

REGULATIONS OF CONNECTICUT STATE AGENCIES

Department of Energy and Environmental Protection

Public Utilities Regulatory Authority

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Community Antenna Television and Telecommunications Towers**Rules of Practice****Article 1****General Provisions****Part 1****Scope and Construction of Rules****Sec. 16-50j-1. Procedure governed**

These rules govern practice and procedure before the Connecticut siting council of the state of Connecticut under the applicable laws of the state of Connecticut and except where by statute otherwise provided. Additional regulations pertaining to hazardous waste proceedings appear in section 22a-116-B-1 through 22a-116-B-11 and section 22a-122-1 of the Connecticut Regulations of State Agencies. Additional regulations pertaining to low-level radioactive waste management proceedings appear in sections 22a-163f-1 through 22a-163t (3)-3 of the Connecticut Regulations. (Effective March 7, 1989)

Sec. 16-50j-2.

Repealed, March 7, 1989.

Sec. 16-50j-2a. Definitions

As used in these rules, except as otherwise required by the context:

(a) "Associated Equipment" means any building, structure, antenna, satellite dish, or technological equipment, including equipment intended for sending or receiving signals to or from satellites, that is an integral part of the operation of a community antenna television tower or telecommunications tower.

(b) "Attorney" means an attorney at law, duly admitted to practice before the superior court of the state of Connecticut. Any other person who appears before the council in any contested case shall be deemed to appear as the agent or representative of a person, firm, corporation, or association upon filing with the council a written notification of appearance and the written authorization of the person, firm, corporation, or association being represented.

(c) "Certificate" means a certificate of environmental compatibility and public need or a certificate of public safety and necessity as those terms are used in sections 16-50k, 22a-117 and 22a-163g of the General Statutes to be issued, denied, conditioned, limited, modified, or amended, in accordance with the disposition of applications authorized by law to be submitted to council.

(d) "Chairperson" means the public member of the council appointed pursuant to the provisions of section 16-50j (d) of the General Statutes of Connecticut.

(e) "Contested case" means a proceeding in the council's disposition of matters delegated to its jurisdiction by law in which the legal rights, duties, or privileges of a party are determined by the council after an opportunity for a hearing in accordance with Section 4-166 (2) of the General Statutes of Connecticut.

(f) "Council" means the members of the Connecticut siting council appointed under section 16-50j (b) and section 16-50j (c) of the General Statutes of Connecticut and referred to in section 22a-115 (10) and sections 22a-163 to 22a-163w, inclusive, of the General Statutes.

(g) "Facility" means

(1) an electric transmission line of a design capacity of 69 kilovolts or more, including associated equipment;

(2) a fuel transmission facility except a gas transmission line having a design capacity of less than 200 pounds per square inch gauge pressure;

(3) any electric generating or storage facility using any fuel, including nuclear materials, including associated equipment for furnishing electricity but not including a facility;

(A) owned and operated by a private power producer, as defined in section 16-243b of the General Statutes,

(B) which is a qualifying small power production facility or a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978, as amended, or a facility determined by the council to be primarily for a producer's own use, and

(C) which has, in the case of a facility utilizing renewable energy sources, a generating capacity of one megawatt of electricity or less and, in the case of a facility utilizing cogeneration technology, a generating capacity of 25 megawatts of electricity or less;

(4) any electric substation or switchyard designed to change or regulate the voltage of electricity at 69 kilovolts or more or to connect two or more electric circuits at such voltage, which substation or switchyard may have a substantial adverse environmental effect, as determined by the council, and other facilities which may have a substantial adverse environmental effect;

(5) community antenna television towers and head-end structures, including satellite dishes and other associated equipment, which may have a substantial adverse environmental effect; and

(6) telecommunications towers owned or operated by the state or a public service company as defined in section 16-1 of the General Statutes, or used for public cellular radio communications service as defined in section 16-50i of the General Statutes, which may have a substantial adverse environmental effect.

(h) "Hazardous waste facility" means land and appurtenances thereon or structures used for the disposal, treatment, management, storage, or recovery of hazardous waste as these terms are defined in section 22a-115 of the General Statutes.

(i) "Hearing" means proceeding whereby witnesses may be examined, and oral or documentary evidence may be received.

(j) "Intervenor" means a person other than a party, granted status as an intervenor by the Council in accordance with Section 16-50j-15a of the Regulations of State Agencies.

(k) "Limited appearance" means the type of participation in a contested case, and the rights prescribed therefor in accordance with the provisions of sections 22a-120 (b), 16-50n, and Section 22a-16j of the General Statutes of Connecticut.

(l) "Modification" means a significant change or alteration in the general physical characteristics of a facility, except where a modification involves a temporary facility as approved by the council.

(1) As defined pertaining to a hazardous waste facility "modification" means

(A) any change or alteration in the design, capacity, process, or operation of an existing hazardous waste facility requiring a new permit from the commissioner of environmental protection pursuant to chapter 445, 446d, or 446k, that the council deems significant or

(B) any change or alteration in the approved design, capacity, process, or operation of a hazardous waste facility constructed or operating pursuant to chapter 445 that the council deems significant. Such change or alteration may include but is not

limited to a change or alteration in the volume or composition of hazardous waste managed at such facility. The routine maintenance, repair, or replacement of the individual components at a hazardous waste facility that is necessary for normal operation or a change or alteration at a hazardous waste facility ordered by a state official in the exercise of his statutory authority shall not be deemed to be a modification.

(2) As defined pertaining to a low-level radioactive waste management facility, "Modification" means any change or alteration in the approved design, capacity, process, or operation of a low-level radioactive management facility constructed or operating pursuant to sections 22a-163 to 22a-163w, inclusive, of the General Statutes, that the council deems significant. Such change or alteration may include but is not limited to a change or alteration in the volume or composition of low-level radioactive waste managed at such facility. The routine maintenance, repair, or replacement of the individual components at a low-level radioactive waste management facility that is necessary for normal operation or a change or alteration at a low level radioactive waste management facility ordered by a federal or state official in the exercise of his statutory authority shall not be deemed to be a modification.

(m) "Municipality" means a city, town, or borough of the state, and "municipal" has a correlative meaning.

(n) "Party" means each person entitled to be a party to a contested case pursuant to the provisions of section 16-50n (a) of the General Statutes of Connecticut, or, in the event of a hazardous waste facility proceeding, pursuant to the provisions of section 22a-120 (a) of the General Statutes of Connecticut, or, in the event of a low-level radioactive waste management facility proceeding, pursuant to the provisions of section 22a-163j of the General Statutes.

(o) "Person" means any individual corporation, joint venture, public benefit corporation, political subdivision, governmental agency or authority, municipality, partnership, association, trust or estate, and any other entity, public or private, however organized. As defined in the event of a hazardous waste or low-level radioactive waste management facility proceeding, "person" means any individual, corporation, joint venture, public benefit corporation, the state and its agencies and political subdivisions, the federal government and its agencies, municipality, partnership, association, trust or estate, and any other entity, public or private, however organized.

(p) "Regional Low-Level Radioactive Waste Management Facility" or "Low-Level Radioactive Waste Management Facility" means a facility to be located in Connecticut, including the land, buildings, equipment, and improvements authorized by the Northeast Interstate Low-level Radioactive Waste Commission to be used or developed for the receipt, treatment, storage, management, or disposal of the low-level radioactive wastes generated within the party states to the Northeast Interstate Low-level Radioactive Waste Compact as these terms are defined in section 22a-163a of the General Statutes.

(q) "Tower" means a structure, whether free standing or attached to a building or another structure, that has a height greater than its diameter and that is high relative to its surroundings, or that is used to support antennas for sending or receiving signals to or from satellites, which is or is to be:

(1) used principally to support one or more antennas for receiving or sending radio frequency signals and

(2) owned or operated by the state or a public service company as defined in 16-1 of the General Statutes, or used for public cellular radio communications service as defined in section 16-50i of the General Statutes of Connecticut;

(r) "Tower Base" means the top of the foundation or equivalent surface which will bear the vertical load of a tower;

(s) "Tower Height" means the measurement from the base of the tower to the highest point on the tower;

(t) "Tower Site" means a contiguous parcel of property on which one or more CATV or telecommunications towers as defined in section 16-50j-2a of these regulations and associated equipment, if any, are or will be located.

(Effective March 7, 1989)

Sec. 16-50j-3. Waiver of rules

Where good cause appears, the council may permit deviation from these rules, except where precluded by statute.

(Effective July 3, 1972)

Sec. 16-50j-4. Construction and amendment

These rules shall be so construed by the council as to secure just, speedy, and inexpensive determination of the issues presented hereunder. Amendments and additions to these rules may be adopted by the council in accordance with the authority delegated to the council by law.

(Effective March 7, 1989)

Sec. 16-50j-5. Computation of time

Computation of any period of time referred to in these rules begins with the first day following that on which the act which initiates such period of time occurs. The last day of the period so computed is to be included unless it is a day on which the office of the council is closed, in which event the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is five days or less, said Saturdays, Sundays and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(Effective March 7, 1989)

Sec. 16-50j-6. Extensions of time

In the discretion of the council, for good cause shown, any time limit prescribed or allowed by these rules may be extended insofar as such extension is not precluded by statute. All requests for extensions of time shall be made before the expiration of the period originally prescribed or as previously extended. All parties shall be notified of the council's action upon such motion.

(Effective August 16, 1979)

Sec. 16-50j-7. Consolidation

Proceedings involving related questions of law or fact may be consolidated at the direction of the council.

(Effective July 3, 1972)

Part 2

Filing Requirements

Sec. 16-50j-8. Office

The principal office of the council is 136 Main Street, Suite 401, New Britain, Connecticut 06051. The office of the council is open from 8:30 a.m. to 4:30 p.m. each weekday except Saturdays, Sundays, and legal holidays.

(Effective March 7, 1989)

Sec. 16-50j-9. Date of filing

All orders, decisions, findings of fact, correspondence, motions, petitions, applications, and any other documents governed by these rules shall be deemed to have been filed or received on the date on which they are issued or received by the council at its principal office.

(Effective August 16, 1979)

Sec. 16-50j-10. Identification of communications

Communications should embrace only one matter, and should contain the name and address of the communicator and the appropriate certificate reference, if any there be, pertaining to the subject of the communication. When the subject matter pertains to a pending proceeding, the title of the proceeding and the docket number should be given.

(Effective March 7, 1989)

Sec. 16-50j-11. Signatures

Every application, notice, motion, petition, complaint, brief, and memorandum shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person.

(Effective August 16, 1979)

Sec. 16-50j-12. Filing requirements

(a) **Copies.** Except as may be otherwise required by these rules or by any other rules or regulations of the council or ordered or expressly requested by the council, at the time motions, petitions, applications, documents, or other papers are filed with the council, there shall be furnished to the council an original of such papers. In addition to the original, there shall also be filed 20 copies for the use of the council and its staff, unless a greater or lesser number of such copies is expressly requested by the council.

(b) **Form.** Except for such forms as may from time to time be provided by the council and used where appropriate, motions, petitions, applications, documents, or other papers filed for the purpose of any proceeding before the council shall be printed or typewritten on paper cut or folded to letter size, 8 to 8½ inches wide. Width of margins shall be not less than one inch. The impression shall be on only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photoduplicated, or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible. All such filings shall be sequentially paginated.

(c) **Filing.** All motions, petitions, applications, documents, or other papers relating to matters requiring action by the council shall be filed at the office of the council, 136 Main Street, Suite 401, New Britain, Connecticut 06051.

(Effective March 7, 1989)

ARTICLE 2**CONTESTED CASES****Part 1****Parties, Limited Appearances, and Intervenors****Sec. 16-50j-13. Designation of parties**

In issuing the notice of hearing, the council will name as parties those persons enumerated in and qualifying under section 16-50n (a), subsections (1)—(3) of the

General Statutes of Connecticut. In the event of a hazardous waste facility proceeding, the council will name as parties those persons enumerated in and qualifying under section 22a-120 (a) of the General Statutes of Connecticut. In the event of low-level radioactive waste management facility proceedings, the council will name as parties those persons enumerated in and qualifying under Section 22a-163j of the General Statutes. Any person named as a party may decline such status upon notifying the council of their intent not to participate as a party.

(Effective March 7, 1989)

Sec. 16-50j-14. Application to be designated a party

(a) **Filing of petition.** Any other person who proposes to be named or admitted as a party to any proceeding may file a written petition to be so designated before the date of the hearing of the proceeding as a contested case, at the hearing, or before a ruling is made on a petition for a declaratory ruling.

(b) **Contents of petition.** The petition shall state the name and address of the petitioner. It shall describe the manner in which the petitioner claims to be substantially and specifically affected by the proceeding. It shall state the contention of the petitioner concerning the issue of the proceeding, the relief sought by the petitioner, and the statutory or other authority therefor, and the nature of the evidence, if any, that the petitioner intends to present in the event that the petition is granted.

(c) **Designation as party.** The council shall consider all such petitions and will name or admit as a party any person who is required by law to be a party and any other person whose legal rights, duties, or privileges will be determined by the council's proceeding, if the council finds such person is entitled as of right to be a party to said proceeding, or that the participation of such person as a party is necessary to the proper disposition of said proceeding.

(Effective March 7, 1989)

Sec. 16-50j-15. Limited appearance

At any time during a proceeding, at the council's discretion, any person may make a limited appearance which shall entitle said person to file a statement in writing or make an oral statement, under oath or affirmation, at the hearing.

(Effective March 7, 1989)

Sec. 16-50j-15a. Application to be an intervenor

(a) **Request to participate.** At any time prior to the commencement of oral testimony in any proceeding, any person may ask the council for permission to participate as an intervenor.

(b) **Contents of request.** In so requesting, the proposed intervenor shall state the person's name and address and shall describe the manner in which said person is affected by the proceeding. The proposed intervenor shall further state in what way and to what extent that person proposes to participate in the proceeding.

(c) **Designation as intervenor.** The council will determine the proposed intervenor's participation in the proceeding, taking into account whether such participation will furnish assistance to the council in resolving the issues of the case, is in the interests of justice, and will not impair the orderly conduct of the proceedings.

(Effective March 7, 1989)

Sec. 16-50j-15b. Participation by intervenor

The intervenor's participation shall be limited to those particular issues, that state of the proceeding, and that degree of involvement in the presentation of evidence

and argument that the council shall expressly permit at the time such intervention is allowed.

(Effective May 28, 1985)

Sec. 16-50j-16. Procedure concerning added parties

(a) **During proceeding.** In addition to the designation of parties in the initial notice and in response to petition, the council may add parties at any time during the pendency of any proceeding upon its finding that the legal rights, duties, or privileges of any person will be determined by the decision of the council after the proceeding or that the participation of such person as a party is necessary to the proper disposition of the case.

(b) **Notice of designation.** In the event that the council shall name or admit any party after service of the initial notice of hearing in a proceeding, the council shall give written notice thereof to all parties or groups of parties theretofore named or admitted. The form of the notice shall be a copy of the order of the council naming or admitting such added party and a copy of any petition filed by such added party requesting designation as a party. Service of such notice shall be in the manner provided in these rules.

(Effective March 7, 1989)

Sec. 16-50j-17. Status of party and of intervenor

(a) **Party as party in interest.** By its decision in a proceeding, the council shall dispose of the legal rights, duties, and privileges of each party named or admitted to the proceeding. Each such party is deemed to be a party in interest who may be aggrieved by any final decision, order, or ruling of the council.

(b) **Status of intervenor.** No grant of leave to participate as an intervenor shall be deemed to be an expression by the council that the person permitted to intervene is a party in interest who may be aggrieved by any final decision, order, or ruling of the council unless such grant of leave explicitly so states.

(Effective March 7, 1989)

Part 2

Hearing, General Provisions

Sec. 16-50j-18. Grant of hearing

A hearing will be held, where required by law, on all applications submitted pursuant to sections 16-50l—16-50q, and upon appeal as provided for in section 16-50x (d) of the General Statutes of Connecticut. In the event of a hazardous waste facility proceeding, a hearing will be held on all applications submitted pursuant to sections 22a-119 to 22a-122, inclusive. In the event of a low-level radioactive waste management facility, a hearing will be held on all applications submitted pursuant to Sections 22a-163i to 22a-163m, inclusive, of the General Statutes.

(Effective March 7, 1989)

Sec. 16-50j-19. Calendar of hearings

A docket of all proceedings of the council shall be maintained. In addition a hearing calendar of all proceedings that are to receive a hearing shall be maintained. Proceedings shall be placed on the hearing calendar in the order in which the proceedings are listed on the docket of the council, unless otherwise directed by the council.

(Effective August 16, 1979)

Sec. 16-50j-20. Place of hearings

Hearings shall be held at times and locations specified by the council pursuant to Sections 16-50m, 22a-119, and 22a-163i of the General Statutes.

(Effective March 7, 1989)

Sec. 16-50j-21. Notice of hearings

(a) Persons notified.

(1) The council shall, within one week of the fixing of the date, mail written notice of a hearing in any pending matter to all parties and intervenors, to all persons or groups of parties otherwise required by statute to be notified, to such other persons as have filed with the council their written request for notice of hearing in a particular matter, and to such additional persons as the council directs. The council shall give notice by newspaper publication and by such other means as it deems appropriate and advisable.

(2) The newspaper publication shall be published as specified in subsection 16-50m (c) of the General Statutes of Connecticut.

(b) Contents of notice. Notice of a hearing shall include but shall not be limited to the following:

(1) a statement of the time, place, and nature of the hearing;

(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) a reference to the particular sections of the statutes and regulations involved;

(4) a short and plain statement of fact describing the nature of the hearing and the principal facts to be asserted therein; and

(5) in the event that the matter upon which a hearing is to be scheduled concerns the certification of or amendment to a certificate for a facility, such notice shall also state the date, place, and time for any scheduled visits to the proposed site by the council.

(Effective March 7, 1989)

Sec. 16-50j-22. Representation of parties

Each person making an appearance before the council as an attorney, agent, or representative of any person, firm, corporation, or association subject to the council's regulatory jurisdiction in connection with any contested case shall promptly notify the council in writing in order that the same may be made a part of the record of the contested case.

(Effective August 16, 1979)

Sec. 16-50j-23.

Repealed, March 7, 1989.

Sec. 16-50j-24. Rules of conduct

Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the superior court govern the conduct of the council, state employees serving the council, and all attorneys, agents, representatives, and any other persons who shall appear in any proceedings or in any contested case before the council in behalf of any public or private person, firm, corporation, or association.

(Effective August 16, 1979)

Part 3

Hearings, Procedure

Sec. 16-50j-25. General provisions

(a) **Purpose of hearing.** The purpose of the hearing in a contested case shall be to provide to all parties an opportunity to present evidence and cross-examine all issues to be considered by the council and to provide intervenors an opportunity to present evidence and cross-examine such issues as the council permits.

(b) **Uncontested disposition of case.** Unless precluded by law, any contested case may be resolved by stipulation, agreed settlement, consent order, or default upon order of the council. Upon such disposition, a copy of the order of the council shall be served on each party and intervenor.

(c) At the discretion of the council, any evidence or testimony may be required to be pre-filed by a date specified by the council. All pre-filed evidence and testimony shall be received in evidence with the same force and effect as though it were stated orally by the witnesses, provided that each such witness shall be present at the hearing at which such prepared written testimony is offered, shall adopt such written testimony under oath, and shall be made available for cross-examination as directed by the council.

(Effective March 7, 1989)

Sec. 16-50j-26. Record

(a) The record in each contested case and petition for declaratory ruling shall be maintained by the council in the custody of the council's designee and shall include the following:

(1) any notices, petitions, applications, orders, decisions, motions, briefs, exhibits, and any other documents that have been filed with the council or issued by the council in written form;

(2) all written evidence of any kind received and considered by the council;

(3) any questions and offers of proof, together with any objections and rulings thereon during the course of the hearing;

(4) the official transcript of the hearing. The council will not be required to include in the transcript duplications of other portions of the record; and

(5) any proposed final decision and exceptions thereto, and the final decision.

(b) A copy of the record shall also be available at all reasonable times for examination by the public without cost at the principal office of the council.

(c) A copy of the transcript of testimony at the hearing shall be filed at an appropriate public office, as determined by the council, in each county in which the facility or any part thereof is proposed to be located.

(Effective March 7, 1989)

Sec. 16-50j-27. Filing of added exhibits

(a) Upon order of the council before, during, or after the hearing of a case, any party or intervenor shall prepare and file added exhibits and testimony. A copy of any such additional materials shall be given to all parties and intervenors by the party or intervenor submitting the said material.

(b) Upon a determination by the council that any filing of such additional material by a party or intervenor would be burdensome due to its form or excessive volume, the council may allow for the filing of the material at the office of the council. All

parties and intervenors shall be afforded the opportunity to copy and/or inspect such material.

(Effective March 7, 1989)

Sec. 16-50j-28. Rules of evidence

The following rules of evidence shall be followed in contested cases:

(a) **Rules of privilege.** The council shall give effect to the rules of privilege recognized by law in Connecticut. Subject to these requirements and subject to the right of any party to cross examine, any testimony may be received in written form.

(b) **Documentary evidence.** Documentary evidence may be received at the discretion of the council in the form of copies or excerpts, if the original is found not readily available. Upon request by any party or intervenor, an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies. Any documentary evidence that is admitted in the form of a copy or excerpt may be stricken at the discretion of the council upon the failure to produce the original thereof upon finding that the interest of any party or intervenor will be prejudiced substantially thereby.

(c) **Cross examination.** Cross examination may be conducted by any party or intervenor if it is required by the council for full and true disclosure of the facts and is not repetitious or unnecessarily cumulative. If the council proposes to consider a limited appearance statement as evidence, the council may give all parties and intervenors an opportunity to challenge or rebut the statement and to cross-examine the person who makes the statement.

(d) **Facts noticed, council records.** The council may take notice of judicially cognizable facts, including prior decisions and orders of the council. Any exhibit admitted as evidence by the council in a prior hearing of a contested case may be offered as evidence in a subsequent contested case and admitted as an exhibit therein; but the council shall not deem such exhibit to be judicially cognizable in whole or in part and shall not consider any facts set forth therein unless such exhibit is duly admitted as evidence in the contested case then being heard.

(e) **Facts noticed, procedure.** The council may take notice of generally recognized technical or scientific facts within the council's specialized knowledge. Parties and intervenors shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing by an appropriate reference in preliminary reports or otherwise of the material noticed. This provision shall also apply to material noticed in any staff memoranda or data that may be submitted to the council for its consideration in the determination of the contested case. The council shall nevertheless employ its experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making its finding of facts and arriving at a decision in any contested case.

(Effective March 7, 1989)

Sec. 16-50j-29. Order of procedure at hearings

In hearings on applications, the party that shall open and close the presentation of any part of the matter shall be the applicant. In a case where the opening portion has already been submitted in written form as provided by these rules, the hearing may open with the cross examination of persons who have given written testimony. In the event any person has given written testimony and is not available for such cross examination at the time and place directed by the council, all of such written

testimony may be discarded and removed from the record at the direction of the council.

(Effective July 3, 1972)

Sec. 16-50j-30. Limited number of witnesses

To avoid unnecessary cumulative evidence, the council may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(Effective August 16, 1979)

Part 4

Hearings, Decision

Sec. 16-50j-31. Filing of proposed findings of facts and briefs

At the conclusion of the presentation of evidence in any hearing, the council shall fix a time within which any party and intervenor may file proposed findings of facts and briefs.

(Effective May 28, 1985)

Sec. 16-50j-32. Final decision

(a) **Procedure and contents.** All decisions and orders of the council concluding a contested case shall be in writing. The decision may include all findings of fact and conclusions of law relied upon by the council in arriving at the decision, the findings of fact and conclusions of law to be separately stated.

(b) **Service.** Parties and intervenors shall be served in the manner herein provided with a copy of the findings of fact, opinion, and decision and order of the council. A notice of the issuance of the opinion and decision and order shall be published once in each newspaper in which was printed the notice of application under section 16-50j-13 of these rules.

(Effective March 7, 1989)

Sec. 16-50j-33.

Repealed, March 7, 1989.

Sec. 16-50j-34. Original records

The applicant shall, upon direction of the council, furnish and make available for the use of the council the original books, papers, and documents from which any part of the application is derived. If so directed, or permitted, certified or verified copies shall be furnished in lieu of such original records. Failure to furnish original records may be ground for rejecting any component and, if appropriate, for refusing the application.

(Effective August 16, 1979)

ARTICLE 3

MISCELLANEOUS PROCEEDINGS

Part 1

Petitions Concerning Adoption of Regulations

Sec. 16-50j-35. General rule

These rules set forth the procedure to be followed by the council in the disposition of petitions concerning the promulgation, amendment, or repeal of a regulation.

(Effective July 3, 1972)

Sec. 16-50j-36. Form of petitions

Any interested person may at any time petition the council to promulgate, amend, or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments either in the petition or in a brief annexed thereto. The petition shall be addressed to the council and sent to the principal office of the council by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.

(Effective August 16, 1979)

Sec. 16-50j-37. Procedure after petition filed

(a) **Decision on petition.** Upon receipt of the petition the council shall within 60 days determine whether to deny the petition or to initiate regulation-making proceedings in accordance with law.

(b) **Procedure on denial.** If the council denies the petition, the council shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts, and arguments as the council shall deem appropriate.

(Effective March 7, 1989)

Part 2

Petitions for Declaratory Rulings

Sec. 16-50j-38. General rule

These rules set forth the procedure to be followed by the council in initiating a proceeding or disposing of a petition for declaratory rulings as to the applicability of any statutory provision or validity or applicability of any regulation, final decision, or order of the council. Such a ruling of the council disposing of a petition for a declaratory ruling shall have the same status as any decision or order of the council in a contested case.

(Effective March 7, 1989)

Sec. 16-50j-39. Form of petition for declaratory ruling

Any interested person may at any time request a declaratory ruling of the council with respect to the applicability to such person of any statute, or the validity or applicability or any regulation, final decision, or order enforced, administered, or promulgated by the council. Such request shall be addressed to the council and sent to the principal office of the council by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation, final decision, or order concerning which the inquiry is made and shall identify the particular aspect to which the inquiry is directed. The request for a declaratory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry. Where applicable, sections 16-50j-13 through 16-50j-17 of the Regulations of State Agencies govern requests for participation in the proceeding.

(Effective March 7, 1989)

Sec. 16-50j-40. Procedure after petition filed

(a) **Notice to other persons.** Within 30 days after receipt of a petition for a declaratory ruling, the council shall give notice of the petition to all persons to whom notice is required by any provision of law and to all persons who have requested notice of declaratory ruling petitions on the subject matter of the petition. The council may receive and consider data, facts, arguments, and opinions from persons other than the persons requesting the ruling.

(b) **Provision for hearing.** If the council deems a hearing necessary or helpful in determining any issue concerning the request for a declaratory ruling, the council shall schedule such hearing and give such notice thereof as shall be appropriate. The provisions of article 2 govern the practice and procedure of the council in any hearing concerning a declaratory ruling.

(c) **Decision on petition.** Within 60 days after receipt of a petition for a declaratory ruling, the council in writing shall: (1) issue a ruling declaring the validity of a regulation or the applicability of the provision of the General Statutes, the regulation, or the final decision in question to the specified proceedings; (2) order the matter set for specified proceedings; (3) agree to issue a declaratory ruling by a specified date; (4) decide not to issue a declaratory ruling and initiate regulation-making proceedings, under Section 4-168, on the subject; or (5) decide not to issue a declaratory ruling, stating the reasons for its action.

(d) **Decision.** A copy of all rulings issued and any actions taken under subsection (c) of this section shall be promptly delivered to the petitioner and other parties personally or by United States mail, certified or registered, postage prepaid, return receipt requested. A declaratory ruling shall contain the names of all parties to the proceeding, the particular facts on which it is based, and the reasons for its conclusion.

(Effective March 7, 1989)

Part 3**Miscellaneous Provisions****Sec. 16-50j-41. Council investigations**

The council may at any time institute investigations. Orders instituting the investigation shall indicate the nature of the matters to be investigated and will be served upon any person being investigated. Upon direction by the council said person shall file with the council such data, facts, arguments, and statement of position as shall be necessary to respond to the inquiry of the council.

(Effective July 3, 1972)

Sec. 16-50j-42. Procedure

The rules of practice and procedure set forth in article 2 govern any hearing held for the purpose of such an investigation.

(Effective July 3, 1972)

Sec. 16-50j-43. Intervention under the Environmental Protection Act of 1971

Any person or other legal entity authorized by and qualifying under the provisions of section 22a-14 through 22a-20 of the general statutes of Connecticut to intervene as a party in any proceeding before the council shall do so in accordance with the provisions of these rules and regulations as they may be applicable.

(Effective March 7, 1989)

Secs. 16-50j-44—16-50j-59. Reserved

Right of Way Development and Management Plan

Sec. 16-50j-60. Requirements for a right-of-way development and management plan (d&m plan)

(a) **Purpose.** The council may require the preparation of right-of-way d&m plans for proposed electric transmission and fuel transmission facilities where the preparation of such a plan would help significantly in balancing the need for adequate and reliable utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state.

(b) **When required.** A d&m plan shall be prepared in accordance with this regulation for any proposed electric transmission or fuel transmission facility for which the council issues a certificate of environmental compatibility and public need, except where the council provides otherwise at the time it issues the certificate.

(c) **Procedure for preparation.** The d&m plan shall be prepared by the company proposing the facility, in consultation with the staff of the council.

(d) **Timing of plan.** The d&m plan shall be submitted to the council in one or more sections, and the council shall approve, modify, or disapprove each section within 45 days after receipt of it. Except as otherwise authorized by the council, no clearing for or construction of the facility shall begin prior to approval of applicable sections of the d&m plan by the council.

(Effective March 7, 1989)

Sec. 16-50j-61. Elements of a d&m plan

(a) **Key map.** The d&m plan shall include a key map for the entire line that is a reproduction at scale of 1" = 2,000' of the most recent USGS topographic maps for its route.

(b) **Plan drawings.** The d&m plan shall consist of maps at a scale of 1" = 200' or larger (called "plan drawings") and supporting documents, which shall contain the following information:

- (1) The edges of the proposed right-of-way and of any existing right-of-way contiguous to or crossing it, and the portions of those rights-of-way owned by the company in fee;
- (2) Public roads and public lands crossing or adjoining the right-of-way;
- (3) The approximate location along the right-of-way of each 50-foot contour line shown on the key map;
- (4) The probable location, type, and height of each new transmission structure, position of guys, generalized description of foundations, trench grading plans, depth and width of trenches, trench back-filling plans, and the location of any utility or other structures to remain on the right-of-way or to be removed;
- (5) The probable points of access to the right-of-way, and the route and likely nature of the access ways along the right-of-way including alternatives or options to the probable points of access and access ways along the right-of-way;
- (6) The edges of existing and proposed clearing areas, the type of proposed clearing along each part of the right-of-way, and the location of any significant amounts of the following trees or shrubs or combination of the following trees or shrubs:

- | | |
|-------------------|---------------|
| Flowering dogwood | Juniper spp. |
| Honeysuckle | Silky dogwood |
| Eastern red cedar | Rose |
| Blueberry | Crabapple |

Greenbrier	Shadbush
Sumac	Barberry
Hawthorne	Gray dogwood
Grape	Alder, speckled, smooth
Hazelnut	Mountain laurel
Azalea	Viburnum

(7) Sensitive areas and conditions within and adjoining the right-of-way, including but not necessarily limited to:

(A) Watercourses, any areas regulated under the inland or tidal wetland acts, and any locations where construction may create drainage problems;

(B) Areas of high erosion potential;

(C) Any known critical habitats or sites identified as having rare or endangered plant or animal species listed by federal and state governmental agencies;

(D) The location of any known underground facilities to be crossed.

(c) **Subsequent information.**

(1) Plans, if any, to salvage marketable timber and to maintain snag trees along the route;

(2) All construction and rehabilitation procedures with special steps that will be taken to protect the areas and conditions identified in subsection 16-50j-61 (b) (7) of the Regulations of Connecticut State Agencies, including but not necessarily limited to:

(A) Construction techniques at watercourses to be crossed by construction vehicles;

(B) Sedimentation and erosion control and rehabilitation procedures for areas of high erosion potential;

(C) Precautions at sites identified as having endangered species;

(D) Plans for changes and rehabilitation of surface, drainage, and other hydrologic features;

(E) Plans for stream bank restoration; and

(F) Plans for the protection of historical and archaeological resources, with review from the Connecticut Historical Commission.

(3) Plans for the method of application and type of herbicide to be used, if any, at the time of initial clearing for the proposed line;

(4) The location of public recreation areas or activities known to exist or being proposed in or adjacent to the right-of-way, together with copies of any agreements between the company and public agencies authorizing public recreation use of the right-of-way to the extent of the company's property rights thereto;

(5) Plans for the ultimate disposal of excess excavated material, stump removal, and periodic maintenance of the right-of-way;

(6) Locations of areas where blasting is anticipated; and

(7) Rehabilitation plans, including reseeding and topsoil restoration.

(Effective March 7, 1989)

Sec. 16-50j-62. Supplemental requirements

(a) **Staging areas.** The company shall inform the council of the location and size of the staging areas. If the applicant desires to utilize a staging area prior to approval of the d&m plan, the council may approve such use on such terms as it deems appropriate.

(b) **Notices of beginning, changes and completion.**

(1) The company shall provide the council, in writing, with a minimum of two weeks advance notice of the beginning of:

- (A) clearing and access work in each successive portion of the route, and then
- (B) facility construction in that same portion.

(2) The company shall provide the council with advance notice whenever a significant change of the approved d&m plan is necessary such as:

- (A) the location of a stream crossing;
- (B) the location of an access way or a structure in a regulated wetland area;
- (C) the construction of a section of access road which would run between structure locations and thereby “close a gap” longitudinally along the right-of-way; and
- (D) a change in structure type.

The council shall promptly review the changes and shall approve, modify, or disapprove the changes.

(3) The company shall provide the council with a monthly construction progress report indicating changes and deviations from the approved d&m plan.

(4) The company shall provide the council with written notice of completion of construction and right-of-way rehabilitation in each new portion of the route.

(c) **Final report.** The company shall provide the council with a final report for the entire line after completion of all construction, rehabilitation and right-of-way acquisition proceedings. This final report will identify:

(1) all agreements with abutters or other property owners regarding special maintenance precautions;

(2) significant changes of the d&m plan that were required because of the property rights of underlying and adjoining owners or for other reasons;

(3) the location of nontransmission materials which have been left in place in the form of culverts, erosion control structures along watercourses and steep slopes, and corduroy roads in regulated wetlands;

(4) the location of areas where special planting and reseeding have been done; and

(5) the actual construction cost of the facility including but not limited to the following costs:

- (A) clearing and access;
- (B) construction; and
- (C) rehabilitation.

(Effective March 7, 1989)

Secs. 16-50j-63—16-50j-69. Reserved

Community Antenna Television and Telecommunications Towers

Rules of Practice

Sec. 16-50j-70.

Repealed, March 7, 1989.

Sec. 16-50j-71. Finding

Pursuant to section 16-50i (a) (5) and (6) of the General Statutes, the council finds that each community antenna television tower or telecommunications tower and its associated equipment except as specified in 16-50j-72 (a) may have a substantial environmental effect and therefore is a facility, and any modification, as defined in subsection (1) of section 16-50j-2 of the Regulations of Connecticut

State Agencies, to an existing tower site, except as specified in 16-50j-72 (b), may have a substantial adverse environmental effect.

(Effective March 7, 1989)

Sec. 16-50j-72. Exceptions

(a) A community antenna television tower or telecommunications tower and associated equipment installed adjacent to a damaged existing tower and associated equipment in order to maintain continuity of community antenna television service or telecommunications shall not constitute a facility provided that:

(1) such tower and associated equipment shall be removed at the earliest practicable time but in no event later than nine months after installation, unless otherwise approved by the council or unless exempt under subsection (b) of this section, in which event the existing damaged tower shall be removed no later than nine months after installation of the new tower;

(2) the owner or operator of such tower and associated equipment shall give the council written notice of the installation or proposed installation of such tower and associated equipment, which notice shall set forth:

(A) the location of such tower and associated equipment,

(B) the reason for its installation, and

(C) the estimated time such tower and associated equipment will remain in place;

(3) the notice shall be given at the earliest practicable time but not later than 48 hours after the installation of such tower and associated equipment; and

(4) the owner or operator of such tower and associated equipment shall restore the site to its original condition as nearly as practical, subject to such other conditions as ordered by the council.

(b) None of the following shall constitute a modification to an existing community antenna television or telecommunications tower that may have substantial adverse environmental effect:

(1) Routine general maintenance and one-for-one replacement of facility components that is necessary for reliable operation;

(2) Changes on an existing tower site that do not increase the tower height, extend the boundaries of the tower site, increase noise levels at the tower site boundary by 6 decibels, and add radio frequency sending or receiving capability which increases the total radio frequency electromagnetic radiation power density measured at the tower site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to Section 22a-162 of the Connecticut General Statutes; or

(3) Replacement of an existing CATV tower or telecommunications tower and associated equipment with a tower that is no taller than the tower to be replaced and that will not support public service company or state antennas, or antennas to be used for public cellular radio communications emitting total radio frequency electromagnetic radiation power density measured at the tower site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to Section 22a-162 of the Connecticut General Statutes.

(c) Placement of community antenna television towers and head-end structures, telecommunications towers, and associated telecommunications equipment, owned or operated by the state or a public service company, as defined in Section 16-1 of the General Statutes, or used in a cellular system, as defined in the code of Federal Regulations Title 47, Part 22, as amended, on any existing non-facility tower, shall not constitute a substantial environmental effect when the changes on the existing non-facility tower:

(1) Have received a ruling by the council that such a facility would not cause a significant change or alteration in the physical and environmental characteristics of the site;

(2) Do not extend the boundaries of the site;

(3) Do not increase noise levels at the site boundary by 6 decibels or more;

(4) Do not increase the total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to Section 22a-162 of the Connecticut General Statutes; and

(5) Have received all municipal zoning approvals and building permits.

(d) The temporary use of cellular equipment shall not constitute a facility provided that:

(1) The temporary use is necessary to provide emergency or essential telephone service to areas of local disaster or events of statewide significance.

(2) Any provider of temporary cellular telephone service for an event of statewide significance shall provide to the council for its approval 30 day advance written notice of the development of such temporary cellular service stating:

(A) The location of the portable site and a letter from the property owner authorizing use of the property for the temporary service;

(B) The height and power density of the portable system;

(C) The estimated time the portable site will be in use; and

(D) The reasons for the installation.

(3) Any provider of temporary cellular telephone service at an area of a local disaster shall provide to the council written notice within 48 hours of the deployment stating:

(A) The location of the portable site and a letter from the property owner authorizing use of the property for the temporary service;

(B) The height and power density of the portable system;

(C) The estimated time the portable site will be in use; and

(D) The nature of the emergency.

(4) In no event shall temporary use of cellular equipment exceed 30 days unless the council grants approval.

(Effective March 7, 1989)

Sec. 16-50j-73. Notice of intent to erect an exempt tower and associated equipment

The owner or operator of any tower and associated equipment claiming such tower and associated equipment is exempt pursuant to section 16-50j-72 shall give the council and the chief elected official of the municipality of the site notice in writing prior to construction of its intent to construct such tower and associated equipment, detailing its reasons for claiming exemption under these regulations.

(Effective March 7, 1989)

Sec. 16-50j-74. Information required

In addition to conforming to section 16-50l, of the General Statutes of Connecticut, an application for a certificate of environmental compatibility and public need for the construction of a new community antenna television tower and head-end structure or telecommunications tower, or modification to an existing community antenna television tower and head-end structure or telecommunications tower, as defined in section 16-50i (a) (5) and (6), shall include or be accompanied by the following:

- (a) A description of the proposed tower, modification, or associated equipment including height and special design features, and of access roads and power lines, if any;
- (b) A statement of the need for the proposed tower, modification, or associated equipment with as much specific information as is practicable to demonstrate the need;
- (c) A statement of the benefits expected from the proposed tower, modification, or associated equipment with as much specific information as is practicable;
- (d) (1) The most recent U.S.G.S. topographic quadrangle map (scale 1" = 2000') marked to show the approximate site of the tower, modification, or associated equipment and any significant changes within a one mile radius of the site; and
(2) a map (scale 1" = 200' or less) of the lot or tract on which the tower, modification, or associated equipment is proposed to be located showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their lands abutting the site;
- (e) (1) Plan and elevation drawings showing the proposed tower, modification, or associated equipment, the antennas and other facilities to be supported, and all associated equipment and structures on the site; and
(2) where relevant, a terrain profile showing the proposed tower, modification, or associated equipment and its related transmitting, receiving, or relaying tower;
- (f) A description of the site, including the zoning classification of the site and surrounding areas;
- (g) A description of the land uses of the site and surrounding areas;
- (h) A description of the scenic, natural, historic, and recreational characteristics of the proposed site and surrounding area;
- (i) A statement in narrative form of the environmental effects of the proposed tower, modification or associated equipment;
- (j) A statement containing justification for the site selected including a description of siting criteria and the narrowing process by which other possible sites were considered and eliminated;
- (k) A statement of the estimated cost for site acquisition and construction of the tower, modification, or associated equipment;
- (l) A schedule showing the proposed program of site acquisition, construction, completion, and operation;
- (m) The names and mail addresses of the owner of the site and all abutting owners;
- (n) A listing of any federal, state, regional, district, and municipal agencies with which reviews were conducted concerning the tower, modification, or associated equipment, including a copy of any agency position or decision with respect to the tower, modification, or associated equipment;
- (o) Where relevant, a list of all towers and associated equipment within a 10-mile radius of the proposed tower, modification, or associated equipment which are owned or operated by a public service company or the state;
- (p) A description of technological alternatives and a statement containing justification for the proposed facility;
- (q) A description of alternate sites for the proposed tower, modification, or associated equipment with the following information:
- (1) a U.S.G.S. topographic quadrangle map (scale 1" = 2000') marked to show the location of alternate sites;

(2) a map (scale 1" = 200' or less) of the lots or tracts of the alternate sites for the proposed tower, modification, or associated equipment showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their land abutting the alternate site; and

(3) such additional information as would be necessary or useful to compare the costs and environmental impacts of the alternate sites with those of the proposed site; and

(r) A statement describing hazards to human health, if any, with such supporting data or references to authoritative sources of information as will be helpful to the understanding of all aspects of the issue, including signal frequency and power density at the proposed site to be transmitted or received by the proposed facility.

(Effective March 7, 1989)

**Cable Antenna Television Tower and
Telecommunications Tower and Associated Equipment
Development and Management Plan**

Sec. 16-50j-75. Requirement for a development and management plan (d&m plan)

(a) **Purpose.** The council may require the preparation of full or partial d&m plans for proposed cable antenna television or telecommunications towers and associated equipment or a modification to an existing tower site where the preparation of such a plan would help significantly in balancing the need for adequate and reliable utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state.

(b) A partial or full d&m plan shall include the information described in section 16-50j-76 through 16-50j-77 or an explanation of the irrelevance of the information to the d&m plan. Relevant information in the council's record may be referenced.

(c) **Procedure for preparation.** The d&m plan shall be prepared by the certificate holder proposing the tower and associated equipment, in consultation with the staff of the council.

(d) **Timing of plan.** The d&m plan shall be submitted to the council, and the council shall approve, modify, or disapprove the plan within 30 days after receipt of it. Except as otherwise authorized by the council, no clearing for or construction of the tower and associated equipment shall begin prior to approval of the d&m plan by the council.

(Effective March 7, 1989)

Sec. 16-50j-76. Elements of a d&m plan

(a) **Plan drawings.** The d&m plan shall consist of a map or blueprint at a scale of 1" = 100 feet or less (called "plan drawings") and supporting documents, which shall contain the following information:

(1) The edges of the proposed site and of any existing tower and associated equipment sites contiguous to or crossing it;

(2) Public roads and public lands crossing or adjoining the site;

(3) The approximate location on the site of each 10-foot contour line;

(4) The exact location, type, and height of the proposed tower and associated equipment, position of guys, generalized description of foundations, and the location of any utility or other structures to remain on the site or to be removed;

(5) The probable points of access to the site including alternatives or options to the probable points of access;

(6) The edges of existing and proposed clearing areas;

(7) Sensitive areas and conditions within and adjoining the tower site, including but not necessarily limited to:

(A) Watercourses, any areas regulated under the inland or tidal wetland acts, and any locations where construction may create drainage problems;

(B) Areas of high erosion potential;

(C) Any known critical habitats or sites identified as having rare or endangered plant or animal species listed by federal and state governmental agencies;

(D) Special or unusual features, such as significantly large or old trees, buildings, monuments, or areas of local interest.

(b) **Supplemental information.**

(1) Special environmental considerations arising from peculiar or unusual characteristics of the site;

(2) Special design features required by peculiar or unusual characteristics of the site;

(3) Procedures that will be taken to protect the areas and conditions identified in subsection 16-50j-76 (a) (7) of these regulations, including but not necessarily limited to:

(A) Construction techniques at watercourses to be crossed by construction vehicles;

(B) Sedimentation and erosion control and rehabilitation procedures for areas of high erosion potential; and

(C) Precautions that will be taken to protect endangered species;

(4) Plans for the method of application and type of herbicide to be used, if any, at the time of initial clearing for the proposed site and for maintenance;

(5) The location of public recreation areas or activities known to exist or being proposed in or adjacent to the proposed site;

(6) Plans for the ultimate disposal of excess excavated material; and

(7) Such site-specific information as the council may require.

(Effective March 7, 1989)

Sec. 16-50j-77. Reporting requirements

(a) **Supervisory personnel.** The certificate holder shall submit to the council the names of supervisory personnel assigned to the project.

(b) **Notices of beginning, changes, and completion.**

(1) The certificate holder shall provide the council, in writing, with a minimum of two weeks advance notice of the beginning of:

(A) clearing and access work, and then

(B) construction of the tower and associated equipment.

(2) The certificate holder shall provide the council with advance notice whenever a significant modification of the approved d&m plan is necessary such as a change in the location of the tower, associated equipment, guy wires, or access road. The council's staff shall promptly review the changes, and the council shall approve, modify, or disapprove the changes.

(3) The certificate holder shall provide the council with a monthly construction progress report indicating changes and deviations from the approved d&m plan. The council shall approve the changes and deviations or request corrections or mitigating measures.

(4) The certificate holder shall provide the council with written notice of completion of construction and site rehabilitation.

(c) **Final report.** The certificate holder shall provide the council with a final report 180 days after completion of all construction, rehabilitation, and site acquisition proceedings. This final report will identify: (1) all agreements with abutters or other property owners regarding special maintenance precautions; (2) significant modifications of the d&m plan that were required because of the property rights of underlying and adjoining owners or for other reasons; (3) the location of construction materials which have been left in place in the form of culverts, erosion control structures along watercourses and steep slopes, and corduroy roads in regulated wetlands; (4) the location of areas where special planting and reseeding have been done; and (5) agreements between the certificate holder and public agencies authorizing public recreational use of the site to the extent of the certificate holder's property rights thereto.

(d) The final report shall include the actual construction cost of the tower and associated equipment, including but not limited to, the following costs: (1) construction of the tower and associated equipment; (2) rehabilitation; and (3) property acquisition for site or access to site.

(Effective May 28, 1985)

Secs. 16-50j-78—16-50j-79. Reserved

**Rules of Practice
Telecommunication Tower**

Secs. 16-50j-80—16-50j-84.

Repealed, May 28, 1985.

Telecommunication Tower Development and Management Plan

Secs. 16-50j-85—16-50j-87.

Repealed, May 28, 1985.