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January 28, 2020

Via Electronic Mail and First Class Mail

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

RE: ***Petition No. 1310A*** – Quinebaug Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) – ***Response to Department of Agriculture***

Dear Ms. Bachman:

I am writing on behalf of Quinebaug Solar, LLC (“Quinebaug”) relative to the January 9, 2020 comments provided by the Connecticut Department of Agriculture (the “Department”) in response to Quinebaug’s petition for a declaratory ruling by the Connecticut Siting Council (the “Council”) that no certificate of environmental compatibility and public need is required for the above-referenced proposed solar project (the “Project”).

The Department is clear that it does not support the Project. However, in so stating, the Department references issues that are wholly beyond the Council’s jurisdiction, such as food insecurity, food waste, and “the distance from which we bring in our food.”¹ Moreover, though the Department acknowledges that the Project is not subject to Public Act 17-218,² and the Council has previously confirmed that the Project is exempt,³ the Department attempts to implicate the Act by reference. The Department’s 2020 assertions, similar to those raised in 2017, are speculative, at best, and not supported by any facts, data, evidence, or applicable law.

¹ As observed during the January 14, 2020 Field Visit, limited portions of the Project Site have been used for agricultural production of seed corn.

² Department Comments at 1. Public Act 17-218, codified in part as Connecticut General Statutes § 16-50k(a), excludes “any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j.” The Project was selected by DEEP on June 27, 2017. See Petition Section 3.1, *Project History*.

³ See Petition 1310, Council Opinion, Page 1, Footnote 1. The Council has administratively noticed the entire record of Petition 1310 in the instant proceeding.

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As discussed in the Petitioner's August 1, 2017 response to the Department's July 17, 2017 comments on Petition 1310, the Department ignores the fact that development of farmland soils for use in generating solar power has never been proven to degrade soil quality. After the viable life of the Project, the expectation would be that farmland identified on the site would be at least in the same condition, if not improved through revegetation and removal from active agricultural operations. Furthermore, the Project would be expected to prevent potential conversion of farmland soils into commercial development, or expanded gravel extraction.

Lastly, the Department states its general preference that developers pay to conserve agricultural land in perpetuity. Specific to the subject project, the Department also prefers that the Petitioner locate panels in active gravel mining operations that are planned to continue whether or not the Project is approved. The Department's desires are not sufficient to warrant the encumbrance of landowners' private property rights.

The Siting Council has found similarly unsupported Department comments unpersuasive in prior Petitions,⁴ and should do so once again in this instance.

Please feel free to contact David Bogan of this office (860-541-7711) or me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Kate Boucher".

Kathryn E. Boucher

⁴ See, e.g. Petitions 1224, 1312, and 1313.

CERTIFICATION

I hereby certify that on January 28, 2020, the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

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