

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL
3

4 Docket No. 497

5 Burlington Solar One, LLC application for a
6 Certificate of Environmental Compatibility and
7 Public Need for the construction, maintenance, and
8 operation of a 3.5-megawatt-AC solar photovoltaic
9 electric generating facility located at Lot 33,
10 Prospect Street, Burlington, Connecticut, and
11 associated electrical interconnection.
12

13 VIA ZOOM AND TELECONFERENCE
14

15 Continued Public Hearing held on Tuesday,
16 April 13, 2021, beginning at 2 p.m.
17 via remote access.
18

19
20 H e l d B e f o r e:

21 JOHN MORISSETTE, Presiding Officer
22

23
24
25 Reporter: Lisa L. Warner, CSR #061

1 **A p p e a r a n c e s :**

2 **Council Members:**

3 **ROBERT HANNON**
4 Designee for Commissioner Katie Dykes
5 Department of Energy and Environmental
6 Protection

7 **ROBERT SILVESTRI**

8 **EDWARD EDELSON**

9 **DANIEL P. LYNCH, JR.**

10 **LOUANNE COOLEY**

11 **Council Staff:**

12 **MELANIE BACHMAN, ESQ.**
13 Executive Director and
14 Staff Attorney

15 **MICHAEL PERRONE**
16 Siting Analyst

17 **LISA FONTAINE**
18 Fiscal Administrative Officer

19 **For Burlington Solar One, LLC:**
20 **PULLMAN & COMLEY, LLC**
21 90 State House Square
22 Hartford, Connecticut 06103-3702
23 BY: **LEE D. HOFFMAN, ESQ.**

24 **Also present: Aaron Demarest, Zoom co-host**

25 ****All participants were present via remote access.**

1 MR. MORISSETTE: Good afternoon, ladies
2 and gentlemen. Can everyone hear me okay? Thank
3 you. This continued remote evidentiary hearing
4 session is called to order this Tuesday, April 13,
5 2021, at 2 p.m. My name is John Morissette,
6 member and presiding officer of the Connecticut
7 Siting Council.

8 As everyone is aware, there currently
9 is a statewide effort to prevent the spread of the
10 Coronavirus. This is why the Council is holding
11 this remote hearing, and we ask for your patience.
12 If you haven't done so already, I ask that
13 everyone please mute their computer audio and/or
14 telephones now.

15 A copy of the prepared agenda is
16 available on the Council's Docket No. 497 webpage,
17 along with the record of this matter, the public
18 hearing notice, instructions for public access to
19 this remote public hearing, and the Council's
20 Citizens Guide to Siting Council Procedures.

21 I'll ask the other members of the
22 Council to acknowledge that they are present when
23 introduced for the benefit of those who are only
24 on audio.

25 Mr. Silvestri.

1 MR. SILVESTRI: Good afternoon, Mr.
2 Morissette. Present.

3 MR. MORISSETTE: Thank you, Mr.
4 Silvestri. Mr. Hannon. Mr. Hannon?

5 (No response.)

6 MR. MORISSETTE: We'll come back to Mr.
7 Hannon. I see he's connected but still on mute.

8 MR. HANNON: I am here.

9 MR. MORISSETTE: There he is. Thank
10 you, Mr. Hannon.

11 Mr. Edelson.

12 MR. EDELSON: I'm here. Thank you.

13 MR. MORISSETTE: Thank you.

14 MR. HANNON: I'm here. Can you hear
15 me?

16 MR. MORISSETTE: Yes, we can hear you
17 Mr. Hannon.

18 MR. HANNON: I'm here.

19 MR. MORISSETTE: Yes. Thank you. Can
20 you hear us okay?

21 Okay, moving on. Mr. Lynch. Mr.
22 Lynch, you are also on mute. One more time, Mr.
23 Lynch. Mr. Lynch, you are present?

24 MR. LYNCH: Mr. Morissette, I'm
25 present.

1 MR. MORISSETTE: Thank you, Mr. Lynch.

2 MR. LYNCH: I have to apologize in
3 advance. I'm having trouble with my speech today,
4 so bear with me.

5 MR. MORISSETTE: Thank you. Moving on,
6 Ms. Cooley. Ms. Cooley, did I hear you correctly?
7 Ms. Cooley?

8 MS. BACHMAN: Mr. Morissette, Ms.
9 Cooley is having connection issues. She's going
10 to try and get back in. So perhaps we could just
11 come back to her in a few moments.

12 MR. MORISSETTE: Thank you. Executive
13 Director Melanie Bachman.

14 MS. BACHMAN: Present. Thank you.

15 MR. MORISSETTE: Siting Analyst Michael
16 Perrone.

17 MR. PERRONE: Present. Thank you.

18 MR. MORISSETTE: Thank you. Fiscal
19 Administrative Officer Lisa Fontaine.

20 MS. FONTAINE: Present.

21 MR. MORISSETTE: Thank you. And Ms.
22 Cooley, is she back with us?

23 (No response.)

24 MR. MORISSETTE: Okay, we'll move on.
25 This evidentiary session is a continuation of the

1 remote public hearing held on March 23, 2021. It
2 is held pursuant to the provisions of Title 16 of
3 the Connecticut General Statutes and of the
4 Uniform Administrative Procedure Act upon an
5 application from Burlington Solar One, LLC for a
6 Certificate of Environmental Compatibility and
7 Public Need for the construction, maintenance, and
8 operation of a 3.5-megawatt-AC solar photovoltaic
9 electric generation facility located at Lot 33,
10 Prospect Street, Burlington, Connecticut.

11 Please be advised that the Council does
12 not issue permits for stormwater management. If
13 the proposed project is approved by the Council, a
14 Department of Energy and Environmental Protection
15 Stormwater Permit is independently required. DEEP
16 could hold hearings on any stormwater permit
17 application.

18 Please also be advised that the
19 Council's project evaluation criteria under the
20 statute does not include consideration of property
21 values.

22 A verbatim transcript will be made of
23 this hearing and deposited with the Burlington
24 Town Clerk's Office for the convenience of the
25 public.

1 I wish to call your attention to those
2 items shown on the hearing program marked Roman
3 numeral I-B, Item 73. Does the applicant have an
4 objection to this item that the Council has
5 administratively noticed?

6 Good afternoon, Mr. Attorney Hoffman.

7 MR. HOFFMAN: Good afternoon,
8 Mr. Morissette. The applicant has no objection.

9 MR. MORISSETTE: Thank you, Attorney
10 Hoffman. Accordingly, the Council hereby
11 administratively notices this existing document.

12 (Administrative Notice Item I-B-73:
13 Received in evidence.)

14 MR. MORISSETTE: We will continue with
15 the appearance of the applicant, Burlington Solar
16 One, to verify the new exhibits that have been
17 submitted marked Roman numeral II, Item B-7.

18 Attorney Hoffman, please begin by
19 identifying the new exhibit you have filed in this
20 matter and verifying the exhibit by the
21 appropriate sworn witnesses.

22 Attorney Hoffman.

23 MR. HOFFMAN: Yes, Mr. Morissette.
24
25

1 W I L L I A M H E R C H E L ,
2 S T E V E N D e N I N O ,
3 B R Y A N F I T Z G E R A L D ,
4 K Y L E P E R R Y ,
5 R O B E R T H I L T B R A N D ,
6 E R I C D A V I S O N ,

7 called as witnesses, having been previously
8 duly sworn (remotely), continued to testify
9 on their oath as follows:

10 DIRECT EXAMINATION

11 MR. HOFFMAN: Item II-B-7 is the
12 supplemental filing that Burlington Solar One
13 filed in response to the Council's request for
14 Late-File exhibits. I would ask Mr. DeNino, Mr.
15 Fitzgerald and Mr. Herchel to adopt that as sworn
16 testimony as they were the ones primarily
17 responsible for it, and also to move this along a
18 little bit.

19 So Mr. Herchel, I'll start with you.
20 Are you familiar with the Late-File exhibit that's
21 been marked as Exhibit II-B-7?

22 THE WITNESS (Herchel): This is Will
23 Herchel. I am.

24 MR. HOFFMAN: And did you prepare that
25 material or cause that to be prepared?

1 THE WITNESS (Herchel): I did.

2 MR. HOFFMAN: And is it accurate to the
3 best of your knowledge and belief?

4 THE WITNESS (Herchel): It is.

5 MR. HOFFMAN: And do you have any
6 changes to that exhibit?

7 THE WITNESS (Herchel): I do not.

8 MR. HOFFMAN: And do you adopt it as
9 your sworn testimony here today?

10 THE WITNESS (Herchel): I do.

11 MR. HOFFMAN: Mr. Fitzgerald, I have
12 the same series of questions for you. Are you
13 familiar with the Late-File that's been marked as
14 Exhibit II-B-7?

15 THE WITNESS (Fitzgerald): I am.

16 MR. HOFFMAN: And did you prepare or
17 cause that material to be prepared?

18 THE WITNESS (Fitzgerald): I did.

19 MR. HOFFMAN: Is it accurate to the
20 best of your knowledge and belief?

21 THE WITNESS (Fitzgerald): Yes, it is.

22 MR. HOFFMAN: Do you have any changes
23 to that exhibit?

24 THE WITNESS (Fitzgerald): No, I do
25 not.

1 MR. HOFFMAN: And do you adopt it as
2 your sworn testimony here today?

3 THE WITNESS (Fitzgerald): Yes, I do.

4 MR. HOFFMAN: Mr. DeNino, are you
5 familiar with the Late-File that's been marked as
6 Exhibit II-B-7?

7 THE WITNESS (DeNino): I am.

8 MR. HOFFMAN: And did you prepare or
9 cause that material to be prepared?

10 THE WITNESS (DeNino): I did.

11 MR. HOFFMAN: And is it accurate to the
12 best of your knowledge and belief?

13 THE WITNESS (DeNino): It is.

14 MR. HOFFMAN: And do you have any
15 changes to that exhibit?

16 THE WITNESS (DeNino): I do not.

17 MR. HOFFMAN: And do you adopt it as
18 your sworn testimony here today?

19 THE WITNESS (DeNino): I do.

20 MR. HOFFMAN: Mr. Morissette, with
21 that, I'd ask that Item II-B-7 be adopted as a
22 full exhibit.

23 MR. MORISSETTE: Thank you, Attorney
24 Hoffman. The exhibit is hereby admitted. Thank
25 you.

1 (Applicant's Exhibit II-B-7: Received
2 in evidence - described in index.)

3 MR. MORISSETTE: I see that Ms. Cooley
4 has joined us. Thank you.

5 We will now continue with
6 cross-examination of the applicant by the Council
7 starting with Mr. Perrone.

8 Mr. Perrone.

9 MR. PERRONE: Thank you, Mr.
10 Morissette.

11 CROSS-EXAMINATION

12 MR. PERRONE: To begin, based on the
13 amended site plans, is it correct to say that the
14 quantity of solar panels will remain the same?

15 THE WITNESS (Fitzgerald): This is
16 Bryan Fitzgerald. Mr. Perrone, with the amended
17 site plan we have ultimately gotten to a reduction
18 of 468 modules from design 1 to design 2.

19 MR. PERRONE: On which wattages?

20 THE WITNESS (Fitzgerald): Those will
21 be a combination of both 400 watt and the 380 watt
22 modules that were allocated to the project.

23 MR. PERRONE: But your capacity factor
24 would remain the same, because I was looking at
25 the capacity factor table.

1 THE WITNESS (Fitzgerald): That's
2 correct, yes. At this point, the capacity factor
3 would remain the same, and we have a reduction in
4 the total DC wattage of the project.

5 MR. PERRONE: Again, with the capacity
6 factor remaining the same and the wooded buffers
7 increased, is it correct to say that the amended
8 plans would not cause a shading issue?

9 THE WITNESS (Fitzgerald): That is
10 correct to say. The amended plans were designed
11 to the same spec as the initial plans from a
12 shading perspective.

13 MR. PERRONE: And another reason it
14 would not affect the shading is because you're
15 pulling the facility to the south where it's more
16 open?

17 THE WITNESS (Fitzgerald): That is
18 correct. The facility moved to the south. We
19 estimated initially here that the movement in the
20 project from the forested area to the unforested
21 area would result in about 1.5 to 2 acres of a
22 reduction in clearing for the project, so we have
23 less shade to contend with essentially.

24 MR. PERRONE: As far as the cost of the
25 project, the initially proposed cost was 4.53

1 million. Do you have an estimate on the latest
2 amended project?

3 THE WITNESS (Fitzgerald): This is
4 Bryan Fitzgerald. The estimate of the value of
5 the cost of the project would not change from a
6 reduction in the module quantity that was -- that
7 number of modules, comparatively speaking, to the
8 entire project.

9 MR. PERRONE: And with the shift of the
10 layout, would you still completely avoid prime
11 agricultural soils?

12 THE WITNESS (Fitzgerald): We would,
13 yes. The boundary for where the prime
14 agricultural soils start is further to the south
15 of what we currently predict the limits of the
16 array to be.

17 MR. PERRONE: And the total core forest
18 clearing would still be about 7, 6.98?

19 THE WITNESS (Fitzgerald): This is
20 Bryan Fitzgerald. And Eric, I'll ask Eric Davison
21 to comment here potentially.

22 Eric, did you have rerun numbers on the
23 total core forest loss for the project? I know we
24 estimated 1.5 to 2 acres in less clearing. I'm
25 just looking to clarify if that is a reduction in

1 edge forest or core forest.

2 THE WITNESS (Davison): Yeah. Rob
3 Hiltbrand can weigh in because his engineering
4 firm did the calculations. But the outcome was a
5 reduction in edge forest, but the configuration of
6 the reduced arrays didn't reduce the core forest
7 but it reduced the overall forest impact but only
8 in edge forest area.

9 MR. PERRONE: And moving on to the
10 response to Council Interrogatory 53, that's where
11 it gets into cut and fill. I understand we had
12 cut and fill numbers for response 53F for the
13 solar array area. I was wondering if those
14 numbers changed at all given the change in the
15 project and the berms.

16 THE WITNESS (Hiltbrand): This is
17 Robert Hiltbrand from Hiltbrand Engineers &
18 Surveyors. The cut and fill quantities that we
19 utilized really have not changed very much with
20 the shift to the south. We're still in the same
21 grading pattern that we had before. The original
22 computations that we utilized did not include the
23 material in the berms. The berm material will be
24 topsoil materials. Excess materials that are on
25 site will be utilized to construct the berms. I

1 would estimate that the berms are going to take up
2 about 1,000 cubic yards of earth material.

3 MR. PERRONE: Moving on to the
4 electrical interconnection, page 106 of the
5 evidentiary hearing transcript we have, "And the
6 point of change of ownership is defined by the
7 utility as the primary meters which are their last
8 two poles." So with one meter per pole, is that
9 because that's required by the terms of your LREC
10 contracts?

11 THE WITNESS (Herchel): This is Will
12 Herchel. In order to obtain an LREC/ZREC
13 contract, you need to have an individual separate
14 interconnection, and that interconnection is
15 dictated by that primary meter. So that is the
16 case, and that is actually being prescribed by
17 Eversource. There may be different ways to
18 maintain separations between those two individual
19 contracts through secondary metering, et cetera,
20 but the policies being dictated to us by
21 Eversource at this point require us to have two
22 separate primary meters.

23 MR. PERRONE: Turning to the amended
24 response to Council Interrogatory 30, dated March
25 23rd, this is also on the Eversource

1 interconnection topic. At the end of that
2 response it said, The applicant has notified
3 Eversource regarding the visual impacts of the
4 interconnection designs. To date the applicant
5 has not heard back. Have you had any updates from
6 Eversource on that?

7 THE WITNESS (Herchel): This is Will
8 Herchel. We have. So we've been in discussions
9 with Eversource since that last communication to
10 try and prove the aesthetics and the visual impact
11 of the interconnection at the end of the access
12 road at this facility. Primarily right now what
13 we are investigating, and I'll have Kyle talk
14 about specifics, is a series of pad-mounted
15 equipment at the street level to mitigate that
16 pole setup.

17 And in addition to that, we are working
18 directly with the distributed generation group at
19 Eversource as well as the interconnection group to
20 see if there's any way for us to mitigate the
21 impacts to sight lines from the street even more
22 than our proposed hypothetical design here. That
23 would include pushing back some of the equipment
24 farther from the road. So it is still a work in
25 process, but we are working extensively with them

1 on that to try and mitigate some of the visual
2 impacts.

3 And Kyle, I don't know if you want to
4 describe just very briefly the pad-mounted design
5 that we're contemplating.

6 THE WITNESS (Perry): Sure. The
7 current proposed plan that you have in front of
8 you includes nine poles. That was designed at the
9 direction of the EDC. And it's inclusive of five
10 utility-owned poles and four customer-owned poles.
11 And with the two services there that also includes
12 a transition pole as one of those nine
13 utility-owned poles.

14 One thing we've been in discussions
15 with them about is having our customer-owned poles
16 on pads. It's significantly more expensive at
17 this voltage to do that, but it could end up in a
18 design that has four or five utility-owned poles
19 and then two pad mounts that need to stay out by
20 the point of common coupling, but it should
21 mitigate the number of poles utilized in the
22 design.

23 MR. PERRONE: And regarding the noise
24 topic, I understand the calculation was based on a
25 distance of 476 feet. Is that dimension still

1 correct based on the nearest property line to
2 where your equipment pad is going to be?

3 THE WITNESS (Fitzgerald): This is
4 Bryan Fitzgerald. I believe, Mr. Perrone, that
5 calculation would be correct because that
6 calculation was for a transformer that was located
7 within the proposed array area. That's the medium
8 voltage transformer. The location of that
9 equipment would not change. We are simply
10 referring to the metering equipment being pad
11 mounted comparatively speaking to poletop mounted.

12 MR. PERRONE: Turning to the Late-File
13 exhibits, Late-File Exhibit C, which contains
14 sight line graphs, the first sight line graph
15 shows visibility from the Czerczak property.
16 Could you describe that view for us? I see how
17 the sight line touches the top of the solar
18 panels, but there's also vegetation on the other
19 side of that. If you could describe that view,
20 that would be great.

21 THE WITNESS (Fitzgerald): Yes. Mr.
22 Perrone, this is a Bryan Fitzgerald. I'll get
23 this one started and ask Robert Hiltbrand to step
24 in and provide additional color on this. This
25 sight line analysis was performed in order to

1 better understand the sight lines from the
2 property to the north here. And more
3 specifically, ultimately it helped us determine
4 the correct placement and size and height of
5 earthen berm and landscaping vegetation to protect
6 the visibility in this area.

7 But that view specifically, if we are
8 looking at the sight line analysis, it would start
9 at a point in elevation that is at the Czerczak
10 property to the north and above the elevation of
11 the proposed solar facility. So that sight line
12 would look over the top of the facility,
13 essentially. And this analysis here that you're
14 seeing there at the top of page 2 of that exhibit
15 does not show the existing intervening vegetation
16 as obstructing the views. It rather shows the
17 limits of that existing vegetation that would
18 remain. And it also does not show the proposed
19 location of, or height of that earthen berm or
20 additional landscaping to be planted in that area
21 to the north of the facility and in between the
22 Czerczak property to the north and the facility
23 itself.

24 From that perspective, Rob, if there's
25 anything else you'd comment on from the sight line

1 analysis from the north.

2 THE WITNESS (Hiltbrand): Nothing to
3 add.

4 THE WITNESS (Fitzgerald): Okay. Mr.
5 Perrone, did that cover it, or is there something
6 I missed or anything more specific you'd like
7 to --

8 MR. PERRONE: No, that covered it.
9 Thanks.

10 THE WITNESS (Fitzgerald): Okay. Thank
11 you.

12 MR. PERRONE: Moving on to the amended
13 response to Council Interrogatory 45, dated March
14 23rd, this is the one involving the DEEP fisheries
15 division. The applicant reached out to DEEP and
16 was referred to a contact at the fisheries
17 division. Have you received a response from the
18 fisheries division?

19 THE WITNESS (Fitzgerald): This is
20 Bryan Fitzgerald. I have not.

21 Eric Davison, I don't know if you have
22 received a response from the fisheries yet.

23 THE WITNESS (Davison): No. No, I have
24 not.

25 THE WITNESS (Fitzgerald): We are still

1 awaiting a response, Mr. Perrone.

2 MR. PERRONE: Okay. That's all I have.
3 Thank you.

4 THE WITNESS (Fitzgerald): Thank you.

5 MR. MORISSETTE: Thank you, Mr.
6 Perrone. We will now continue with Mr. Silvestri:

7 MR. SILVESTRI: Thank you, Mr.
8 Morissette.

9 And good afternoon, everyone. I have a
10 few follow-up questions from the last time that we
11 got together as well as some new questions based
12 on the recent Late-File that we just received. So
13 if I could go back and start with noise. When we
14 last met, there was some discussion about
15 nighttime noise. And if I heard correctly a
16 couple weeks ago, some noise is expected from the
17 transformers at night; is that correct?

18 THE WITNESS (Fitzgerald): Mr.
19 Silvestri -- sorry, Steve. Go ahead.

20 THE WITNESS (DeNino): Hi, this is
21 Steve DeNino of Verogy. Yes, there would be a
22 small amount of noise emitting from the
23 transformer at night.

24 MR. SILVESTRI: Okay. So the follow-up
25 question on that is why would that be if there's

1 no power generation?

2 THE WITNESS (DeNino): The transformer
3 is still connected to the -- sorry, this is Steve
4 DeNino again -- the electrical infrastructure, so
5 it is energized. Even though there's is no power
6 distribution, it is connected on both sides. So
7 there is voltage present at that unit.

8 MR. SILVESTRI: Okay. Thank you. And
9 a quick follow-up to that. With whatever voltage
10 might be there for the transformer, do you
11 anticipate any EMF production at nighttime?

12 THE WITNESS (DeNino): This is Steve
13 DeNino. I would say no.

14 MR. SILVESTRI: Okay. Thank you. A
15 different topic for you is dust control, and
16 again, this goes back to when we met the last
17 time. There was mention about using calcium for
18 dust control on the access roads. Would that be
19 calcium chloride?

20 THE WITNESS (Hiltbrand): That would be
21 calcium chloride, yes.

22 MR. SILVESTRI: Okay. And how would
23 that be applied if it's needed.

24 THE WITNESS (Hiltbrand): It's usually
25 applied with a spreader similar to the type you

1 would use for ice control in the summer, and you
2 would spread it down onto the pavement surface in
3 an even manner, and then that would help reduce
4 the dust.

5 MR. SILVESTRI: So the calcium chloride
6 is a solid?

7 THE WITNESS (Hiltbrand): Yes, it is.

8 MR. SILVESTRI: Okay. Thank you. Then
9 would there be any concerns about chloride and any
10 planted grass or vegetation because of the
11 chloride?

12 THE WITNESS (Hiltbrand): We currently
13 use calcium chloride to control the dust from the
14 earth removal operation. So we use like a hand
15 spreader that you walk behind, and we're careful
16 not to get it too far off the edge so we don't
17 impact the grass. And we've been able to maintain
18 a very healthy grass area which we also hay in
19 that area along the edge of the access drive.

20 MR. SILVESTRI: So the application
21 would be controlled, correct?

22 THE WITNESS (Hiltbrand): That is
23 correct.

24 MR. SILVESTRI: Very good. Thank you.
25 I have a follow-up question from the public

1 hearing part that we had at 6:30 p.m. that night.
2 During the public hearing one commenter mentioned
3 that solar panels interfere with Ham radios. And
4 I'm aware of potential interference, say, with
5 rooftop solar installations and, say, an abutting
6 Ham radio operator, but I don't have any knowledge
7 about large-scale solar farms and potential
8 interference to local Ham radio operators. Could
9 you enlighten me on any interference that a
10 large-scale solar farm like this might have on Ham
11 radios?

12 THE WITNESS (Fitzgerald): Mr.
13 Silvestri, this is Bryan Fitzgerald. And as a
14 part of the application we produced an electric
15 and magnetic field report, and I'd be providing a
16 brief, very, very brief summary from the summary
17 portion of that report in that the electric fields
18 produced from the array at its location and
19 surrounding the array area itself would have
20 fields that typically are no larger or greater
21 than what we may experience in our homes day to
22 day from a typical appliance like a microwave or
23 other electric appliances like that. But to be
24 absolutely honest, I don't have an abundance of
25 knowledge on the interference of solar and Ham

1 radios.

2 MR. SILVESTRI: Okay. Thank you. I
3 tried to do some research on that, like I say, and
4 close proximity rooftop houses with the Ham radio
5 operator either in the house or next door, I know
6 there's some documented interference. I had no
7 knowledge about the large-scale solar farms which
8 is why I wanted to pose the question to you. So
9 thank you on that one.

10 Moving on to the Late-Files, and this
11 is dealing with the capacity factor sheet which is
12 Exhibit E, project capacity factors. The solar
13 panels themselves will experience a certain
14 reduction each year as they age. I think we all
15 agree with that part of it. But regarding Exhibit
16 E, wouldn't that panel degradation affect the 3.5
17 megawatt AC capacity that's in the third column of
18 that spreadsheet driving the number, say, somewhat
19 lower each year, or, in other words, how does the
20 3.5 megawatt number stay constant with panel
21 degradation?

22 THE WITNESS (Perry): This is Kyle
23 Perry with Verogy. To our knowledge, that 3.5
24 megawatts AC would stay the same throughout the 35
25 year span.

1 MR. SILVESTRI: Even with panel
2 degradation? That's where I'm confused.

3 THE WITNESS (Herchel): This is Will
4 Herchel. So the 3.5 megawatts AC is the inverter
5 rating of that individual installation. That's
6 the maximum AC deployment for that facility at any
7 singular time. So that's what the 3.5 megawatt AC
8 rating of the facility would be.

9 MR. SILVESTRI: Could I then call that
10 3.5 a nameplate rating?

11 THE WITNESS (Herchel): Depending on
12 the nomenclature you choose to use, you could. If
13 nameplate means what I just said, then yes.

14 MR. SILVESTRI: I think it does. Thank
15 you. All right. One follow-up to what Mr.
16 Perrone had just mentioned. And I realize, again,
17 the pad-mounted design is potential, still
18 conceptual. But in the process of looking at pad
19 mounts, are you also considering landscape
20 screening for the pad mounts?

21 THE WITNESS (Fitzgerald): Mr.
22 Silvestri, this is Bryan Fitzgerald. We're
23 absolutely designing this with landscaping
24 screening that would surround those pad mounts.
25 We're currently working on a design that would

1 effectively tuck those pads, you know, around some
2 existing vegetation so that we would buffer it on
3 the exposed areas with additional plantings like
4 the Norway Spruce or White Pines that we've
5 discussed here in the landscaping plan currently.

6 MR. SILVESTRI: Very good. Thank you.
7 Then I believe the last question I have at this
8 time goes back to the FR3 dielectric fluid.
9 Again, when we last met, Mr. Perry had commented
10 that the FR3 dielectric fluid would have one
11 quarter of the impact compared to customary
12 mineral oil. And if we had time during that
13 hearing, I would have posed a follow-up question
14 to you and asked for a reference, so I appreciate
15 the data sheet that was provided as the Late-File.

16 But in reviewing that information,
17 including the references and footnotes that are on
18 page 8 of that document and the corresponding
19 documents, the FR3 fluid is described as being
20 "ultimately biodegradable" and as ready and
21 complete biodegradation. I couldn't find any
22 information on what to do if that fluid spilled on
23 the ground or spilled into water. So the question
24 I have for you is, do you know what kind of spill
25 response would be needed should that fluid contact

1 either soil or water?

2 THE WITNESS (Fitzgerald): This is
3 Bryan Fitzgerald, Mr. Silvestri. I'd ask Steve
4 DeNino if you have any comment there; if not, we
5 would take it as a follow-up.

6 THE WITNESS (DeNino): Steve DeNino.
7 We'd have to follow up on that.

8 MR. SILVESTRI: Okay. If there is a
9 potential maybe to do it in the course of today's
10 hearing, I think Mr. Morissette and Ms. Bachman
11 would appreciate that.

12 MR. MORISSETTE: Yes, we would, very
13 much. Thank you.

14 MR. SILVESTRI: Otherwise, Mr.
15 Morissette, that's all the questions I have at
16 this time. And I thank you.

17 MR. MORISSETTE: Thank you, Mr.
18 Silvestri.

19 MR. HOFFMAN: Mr. Morissette, if I may?

20 MR. MORISSETTE: Yes, you may.

21 MR. HOFFMAN: We'll do that during a
22 break and get you the answer right away.

23 MR. MORISSETTE: Very good. Thank you.
24 Okay. We'll now move on with cross-examination by
25 Mr. Hannon.

1 Mr. Hannon.

2 MR. HANNON: I just have one question.
3 It's related to the Late-File, and it has to do
4 with -- I just don't understand it. It's in
5 racking design. And there's a statement that
6 says, Additionally, there will be gaps of about 4
7 to 8 inches between the tables of modules that
8 make up an entire row. I'm not sure exactly what
9 is meant by that statement, these 4 to 8 inch
10 gaps. So can somebody please explain that?

11 THE WITNESS (Fitzgerald): Yes, Mr.
12 Hannon. This is Bryan Fitzgerald. I'll start
13 this one and then pass it off to Kyle who's our
14 engineer here. The rows of modules were
15 ultimately comprised of tables that contain either
16 12, 16 or 20 modules. So those tables of modules
17 in their configuration, either 12, 16 or 20,
18 will -- let's call it 20. So we have a table of
19 20 modules. There's going to be a 4 to 8 inch gap
20 within that table of 20, and there will be another
21 table of 20 and then a 4 to 8 inch gap between
22 that table as well ultimately throughout each row.
23 And those rows, depending on their length and
24 design, could be made up of either the 12, 16 or
25 24 panels themselves just to ultimately complete

1 the string.

2 Is there anything you wanted to add,
3 Kyle?

4 THE WITNESS (Perry): This is Kyle with
5 Verogy or Burlington Solar One. Bryan hit on it
6 well. So in a given row it's comprised of a
7 certain amount of modules, but every 4 or 5
8 modules there's what's called the table, and each
9 table has that spacing that you referenced. And
10 within each table there's module spacing. So the
11 module spacing on a single table is different from
12 table-to-table spacing.

13 MR. MORISSETTE: Mr. Hannon, you're on
14 mute.

15 MR. HANNON: Okay. Thank you. And I
16 have to apologize. I've got somewhere between a
17 20 second and a 30 second delay with what I'm
18 hearing. I'm seeing people talking but somebody
19 else's voice is coming out of their mouth. So I
20 apologize for that, but I've got a rather long
21 delay today. But that was my question. Thank
22 you.

23 MR. MORISSETTE: Thank you, Mr. Hannon.
24 We will now continue with Mr. Edelson.

25 Mr. Edelson.

1 MR. EDELSON: Thank you, Mr.
2 Morissette. My first question is, I thought we
3 had asked for a revision of the exhibit that was
4 on page 16 of the narrative which I found to be
5 unreadable when I looked at it on the internet,
6 but I didn't see that in the late exhibits. Did I
7 miss something?

8 THE WITNESS (Fitzgerald): Mr. Edelson,
9 This is Bryan Fitzgerald. I apologize if we
10 missed that. I think what the disconnect may have
11 been is that I thought our revised interconnection
12 design that was provided as an amended response to
13 the interrogatories is effectively a blow-up or a
14 zoomed in version of the interconnection design
15 itself, whereas page 16 of the application was the
16 larger, more, you know, 30,000 foot view of the
17 interconnection route.

18 MR. EDELSON: Well, that was one of my
19 problems is I had the second view which was much
20 more, let's say, 10,000 feet, whatever the
21 expression might be, and it was hard for me to
22 understand where it fit into the whole project,
23 and that's why I was kind of looking. I thought
24 it was clear that we wanted what was in the
25 narrative also. There was not substitution. And

1 I don't know if that can happen quickly enough
2 within, as Mr. Hoffman was saying, something that
3 could be sent in before the end of the hearing
4 today. If so, that would be great; if not, it's
5 just a miss.

6 I would move on to another one, which
7 is I just want to thank you for the table on the
8 capacity factor. I realized I had misunderstood
9 how degradation would work when you actually look
10 at it on a full capacity factor basis, and so I
11 appreciate that table, and I'm able to duplicate
12 that with my own numbers. So thank you for doing
13 that.

14 My next question is about, the topic is
15 the decommissioning. And I think I made it clear
16 back in March I was very uncomfortable that. To
17 put it a little flippantly, you had assumed the
18 problem away saying whatever it costs to
19 decommission would be equivalent to how much money
20 you would get from recycling. And this issue of
21 recycling revenue is pretty iffy or uncertain as
22 we look 35 years into the future. But then it
23 became clear that for Verogy this is really not an
24 issue because the people dealing with
25 decommissioning will be NextEra who will be taking

1 over this project, if I understood it correctly.

2 So I want to understand two things:
3 First, is there an existing agreement between
4 Verogy and NextEra about what is going to happen
5 once this project is operational?

6 THE WITNESS (Herchel): Could you
7 repeat the question? This is Will Herchel.

8 MR. EDELSON: Is there a formal
9 agreement, a written agreement, not just a verbal
10 handshake, but a written agreement between the two
11 parties?

12 THE WITNESS (Herchel): Yes, there is.
13 This is Will Herchel.

14 MR. EDELSON: And that stipulates that
15 once the project is operational NextEra will take
16 on all responsibility?

17 THE WITNESS (Herchel): This is Will
18 Herchel. That is correct.

19 MR. EDELSON: And I would ask the
20 question then of Mr. Hiltbrand who, if I
21 understand correctly, is the principal owner of
22 the property, the LLC, that holds the property.
23 Do you, Mr. Hiltbrand, have an agreement or an
24 understanding with NextEra about what they will do
25 vis-a-vis decommissioning?

1 THE WITNESS (Hiltbrand): I do not have
2 an agreement with NextEra. My agreement will be
3 with Verogy. And my agreement with Verogy is that
4 all the terms of the contract that we have agreed
5 to between Verogy and myself would become the same
6 terms that go forward to NextEra. And I also have
7 my own personal attorney who is involved in the
8 process of working through this and continuing to
9 work through this and ending up with language and
10 timing and other items, description of what
11 decommissioning includes all the way to the
12 interconnection equipment, et cetera. So we are
13 working on the finalization of that.

14 MR. EDELSON: Okay. And just to make
15 the point, because we have seen in other energy
16 facilities that companies have walked away from
17 decommissioning. You're comfortable that NextEra,
18 or whoever it might be next after them, has put
19 what you consider sufficient safeguards to make
20 sure the money is going to be there. And again,
21 my concern for you is the revenue from recycling
22 is not going to be sufficient, it's just a big
23 unknown there.

24 THE WITNESS (Hiltbrand): That is
25 correct. We are looking at the recycling numbers

1 with a local recycler at this point that has taken
2 in some solar panels that have been from damaged
3 residential type things, not a large-scale
4 decommissioning of any sort, but has taken panels
5 in, and we're working with him to come up with
6 numbers that we could use at least in today's
7 terms of getting a percentage of what the overall
8 cost is. And again, we are working through
9 language together with Verogy and my attorney to,
10 you know, do the best that we can to make sure
11 that we have this covered. We're spending a lot
12 of time and effort into it to do that.

13 MR. EDELSON: All right. Well, you're
14 a private landowner and it's your land, and so I
15 leave it at that only to make the point that we've
16 seen other private landowners who have leased out
17 to energy facilities find that they are left
18 holding the bag. Hopefully that won't happen
19 here. I skipped over one part of the NextEra
20 agreement with Verogy. Has NextEra been involved
21 in reviewing the design and layouts and equipment
22 that Verogy is using for this project, or is the
23 agreement basically silent about that?

24 THE WITNESS (Herchel): This is Will
25 Herchel. They have been extremely involved in all

1 selection of equipment. They have been involved
2 in approving all of the drawings and the designs
3 for this individual project.

4 MR. EDELSON: Thank you very much. So
5 turning back to something that I was pretty sure I
6 had heard at the public hearing was that some
7 residents indicated that there were commitments
8 that had been made by Mr. Hiltbrand with regard to
9 how the property would be developed, about future
10 development of the property. And obviously in a
11 public hearing people can say whatever they want
12 to say. But I would like for the record for you
13 to indicate what commitments you have made, if
14 any, to your abutting property -- or to the
15 abutting property owners with regard to future
16 development, especially with regard to, I think,
17 comments about those people wanting to live either
18 within or next to a forest.

19 THE WITNESS (Hiltbrand): This is
20 Mr. Hiltbrand for the record. I am not aware of
21 any commitments that I've made on what I was going
22 to do with the property. I have said that I would
23 like to keep and I would keep the farm look of the
24 property along Prospect Street. For those of you
25 who have taken the opportunity to drive by the

1 site, you can see that we built a nice entrance to
2 the site, it doesn't look like an industrial zone
3 entrance, and that we've continued to hay those
4 fields and keep that look, and that's what I had
5 said that I would do, which I have.

6 As far as a commitment to how I would
7 develop the land in the future, I have not
8 committed to anyone on how I would do it or what I
9 was going to do except that I would take some time
10 and effort to try to do something reasonable. And
11 over the years, looking at this industrial zoned
12 piece of property, I had thought that the
13 development of this solar farm, along with the
14 small portion that I use for earth removal out of
15 the 63 acres basically utilizing 15 acres within
16 the heart of the property with no wetlands, no
17 wetlands infringements or anything else was, in my
18 mind, a reasonable use of this property. And
19 that's how we arrived here. I have not made any
20 commitments on how I would go forward if this
21 didn't work out.

22 MR. EDELSON: Okay. Thank you. I
23 appreciate your making that clear. So my
24 opportunity to question back in March I was a
25 little confused about the panel configuration, you

1 might remember, and most of the concern was, or my
2 concern was, not seeing a diagram that depicted
3 the quarter-inch separation between individual
4 panels. And from what I could tell in my reading
5 of the late exhibit, what I'm only seeing there
6 are single panel designs showing specifically how
7 one panel is laid out there, and I could not for
8 the life of me see where the quarter-inch gap
9 within or between panels is indicated. So I know
10 this is hard to do with Zoom, but if you could
11 guide me to which part of the design documents and
12 where on that I should focus my attention, I
13 really would appreciate it.

14 THE WITNESS (Fitzgerald): Mr. Edelson,
15 this is Bryan Fitzgerald. And if allowable here,
16 I could share my screen. I have the racking
17 document up.

18 MR. MORISSETTE: Unfortunately, it's
19 not doable to share your screen at this point. If
20 you could direct Mr. Edelson to the exhibit, the
21 correct exhibit, that would be a start.

22 THE WITNESS (Fitzgerald): Sure. Of
23 course. So Exhibit D, the racking design. And if
24 you are looking at the first page of Exhibit D,
25 the racking design, if you zoom into the racking

1 design, and this is a side profile, so what you
2 are looking at is if we were looking at a side cut
3 view of the racking system in one singular row,
4 and what you'll see is one panel in landscape.
5 I'm sorry, you'll see four panels in the
6 landscape. So you'll see one panel at the bottom,
7 two in the center, and then one panel at the top.
8 And then you will see called out a 3/8 of an inch
9 gap between the first panel closest to the bottom
10 and the second panel that is the second up from
11 the bottom. Now, those are both sitting in
12 landscape fashion, so that would be considered the
13 east-west gap, Kyle, across the horizontal --

14 THE WITNESS (Perry): That's the
15 north -- well, yeah, so it's the gaps that go east
16 to west, but they're module on top of another
17 module in the north-south configuration. And I'd
18 just like to point out --

19 MR. EDELSON: Go ahead.

20 THE WITNESS (Perry): This design we're
21 looking at -- sorry, this is Kyle Perry for the
22 record. This design we're looking at is the Risen
23 panel that calls out 3/8 inch. The Trina panel
24 due to it's a little bit longer and a little bit
25 wider, is 1/8 inch just on that gap.

1 THE WITNESS (Fitzgerald): But Mr.
2 Edelson, back to that first page there. So we're
3 looking at the side profile and we've got 3/8 of
4 an inch on the north-south gaps for the racking
5 tables here, and then we have east-west gaps of,
6 what, a quarter inch for the Risens? A quarter
7 inch for the Risens as well, which is page 1. And
8 then page 4 would be the Trina modules
9 specifically. And it would be the same profile
10 view with a slightly different gap, as Kyle
11 mentioned.

12 MR. EDELSON: Okay. I think, not that
13 it really matters, but what threw me is you only
14 wrote and indicated solar panel once, and I
15 thought that was the whole stretch of them. I
16 didn't realize there were four separate pieces
17 there. So I think that's what threw me is that
18 reference only one place.

19 And again, the contention of Verogy and
20 I -- well, the understanding of Verogy is with
21 that 3/8 inch gap, if I am a drop of water and I
22 hit the top of that highest-most panel, I will run
23 down and at that first 3/8 inch gap I will drop
24 down to the ground there, and therefore there will
25 be, if you will, four drip lines, one from the

1 lower end of each panel because of that gap. Is
2 that your contention?

3 THE WITNESS (Fitzgerald): This is
4 Bryan Fitzgerald. And that would effectively be
5 our contention. I think in our interrogatory
6 response we mentioned that the row of panels would
7 not be considered a closed system, so the water
8 would not run off of one edge, and it would in
9 fact drip off of multiple edges, and in this case
10 it would be considered four based on the
11 configuration of the panels.

12 MR. EDELSON: And again, I guess I
13 just -- I remain skeptical of that in heavy rain.
14 In a light drizzle I have no problem with
15 believing that, but with a heavy rain that just
16 seems to me water would flow and some of it would
17 fall through but some of it would continue on.
18 And I don't know if you have any evidence of that.
19 Again, probably late in the game here, but has the
20 panel manufacturer said or verified that with a
21 3/8 inch gap there will be no water that will
22 migrate from the top-most panel to the next-most,
23 next panel?

24 THE WITNESS (Fitzgerald): Mr. Edelson,
25 this is Bryan Fitzgerald. And the manufacturers,

1 to our knowledge, have not made a statement to
2 that effect of water not migrating across the
3 panels.

4 MR. EDELSON: Is that your experience
5 that's led you to that?

6 THE WITNESS (Fitzgerald): I mean, it
7 would be our experience that the design itself,
8 this design included, you know, has been designed
9 from a stormwater perspective. Because if we're
10 discussing water runoff and treating it as a
11 closed system, we're ultimately getting back to
12 stormwater and it being effective at the, you
13 know, not consolidating, creating a drip edge.
14 The design has been designed to the current
15 standard of the stormwater guidelines, as proposed
16 by Connecticut DEEP, and we have gone through this
17 process with them multiple times on a design very,
18 very similar to this and haven't had issues to
19 date.

20 THE WITNESS (Herchel): This is Will
21 Herchel. Just to bolster what Bryan Fitzgerald
22 was saying, in working with Rob and working with
23 other engineers and speaking with other developers
24 and working with DEEP on the stormwater side, it
25 is our understanding that this gap methodology

1 that we're referring to has scientific evidence to
2 back it up. So it's not evidence from us that
3 we're observing in the field specifically in
4 rainstorms. It's coming from the engineers that
5 we hire to stamp the design and to provide that
6 information to DEEP who makes their stormwater
7 determinations and concurs with our design. So
8 that's where this gap is coming from, this
9 information about the gap.

10 MR. EDELSON: Very good. Thank you.
11 So I want to just turn to some visibility
12 questions. Actually, I'm sorry, one follow-up on
13 Mr. Perrone's question. You indicated that the
14 pad transformer or putting the transformers on a
15 pad as opposed to poles would be more expensive to
16 do that. Can you help me understand why this is
17 more expensive, is it the nature of the pieces of
18 equipment that you put on the ground are more
19 expensive than on a pole? What gives rise to that
20 added expense and how much of a differential are
21 we talking about?

22 THE WITNESS (Fitzgerald): Mr. Edelson,
23 this is Bryan Fitzgerald.

24 And Steve DeNino, would you happen to
25 have better insight on why the cost is different

1 in those two situations?

2 THE WITNESS (DeNino): Bryan, I'm
3 having a hard time hearing. I apologize.

4 THE WITNESS (Herchel): It's okay,
5 Steve. Kyle Perry is going to take it.

6 THE WITNESS (Fitzgerald): Kyle Perry
7 will take it.

8 THE WITNESS (Perry): This is Kyle
9 Perry. So the main difference, to my
10 understanding, one of the things is, if the grid
11 voltage was 13.8, we've seen projects that poletop
12 equipment and the pad-mounted version of that
13 equipment is relatively similar, but at 23 kV,
14 such as this site is, the pad-mounted equipment is
15 two to two-and-a-half times more expensive, I
16 believe it to be, because instead of a GOAB,
17 you're getting a medium voltage switchgear that
18 is, it's essentially a switchgear load break
19 section with a pad-mounted recloser that's all
20 rated for 25 kV which is much more expensive. I
21 can't speak to the exact reasons why the 13.8
22 pad-mounted equipment and the 13.8 poletop
23 equipment is similar to one another and why it
24 differs in the 23 kV. I believe it has some --
25 I'd be guessing here, but I believe it has

1 something to do with the 25 kV rating of all the
2 enclosures and the medium voltage gear.

3 MR. EDELSON: And just to put an
4 exclamation point on it, it's not related to the
5 landscaping or the visibility protection, it's
6 really the equipment that's the driver of that
7 statement?

8 THE WITNESS (Perry): That's correct,
9 yes. It's purely equipment.

10 MR. EDELSON: So if I could turn to
11 just the visibility, I think that's where I was
12 focused on as we kind of came to a conclusion back
13 in March, conclusion of our session. And I noted
14 that we didn't have photosimulations that at least
15 I as a commissioner have become very accustomed to
16 and really appreciate that as a way to see the
17 actual or the current view and then what might be
18 called the proposed view.

19 So the first question is, did you
20 request permission of any of the abutting property
21 owners if they would allow you to take photos that
22 could be used for photosimulation?

23 THE WITNESS (Fitzgerald): Mr. Edelson,
24 this is Bryan Fitzgerald. We did not.

25 MR. EDELSON: And did any of the

1 landowners come forward to you and ask if you
2 would be willing to take photos from their
3 property of the site?

4 THE WITNESS (Fitzgerald): This is
5 Bryan Fitzgerald. The landowners did not come
6 forward and ask if we'd be willing to take photos
7 from certain vantage points on their property for
8 purposes of a viewshed analysis.

9 MR. EDELSON: Okay. So as a result, my
10 understanding is you decided the best thing to do
11 was the sight lines that we already had some
12 questions about. There's only three, if I
13 understand correctly, three sight line drawings
14 done, but obviously there are more abutting
15 properties. Why did you select these three and
16 why not more than three?

17 THE WITNESS (Fitzgerald): Mr. Edelson,
18 this is Bryan Fitzgerald. And these three sight
19 lines were selected because through the viewshed
20 analysis that was produced with our application
21 submission it was deemed that the potential
22 year-round and seasonal views, the majority of the
23 potential and seasonal year-round views of the
24 proposed facility could come from off-property
25 views directly to the north, directly to the

1 northwest, and in the northwest corner of the
2 property.

3 The viewshed analysis did not show any
4 year-round or seasonal views directly from where
5 the property originates from Prospect Street
6 because it would be shielded from both intervening
7 vegetation and existing contours on the property.
8 So the three areas of sight line were focused with
9 a primary focus because it was the goal of the
10 applicant and the engineer to try and protect the
11 views from offsite of the property from Stone Road
12 to the north, Main Street to the west, and the
13 intersection of Stone Road and Main Street as well
14 as the property owners that live directly to the
15 north and directly in the northwest corner of the
16 project. And ultimately that sight line analysis
17 helped us reconfigure the project design and
18 ultimately add more intervening landscaping
19 vegetation on both the property line of the
20 project parcel as well as adding it directly
21 around the project area itself.

22 MR. EDELSON: Thank you. And to be
23 clear, the revised sight line is based on the new
24 location of the project, the moving of the project
25 a little bit to the south?

1 THE WITNESS (Fitzgerald): That's
2 correct. The sight line analysis that was
3 provided is based on the array design as it's
4 currently configured in the revised fashion.

5 MR. EDELSON: So if we turn to the
6 first sight line, I just want to make sure, I'm
7 not used to looking at these sight lines, and so I
8 want to be clear. So the first one at the top,
9 looking at that dotted red line, you're basically
10 saying that from a person standing at 5 foot 6
11 they would see the tops of the solar panels or
12 they would not see the tops of the solar panels?

13 THE WITNESS (Fitzgerald): Mr. Edelson,
14 this is Bryan Fitzgerald. So looking at that
15 sight line analysis, that red dotted line
16 originating at the height eye of 5 foot 6, the red
17 dotted line would follow the sight line, and we
18 can just step it out there. The next thing that
19 would be in between that height eye and the
20 facility would be the limits of existing
21 vegetation, which we currently have marked at
22 about 218 feet, and then you would see the array
23 itself that sits below grade comparatively
24 speaking as a part of the grading plan to where
25 the current grades are on the parcel. So that red

1 dotted sight line that originates from the eye
2 height of 5 foot 6 would in fact look at the tops
3 of the modules after looking through 218 feet of
4 intervening vegetation as called out here in the
5 plan.

6 MR. EDELSON: You know, I think I heard
7 every -- the sound is fine, but I don't understand
8 what you're saying. And again, that's where the
9 photosimulations are very helpful to, I guess,
10 someone like myself who's not that swift.

11 From that position at 5 foot 6, and
12 you're assuming some point along the property I'm
13 able to see somewhat through the vegetation is
14 what you're saying and seeing the tops? I mean, I
15 feel like I've got x-ray vision here the way
16 you're describing it.

17 THE WITNESS (Hiltbrand): Could I
18 comment, sir? Mr. Hiltbrand.

19 MR. EDELSON: Yes.

20 THE WITNESS (Hiltbrand): In that sight
21 line too that does not take into account the
22 vegetation that is there, what we can see through
23 the vegetation. That does not take into account
24 the berm that we are proposing and the 8 foot
25 chain-link fence on top of that either. So this

1 sight line would be like if none of that was in
2 place. So if you go out there and actually
3 physically stand out there on the property with
4 everything else in place, it is my opinion you
5 will not see the solar array at all.

6 MR. EDELSON: That was the conclusion I
7 was coming to, but that's not what the red line
8 seems to indicate. So in terms of the proposed
9 project, this red -- I'll call it a dashed red
10 line that seems to just hover over the solar
11 panels, you probably couldn't even get that far,
12 if you will. Is that what you're saying?

13 THE WITNESS (Hiltbrand): And that does
14 not take into account the berm or the fence, the 8
15 foot chain-link fence that is slatted that will be
16 in place as well.

17 MR. EDELSON: So this is somewhat like
18 an in between, it's not the current view because
19 the current view doesn't have the solar panels
20 there, and it's not the proposed view because the
21 vegetation and the berm are not there.

22 THE WITNESS (Hiltbrand): Correct.

23 THE WITNESS (Herchel): This is Will
24 Herchel. Just to be clear, the 218 feet of
25 existing vegetation are included in that sight

1 line analysis. And you're correct, it is an x-ray
2 vision style visual of that sight line. It's
3 meant to show what you could see unobstructed from
4 a particular point. But you are correct, the berm
5 and the landscaping to be added, as well as that
6 fence, have not been shown in this individual
7 sight line analysis. Part of the reason for
8 completing the sight line analysis was to allow us
9 to understand what berm height would be necessary
10 to further obstruct the view.

11 MR. EDELSON: Okay. Just real
12 technical here, the x-axis, there are figures
13 there, you know, zero, one plus zero, 0.00. What
14 are those figures or what is the units on the
15 x-axis there?

16 THE WITNESS (Fitzgerald): Mr. Edelson,
17 this is Bryan Fitzgerald. So the units on that
18 x-axis would correspond with the specific location
19 on page 1 which is the aerial image of the sight
20 line. So it gets a little difficult to read there
21 coming from the north, but you would see that in
22 the first sight line 0 plus 00 would originate at
23 the home to the north of the property where we are
24 calling the origination of that eye height for the
25 sight line analysis.

1 MR. EDELSON: Okay. So they're just
2 reference points, they're not yards or meters or
3 any other distance unit, per se, it's a way to
4 reference one figure to another?

5 THE WITNESS (Fitzgerald): So they
6 correspond with 100 foot sections.

7 MR. EDELSON: Oh, okay. So I was
8 questioning why I couldn't figure out where this
9 218 feet you kept referring to because I don't see
10 that -- I'm not seeing it on the chart. But I see
11 a distance between what I guess is 200 and 300.
12 So I think I have a little bit better
13 understanding of how the sight lines go.

14 If we turn to the Stone Road, again,
15 just to be clear, is there a berm or vegetation
16 that would make this, again, an example of you
17 need x-ray vision to follow the sight line?

18 THE WITNESS (Hiltbrand): Mr. Hiltbrand
19 speaking. Yes, it's the same situation. On that
20 corner we actually excavate the panels into the
21 ground a little bit on that corner. You can see a
22 little cut slope in the profile there. So we
23 actually set things down between the fence and the
24 natural vegetation you will see over the top of
25 the solar field at that point.

1 MR. EDELSON: Okay. And then turning
2 to the Smaldone property, there it looks like
3 we're way above the panels or at least the sight
4 line goes way above the panels.

5 THE WITNESS (Fitzgerald): That is
6 correct.

7 MR. EDELSON: Okay. Well, thank you
8 for that. I clearly did not have a good
9 understanding of what was there in those diagrams.
10 And with that -- well, I guess one other question
11 would be, did you ever prepare any sight lines
12 from, let's say, a second story of one of those
13 homes?

14 THE WITNESS (Fitzgerald): Mr. Edelson,
15 this is Bryan Fitzgerald. We did not.

16 MR. EDELSON: Okay. Is it fair to
17 assume they would, from that position they would
18 be able to see or have a sight line that would go
19 over the berms in the first two diagrams? If
20 you'd rather not speculate, I'd understand that
21 too.

22 THE WITNESS (Herchel): This is Will
23 Herchel. It would be difficult to speculate as to
24 that, but I don't believe that they would be able
25 to see through the limits of existing vegetation,

1 but again, that is difficult to speculate at this
2 time because the sight line analysis has not been
3 completed.

4 MR. EDELSON: All right. Mr.
5 Morissette, thank you for the time, and that's all
6 I've got. Thank you.

7 MR. MORISSETTE: Thank you, Mr.
8 Edelson. We will now continue with
9 cross-examination by Ms. Cooley.

10 MS. COOLEY: Thank you. I don't
11 actually have any questions at this time.
12 Everything has been answered that I was concerned
13 about.

14 MR. MORISSETTE: Thank you, Ms. Cooley.
15 We will now continue with Dan Lynch.

16 Mr. Lynch. Mr. Lynch, you're on mute.

17 MR. LYNCH: All right. Can you hear me
18 now?

19 MR. MORISSETTE: Yes, we can hear you,
20 Mr. Lynch. Thank you.

21 MR. LYNCH: I didn't attend the March
22 meeting, but I have read the application and the
23 interrogatories but not the transcript yet. So if
24 I ask any questions that were asked in the first
25 meeting, you know, let me know and I'll skip right

1 over them and go to something else.

2 My first question has to do with the
3 state zero emissions energy credits. How long do
4 those credits last?

5 THE WITNESS (Herchel): This is Will
6 Herchel. So the low emission renewable energy
7 credit will have a life that typically lasts
8 around a year. We will set up a forward
9 certificate transfer with the utility company, so
10 as that individual REC is produced, it will be
11 deposited in the NEPOOL account of Eversource so
12 that we can sell that to them on a quarterly
13 basis. The RECs are minted on a schedule that is
14 a little bit off from production. They're
15 actually minted six months after production at the
16 individual location. They are deposited into the
17 NEPOOL GIS account and then transferred via that
18 forward certificate transfer to Eversource.

19 MR. LYNCH: Thank you. That was
20 interesting. Let me ask you, how long do federal
21 tax credits apply to this project or any solar
22 commercial project?

23 THE WITNESS (Herchel): So it depends
24 on the individual project, when the construction
25 of that project has begun, and when the

1 construction of that individual project is
2 completed. For these projects that are beginning
3 construction actually in the year 2020 for
4 purposes of the ITC, they will receive a tax
5 credit amount equivalent to the amount that was in
6 place at the time of commencement of construction.
7 Then the project turns on in a certain calendar
8 year. In the year that that individual project
9 turns on will be the year that that tax credit is
10 taken by the individual taxpayer for that project.

11 MR. LYNCH: So just to clarify, so the
12 project has to be operational?

13 THE WITNESS (Herchel): In order to
14 claim the investment tax credit, the project has
15 to receive its placed in service designation,
16 which includes the permission to operate or
17 authorization to energize from the utility
18 company.

19 MR. LYNCH: Now, just another point of
20 clarification. One thing I saw in your
21 application, you talk about virtual net metering.
22 Now, I know how that applies to residential, but
23 how does it apply to a commercial project like
24 yours?

25 THE WITNESS (Herchel): So, despite --

1 this is Will Herchel. Unlike traditional net
2 metering, which is typically an onsite application
3 of solar or other distributed generation that sits
4 behind the customer meter at a particular location
5 and offsets instantaneous usage at that location,
6 virtual net metering is a separate program that
7 allows for net metering credits, or in this case
8 virtual net metering credits, to be allocated to
9 certain beneficial accounts across the utility
10 district that you're interconnecting to in
11 Connecticut. So residential customers can't
12 actually participate in the virtual net metering
13 program here in Connecticut. Instead, you have to
14 be a state entity, a municipal entity or an
15 agricultural entity to participate either as a
16 customer host or a beneficial account of the
17 virtual net metering program here in Connecticut.

18 MR. LYNCH: Thank you for clarifying
19 that. Now, I want to compliment you on the job
20 that you did as far as explaining what you're
21 going to do about first responders and fire and
22 police. I thought you did a very good job, but I
23 do have a couple questions.

24 The first one is, if the town needs to
25 buy or purchase special equipment to fight these

1 fires, would you either want to pay for it for
2 them or share in what the cost would be?

3 THE WITNESS (DeNino): Hi, this is
4 Steve DeNino. We're currently not contemplating
5 purchasing or helping the fire department purchase
6 any equipment they would need to service this. We
7 don't anticipate them needing any special
8 equipment.

9 MR. LYNCH: So, you wouldn't -- now
10 when they fight fires, they're going to fight it
11 with water or CO2, and most fire departments don't
12 carry CO2. Would you supply them with that or
13 tell them they may have to have that on site?

14 THE WITNESS (DeNino): Hi, this is
15 Steve DeNino again. We would not supply them with
16 that, no.

17 MR. LYNCH: Excuse me, I didn't hear
18 you.

19 THE WITNESS (DeNino): We would not
20 supply them with that, and the fire department is
21 trained in how to handle all the various types of
22 fires and emergencies that they encounter, so the
23 fire department would make the best -- would
24 decide which treatment would be best for the
25 emergency that they would be coming into.

1 MR. LYNCH: My question was, if they
2 weren't aware of it, you would make them aware of
3 it?

4 THE WITNESS (DeNino): Correct.

5 MR. LYNCH: Thank you. Now, as far as
6 in an emergency situation the transformer, does
7 that have to be turned off by Eversource or do you
8 have people that are qualified to turn off the
9 transformer?

10 THE WITNESS (DeNino): This is Steve
11 DeNino again. We have personnel that are
12 qualified to turn off the transformer.

13 MR. LYNCH: Now, I had an understanding
14 in some previous, you know, applications that
15 Eversource must be aware that that transformer is
16 going to be turned off, and they want their people
17 to do it, I guess. So that's why I asked the
18 questions, Mr. DeNino.

19 THE WITNESS (DeNino): We are not --
20 this is Steve DeNino again -- not aware of any
21 requirements of Eversource to do that on this
22 project.

23 MR. LYNCH: All right.

24 THE WITNESS (DeNino): And
25 additionally, this project, ahead of the

1 transformer, has multiple pieces of equipment to
2 operate an onsite GOAB, gang operated air switch,
3 and a remote recloser that can be operated via the
4 internet.

5 MR. LYNCH: I understand. Once
6 everything is turned off, whether the transformer
7 or the inverters and everything, my question is
8 how dangerous on a hot day, sunny day, those
9 panels are still hot, do they offer any danger to
10 anyone who's in that field?

11 THE WITNESS (DeNino): I guess I would
12 actually clarify what "hot," are you referring to
13 energized or hot --

14 MR. LYNCH: Energized, yeah. That's
15 what I mean.

16 THE WITNESS (DeNino): So there would
17 be potential. When the system is turned off,
18 there is potential on the lines between the
19 inverter and the array, the combiner box and the
20 array, so there is potential, but there is no
21 current flowing when the system is de-energized.

22 MR. LYNCH: So are you saying there's
23 no potential danger or for even minor shocks or
24 anything?

25 THE WITNESS (DeNino): No, I did not

1 say that. There is definitely potential, voltage
2 potential on all of the string wiring up to the
3 combiner boxes and from the combiner boxes to the
4 inverters when the system is de-energized, that is
5 correct.

6 MR. LYNCH: My next question, which I
7 think you answered in the interrogatories, but I'm
8 going to ask for a little bit more information,
9 and that's on the energy battery storage. Now,
10 you did mention that it's not going to be part of
11 this project initially, but in the future you said
12 you would look at it. Now, it's my understanding
13 that in 15 years solar batteries are going to be
14 all over the place, so is this something that you
15 actually planned to incorporate into this?

16 THE WITNESS (Herchel): This is Will
17 Herchel. For this particular project we do not
18 anticipate incorporating battery energy storage
19 systems under this interconnection at this time.

20 MR. LYNCH: My question wasn't at this
21 time. My question was in the future when battery
22 storage becomes more popular and more reliable,
23 would you incorporate it then?

24 THE WITNESS (Herchel): This is Will
25 Herchel again. If that were to occur, and this is

1 hypothetical based off of incentive programs, cost
2 of batteries changing and changed market
3 conditions entirely, and an interconnection or an
4 additional interconnection were to make sense from
5 a financial perspective, which it does not now,
6 then there would need to be a separate process for
7 permitting that individual incremental
8 installation. The process to get that done we
9 have not contemplated at this time because we do
10 not anticipate that this project will incorporate
11 battery energy storage systems.

12 MR. LYNCH: See, that's what I have a
13 hard time dealing with because I can't conceive of
14 the present day technology being, you know, also
15 the technology 15 or 20 years down the road. No
16 one uses their same cell phone they had 20 years
17 ago, no one drives the same car they had 20 years
18 ago. Technology changes. So I'm just worried
19 that the new technology will not be incorporated
20 to give us a better mouse trap.

21 THE WITNESS (Herchel): This is Will
22 Herchel again. As a developer of these types of
23 projects, we agree with you in general. We think
24 there will continue to be better ways to get this
25 done. However, for this individual project and

1 the way that it's been structured, it may not be
2 feasible to have that occur, and we can't
3 contemplate what the permitting process would be
4 as well as the interconnection process to add
5 incremental storage for the existing facility. So
6 if it were possible and it made sense for the
7 landowner, for the owner of the project, et
8 cetera, it would be something that's on the table,
9 but at this point it's just too hypothetical for
10 us to understand specifically.

11 MR. LYNCH: I understand. Now, as far
12 as damage to the property or the panels by weather
13 or large animals, whatever, do you have a
14 maintenance agreement with an outsource contractor
15 to repair these, and what would the time period
16 be, or do you do that as an in-house service?

17 THE WITNESS (Herchel): This is Will
18 Herchel. So the operations and maintenance will
19 be provided as an in-house service through use and
20 potential with use of third-party subcontractors
21 throughout the life of the project, but some of
22 the concerns that I think you raised also touch on
23 insurance, and so this project will also be fully
24 insured for any of the damages that you just
25 mentioned in terms of weather or other animal

1 damages and things like that.

2 MR. LYNCH: You anticipated my next
3 question. What is the turnaround time, you know,
4 once you're given the go ahead to replace these
5 panels or inverters or the property damage, any
6 estimate on what that would be?

7 THE WITNESS (Herchel): This is Will
8 Herchel. Again, it is variable depending on the
9 type of issue that you're dealing with. Something
10 like a communication issue which typically can
11 cause down time for a solar array or strings on a
12 solar array could be very quick to fix, days
13 hours. Something like an entire string or entire
14 inverter going down can take longer time in order
15 to get that additional piece of equipment out
16 there and re-energize that individual string, but
17 on an aggregate because of the way that this
18 individual facility is engineered and because of
19 the string level inverting at it, we don't
20 anticipate a large shutdown of that system for an
21 extended period of time to be an issue.

22 MR. LYNCH: Now, this is a hypothetical
23 question. But in the event that we have warning
24 that we're getting a hurricane or a blizzard or a
25 nor'easter, do you make any provisions for what

1 might happen within the, you know, to or within
2 your compound to have stuff on hand to replace?

3 THE WITNESS (Herchel): This is Will
4 Herchel. Typically in a snow event we expect that
5 the panels will be covered for a certain period of
6 time and have taken that into consideration for
7 our projections of production. We don't
8 anticipate the need to go out there and actually
9 clear the modules nor do we anticipate that snow
10 in and of itself is going to be a detriment to the
11 productivity of that panel after the snow itself
12 has been removed. So I don't think we anticipate
13 that to be an issue if I understood your question
14 correctly.

15 MR. LYNCH: Now, you mentioned snow.
16 What about in this year and last year we had a lot
17 of incidents involving ice. How damaging is ice
18 to solar panels?

19 THE WITNESS (Herchel): This is Will
20 Herchel. Again, it depends on the situation, but
21 all of the equipment that we will be installing
22 will be appropriately weather treated for the
23 circumstances that it's expected to live in. So
24 we don't anticipate that to be a significant
25 problem for us. Of course, there's always

1 exceptions to that general rule.

2 MR. LYNCH: Thank you very much. Mr.
3 Morissette, I'm all done.

4 MR. MORISSETTE: Thank you, Mr. Lynch.

5 I now have a couple follow-up questions
6 myself. First of all, I would like to express my
7 gratitude for the applicant and Eversource for
8 having additional conversations relating to the
9 interconnection facilities to minimize the visual
10 impact. That was very good news to hear. I would
11 however like to understand a little bit better as
12 to what discussions have been had so far.

13 I would like to turn to Exhibit D from
14 the amended response of March 23rd which is the
15 pole locations at the entrance. If I understood
16 the testimony so far about the pad-mount
17 installation, so essentially the pole structures
18 that would be installed would be pole 1, 2, 3, 4,
19 and 5, and from that point forward or to the site
20 that would be where the approximate location of
21 the pad mount for the project would be located.
22 Is that a correct view of the structure?

23 THE WITNESS (Perry): This if Kyle
24 Perry with Verogy. So that would be accurate. If
25 I heard you correctly, poles 1 through 5 would

1 remain the same. And I'd just like to add, we
2 would no longer need the transition pole. They
3 can be a single line of four poles, the first pole
4 being the recloser, second pole being the utility
5 GOAB, and then pole 3 and 4 being primary meters,
6 each almost in a series configuration, but it's
7 not electrically a series by any means, and from
8 there we would go underground to pad-mounted
9 equipment that houses the customer load break
10 section and recloser.

11 MR. MORISSETTE: Okay. Would the
12 pad-mount location be in this location of the
13 poles, or would it be up by the project site
14 itself?

15 THE WITNESS (Perry): So this is a
16 conversation we're having. This is Kyle Perry
17 with Verogy, Burlington Solar One. This is a
18 conversation we're having ongoing with Eversource.
19 It's one of the points in terms of point of change
20 of ownership and being near the PCC and the
21 street. That conversation is ongoing. But per
22 protections and control at Eversource, that would
23 be required to be in this area or this vicinity of
24 the parcel.

25 MR. MORISSETTE: Okay. That makes

1 sense. Has there been any discussion about
2 secondary metering for the utility-owned meters?

3 THE WITNESS (Herchel): This is Will
4 Herchel. In our conversations with Eversource
5 we've continually brought up secondary metering
6 because that was the initial design that we had
7 submitted interconnection applications for. To
8 date, there has been no ability, according to
9 Eversource, to be able to implement that as a
10 potential solution for these individual locations.
11 Most of what I heard this morning, in fact, was
12 that the change of ownership, in keeping that
13 change of ownership directly close to the street
14 and keeping as much equipment close to the street
15 as possible and for safety concerns was their
16 primary concern driving that determination.

17 MR. MORISSETTE: Okay. Well, what
18 you've discussed so far is definitely a large
19 improvement.

20 I would like to help out Mr. Edelson a
21 little bit here. If we could go to the new versus
22 old exhibit having to do with the revised plan.
23 Let me see what -- I think it's Exhibit A. I'd
24 like to go to the second drawing which is the
25 overall sight plan showing the comparison. Let me

1 know when you're there and we'll continue.

2 THE WITNESS (Fitzgerald): We're there,
3 Mr. Morissette.

4 MR. MORISSETTE: Okay. Thank you. So
5 my understanding is, is that in the middle of the
6 page, which would be there's the road and it's a
7 dashed line, two dashed lines in parallel up to
8 the project site itself, that's the entrance road.
9 And my understanding is that the interconnection
10 will be underground along that road path up and to
11 a point near the panels itself. Is that correct?

12 THE WITNESS (Fitzgerald): That is
13 correct, Mr. Morissette.

14 MR. MORISSETTE: Okay. So right in the
15 middle of the page it says 30 foot wide
16 construction access. Is that the approximate
17 location of the transformers?

18 THE WITNESS (Fitzgerald): Yes, Mr.
19 Morissette, that would be the approximate location
20 of the transformers.

21 MR. MORISSETTE: Okay. So that is
22 therefore your interconnection facilities, Mr.
23 Edelson, if that's helpful.

24 THE WITNESS (Herchel): Mr. Morissette,
25 This is Will Herchel. Just to be clear, the

1 interconnection to the distribution network would
2 occur closer to the road.

3 MR. MORISSETTE: Oh, that's correct.
4 That's correct. I stand corrected. But to get
5 from the interconnection facilities to the site
6 you're going underground along the road to the
7 transformers by the panels?

8 THE WITNESS (Herchel): That is
9 correct. This is Will Herchel.

10 MR. MORISSETTE: Okay. Thank you.
11 Okay. While we're on this page --

12 MR. EDELSON: Mr. Morissette, I
13 appreciate this because I misunderstood
14 completely. So it's where it says proposed 15 by
15 30 feet concrete equipment pad, you're saying
16 that's where the transformers are?

17 MR. MORISSETTE: No, it's by the 30
18 foot wide construction access.

19 MR. EDELSON: Right. There's a box
20 just below that.

21 THE WITNESS (Herchel): Mr. Edelson, I
22 see what you're referring to. So you're referring
23 to the first design, and that is the pad that was
24 drawn for the first design for our transformers.
25 If you go to the second page of that design,

1 you'll see the two designs layered over each other
2 to show the comparison. And you can see --

3 MR. EDELSON: Oh, I'm sorry, okay.

4 THE WITNESS (Herchel): -- we dropped
5 it south. And that's where he's referring to the
6 location of the pad for the transformers. But
7 you're correct, it will be in that same area, just
8 a little further south than was indicated in that
9 first drawing.

10 MR. EDELSON: All right. I was clearly
11 disoriented. Thank you for the clarification.

12 THE WITNESS (Herchel): Yes.

13 MR. MORISSETTE: Very good. Thank you.
14 While we're on this exhibit, the second page, I
15 would like to go to the, let's see, the right-hand
16 corner of the page, which would be northeast of
17 the project, where we have a distance -- excuse me
18 for a second. It says 191.72 feet to the edge of
19 Wildcat Brook. You with me so far?

20 THE WITNESS (Fitzgerald): Yes.

21 MR. MORISSETTE: Great. And then
22 there's 111.48 feet to the wetlands. Okay. It
23 appears to me that, and I want to understand this
24 correctly, and it has to do with the 300 foot
25 buffer along the forested wetland movement

1 corridor. This seems like this is the bottleneck
2 area of the impact on the forested wetland area.
3 Because if you go to the south, you have 344.45
4 feet to the edge of Wildcat Brook, and then if you
5 go further south you have 319. So am I looking at
6 this correctly in that, first of all, the 300 feet
7 buffer is between the edge, the edge of the
8 project to Wildcat Brook? And I believe that
9 would be a Mr. Davison question.

10 THE WITNESS (Davison): Hi, Eric
11 Davison for the record. I'm sorry, Mr.
12 Morissette, I'm not sure I follow the question.

13 MR. MORISSETTE: Okay. What I'm trying
14 to determine is where the 300 foot corridor should
15 be. If it's less than, where is it?

16 THE WITNESS (Davison): Are you talking
17 about the setback from the brook or the 300 foot
18 forest edge? I'm sorry, I'm still not following
19 the question.

20 MR. MORISSETTE: I'm talking about the
21 300 foot buffer that the Energy and Environmental
22 Protection brought up in their December 1, 2020
23 letter, "preservation of 300 foot buffers as a
24 best management practice to protect connectivity
25 in the forest along wetland movement corridors."

1 THE WITNESS (Herchel): This is Will
2 Herchel. Is that the CEQ that you're referring or
3 DEEP specifically? I just want to make sure.

4 MR. MORISSETTE: This is DEEP, but I
5 think CEQ had the same concern.

6 THE WITNESS (Davison): I don't think I
7 saw that recommendation. I'm sorry, could you
8 read it one more time for me?

9 MR. MORISSETTE: We talked about it at
10 the last hearing. It has to do with the 300 foot
11 buffer corridor along the forested area in the
12 wetland habitat.

13 THE WITNESS (Fitzgerald): Eric, this
14 is Bryan Fitzgerald. I'll step in and try to
15 refresh you a little bit. Remember when we worked
16 with DEEP? This is the corridor I believe Mr.
17 Morissette is referring to. You did the forest
18 survey on specifically, potentially for
19 connectivity. I think where Mr. Morissette could
20 be trying to get is that DEEP may have recommended
21 in their letter, and the CEQ also recommended,
22 preserving a 300 foot forested buffer that follows
23 that corridor. And we achieved that in some
24 sections of this design being 344 feet to the edge
25 of Wildcat Brook and then being 191 feet to the

1 edge of Wildcat Brook in the northern most
2 section.

3 MR. MORISSETTE: Okay. So I am looking
4 at it properly in that those distances are in the
5 300 foot buffer area, I'll say?

6 THE WITNESS (Davison): Yes. Okay, I
7 think I understand, Mr. Morissette. Sorry. So
8 you're asking where the pinch points are in terms
9 of our separation distance from Wildcat Brook?

10 MR. MORISSETTE: Well, specifically
11 that the 191.72 to the edge of Wildcat Brook, and
12 it appears that's where your pinch point is.

13 THE WITNESS (Davison): Correct. And
14 that's the northeast corner of the project area,
15 yeah.

16 MR. MORISSETTE: Okay. Sorry for the
17 convoluted way to get there, but yes. So that's
18 really your pinch point. Is there a possibility
19 to relieve that pinch point by making that
20 distance larger? And that's a project design
21 question.

22 THE WITNESS (Herchel): This is Will
23 Herchel. At this time, I don't think that there
24 is, but we can discuss it with our engineer. But
25 at this time, considering the additional reduction

1 in the system size, I just, from a development
2 perspective, don't think that there is additional
3 panel options that could be endured.

4 MR. MORISSETTE: Okay. Thank you for
5 that response. I appreciate that. So is the
6 191.72 feet adequate enough to provide for a
7 proper corridor in light of it not being the 300?

8 THE WITNESS (Davison): So, you know,
9 I'd have to say, and this was a long discussion
10 that we had with DEEP forestry, I understand the
11 concept and the scientific data that backs up the
12 300 foot buffer that creates core forest versus
13 edge forest. I did not understand, and I couldn't
14 really get a fair explanation, as to why they were
15 specifying a 300 foot buffer off of the brook.
16 Typically buffers from watercourses are either
17 habitat or water quality related, and the DEEP
18 fisheries buffer distance has been 100 feet, you
19 know, since the eighties.

20 So it seemed to me there was some
21 confusion, at least in my eyes, that they took
22 this 300 foot buffer that's relating to what
23 converts a core forest to an edge forest, and
24 those impacts are associated with things like next
25 predation and brood parasitism and changes to the

1 forest that mostly relates to bird impacts, and
2 they were using that 300 foot buffer to buffer off
3 of a stream, and it wasn't clear to me why, to put
4 it bluntly. They had argued that they were trying
5 to preserve a riparian corridor for animal
6 movement along Wildcat Brook from north to south.
7 My confusion over that was that there is no
8 movement south because, as you can see from our
9 forest analysis and where this, you know, the
10 brook goes south of the project area, the forest
11 ends, so we're at the terminus of the forest. So
12 I wasn't sure what the corridor function they were
13 trying to preserve from north to south was and
14 what the 300 foot meant relative to the brook, not
15 specific to forests, in general. So I don't know
16 if that answers your question but --

17 MR. MORISSETTE: So are you supporting
18 the 191.72 as being an adequate distance?

19 THE WITNESS (Davison): To me it's more
20 than adequate with what we observed in that
21 system. There was a discussion about preservation
22 of Box Turtle habitat, that that was the listed
23 species connection they were making as to why they
24 were pressing on this forest protection. But I
25 specified that core forest and riparian forests

1 are not habitat for Box Turtles. They use them,
2 but they are not -- its not required habitat. So
3 yes, based on what we saw in the site forest types
4 and species types, I thought that the nearly 200
5 feet was more than adequate.

6 MR. MORISSETTE: Okay. Thank you. I
7 just want to clarify a couple of things related to
8 the contracts. You have two LREC contracts, one
9 is 2 megawatts and one is 1.5 megawatts,
10 therefore, that's why you have two interconnection
11 facilities; is that correct?

12 THE WITNESS (Herchel): This is Will
13 Herchel. That is correct.

14 MR. MORISSETTE: Okay. There's no
15 plans on bidding into the capacity market at this
16 point?

17 THE WITNESS (Herchel): This is Will
18 Herchel. We have not submitted a statement or a
19 statement of interest into the capacity market,
20 but it may be something that is done in the future
21 for this project.

22 MR. MORISSETTE: Okay. Thank you. And
23 concerning energy, refresh my memory, are going to
24 go with market rates at this time until possibly
25 virtual net metering?

1 THE WITNESS (Herchel): This is Will
2 Herchel. That is correct.

3 MR. MORISSETTE: Thank you. Okay. And
4 one other final question. Can you point me to
5 where the Whigville preservation area is in
6 association with this project?

7 THE WITNESS (Herchel): This is Will
8 Herchel. Could you clarify the question?

9 MR. MORISSETTE: Where the Whigville
10 preservation area is in relation to this project.

11 THE WITNESS (Herchel): Meaning the
12 status of discussions with us on this matter or
13 just where they're geographically located or what
14 areas they cover?

15 MR. MORISSETTE: Actually, both would
16 be helpful. Thank you.

17 THE WITNESS (Hiltbrand): This is
18 Robert Hiltbrand. The Whigville preservation
19 group is a group of landowners that are located in
20 the area that is referred to as the Whigville
21 portion of Burlington, and they operate in
22 meetings out of the Whigville Grange which is
23 located about 3,000 feet southerly of this project
24 on South Main Street. And they primarily cover
25 the area in the Whigville area, although they have

1 been involved in land preservation throughout the
2 Town of Burlington.

3 MR. MORISSETTE: Is the project located
4 within the Whigville preservation area?

5 THE WITNESS (Hiltbrand): There is no
6 such thing as a Whigville preservation area, I
7 believe. The Whigville preservation group, again,
8 is a group of people who are working in concert
9 with landowners about preservation of land in the
10 Whigville area. There is no certified zoning
11 preservation area or anything such as that. It's
12 a group of individuals who have formed to, again,
13 work with landowners in the preservation of land
14 in this area of Burlington.

15 MR. MORISSETTE: Okay. Thank you.

16 THE WITNESS (Hiltbrand): There is no
17 open space parcels that are termed Whigville
18 preservation open space parcels or anything such
19 as that.

20 MR. MORISSETTE: Thank you. That was
21 helpful. So has there been conversations with the
22 Whigville organization or group?

23 THE WITNESS (Hiltbrand): Members of
24 the group have commented on the project, and there
25 has been conversations both email and verbally,

1 yes.

2 MR. MORISSETTE: Great. Thank you. I
3 think that's about it. Thank you. That concludes
4 my questions and also concludes the
5 cross-examination, so that pretty much wraps up
6 the hearing.

7 So before we close, the evidentiary --

8 MR. EDELSON: Mr. Morissette, I just
9 had one follow-up question to something you
10 brought up.

11 MR. MORISSETTE: Yes, Mr. Edelson. Go
12 ahead.

13 MR. EDELSON: And that would be to Mr.
14 Davison. As far as the Town of Burlington inland
15 wetlands regulations and related ordinances, what
16 is their minimum setback with regard to wetlands
17 and watercourses?

18 THE WITNESS (Davison): Burlington has
19 a 100 foot regulated area. I'm sure you're
20 familiar with the fact that it's not a setback,
21 but that's the distance at which they would
22 require a permit for activity near wetlands, 100
23 feet.

24 MR. EDELSON: Thank you. That was it.
25 Thank you, Mr. Morissette.

1 MR. MORISSETTE: Thank you, Mr.
2 Edelson.

3 Before closing the evidentiary record
4 in this matter --

5 MR. SILVESTRI: Mr. Morisette.

6 MR. HOFFMAN: Mr. Morisette.

7 MR. MORISSETTE: Yes, Mr. Hoffman, Mr.
8 Silvestri, yes.

9 MR. SILVESTRI: Who goes first?

10 MR. MORISSETTE: I'll let you go first,
11 Mr. Silvestri.

12 MR. SILVESTRI: Thank you, Mr.
13 Morisette. I wanted to follow up just to see if
14 the applicant had any information as to how to
15 deal with the FR3 oil spill, if they were able to
16 find anything during the discussions that we just
17 had.

18 MR. MORISSETTE: Thank you, Mr.
19 Silvestri. I'll ask Attorney Hoffman if he has a
20 response to that.

21 MR. HOFFMAN: I think it would be up to
22 the witnesses to respond. If they have a
23 response, that would be great; if not, if we could
24 recess for five minutes. I'm sure that we could
25 get a response, but I think the witnesses may have

1 a response.

2 MR. MORISSETTE: Okay. Why don't we go
3 to the witnesses first for a response to Mr.
4 Silvestri's question.

5 THE WITNESS (Herchel): This is Will
6 Herchel. Steve DeNino, do you have a response
7 prepared for that question?

8 THE WITNESS (DeNino): Yes. On the
9 transformer oil spill, transformers are filled,
10 like all transformers, with oil. The difference
11 here is that the oil is a seed-based vegetable
12 oil. Federal and state laws both address the
13 accidental release of any oil, whether it's
14 petroleum, vegetable oil, or any other type of
15 oil. Those requirements are found in Section 311
16 of the Federal Clean Water Act and Section 22a-450
17 of the Connecticut General Statutes, among other
18 places. In both cases, accidental releases of oil
19 must be reported to the appropriate state and
20 federal authorities and, if needed, spills must be
21 remediated in accordance with state and federal
22 regulations. This project would abide by those
23 requirements.

24 MR. SILVESTRI: Thank you, Mr. DeNino.
25 So essentially even though it's deemed as

1 biodegradable, the response for notification and
2 cleanup would be the same as if it were mineral
3 oil; is that correct?

4 THE WITNESS (DeNino): The cleanup
5 procedure, well, you would have to report it to
6 the state and federal authorities, correct, like
7 an oil. The exact cleanup procedures, is that
8 what you're referring to?

9 MR. SILVESTRI: Yes. I was curious if
10 there's any difference between cleaning up a
11 mineral oil that spilled, conventional mineral oil
12 on the ground versus this material.

13 THE WITNESS (DeNino): Yes. So we also
14 did find some information from Cargill, the
15 manufacturer of the FR3 fluid. They recommend
16 accelerating the bioremediation process with
17 spreading an active yeast over the spill site and
18 adding water to activate it. The microorganisms
19 in the yeast actually consume the FR3 fluid
20 effectively removing it.

21 MR. SILVESTRI: Thank you. That's very
22 interesting. I appreciate that. It is different
23 than from a traditional transformer filled mineral
24 oil. So thank you for your response.

25 And thank you, Mr. Morissette, for

1 allowing me to interject.

2 MR. MORISSETTE: Thank you, Mr.
3 Silvestri.

4 Attorney Hoffman, did you have
5 something else?

6 MR. HOFFMAN: No. I just wanted to
7 make sure that Mr. Silvestri's question got
8 answered in due course, and apparently it did.

9 MR. MORISSETTE: Thank you. Okay.
10 Before closing the evidentiary record in this
11 matter, the Connecticut Siting Council announces
12 that briefs and proposed findings of fact may be
13 filed with the Council by any party or intervenor
14 no later than May 13, 2021. The submission of
15 briefs or proposed findings of fact are not
16 required by this Council, rather, we leave this to
17 the choice of the parties and intervenors.

18 Anyone who has not become a party or
19 intervenor but who desires to make his or her
20 views known to the Council, may file written
21 statements with the Council within 30 days of the
22 date hereof.

23 The Council will issue draft findings
24 of fact, and thereafter the party and intervenors
25 may identify errors or inconsistencies between the

1 Council's draft findings of fact and the record;
2 however, no new information, no new evidence, no
3 arguments, and no reply briefs without our
4 permission, will be considered by the Council.

5 I hereby declare this hearing
6 adjourned. Thank you all for your participation.
7 Have a good evening.

8 (Whereupon, the witnesses were excused
9 and the hearing concluded at 3:46 p.m.)

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1 CERTIFICATE OF REMOTE HEARING

2
3 I hereby certify that the foregoing 85 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the Continued Remote Public Hearing in Re:
7 DOCKET NO. 497, BURLINGTON SOLAR ONE, LLC
8 APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AND PUBLIC NEED FOR THE
10 CONSTRUCTION, MAINTENANCE, AND OPERATION OF A
11 3.5-MEGAWATT-AC SOLAR PHOTOVOLTAIC ELECTRIC
12 GENERATING FACILITY LOCATED AT LOT 33, PROSPECT
13 STREET, BURLINGTON, CONNECTICUT, AND ASSOCIATED
14 ELECTRICAL INTERCONNECTION, which was held before
15 JOHN MORISSETTE, PRESIDING OFFICER, on April 13,
16 2021.

17
18
19 

20 -----
21 Lisa L. Warner, CSR 061
22 Court Reporter
23 BCT REPORTING, LLC
24 55 WHITING STREET, SUITE 1A
25 PLAINVILLE, CONNECTICUT 06062

I N D E X

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STEVEN DeNINO
BRYAN FITZGERALD
KYLE PERRY
ROBERT HILTBRAND
ERIC DAVISON

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APPLICANT'S EXHIBIT
(Received in evidence)

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