengthens this bill and which quite practically enhances the chance for passage of this bill in the House. I think this is an important piece of legislation and intend to speak in favor of it subsequent to the amendment. But I think the amendment before us now is an essential one and one which is very definitely in the public interest.

THE DEPUTY SPEAKER:

Gentleman from the 122nd.

REP. BEVACQUA: (122nd)

Mr. Speaker, I too would like to rise in support of the amendment because I think it frankly does the very thing that Rep. Post is concerned with by including the word "not" that the public utilities shall not include the cost of the land in its rate structure. It compels the public utility to use the most professional means and the most efficient and the most effective means in the purchase of land. Without the amendment it would more or less encourage, it would encourage the public

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utilities to simply indiscriminately, if you will, acquire property since they have no concern really whether or not the land will be ultimately be put to the use to which its intended purpose was at the time of purchase because they can simply pass the cost on to the consumer in the event that the land is or is not used for the ultimate purpose of construction of facilities.

So I think what we're doing here by including this amendment is saying to the public utilities that you will, you are compelled to use the most professional means and the most expert means in determining when you purchase this land that it will in fact be ultimately used for the purpose for which it is intended because you are not going to be allowed simply to acquire land holdings at a whim because you -- if they don't turn out to accomplish the purpose to which you originally intended. There's no sweat, you can simply pass the cost on to the consumer and there's no problem, you have expanded your holdings. This is

(Tape #15) In my estimation a very important amendment and it does in fact make the bill extremely palatable since the major objection or one of the major objections to the bill by those who oppose it is its concern that the utilities will in fact be allowed to acquire the massive land holdings for purposes other than the intention of the bill.

So I think if we were to defeat this amendment, we would go a long way toward defeating the ultimate purpose of the bill and that's to provide public utilities with the natural resources and the facilities that are necessary to deliver power needs to our state, and insofar as where the funds are to come

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from, a public utility just like any other business or industry or any other corporation does have funds, surplus funds, that it has available at the end of each year for the specific purpose of reinvestment in their operation be it in capital equipment, new generator equipment, or land acquisition. hw

But once again I have to reiterate that with this amendment we are compelling, there is an absolute mandate on the public utilities that when they buy land they've got to make absolutely certain that this land is going to be used for the only purpose for which it is intended simply because if they don't, they are not going to be able to pass the cost on to the consumer.

It's an excellent amendment.

THE DEPUTY SPEAKER:

The gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. As I said the first time that I rose, one of the purposes of this amendment is to keep the utility company from getting into the real estate business on a large scale and the majority of speakers' remarks were well taken. If land owned by the utilities is included in terms of generation of power and so forth and so on, yes, that can be included in the rate. But what we're saying is, until such time that the utility takes the real estate to the PFEC and gets permission to use it in terms of a utility purpose it should not be transferred in terms of cost to the rate structure.

In an attempt to clarify the comments by Rep. Post I would point out that, yes, the utilities are run by monies paid by the

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consumer but too we're more concerned about maybe having that money come out of the reserves which are held or capital surplus and not passed on directly to the consumer. We're ready to put up with a little less profit and a little less rate increase.

It's a good amendment. It's germane to improving the bill. I think we should pass it. Thank you.

THE DEPUTY SPEAKER:

Are you prepared to vote? Gentleman from the 111th.

REP. CAMP: (111th)

Mr. Speaker, I think I understand the intent of the amendment and I think it's worthwhile. I don't understand line 722 to 725 which seem to me to indicate that the property would not be included at some time after an approval had ever begun, obtained, and I'm confused by the words that commence "if the company, in line 722, was the person or the assignee of a successor to the person who obtained the approval of that application of the council." Well, this would seem to be that the approval would be gotten before it couldn't be included which I think is just a converse of what was intended by the amendment.

From what Mr. Harlow says, I would agree with the amendment. But I don't think this is what the amendment says. Perhaps he can clarify me on that.

THE DEPUTY SPEAKER:

Are you prepared to vote? The gentleman from the 62nd speaking for the second time.

REP. POST: (62nd)

Thank you Mr. Speaker. I am still confused. Mr. Camp,

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Rep. Camp mentioned reserves or capital surplus. Presumably those come from the rate structure. Presumably those come from the consumer. We cannot pretend that the public utility can buy land and not pass the cost of the land on to the consumer. If we could, if we could avoid taxes and so forth, it would be great. But it seems to me that we must, if we're being honest, expect the public utility to pass along the cost of its site, site acquisition to the consumer. That's part of its doing business.

Therefore, I think the amendment is designed to prevent the public utility from buying land and if that is the case, it should be stated so directly. Therefore I would have to oppose this amendment. Thank you.

THE DEPUTY SPEAKER:

Will all members take their seats. The aisles be cleared. Machine will be open. Machine will be closed and the Clerk will please take a tally.

THE ASS'T. CLERK:

Total Number Voting.....	136
Necessary for adoption.....	69
Those voting Yea.....	122
Those voting Nay.....	14
Absent and Not Voting.....	15

THE DEPUTY SPEAKER:

House Amendment "B" is adopted.

THE ASS'T. CLERK:

House Amendment Schedule "C" offered by Rep. Stevens.

MR. SPEAKER:

Gentleman from the 119th.

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REP. STEVENS: (119th) h

I move adoption of the amendment, Mr. Speaker.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "C".

Does the gentleman wish to have the amendment read?

REP. STEVENS: (119th)

I wish to have the amendment read, Mr. Speaker.

MR. SPEAKER:

Clerk please read the amendment.

THE ASS'T. CLERK:

In line 703, after the word "shall" delete the words "so grant an application unless"

In line 704, delete the words "it shall determine:" and insert in lieu thereof the following language: "not grant a location application unless the person requesting same satisfies the council" and after the word "is" delete the word "no" and insert in lieu thereof the word "(a)"

In line 708, delete the word "not"

In line 709, after the word "of" insert the word "no"

In line 713, delete the word "not"

In line 714, after the word "would" insert the word "not"

MR. SPEAKER:

The gentleman from the 119th.

REP. STEVENS: (119th)

Mr. Speaker, before explaining the amendment I would like to point out to the Clerk a typographical error, that on line 704, the "a" that is inserted there should not be parenthesised

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around it. That's a typographical error. h

This amendment is to correct what I perceived was the major objection of the Department of The Environment to this bill and that was that in the site application in the so-called burden of proof was shifted from the applicant to the agency in that the applicant would not have to sustain its burden of proof but rather the Power Facility Evaluation Council would have the burden of showing why it denied the application. Most applications to administrative bodies quite properly placed the burden of proof on the party applying for the permit.

This amendment now before the House would restore the burden of proof to the utility that was applying for the permit. It makes it consistent with other portions of the Power Facility Evaluation Council bill as it presently exists, and in my opinion makes the bill a stronger one from the point of view of insuring that the environmental interests are protected.

It's a good amendment which I believe should satisfy some of the objections and, in my opinion, the major objection of the Department of Environment and I would urge the adoption.

MR. SPEAKER:

Will you remark further. Gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. I rise in support of this amendment. I think it is just as the Majority Leader described it, a very good amendment. It has brought things back to where they are now as far as the PFEC is concerned and as I indicated when we started the debate, this bill is a compromise and I personally

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was uncomfortable with the section as it was written in the files. Now I feel that this is an excellent amendment bringing it on in where it should be. I urge its adoption.

MR. SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. I rise in support of the amendment also. It's a very solid amendment and it does go a way towards improving the bill as it is now before us. The responsibility for the environmental impact or environmental effects with regard to an application should indeed be on the applicant which is consistent with other policies throughout the government in terms of our agencies.

I would strongly support the amendment. It in effect makes a good bill much better.

MR. SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, I rise also in support of the amendment. I'd like just to say briefly that there's been a great deal of bipartisan discussion about this bill and also the amendments that have come forth as a result of those discussions make the bill a better bill and more palatable certainly to various members of the House on both sides of aisle, so that I think that it's with some pride that we can note that kind of progress this afternoon in supporting many of these amendments.

MR. SPEAKER:

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Will you remark further. The gentleman from the 76th. hw
REP. CIAMPI: (76th)

Mr. Speaker, I also support this amendment. It puts the burden back to where it belongs on the utility company to prove their application. It doesn't, for instance, have the small environmental groups pay for the entire court procedure. I go with this amendment.

MR. SPEAKER:

Will you remark further. The gentleman from the 68th.
REP. SAYRE: (68th)

Mr. Speaker, I rise to support this amendment also. I think this Legislature has had a fine record in both industry and in environmental concerns and I think this is one measure that has to be taken to protect both the public and the Legislature as such so we don't pass poor legislation. Thank you.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "C". If not, all those in favor of adoption indicate by saying AYE. Those opposed. The amendment is adopted. The Chair would rule that House Amendment "B" is technical and House Amendment "C" that we have just taken action on.

Clerk please call House Amendment Schedule "D".

THE CLERK:

House Amendment Schedule "D" offered by Rep. Camp and Rep. Harlow:

In line 333, after the word "Council" insert the following words: "provided the Commissioner of Environmental Protection

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or his designee shall be in attendance at all such hearings and proceedings."

After line 730, insert a new section 15 which reads as follows:

"Sec. 15. No certificate or amendment to a certificate shall be issued unless the Commissioner of Environmental Protection has voted in favor of such issuance."

MR. SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. I move adoption of the amendment, House Amendment "D".

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "D".

Will you remark.

REP. HARLOW: (66th)

Yes, Mr. Speaker. This is one of the critical amendments as far as improving the bill is concerned and it gets into a discussion of some of the general merits of the bill as it now stands before us.

What it is that it would do is it would require that when a utility or applicant goes before the PFEC that applicant's approval must have the affirmative vote of the Department of Environmental Protection. The thinking that goes into this amendment is simply this, the largest impact area in terms of utility application is the effect that it would have on our environment and we must have some safeguard to absolutely guarantee

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that the interest, the environmental interest of the citizen or hw
the environmental group that represents that citizen is reflected
in terms of adequate input into the hearing.

This amendment would accomplish that objective. Thank you
Mr. Speaker.

MR. SPEAKER:

Gentleman from the 76th.

REP. CIAMPI: (76th)

Mr. Speaker, I also rise in support of this amendment.
There has been much discussion on whether there should be one
step or three step approval for siting permit. This amendment
represents a reasonable compromise. The Power Facility Eval-
uation Council would be the only step for site approval but
the Environmental Protection Department representing on the
council must vote in favor of the permit for it to be approved.
This vote by DEP provides some assurance that environmental con-
cerns will be heard and considered by the council.

I support the amendment.

MR. SPEAKER:

Will you remark further on adoption of House Amendment
Schedule "D". The gentleman from the 119th.

REP. STEVENS: (119th)

Mr. Speaker, I rise to oppose the amendment and once again
I think we're getting down to the substance of this bill.

The bill as I said before is an important one. It must
represent a balance between the need to protect the environment
with the equally compelling need to provide power in all areas

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in the State of Connecticut and the fact without power you do not have either residential, industrial, or commercial development, and if you don't have the latter, you don't have jobs.

Now what we are in effect saying is, we'll take a nine member council, staffed adequately under the provisions of this bill, we'll have a hearing and we'll go through the entire proceedings and if eight of those nine individuals on the council after hearing testimony and going over the exhibit decide that it's in the best interests of the state, the entire state, to grant the application, that one man can sit on that council, and I don't care who he is or what party he's from, but one man can say "no", I don't like it therefore it's going to be stopped. I think that's giving entirely too much power to any one individual. What's the sense of having a nine member council, a hearing and all the safeguards that are built into this type of legislation if one man is going to be able to stop it. It makes no sense whatsoever. It will do nothing but destroy and emasculate this legislation.

I think the amendment should be defeated.

MR. SPEAKER:

Gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. I too rise in opposition to this amendment. I'd like to associate myself with the remarks of the Majority Leader and merely say that this is not a compromise as it was represented to be but this is a step backwards, that if we adopt this amendment, I would then have to rise to oppose

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the bill because I think we would have done things far more
detrimental to the compromise that we are trying to strike
between the needs of the State of Connecticut as far as power is
concerned and the need as far as our environment is concerned. hw

I urge rejection of the amendment.

MR. SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, I also rise in opposition and I think that this again would tend to emasculate the process that's being set up in the bill. It's totally incongruous, it seems to me, and it's something not done anywhere else in Connecticut law that I'm familiar with to allow a member of the council to vote on whether or not something can be done and then to give him an absolute veto power over what the majority's decision of the council has been.

I think that the environmental concerns are adequately cared for elsewhere within the contents of the bill and that this amendment is both unwise and unnecessary.

MR. SPEAKER:

Gentleman from the 14th.

REP. WESTBROOK: (14th)

Mr. Speaker, I also oppose this amendment. The veto power has no place in this bill.

MR. SPEAKER:

Will you remark further. The gentleman from the 68th.

REP. SAYRE: (68th)

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Mr. Speaker, we've heard from the leadership and now from the General Assembly. I rise to support this measure. What we had initially was a three stop. What you want now is a one stop. This would give you a two stop. This is a compromise. This was my first amendment that I had proposed to this Legislature which we now, I think, can do on the floor of this House. But going from a three stop to a one stop with one appeal is something that we better consider very seriously before we do it in effect. There should be checks and balances. The Environmental Department is a check and balance.

I don't think as I stated before that we are agonizing the utility companies at this point. There have only been two small cases in the state in this last year. The PFEC is a small agency, newly formed in the last year and I don't believe it has the expertise that the DEP has in dealing with these problems, and I would support this amendment. Thank you.

MR. SPEAKER:

Gentleman from the 109th.

REP. RATCHFORD: (109th)

Mr. Speaker, first may I move that when the vote is taken, it be by roll call.

MR. SPEAKER:

Question is on a roll call vote on House Amendment Schedule "D". All those in favor of a roll call indicate by saying AYE. The necessary 20% having indicated a desire for a roll call, a roll call will be ordered. Clerk please announce a roll call.

Gentleman from the 109th.

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REP. RATCHFORD: (109th)

hw

Mr. Speaker, if, and it would appear that the votes are here so that will be the case we're going to reduce the number of steps from three to one, with a limited experience for this agency and the experience has been limited, it seems to me that we have to leave in a weighted vote in favor of the voice for the environment. That weighted vote would be the voice of the commissioner of the department of the environmental protection and with this major change in procedure which would basically make this a one step procedure, I think we need that type of veto power and the only way we can have it is to give it through the support of this amendment.

MR. SPEAKER:

Will you remark further on the adoption of the amendment.
Gentleman from the 111th.

REP. CAMP: (111th)

I would disagree with the previous speaker only to the extent that I think you could change the composition of the board by having more environmentally conscious people on the board. That's quite a different thing from making one person on the board a czar which I think is a little idiotic.

MR. SPEAKER:

Gentleman from the 64th.

REP. VAILL: (64th)

Mr. Speaker, I rise to oppose this amendment. This amendment takes the purpose of which the PFEC was created. It was created as a citizens' watchdog. On it it had a balance of the

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Commissioner of the Public Utilities Commission and the Commissioner of Environment. To give one of these commissioners the veto power without giving the other one the veto power also would destroy the balance and take it right away from the citizens itself.

I oppose this amendment.

MR. SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. I rise to speak for the second time in support of the amendment. I would point out as the former deputy speaker has indicated that the issue here is one of one stop and environmental consideration. There's a necessity to weight the vote by view of the fact that the composition is not such that it gives adequate consideration to the environmental impact.

If we go to a one stop hearing and as Rep. Sayre pointed out initially we had three stops. If we reduce that to one, what other safeguard do we have in terms of striking a balance between the utility interest and the citizen interest.

It occurs to me that if we get through a one stop type hearing and we don't have the type of weighted factor that would involve an affirmative vote by the commissioner, we are in effect discounting the environmental interest.

This amendment would give assurance that the proper weight perspective would be brought to bear on any application before the PFEC. I urge its adoption.

MR. SPEAKER:

Will you remark further on adoption of House Amendment

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Schedule "D". If not, if all members would please take their seats---gentleman from the 119th. hw

REP. STEVENS: (119th)

Mr. Speaker, I rise for the second time to oppose this amendment because I think it goes to the very heart of the bill.

If you don't want this bill to pass, then obviously vote for the amendment because the amendment will in effect kill the bill.

What we're saying is, we have a commission which we felt strongly enough to create last year which is needed in order to balance the interest of the environment with the interest to continue an adequate supply of power which means jobs and industries in all sections of the state. If the commissioner of the environment can stop any application on his own single vote, then there's no need for the commission. You might just as well have the application sent to the Department of The Environment for the commissioner to say yes or no on. No single commissioner in this or any other council where you have nine men should be able to override the other eight individuals. It makes the whole process a mockery and a waste of time for the other eight individuals.

If this legislation is needed and I think it is needed, please defeat this amendment because otherwise we're going to have the existing statute left on the books and the changes we make this year will have no effect whatsoever.

No single individual be it Commissioner Lufkin or any predecessor or successor in that office should be able to by himself overrule all other commissioners. Too much has gone into the creation of this legislation to allow one man to stop whatever

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applications come before the board. hw

I would urge that the amendment be defeated.

MR. SPEAKER:

Members please take their seats. Gentleman from the 122nd.

REP. BEVACQUA: (122nd)

Mr. Speaker, I too would like to rise in total opposition to this amendment because frankly I see it as simply a capitulation to the environmentalists whose extreme overreaction to the most simple of practices have got most of us so scared of damaging natural resources that many of us refuse to light a fire in our living room fireplace.

There's nobody more concerned with environment and damage to the environment than I. I think most of us share that concern but Rep. Camp has the right idea. If we're concerned to extremes about the environmental impact of what this council might do, then let's make the makeup of the council more environmentally conscious, if that's our concern. I absolutely cannot see or abide in any way, shape, or form the concept of having a single person be a czar and that's it, boy, that's the essence of the whole thing.

One single person would have total veto power over what eight other people might decide are in the best interests of that state and, boy, there's no way that I can accept that.

MR. SPEAKER:

Gentleman from the 100th.

REP. CHURCHILL: (100th)

Mr. Speaker, I think this bill does need more balance but I

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cannot support the veto power granted to the commissioner of environmental protection. I would like to see the environment committee with a little more time to put the balance into the bill and I'm going to support the initial amendment when it comes back up but I cannot support this amendment at this time because I think it sways the balance too far the other way. Thank you.

MR. SPEAKER:

Gentleman from the 37th.

REP. WAGNER: (37th)

For the second time, Mr. Speaker. The comment has been made that there maybe should be some more balance in the council. For the information of the members the council consists and I'm quoting from public act 575, '71 session, shall consist of the administrative head or his designee of the Department of The Environment, the chairman or his designee of the Public Utilities Commission, one designee of the Speaker of the House, one designee of the President Pro Tempore of the Senate, and five members of the public to be appointed by the Governor at least two of whom shall be experienced in the field of ecology and not more than one of whom shall have an affiliation past or present with any utility or government utility regulatory agency or with any person owning or operating or controlling or presently contracting respective facility.

Mr. Speaker, I submit that the bill as it presently is, is weighted as it properly should be, in favor, the council is weighted in favor as far as membership is concerned to the environment and that this amendment should be defeated.

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MR. SPEAKER:

hw

All members please take their seats. Clerk please announce on the outside speaker an immediate roll call.

Question is on adoption of House Amendment Schedule "D" offered by the gentleman from the 66th.

Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. For the third time with your permission.

MR. SPEAKER:

Is there objection to the gentleman speaking for the third time on House Amendment "D"? With unanimous consent of the body, the gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. I would point out to the Majority speaker in urging defeat of the amendment that the PFEC was indeed created to reflect the concern and involvement of our citizenry and indeed that's supposed to be the case but I feel that many environmental groups are of the opinion that the PFEC as is currently constituted involves a utility bias.

I would point out that there a number of suits currently against the PFEC by citizens that are environmentally oriented and motivated. If that would be the case, I'd say well why isn't it so that there is a balance. If that were the case, I don't think we'd have those suits in terms of the present applications which have been before the PFEC.

There's a strong feeling I think on the part of the environ-

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mental community that we have a utility bias. In order to re- hw
 dress and provide a balance to this equation we must guarantee
 citizen involvement and this is one way to do it in terms of
 weighting the vote. I urge its adoption. Thank you Mr. Speaker.

MR. SPEAKER:

Are you prepared to vote on House Amendment "D"? All members
 would please take their seats. Non members come to the well.
 Question is on adoption House Amendment Schedule "D" offered by
 the gentleman from the 66th, to Sub. for S.B. No. 2203.

Machine will be open. Has everyone voted? Machine will be
 closed and the Clerk please take a tally.

THE ASS'T. CLERK:

Total Number Voting.....	139
Necessary for adoption.....	70
Those voting Yea.....	33
Those voting Nay.....	106
Absent and Not Voting.....	12

MR. SPEAKER:

House Amendment "D" is lost. Clerk please call the next
 amendment.

THE CLERK:

House Amendment Schedule "E" offered by Rep. Harlow and Rep.
 Avcollie:

In line 490, delete the opening bracket

In line 492, delete the closing bracket, delete the brackets
 surrounding the number "(2)" and insert the number "(1)"

In line 498, delete the brackets surrounding the number "(3)"
 and delete the number "(2)"

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(Tape #17)

MR. SPEAKER:

hw

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I move adoption of the amendment, Mr. Speaker.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "E".

Will you remark.

REP. AVCOLLIE: (70th)

Mr. Speaker, this amendment in effect puts back into the bill lines 491, 492, and 493 in the file which, I'm sorry-- Mr. Speaker, may I summarize with the permission of the Chair.

MR. SPEAKER:

Clerk has read the amendment. Would the gentleman care to explain it.

REP. AVCOLLIE: (70th)

Right. This amendment puts back lines 490, 491, 492, and 493 into the file. Those lines would require the Power Facilities Evaluation Council among other things to prescribe and establish reasonable regulations which would refer to the reliability, influence, thermal effects, air and water emission, protection of the fish and wildlife and other environmental factors.

In effect this requires the Power Facilities Evaluation Council to say to the applicants, the public utilities coming in for a certificate of compliance that they shall consider these environmental factors in making application for site approval.

It was felt I understand by the committee when they reported the bill out and deleted these lines that these lines were in some

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sense redundant in that at one time or another the department of the environment would look at these particular environmental effects at such time as the plant itself or the facility was constructed.

However the inclusion of these lines make the bill a great deal stronger and certainly gives the Power Facility Evaluation Council a responsibility to look at the areas that environment spelled out. Without that responsibility and with the short cutting of the department of the environment reducing them only to a department that will offer comment, we could in fact have site approval that did not give consideration to the impact on the environment.

I therefore strongly urge adoption of the amendment, Mr. Speaker.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "E". Gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. Through you a question to the gentleman reporting the bill.

MR. SPEAKER:

Please state your question.

REP. WAGNER: (37th)

Is it the intent of this amendment to shift the responsibility for thermal pollution to the PFEC and take it away from the Department of Environmental Protection?

REP. AVCOLLIE: (70th)

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No, it is not. It's the intent of this amendment to insure that the PFEC in establishing the regulations and standards which they are required to establish under section 10 of the bill, will also give consideration to establishing regulations with regard to those environmental factors. It would not shift to the DEP but would put a first with a regard to the PFEC to set these regulations up as regards site approval.

MR. SPEAKER:

Gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. Through you to the gentleman from the 70th. In view of Senate Amendment Schedule "A" which says, in addition the Department of Environmental Protection shall have the continuing responsibility to investigate and report to the council on all applications, etc., which are effective prior to the effective date of the act and the jurisdiction of the Department of Environmental Protection respective granting a permit.

Would you still think that this amendment would be necessary?

REP. AVCOLLIE: (70th)

I would because section 2 of this act requires that the Department of the Environment along with other departments make comment. The requirement of the Senate Amendment is simply an amplification of the requirement in section 2 that they make comment in that they are called upon to make that environmental impact study and for that study as part of their comment.

It does not put any burden on the PFEC to positively consider that impact study nor does it make or put any burden on

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PPEC to say to the applicant, you shall consider these requirements before you make a site application. I think that it puts the cart before the horse. This amendment puts it in its proper perspective. I would not want to see, for instance, a site approval that did not consider these environmental factors only to find DEP at a later date upon subsequent review say that they should have been considered and that therefore, for instance, they can't build a facility because they can't meet the requirements of discharge of water or sewerage, etc.

It seems to me that without these lines in here we're going to delay the process of a certificate rather than to speed it up.

MR. SPEAKER:

Gentleman from the 37th.

REP. WAGNER: (37th)

I heard what he said but I don't understand it. I don't think this amendment is necessary, Mr. Speaker. As I said originally the Department of Environmental Protection retrieves its jurisdiction for thermal pollution for water pollution, for air pollution, as it will with every other industry. I see no necessity for having the PPEC get into thermal pollution particularly. I think its a duplication and I think it's unnecessary.

MR. SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

I rise to support the amendment and second the remarks of Rep. Avcollie. This amendment despite Senate Amendment "A" which is a good amendment but doesn't necessarily guarantee that the

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PFEC in its hearing will address itself specifically to environmental evidence. This amendment will require that and further will make it part of the record under one stop in terms of purposes of appeal and if it accomplishes that objective which it does, it's a sound amendment and I support it strongly.

Under Senate Amendment "A" from the Senate we don't have that specific guarantee though it does provide for the environmental impact evidence be submitted to the PFEC, they don't specifically have to address themselves to it.

I urge its adoption.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "E". All those in favor of passage indicate by saying AYE. Those opposed. The amendment is adopted. The Chair will rule the amendment technical. Clerk call the next amendment.

THE CLERK:

House Amendment Schedule "F" offered by Rep. Avcollie from the 70th district:

In line 106, after the letter "(a)" delete the word "The" and insert in lieu thereof the following: "Notwithstanding any other provision of the general statutes to the contrary, the"

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

I move adoption of House Amendment Schedule "F".

MR. SPEAKER:

Question is on adoption of House "F". Will you remark.

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The gentleman from the 70th.

hw

REP. AVCOLLIE: (70th)

Mr. Speaker, this is a technical amendment which does very little other than clarify the intent of the committee that the jurisdiction shall in fact be exclusive with regard to site location. It could very well have specifically indicated, for instance, that requirements of the coastal wetlands bill or requirements of PUC would not supercede this exclusive jurisdiction but we used general language simply to indicate that the exclusive jurisdiction does in fact hold true regardless of other statutes to the contrary.

I don't think it's a monumental amendment. I think it does make a clarifying point to certainly obviate any possible challenge at a later date.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "F". Gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. I rise to support this amendment. It's a good amendment. It clarifies a point. I urge its adoption.

MR. SPEAKER:

Gentleman from the 111th.

REP. CAMP: (111th)

Through you please a question to Rep. Avcollie.

MR. SPEAKER:

Please state your question.

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REP. CAMP: (111th) hw

Does this mean that the PFEC could in effect override all of the inland wetlands bills and all of the tidal wetlands bills that we've adopted previously and build a power facility on what would otherwise be an inland wetland or a tidal wetland?

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

I am probably least qualified to be an environmental expert but I would tell you this that without this amendment PFEC can override the DEP with regard to tidal wetlands or coastal wetlands.

This amendment simply clarifies the intent of the committee so that this amendment would mean they can--PFEC can override DEP with regard to coastal wetlands bill but without the amendment they can do it also under the file copy in section 4. This is what you're doing when you eliminate the two stop and three stop procedure and go to one stop, and possibly here or probably the gentleman that spoke before me was better qualified to answer that question.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "F". If not, all those in favor of adoption indicate by saying AYE. Those opposed. The amendment is adopted. Chair would rule the amendment technical. Clerk please call the next amendment.

THE CLERK:

House Amendment Schedule "G" offered by Rep. Sayre And Rep. Apthorp to Sub. No. 2203:

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In line 634, delete the letter "a" hw

Delete lines 664 to 675 inclusive

MR. SPEAKER:

Gentleman from the 68th.

REP. SAYRE: (68th)

At this time, Mr. Speaker, I would like to withdraw Amendment "G" as I feel it has been thoroughly taken care of in the amendments and yield to Rep. Apthorp.

REP. APTHORP: (45th)

Sir, at this time I'd like to resubmit the original amendment "A" which would now be Schedule ---

MR. SPEAKER:

These matters one at a time. Is there objection to withdrawing House Amendment Schedule "G"? With unanimous consent of the body the amendment is withdrawn.

Gentleman has now requested that amendment previously withdrawn be resubmitted and become House Amendment Schedule "H".

Clerk please call House Amendment Schedule "H"

THE CLERK:

House Amendment Schedule "H" offered by Reps. Sayre and Apthorp:

In line 106, after the letter "a" delete the word "the" and insert the following words: "on and after July 1, 1974, the"

MR. SPEAKER:

Gentleman from the 45th.

REP. APTHORP: (45th)

Sir, I move for adoption of Schedule "H".

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MR. SPEAKER:

hw

Question is on adoption of House Amendment Schedule "H".

Will you remark.

REP. APTHORP: (45th)

Yes sir. We have now discussed the bill at some length and there is one point that has not been brought out sufficiently at this time. By this act give one stop or would give one stop to PFEC, that's a board of nine men and one secretary, and we say, on the day that you get this you will start functioning flat out, only they don't have any staff. So on that first day they're going to make sort of monstrous decisions.

What this amendment does, it says section 4, the one stop, is to be delayed one year. In other words we would go on functioning with the present system. We would give PFEC their staff. They can get manned up, start taking a look at what they're going to handle and on 1 July '74 we could start one stop. This does not delay this bill until 1 July '74. It merely delays one stop until that time.

I therefore request adoption of this amendment, sir.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "H". The gentleman from the 119th.

REP. STEVENS: (119th)

Mr. Speaker, I oppose the amendment. Now the gentleman may be correct in saying this only delays one stop until July 1st, 1974 but if you delay one stop, you delay the entire effect of the bill in your file.

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The idea behind one stop is that you have a single appellate procedure and you do not have to apply to three separate state agencies each of which would allow a separate appeal and eventually to the courts.

If you adopt this amendment, then for the next thirteen months anyone who might apply runs the risk of not one appellate procedure but three appellate procedures, and that's what's wrong with the bill as adopted by the last session of the General Assembly. That if you have three actions pending on appeal, it could very easily take you a considerable longer period of time to get your application finally approved by the final person or body that would act upon it.

If you delay one stop, you delay the entire bill. If you believe that this legislation has to be corrected this session, then it's got to be corrected and effective now. It can't wait until July 1st, 1974 unless all the benefits can wait that long. One stop is the key to the amendments we're making this session. To delay that until July 1st, '74 is to delay the entire file bill. I would urge the defeat of this amendment.

MR. SPEAKER:

Gentleman from the 76th.

REP. CIAMPI: (76th)

Mr. Speaker, I'm in favor of this amendment. I'm not too much in favor of one stop. I think what you have done is you have ruined a good piece of legislation that we put in 1969 and the only people who I see were against it were the utility company. What you did is you took the DEP completely out of it and

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now you're saying on this particular bill, upon passage you're going to have the council who has one commissioner and two part-time secretaries to take the place of the department of the environment and the PUC. This is impossible. All we're saying is, actually, wait until 1974 when they at least could have a staff with some expertise. What's the hurry? Let them go until 1974. There's no outcry for this bill except to the utility companies. That's all we're saying, just wait until we have a full staff.

Thank you Mr. Speaker.

MR. SPEAKER:

(Tape #18) Will you remark further on House Amendment Schedule "H".
Gentleman from the 100th.

REP. CHURCHILL: (100th)

Mr. Speaker, I rise in support of this amendment. As a member of the environment committee I heard testimony on both sides and have come to the conclusion that while the PFEC needs more funding and staffing to extend its capabilities, the General Assembly needs more time to review consolidation of the council's authority.

It is my opinion that the bill still favors the utilities at the expense of the public interest. Therefore I would favor delaying the adoption of the one stop application while the environment committee studies the matter during the interim. A twelve month delay is a small price to pay for something that can impact our environment for decades to come.

There is no question that we have improved this legislation today through amendments. However we have not solved the problem

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of meaningful environmental control as it applies to the one stop procedure. I ask that you give your legislative committee on the environment an interim period to work on the one stop deficiency.

Thank you.

MR. SPEAKER:

Will you remark further. / Gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. I rise in opposition to this amendment and associate myself with the remarks of the Majority Leader.

It's very simple. This amendment if adopted will not just delay one stop, it will delay the effectiveness of these amendments which now as the bill has been amended. The additional amendments enacted today will make an effective compromise between the extremes that I've spoken about several times this afternoon.

This is a very important question, Mr. Speaker, and because of that I move that when the vote be taken, it be taken by roll call.

MR. SPEAKER:

Question is on a roll call vote on House Amendment Schedule "H". All those in favor of a roll call indicate by saying AYE. The necessary 20% having indicated the desire for a roll call, a roll call will be ordered. Clerk please announce it.

Gentleman from the 68th.

REP. SAYRE: (68th)

Mr. Speaker, I rise to support this amendment. I think this is probably the most fundamental change in this legislation. I

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think that we do deserve a year to look at this. I think we do hw
deserve a year to get our environmental department and our PFEC
together in accord on this bill.

As I said before I think we struck the delicate balance be-
tween industry and environment and I think we should maintain
this. I don't think that we have put the utilities through agon-
ies. I think that they are doing their building as I've mentioned
before. The programs are going along. I haven't seen any ex-
amples of public impeding the progress of utilities companies'
expansion.

I think this amendment gets down to the crux of the matter.
We have amended section 6. We have amended section 10. Section
4 will not interfere with those amendments whatsoever. It refers
only to section 4, only to delay the one stop procedure for one
year.

I think it's a good amendment and I think it's extremely
necessary for the bill. Thank you.

MR. SPEAKER:

Gentleman from the 77th.

REP. WRIGHT: (77th)

Mr. Speaker, I rise to support this amendment. Previous
speakers have said that this amendment will effectively ruin this
legislation. I can't agree with that.

Another important piece of this legislation is the land
banking. I think that may be and probably is the most important
part of this bill, and that land banking would not be effective
on this amendment. Utilities companies that feel they have to

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expand would be able to proceed with that land banking if this bill is passed with this amendment. Therefore I support the amendment.

MR. SPEAKER:

Will you remark further. Gentleman from the 87th.

REP. CRETELLA: (87th)

Mr. Speaker, I rise in opposition to the amendment. Although I had hoped to speak mainly on the bill itself it would appear that the amendment which is now before us attacks the very heart of the bill.

I think that the things you take into consideration here is not the fact that we will simply be delaying the activities for one year but we attack the very purpose of this bill and the very purpose of this bill is to get power facilities built without delay. Get them moving so that some day we don't turn on the light switch and there's no juice.

At the same time our committee has hopefully and hard working attempted to balance the ecology interests. They have done this. We have done it with the bills and the amendments that we have proposed today. Now there's no sense fooling around. If you don't want the bill, then vote against the bill. But don't try and camouflage it by voting against delaying the one stop for one year.

The bill with its amendments will give us a balance, will protect the environment, and at the same time will with thoughtful procedures give us the power we need, can get the power facilities built. It will aid the entire state from both the homeowner, the

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utility user and the workingman.

hw

I would also point out that this bill has built into it the necessary fundamental provisions to provide the necessary staffing and the Power Evaluation Council can rise to the situation with the staff provided and I urge defeat of this amendment.

MR. SPEAKER:

Will all members please take their seats. The House come to order. All staff members come to the well. Lady from the 108th.
REP. OSIECKI: (108th)

Mr. Speaker, I rise to support this amendment. I think that when the public is concerned, the committee is in doubt, and the future generation environment is in danger, that one year granted to achieve the proper balance on this council is not going to agonize anyone. I urge the chamber's support of this amendment.

MR. SPEAKER:

Gentleman from the 53rd.

REP. BRAINARD: (53rd)

Thank you Mr. Speaker. Mr. Speaker, in section 12, it seems to me there are two very important considerations. Lines 573 and 574 lay out as I interpret it the beginning point. The council in the language of these two lines will first have to undertake such studies as it deems necessary. This to me suggests an effort where the council will have to do some deliberations, arrive at a consensus as to what studies are necessary. But then it will have to have the resources and the expertise to proceed with these studies and that takes us to line 569, 570, and 571 wherein the act the council is now authorized to employ full and part-time

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staff and consultants as may be necessary.

hw

I find it very difficult, Mr. Speaker, to believe that in a very short period of time a council is going to be able to delineate accurately particularly in terms of the long range implications of its duties that it can arrive at a meaningful list of meaningful activities and needs, and then more specially considering the broad scope of the concerns which it is properly going to be charged, to find the consultants, to find the expertise, all in a very short period of time and get them functioning. For that reason I believe this amendment has a considerable merit just on the basis of logistics and the provisioning of the tools and the support without which this council is going to be very helpless. I urge support of the amendment. Thank you.

MR. SPEAKER:

Gentleman from the 14th.

REP. WESTBROOK: (14th)

Mr. Speaker, I rise to oppose this amendment. I believe we have adequate safeguards from everything that's been said this afternoon.

MR. SPEAKER:

Chamber please come to order. Members return to their seats.

REP. WESTBROOK: (14th)

I think the crux of the whole matter, Mr. Speaker, starts in line 406, and that will provide in accordance with the need for adequate and reliable electric service, for the elimination of all overhead electric transmission lines. Mr. Speaker, I don't personally, and I'm sure many in the House will agree with me, we

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should not delay this even one year. hw

MR. SPEAKER:

Gentleman from the 109th.

REP. RATCHFORD: (109th)

Mr. Speaker, I too rise to support the amendment as offered. What we have done or will do this afternoon quite frankly is to triple the burden of a council which thus far is not effectively operating because of a shortage of staff and yet we have done nothing to my way of thinking to guarantee that this additional staff will be hired. We have taken, if this legislation is approved, taken on two other steps, two other steps in which consideration could be given to environmental factors and put the total burden on a council which thus far as I understand it as one full time and two part time employees. This being the case, is it unreasonable to delay this impact for one year during which period of time adequate staff can be recruited, put on board, so that if we are to have a one stop procedure, at least it will be to a council that's adequately staffed.

What you propose today quite frankly is impossible. You triple the burden and do nothing as far as the commitment as far as competent staff is concerned. The only way you can justify this is to delay as this amendment would suggest the effective date of implementation of the one step procedure.

MR. SPEAKER:

Gentleman from the 122nd.

REP. BEVACQUA: (122nd)

Mr. Speaker, I rise to oppose this amendment because contrary

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to what I've heard today it's not the public utilities that are going to gain any advantage as a result of this legislation but more aptly it's the consumer, our Connecticut state residents who stands to be irreparably harmed by the delay of this legislation. Our Connecticut residents and that includes every single one of us here have power needs that are rising at a very alarming rate and there are serious projects, specific projects, under considerations right now that are ready to be implemented right now. If this legislation can be passed and an authority can be created to rule on them to get them going, to get these projects built, to meet the power needs that our State of Connecticut so urgently needs. We're facing situations every day right now with brownouts and even blackouts and with the summer coming we're going to have a very serious power problem in the State of Connecticut. Make no mistake about that.

The necessity for this legislation to get the ball rolling right now is overriding in my judgment. One year would be a serious delay in my estimation because these projects need to be put into effect right now and as a result of the amendments that have passed this afternoon on this bill there are very, very many more and adequate safeguards that are built into this legislation. So an amendment this afternoon the Department of Environmental Protection is still very much a part of the requirements of a power facilities council here.

We have not taken away any of the safeguards that the DEP provides in terms of environmental concern and so the lack of staff that's been referred to here today is not completely

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accurate inasmuch as we do have and we are required to have as a result of an amendment here this afternoon, the inputs of the very professional and authoratative groups that we have had all along. We have refined this bill to the point where it is exceedingly good legislation and I see absolutely no reason and in fact I see great harm in our attempting to delay it any longer than it's absolutely necessary and for my money this bill has to go in effect immediately.

MR. SPEAKER:

Will you remark further. The gentleman from the 42nd.

REP. STOBBER: (42nd)

Mr. Speaker, I rise to oppose the amendment. I think the time is well overdone. I was on the environment committee. I heard many of the testimony in behalf of both what the department and environment was attempting to do and what the power evaluation council can do. I think it is something that must not wait and I oppose the amendment.

MR. SPEAKER:

Gentleman from the 45th.

REP. APTHORP: (45th)

Mr. Speaker, to review just a moment the way this bill came into environment and correct some of the rhetoric that has been thrown around. If we are in such an emergency in power, it seems strange to me that on the 3rd of January when we met and we went to environment that PFEC did not present to us at that time any legislation or any backup on a power shortage, and in fact we dragged into March before we suddenly heard that we have trouble.

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Two months have gone by. At that point they come rushing in and say, well, we've just got to have this now. The environmental committee never received and to date has never received any written documentation of any type saying that we have a power crisis or showing any power crisis. Oh we've heard rhetoric that we're going to have a brownout or you're going to go flush the John and the water won't run but we have never seen any documentation. I ask why it wasn't given to us at that time.

This amendment merely says, O.K. fellas, you didn't do your job in January, February, and most of March, now give us a chance to look at it again. (That's the John not flushing sir)

(Tape #19) It seems a little incongruous that the great pressure was not brought during the early months of this session but later this session they come rushing in and they've just got to have this now. All we're saying is, let's just wait a minute, get the staff, stop one stop for one year and take a look at what we're doing. The 1969 session couldn't have been that wrong.

MR. SPEAKER:

Gentleman from the 34th.

REP. O'NEILL: (34th)

Mr. Speaker, if I may through you a question to anyone that can answer, particularly the chairman of the environmental committee.

MR. SPEAKER:

Please state your question.

REP. O'NEILL: (34th)

How many applications at the present time do you know of

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that is pending before any of the present three stop commissions? hw

MR. SPEAKER:

Gentleman from the 66 care to respond?

REP. HARLOW: (66th)

Yes. Through you Mr. Speaker, I'm not absolutely certain of the number of applications but I think it's approximately between nine and eleven or nine and twelve. Perhaps I could yield to Rep. Sayre who I notice is not in his seat, he might know.

MR. SPEAKER:

Gentleman from the 34th.

REP. O'NEILL: (34th)

If I may then, Mr. Speaker, readdress my question to Rep. Sayre. If you know sir how many applications are presently pending in front of any one of the present three stops?

MR. SPEAKER:

Gentleman care to respond.

REP. SAYRE: (68th)

Through you Mr. Speaker, I don't have the statistics on that. The only thing I can tell you is we've only had two problems to my knowledge in the last year in all the decisions that were made that I'd refer to. But I don't have the information as to how many are pending right now, sir.

MR. SPEAKER:

Gentleman from the 34th.

REP. O'NEILL: (34th)

If I may ask another question of the distinguished gentleman. You know of two particular problems that happened in the last year.

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In what areas were they problems. Were they problems with DEP or the present power advisory council or the PUC? hw

MR. SPEAKER:

Gentleman care to respond?

REP. SAYRE: (68th)

Through you Mr. Speaker, I believe they were problems with transmission lines. One was in the Roxbury area, one was down further to the western part of the state. But I don't think that in effect had anything to do with what we're currently talking about. Transmission lines were covered under the eminent domain provision and have nothing to do with this existing legislation so I don't believe they were part of the proceedings or what we're talking about right now.

MR. SPEAKER:

Gentleman from the 34th.

REP. O'NEILL: (34th)

Well I personally think they are very pertinent because it would have to make it a common sense factor on how we vote here today. I would think if in effect there are no problems in existence today, then I'm wondering why the immediacy of the particular bill, and I'm wondering why not this amendment that delays this particular section of eliminating two stops and going to one stop for a year.

Now I can see if there's a great backlog. I can see if there's a great problem, then this should be done immediately. But if this in fact is not the case, if we do not have a great problem in the state with the present three stop system, then my

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great fear is if we only go to the pwr. evaluation commission for the one stop and they are not adequately staffed to particularly handle the maybe many, many applications that will come in, it doesn't seem quite right either. So my only question is, a clarification question in my own mind, if the problem does not exist today then what is wrong with the amendment.

REP. SAYRE: (68th)

Mr. Speaker, was that a question?

REP. O'NEILL: (34th)

It's a question if someone would care to answer it. Yes, Mr. Speaker.

MR. SPEAKER:

Gentleman from the 68th care to respond?

REP. SAYRE: (68th)

Yes. Through you sir, I think it's a good question and I think the proponents of the bill were there any major problems would have laid those problems out to us in the massive literature that they did disperse to this General Assembly, and because of that I think I can state that there are no major problems before us and that there's really no immediate need to go from three step to one step because of the agonies caused to the utilities. Thank you.

MR. SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. I would just like to reaffirm the commentary of Rep. Sayre. There is no immediate thing in terms

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of going to the one stop provision. I would remind this Assembly that it was a scant fifteen or sixteen months ago that we created the PFEC in our wisdom in terms of the three stop procedure and here we are at the other end of the continuum just as I mentioned fifteen or sixteen months making a major overhaul.

This amendment becomes the cardinal and critical amendment on the floor today and in effect I would remind you that the environment committee would, 50% of it, was in favor of this amendment as is the House chairman. It would give us adequate time to evaluate the negative impact if any of the one stop procedure and bring back the proper legislation in the next session in terms of providing whatever safeguards we need to make the one stop efficient.

MR. SPEAKER:

Gentleman from the 27th.

REP. MORTENSEN: (27th)

Mr. Speaker, I rise to oppose this amendment and will concur with every word that Rep. Cretella has said here. It's very evident that many of you in the hall of this House have never had the experience that we've had in New Britain, Newington, and parts of West Hartford. We talk about environment. We talk about flushing toilets. No, we couldn't flush our toilets in our town for hours and I mean literally hours. Perhaps a whole night. We had to send fire engine trucks out to people that were sick and patients to give them power from generators out there and anyone that gets up here and votes in opposition to anything that's going to hinder further services for the electric light company don't know what it

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is to be and I wouldn't wish it on to you. When you come to your freezers and you find everything is melted and rotted. I had these calls. The electric light company had these calls. Who is going to pay for all this. Well of course there's nothing unless you happen to have insurance on it. But anything that's going to pass here that's hindering the furtherance of service to the electric light company, they should have lived in Newington last year with the problem that we had because we're shorted, that was blowing fuses one right after another. We were told to go on light, don't use your lights unless necessary. We didn't have heat in many homes. I never saw such an experience and realize the necessity of electricity.

We have passed some bills here that are just preventing it. It seems as though some of you just hate the electric light company or the public utilities companies. They're the greatest service that you have. Sure you have to pay for it. You have to pay for everything when you want service.

We talked about meat here today, that is service, and you didn't care about the expense of it, of the wrapping and so forth, and I would urge everyone here to vote for anything that's going to help to further the services of the electric light companies. This is something that we need and I can tell you that we had one blowout right after another for weeks in the Town of Newington, and I know myself that I lost over a thousand dollars in refrigeration at the same time.

To sit here and listen to the argument it just seems as though you despise the utility companies that gives you some of

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the finest service.

hw

MR. SPEAKER:

Are you prepared to vote? Gentleman from the 123rd.

REP. HOLDSWORTH: (123rd)

I've listened to a lot of discussion relative to this amendment and I'm sure that there are many of you who spoke on this amendment who are not really cognizant of the power situation in the State of Connecticut. It is evident to me that the environment committee has not taken the time or the trouble to find out from the various power companies what the loads are that they are carrying. This is what this whole thing hinges around. What loads are being carried by these various power companies because of you and you and you, all of us.

In a very short period of time they're going to have an additional load put on them, the air conditioning load, a few more comforts that we want in life. Does anybody care, or are you talking out of one corner of your mouth? You want your air conditioning but on the other corner of your mouth you don't want power lines. You don't want power stations. You want air conditioning you got to have the rest of it that goes along with it.

Now I know that there is practically no power company in the State of Connecticut that isn't at various times working all of their equipment at overloads, overloads, beyond what the equipment is designed for. You talk about brownouts and blackouts, and I'm going to tell you when we have a brownout, I'll tell you exactly what's happening. The current capacity that's being carried is higher because into your equipment, your light bulb,

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your equipment and so forth, you're going to have failures because hw of this. If they have to reduce the voltage, your current is going to increase. You're going to blow fuses. You're going to be out of service and so forth, and I'm telling you that one year on the surface it looks reasonable, will any one of you that are here today in this House accept the responsibility for brownouts or blackouts or would we scream bloody murder if the power company has a failure someplace. If they have a tree down or something else that disrupts service, there's all hell to pay.

All of this is tied into the demands that the general public is making on the power companies. Every person in this room is making an additional requirements on the power companies. Every time you buy an additional piece of electrical equipment you're putting an additional load on the power companies. Now it's all very well for you to say, well I'd like to have this piece of equipment, this type of other thing, how many people have installed recently pools in their yard which have filters, which have a continuing running pump on them. It's an additional load on the power companies.

I'm going to tell you one thing, that the power companies have a franchise and their franchise stipulates that they got to provide service to you and if they don't provide the service you demand, then they're before the Public Utilities Commission. They can't deny you service. This is part of their franchise.

Would any one of you in this House agree to stop all building construction within this state for a period of one year while this legislative body or this committee is making an in-

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investigation to determine what should be done? Who's going to stand for that? I'm telling you every house that goes up is an additional load for the power companies. hw

I'm very surprised here to find out that the majority of the legislators feel that the power company officials are ogreish. I just can't understand. These people are dedicated people. They're utility people. I was a utility man for forty-three years. I didn't work for a power company but I'm telling you they're some of the most dedicated people in the world.

And one more thing. I want you people to realize that before a power station can go on a line they aren't built like tomorrow. It takes anywhere from six to ten years from the start of a permit to the conclusion of that power station goes out a line. It takes this period of six to ten years before that thing goes on line and producing electricity for your benefit, and I'm going to tell you this, it's your benefit, it's not the power company's benefit. It's your benefit that this is being built for, and I'm going to tell you that every year of delay is just going to make this problem that much greater. It's going to cause serious problems all throughout the state.

Last summer we read about all kinds of problems in New York City because of power problems. The same kind of a situation. So where do we end up? We're talking here of one more year delay. I say, alright, stop the birth rate, stop the birth rate for a year so we don't have a group of youngsters come along and they're going to require power. Stop the building program for a year so we aren't going to have any more houses for a year.

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Fine. Some of you people might think this is a joke. It's no joke. It's serious matter and until you recognize it as such, I'm telling you don't recognize the problem that's before you today and the problem today is that we've got to have more power plants, more transmission lines to provide the service that these companies have the responsibility to provide. hw

Just in yesterday's paper there was an article in there relative to the new means that they are trying to devise to be able to transmit power, underground power, by the use of Freon gas in order to cool the cables. Does anybody know what it takes to transmit power? You know, you just don't turn a wheel, you don't throw a hunk of coal in there and turn the wheel and that's it. It's much more than that and I'm going to tell there's no more efficient system that we have in the State of Connecticut than the power company.

I oppose the amendment.

MR. SPEAKER:

(Tape #20) Are you prepared to vote? Gentleman from the 92nd.

REP. WEBBER: (92nd)

Thank you. If we don't hurry up and vote, Mr. Speaker, we'll all run out of power it appears to me.

I would just briefly point out that driving up here the other day I heard a very interesting announcement on the air to the effect that one of the power company officials made it very clear that they do not predict a power shortage in the Connecticut area for this coming summer and I heard that very clearly.

As a matter of fact two minutes later there was a commercial

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from one of the power companies selling total electric homes, buying power, selling electric homes. hw

I'm sorry I have to disagree with Mr. Holdsworth but this is the information I heard and I heard it as clear as day.

Mr. Speaker, too often during my many years up here we pass legislation without first noting whether or not an adequate staff was developed to implement that legislation and as a result very often that legislation or the intent, the concept of the bill, was never carried out, at least for a long period of time.

Let's not do the same thing. Let's develop a staff. Let's develop an organization and let's pass the bill at that time when we're fully aware, fully assured, that they can function and function properly. I'm in favor of the amendment.

MR. SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. Speaking for the second time in favor of this amendment. I would like to point out that I think this amendment is the critical amendment on the floor today. If we're successful in adopting this amendment, I would urge the members of the environment committee to support the bill. Let me say that I think that the animated discussion today brings out the point that we have two polarized ideas under debate here. One stop, the one stop provision focuses on these two vital ideas, and if I may, I would say that they're both vital. One is the need for an adequate and efficient production of energy with the guarantee that we would avert an energy crisis in Connecticut,

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and I would indicate as Rep. Apthorp said that the utilities did not testify before the environment committee as to any imperative need. I would like to point out as I've mentioned one of these vital ideas is the adequate and efficient production of energy. On the other, we have a mandate to protect our natural environment in terms of the safeguard and safeguarding public safety and the public interest. Both of these ideas are mutually exclusive. They don't fit well together. In order to pass responsible legislation we have got to strike a balance. The proposed balance is one stop hearings, and I'd like to just for a moment go through that procedure very briefly under one stop.

Under one stop the utility company would come before the PFEC and make application. At that time they would submit their documentation and evidence. I would point out to you that they have any amount of time to compile, gather, and submit that information. They must go before the AEC. The type of documentation and consulting evidence they submit is absolutely 100% overwhelming. It's the best possible documentation. It's the best possible evidence that's available and it's the most accurate.

Now let's reverse the coin under one stop. We have an application from the utility company. How much time do we have from that point under one stop for J.Q. citizen to come in and submit his evidence. As the bill now stands we have thirty to one hundred and eighty days. Now I put to you, how much time is that especially if the PFEC under one stop agrees to go on the thirty day notice. In thirty days, how much evidence, professional

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evidence, and documentation do you think I as an individual could gather and submit under my only opportunity to the PFEC to oppose that application.

Gentlemen, I say to you, that that's a very limited accessibility. Now you say, well, there's an appellate process and indeed there is under one stop. /There is an appellate process. But that appellate process is limited to the record, at the first prior hearing. No new information at that point is advisable, is admissable, I'm sorry. So I say to you that we have some risks here in terms of striking an adequate balance with sufficient safeguards on both sides under one stop.

All the committee in terms of this amendment and myself are asking for is adequate time to evaluate whether the negative impacts of one stop are such that we have to make a change. It's not going to affect the existing applications. It's just going to give us the time and as Rep. Ratchford rightly pointed out, the PFEC is not properly staffed nor funded at this moment to handle this situation. Twelve months is going to cost us nothing and indeed it may save us everything.

I think if we pass this amendment in addition to the other amendments that have passed today, we have been constructive, we have been positive, and we have been acting in the best interests of both sides of the issue. I urge its adoption on behalf of the committee and myself. Thank you Mr. Speaker.

MR. SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

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Mr. Speaker, questions have asked about the current status of such projects in Connecticut and I have some information here to impart which may devote a little heat, light rather, in addition to all the heat that's been generated here in the last hour or so.

I'm rising to speak in opposition to the amendment, sir, and I think I said earlier when this was proposed that if we truly believe that the bill is worth doing, I think this is the time to go ahead and do it. But there may at least one significant reason for going ahead with it now and for rejecting this amendment.

Pending before the PFEC at the present time, my information is, that there is an application from the Branford-Old Saybrook region which has been approved but now on appeal before the court. There is an application from the Redding-Ridgefield area which has been heard but not decided. There is an application from the Shelton-Derby area which has been docketed for the 4th day of June this year, but most important, I'm told that there is in the works an application for a second nuclear power energy plant to be located at Waterford. I'm told that it takes five years to build one of these, Mr. Speaker, and the concern at the present time is for a power shortage which is estimated to be arriving in 1979. It takes five years to build one of these things after approval, Mr. Speaker, which means that we do want a certain danger if we do not implement this legislation for another year in that by the time it is approved those five years will carry us beyond the period where the experts project that

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there will be a power shortage.

hw

Now it seems to me that if the bill is a good idea, if it's a desirable procedure, then we should go ahead and vote for it. Voting for this amendment it seems to me is voting is not to do anything with the bill.

More importantly, as someone referred to earlier, it may well be voting to turn off the power in certain parts of Connecticut in the future. I think we have to be guided by people who are more expert than we or the ordinary layman in deciding matters relating to power. The Lord knows that we certainly haven't had much success up till now in providing adequate power or in planning for the power needs of the northeast and indeed in many other parts of the country the same thing has been true.

We've seen blackouts and brownouts and all other kinds of problems. I think these problems should be left in the hands of the experts. They tell us that this proposed nuclear power plant would be adversely affected by further delay in this bill and that's good enough for me. I oppose the amendment.

MR. SPEAKER:

Are you prepared to vote? If all members would please take their seats. Non members come to the well. Gentleman from the 119th.

REP. STEVENS: (119th)

Mr. Speaker, just very briefly I certainly rise to support wholeheartedly the remarks of the Minority Leader. I oppose this amendment. I think the key as he has pointed out very clearly is that we're not just talking about a simple delay of thirteen

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months. We're talking about a delay in a crucial timetable that has been worked out by people who are much closer to this problem than we are.

If the bill is a good idea, it should be passed and be effective now, not put off for thirteen months. If it's not a good idea, then fine, we can vote against the bill today. But if we're concerned with the possibility of a power crisis and if we want to make the one stop a working arrangement, defeat this amendment and pass the bill with the safeguards we have added to it today.

MR. SPEAKER:

Gentleman from the 100th.

REP. CHURCHILL: (100th)

Mr. Speaker, I can think of no better argument for lesser electricity than if this P.A. system was browned out. But the fact is that a delay in deciding on one stop has no impact on whether power companies can plan, make application, or expand. They can operate under the current three stop procedure while PFEC gets staffed to handle the problem. Don't be stampeded by scare tactics of energy crisis at the expense of insuring environmental balance. Thank you.

MR. SPEAKER:

Gentleman from the 66th.

REP. HARLOW: (66th)

Mr. Speaker, for the last time with your permission.

MR. SPEAKER:

Is there objection to the gentleman speaking for third time

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on House Amendment Schedule "H"? Without objection, please proceed. hw

REP. HARLOW: (66th)

Thank you Mr. Speaker. I'd just like to reiterate the comments made by Rep. Churchill. He's absolutely right. Millstone three will not be impeded by this amendment and that's a scare tactic. I don't know where Rep. Ajello gets his figures but he seems to know more about this so-called energy crisis than all the authorities because they didn't tell us that in terms of the committee so I do think this is an attempt to scare the people sitting on the floor in terms of the pending crisis which in effect will not materialize.

I think that we should go ahead with the amendment in addition to the amendments we've already passed. It will make a good solid bill with proper balance.

I urge its adoption and move that when the vote be taken, it be taken by roll call.

MR. SPEAKER:

Roll call has already been moved on the vote. The gentleman from the 116th.

REP. ANTONETTI: (116th)

Thank you Mr. Speaker. I rise after listening to this long debate on the situation as far as the crisis in power and the instant panic that is tried to be created on behalf of the New England utilities. I sort of doubt that right away within one year all the lights in Connecticut will go out because one of the facts of life is that we have an excess of power which is

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being piped down to New York City. It's the Conn-Edison, and there's plenty power in Connecticut and the utilities companies right now are trying to scare us that within one year or within a matter of months all the lights in Connecticut are going to go out.

I think this amendment would provide a little bit of balance to the legislation. That's why I rise in support of it. Thank you Mr. Speaker.

MR. SPEAKER:

Will you remark further. The gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, I think it's very significant to note something about what the chairman had to say so I'd like to say it. I said for a long time in this House, this session, that it's the responsibility of the proponents of bills to give us the information. I don't hold myself out as any expert but I'll tell you who should be the experts, the committee, and they did not bring the facts and figures before us this afternoon or I wouldn't have had to go and look for some and bring what little I did know about it to light.

Now to get up and say that the committee doesn't know about it is to say that they haven't done their job, Mr. Speaker, and I resent the implication of saying that I'm not entitled to say something. If those aren't the facts, what are they? Where are the answers? Let's not have any more of that kind of thing. The committee has either done a miserable job or those who are talking about this don't want to tell the truth.

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Now I'm told that there's going to be a power shortage in Connecticut. Some of these people who are beating their breasts about this bill today will be the first ones to get up when that happens and say, My God, we should have done something about this. Government, the Legislature, everybody else is remiss. Let's call a spade a spade this afternoon, sir. If there's information, bring it out. If you don't want to bring it out, don't bring it out. That's the information I got and that's what's going to base my vote.

MR. SPEAKER:

Gentleman from the 50th.

REP. BLUMENTHAL: (50th)

Mr. Speaker, I hadn't intended on speaking on this amendment but I just can't sit here and listen to some of these things without bringing in a couple of facts to the attention of the House.

No. 1, I oppose the amendment, and No. 2, I can report to this House that we lost a thousand jobs in eastern Connecticut because we couldn't produce gas for the industry that wanted to come to eastern Connecticut. There was no gas available for them and by the time we made an emergency arrangement and tried to find sufficient power the company changed their decision and said, no, they would not locate in eastern Connecticut.

There is a power crisis for expansion of industry throughout the State of Connecticut. We're very cognizant in our state and urban development committee. I'm cognizant of it in the fact that I represent two hundred square miles of the most beautiful

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part of Connecticut. Yet we need industry. We need jobs, and h:
this amendment will just postpone that for one more year.

I oppose the amendment.

MR. SPEAKER:

Gentleman from the 109th.

REP. RATCHFORD: (109th)

Mr. Speaker, I certainly want to thank the Minority Leader for bringing out that information. I do believe that it should have been before us. But all it does is strengthen my point of view that the amendment is one that we should be supporting. My distinguished friend from Ansonia has pointed out that there are presently four applications in question. Two of these have been heard already. The hearings on them have been held already. One rate relating to the Old Saybrook area and one relating to the Redding-Ridgefield area. That leaves two applications presently pending for consideration before this PFEC with its current procedure. Why then must we rush in with two applications pending and say that we have to move to a one step procedure immediately. Even with a limited procedure I don't see why we cannot proceed to consider in due course without all this talk of brown-out or blackout, why we can't proceed with these two applications and still give the committee on the environment, you heard its chairman request it, an opportunity during the next year to determine what procedures should be established in addition to this to protect not only the needs of our public as it relates to energy, yes, but let's not forget the history of this legislation. It started because the utilities were not responsible

(Tape #21)

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in their consideration for the environment. It started because hw
in my part of the state they came with a public announcement say-
ing, we're going to build a new utility line running from New
Milford to Norwalk in a one mile corridor, we're not going to tell
you where it's going, we're not going to tell you what the alter-
natives are, we're not going to tell you what the environmental
impact is. That's what the origin of this legislation is, and
the utility did not change in my judgment that much in their con-
cern for the environment or they wouldn't be in here today trying
to undo legislation that's only been on the books for less than a
year.

It won't hurt them any with only two applications pending
under current procedures to wait a year before we move to a one
step procedure. I support the amendment, the facts document it.

MR. SPEAKER:

Are you prepared to vote? All members would please take
their seats. Non members come to the well. Gentleman from the
21st.

REP. KING: (21st)

Mr. Speaker, very briefly, it just seems to me that the issue
here is whether there's any reason to suddenly come in and head
the headlong into power plants without an orderly procedure.

Everyone seems to concede that were it not for, perhaps
what we term a crisis that it would be well to stall for a year
on this. When I hear the reasons offered against this amendment,
they are that we need more swimming pools, more electric lights,
more of this sort of thing, and jobs, that we need jobs, we need

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industry coming into Connecticut, and I don't think that any of these reasons are sufficient to interrupt what we--what is our duty and that is to simply sit down and first decide what a reasonable and orderly procedure for the development of these power facilities should be.

I strongly favor this amendment.

MR. SPEAKER:

All members take their seats. Non members come to the well. Question is on adoption of House Amendment Schedule "H" offered by the gentleman from the 45th. Machine will be open. Has everyone voted. Machine will be closed and the Clerk please take a tally. Gentleman from the 22nd wishes to be recorded in the negative.

THE CLERK:

Total Number Voting.....	133
Necessary for adoption.....	67
Those voting Yea.....	55
Those voting Nay.....	78
Absent and Not Voting.....	18

MR. SPEAKER:

The amendment is lost. Clerk please call the next amendment.

For what purpose does the gentleman rise?

REP. NEWMAN: (137th)

You've already announced the vote. I wanted to change my vote to negative.

MR. SPEAKER:

The vote has already been announced.

THE CLERK:

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House Amendment Schedule "I" offered by Rep. Stevens and
Avcollie: h

In line 72, after the first word "company" insert the words "until the certificate provided for in section 3 of this act has been issued."

MR. SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

I'd call the Clerk's attention to the fact that it should read, in line 722.

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "I".

Will you remark.

REP. AVCOLLIE: (70th)

Mr. Speaker, earlier in the day or in the evening we passed an amendment, I believe it was Amendment Schedule "B", which sought to preclude the utility company from putting the cost of land banking in their base rate at the time they apply for a location permit. Rep. Camp and Rep. Post inquired as to whether or not that amendment was clear and in fact did what it was intended to do. I and others stood up and assured them that it was clear. I must now stand up and tell them that they're right, it wasn't clear and this amendment clears it up. In effect it would prohibit the company from including the cost of the land in their base rate for rate increases until such time as the certificate of approval was granted which of course at that time would mean

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they had come in for facilities location permit and had been approved and were in fact ready to put the land to use. That was our intention. This clarifies our intention. I would move adoption. hw

MR. SPEAKER:

Will you remark on adoption. Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. I'd like to concur with the remarks of Rep. Avcollie. The intent of our prior amendment which was adopted was positive and good but there was some technical question in. This amendment will clarify that procedure in terms of the file copy.

MR. SPEAKER:

Ready to vote on House Amendment Schedule "I"? Gentleman from the 111th.

REP. CAMP: (111th)

I rise in concurrence and thank Mr. Avcollie for submitting this resolution. It certainly solves exactly the problem that I was aiming at. Thank you.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "I". If not, all those in favor of adoption indicate by saying AYE. Those opposed. The amendment is adopted. Chair will rule the amendment technical. Clerk please call the next amendment.

THE CLERK:

House Amendment Schedule "J" offered by Rep. Camp. Would you like me to read the amendment, Mr. Camp.

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MR. SPEAKER:

hw

Gentleman from the 111th.

REP. CAMP: (111th)

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "J".

Does the gentleman care to summarize?

REP. CAMP: (111th)

I would request that the reading be waived and I would summarize the amendment.

MR. SPEAKER:

Is there objection to the gentleman summarizing House "J"?

Without objection, please proceed with the summary.

REP. CAMP: (111th)

Thank you Mr. Speaker. This amendment adds two members to the commission and these members being chosen by DEP. Several moments ago there was an amendment which the purport of which would have been to have a veto power in the department of the environment acting through its commissioner, he acting on the commission. There was concern expressed that I for one did not want him acting as a czar. However I can understand the desire to have more environmental interest on this committee and for that purpose have submitted this amendment.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "J". Gentleman from the 70th.

REP. AVCOLLIE: (70th)

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Perhaps we would have been better off having the amendment read but I didn't understand who the other two members would be or what their qualifications would be and from what sphere they came from. (MR. SPEAKER: Gentleman care to respond?)

REP. CAMP: (111th)

Yes. This does not specify the qualifications. It just indicates in section 16, line 50jb, where it lists the person to be on the commission. It adds, and two other members of said department, that is the department of environment. The said members being selected by the commissioner to serve during his term of office.

REP. AVDOLLIE: (70th)

Through you, how many members of the department of environment would that put on the commission. What would the total number be then?

REP. CAMP: (111th)

Three. The commissioner plus his two appointments, and would make the overall commission eleven men.

MR. SPEAKER:

Gentleman from the 70th care to have the amendment read?

REP. AVCOLLIE: (70th)

I would prefer that it be read. I'm thoroughly confused.

MR. SPEAKER:

Clerk please read the amendment. I think it would clear up questions.

THE CLERK:

Your file No. 761: add section 15 as follows: Section 15,

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section 16-50jb of the 1971 non cumulative supplement to the general statutes as repealed and the following is substituted in lieu thereof: the council shall consist of one, the administrative head or his designee of the department of environment (if and when established and until then of the department of agriculture and natural resources) and two other members of said department, said members being selected by the commissioner to serve during his term of office. Two, the chairman or his designee of the public utilities commission. Three, one designee of the Speaker of the House and one designee of the President Tempore of the Senate. Four, five members of the public to be appointed by the Governor at least two of whom to be experienced in the field of ecology and not more than one of whom shall have affiliation past or present with any utility or governmental utility regulatory agency or with any person owning, operating, controlling, or presently contracting with respect to a facility. Of the public members initially appointed one shall serve for a term of one year, two for terms of two years and two for terms of three years. Thereafter appointment shall be made for terms of three years.

MR. SPEAKER:

Will you remark on adoption of House Amendment Schedule "J".
Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, I would rise very briefly to oppose this amendment. This is quite obviously an attempt to stack this commission so that it would be weighted heavily in favor of the ecology movement. It would make a total of five of eleven. If my memory

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serves me correctly, one of the amendments we passed for instance with regard to overriding local authorities required a three-quarter vote. Adding two more people to this commission would certainly put the local authorities and local regulations in jeopardy because the commission now would be weighted not reasonably in favor of ecology which it should be but unreasonably in favor of the ecology.

I think again this bill attempts to balance the needs of industry and needs of labor and the needs of the people of the State of Connecticut with regards to their needs for energy source with the needs of the environment and I believe that the amendment would certainly destroy this attempt to balance these needs and I would oppose the amendment.

MR. SPEAKER:

Gentleman from the 37th.

REP. WAGNER: (37th)

Thank you Mr. Speaker. I too will rise briefly to oppose this amendment. The council as it is now constituted as the Clerk read the amendment shows that it is of nine individuals of which three members, the commissioner of environmental protection or his designee and two of the Governor's appointees must be ecology minded. That is one-third. The amendment that we passed, Schedule Amendment Senate "B" requires that two-thirds of the members and it specifies the number six are required to override local zoning. Adopt this amendment and it will mean just a simple majority to override the local zoning.

That's not my major reason though, it merely points out that

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there is now adequate environmental concern on the PFEC by its appointees and I see no need to increase it. I see no need to change this balance. hw

MR. SPEAKER:

Gentleman from the 18th.

REP. NEIDITZ: (18th)

Mr. Speaker, I rise to oppose the amendment. We now have a council of nine people. I point out the U.S. Supreme Court is only nine people. To increase it to eleven and to have two additional people be employees of the department is like giving the commissioner of the environment three votes because I think it's naive to believe that employees of the commissioner or of the department are going to vote any other way than the commissioner of the environment.

I think it's not necessary and I think we should let the council do its job with nine members.

MR. SPEAKER:

Gentleman from the 123rd.

REP. HOLDSWORTH: (123rd)

Mr. Speaker, I agree with the previous speaker as relative to this amendment. It is apparent to me that the environment people feel that they are being put in jeopardy when actually they have equal, basically equal, representation on this council. Now why they should feel that they have to have more power than any other group is beyond my comprehension. What is good for the people is only as good as the equal representation that can be accorded. Any time when you have a biased representation on

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(Tape #22) any committee the end result is that the people do not receive the benefits that they should and I am therefore against the amendment. hw

MR. SPEAKER:

Gentleman from the 86th.

REP. BROWN: (86th)

Mr. Speaker, I'll make it very brief. I'll associate myself with those two that spoke in opposition to the amendment. There is ample environmental safeguards built in and it is not necessary. Thank you.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "I". Are you prepared to vote? Gentleman from the 66th.

REP. HARLOW: (66th)

Thank you Mr. Speaker. Though it would seem my comments today that I would support this amendment, in fact, I cannot because I think indeed it might provide a delicate imbalance in terms of having representatives from the department in fact reiterate the commissioner's stand.

I would have supported the amendment had it provided for appointees outside of the department but in its present form I cannot.

MR. SPEAKER:

Gentleman from the 111th on House "J".

REP. CAMP: (111th)

Mr. Speaker, in view of the position made with particularly with respect to local planning and zoning commissions, I would

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ask that the amendment be withdrawn.

hw

MR. SPEAKER:

Is there objection to withdrawal of the amendment by the gentleman from the 111th? With the consent of the body, the amendment is withdrawn.

Question is now on acceptance and passage of the bill as amended by Senate Amendment "A" and "B" and House Amendments "B", "E", "C", "F", and "I".

Clerk please announce an immediate roll call.

Gentleman from the 70th.

REP. AVCOLLIE: (70th)

Mr. Speaker, may I request that those amendments which were passed be printed in the Journal.

MR. SPEAKER:

All amendments adopted by the body are printed in the Journal.

Are you prepared to vote? All members would take their seats. Non members come to the well. Question is on acceptance and passage. Sub. for S.B. No. 2203 as amended by two Senate amendments and five House amendments. Gentleman from the 68th.

REP. SAYRE: (68th)

Mr. Speaker, I rise to oppose the bill. I'll be very brief because I think we've all listened to it for an afternoon but as the two important amendments were not passed I do not feel at this time I can support this legislation. Thank you.

MR. SPEAKER:

Gentleman from the 146th.

REP. EDWARDS: (146th)

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Mr. Speaker, last Friday when this bill was first discussed I felt in opposition to it. As the afternoon has gone on I've not taken the opportunity to speak I feel that the proper balance through the amendments has now been provided for between the needs for power and the interests of the environment. I am therefore going to support the bill.

MR. SPEAKER:

All members take their seats. Gentleman from the 103rd.

REP. YUDKIN: (103rd)

Mr. Speaker, I'd like to express my opposition to the bill. This bill is not in the public interest as the utilities would like us to believe. It is in the interest of the public utilities. The proponents of this bill say that the present laws which they live under are cumbersome. Yes, they're cumbersome to the utilities. The public's wishes should be honored. Our town planning and zoning boards should decide if they want power plants in their towns or not. Remember, this is a very important bill to your towns. Let them expand with the people's permission not with a special political group as will be appointed.

Mr. Speaker, I oppose this bill. In my opinion it is a special interest bill. Thank you.

MR. SPEAKER:

All members would please take their seats. Non members come to the well. The machine will be open. Has everyone voted? Machine will be closed and the Clerk please take a tally.

THE CLERK:

Total Number Voting.....134

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Necessary for Passage..... 68
 Those voting Yea.....103
 Those voting Nay..... 31
 Absent and Not Voting..... 17

hw

MR. SPEAKER:

The Joint Committee's favorable report is accepted and the bill as amended is passed.

THE CLERK:

Favorable report. Favorable report of the Joint Standing Committee on Finance on Sub. for H.B. No. 9170, AN ACT CONCERNING REVISION TO THE DOG LAWS.

Emergency certification in accordance with 2-26 and 2-28 signed by the Speaker of the House and the President Pro Tempore of the Senate accompanies the bill. Copies of the bill are on the desks of the members.

MR. SPEAKER:

Gentleman from the 45th.

REP. APTHORP: (45th)

Mr. Chairman, I move acceptance of the Committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark.

REP. APTHORP: (45th)

Yes sir. The bills on the members' desks it encompasses three or four changes to the present excellent dog laws in the State of Connecticut. On the first page you will notice it raises the fee for a male dog from its present for license for a male dog, present rate at \$3.20 to \$7.50. It raises the fee