

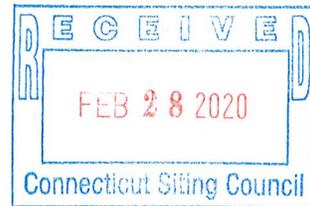
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February 26, 2020

VIA U.S. MAIL AND ELECTRONIC FILING

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



Re: Petition No. 1347 – GRE GACRUX 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 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy’s existing substation at 325 Waterford Parkway North in Waterford, Connecticut.

Dear Ms. Bachman:

I am writing on behalf of my client, GRE GACRUX LLC (“GRE”), in connection with the above-referenced Petition. Specifically, I am writing in response to the February 12, 2020 letter written by Save the River-Save the Hills. In that letter, Save the River-Save the Hills requests that the Connecticut Siting Council (the “Council”) deny re-opening the Petition, and in the event that the Council does re-open the instant Petition, the Council hold a public hearing on the matter.

GRE has no objection to the request for a public hearing if this Petition is re-opened. Given the important issues at stake, GRE would welcome the opportunity to more fully explain how its project has changed and why approval of its Petition is now appropriate.

Save the Rivers-Save the Hills objections to GRE’s request to re-open the proceedings are troubling, however. The vast majority of the statements made in its February 12, 2020 letter are unsupported and in many instances are incorrect. However, the time to bring such issues to the fore is not as the Council is considering whether to re-open the Petition, but rather after the Petition has been re-opened. If the Petition is re-opened, GRE presumes that the Council will allow Save the River-Save the Hills with the opportunity to present evidence and will also provide GRE with an opportunity to cross examine and rebut such evidence where applicable. If the Council does not re-open the Petition, then none of what Save the River-Save the Hills has offered as evidence will matter, since the Petition will remain closed.

Suffice it to say, that GRE disagrees with what has been proffered by Save the River-Save the Hills, and GRE will set the record straight if the Council sees fit to re-open the Petition. For now, however, the focus should be on whether GRE provided sufficient information to the Council for the Council to determine that the Petition has changed significantly from GRE's prior submission. Given the substantial reduction in total acreage of disturbance, as well as the changes to the stormwater management system contemplated by the Petitioner, GRE submits that it has met its burden to demonstrate the necessary changed circumstances.

It should also be noted that GRE has no objection to the participation of Save the River-Save the Hills in this Petition. However, GRE notes that Save the River-Save the Hills did not make its last filing through counsel, but rather through its vice president, a non-lawyer. GRE cannot find any Siting Council regulation that is on point with respect to this matter, however, GRE recognizes that Connecticut law holds that, "[a]ny person who is not an attorney is prohibited from practicing law, except that any person may practice law, or plead in any court of this state 'in his own cause.'" *Lowe v. City of Shelton*, 83 Conn. App. 750, 756, 851 A.2d 1183, 1190 (2004); General Statutes § 51-88(d)(2). As the Council is well aware, proceeding in one's own cause is often referred to as proceeding as a *pro se* litigant. The authorization to appear *pro se*, however, is limited to representing one's own cause, and does not permit individuals to appear *pro se* on behalf of a corporation or company, as Save the River-Save the Hills has done in this instance. *Id.*; see also *State Bar Ass'n of Conn. v. Connecticut Bank & Trust Co.*, 140 A.2d 863, 145 Conn. 222 (1958) ("The underlying reasons which prevent corporations and associations, as well as individuals other than members of the bar, from appearing before the courts apply with equal force to performance of customary functions of attorneys and counselors at law outside of courts.").

This prohibition relates to the practice of law, which at first blush may not seem to apply to administrative proceedings. However, research into the matter shows that administrative proceedings are specifically mentioned as a subset of what it means to practice law. Specifically, Connecticut Practice Book section 2-44A(a)(4) defines the practice of law a number of ways, including but not limited to: "[r]epresenting any person in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in any administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review." This Siting Council proceeding, indeed most Siting Council proceedings is a "formal administrative adjudicative proceeding" under the terms of the Connecticut Practice Book.

The Siting Council may have a different evaluation of this matter, and if that is the case, GRE would welcome the opportunity to brief this issue more fully, assuming the Petition is re-opened, and the Council would be desirous of such briefing. It is GRE's position, however, that Save the River-Save the Hills should retain counsel, whether prior counsel or new counsel, to represent it in this matter in accordance with applicable law.

Page 3

Should you have questions or concerns about this filing, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is written in a cursive style with a large initial "L" and "H".

Lee D. Hoffman

cc: Service List