



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

March 10, 2020

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1347A** - 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. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).

At a pre-hearing conference held on March 10, 2020, at the Connecticut Siting Council's (Council) office and attended by GRE GACRUX LLC representatives Lee Hoffman, Esq., Jean-Paul La Marche (via phone) and Amanda Gurden, CT Examiner Reporter Cate Hewitt, Abby Piersall, Planning Director for the Town of Waterford, and Save the River-Save the Hills representatives Deborah Moshier-Dunn (via phone) and John Danila (via phone), the Council requested that the following format be used for the public hearing scheduled on Tuesday, March 31, 2020.

Pre-hearing Procedure

1. On or before March 17, 2020, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before March 24, 2020, all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before March 24, 2020.
4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies. The Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.



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5. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the petitioner shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to the site on Oil Mill Road. The sign shall set forth the name of the petitioner, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). **The sign shall not be removed from the site until after the commencement of the evening public comment session.**
6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.

Hearing Procedure

7. A public field review of the proposed site will be held on Tuesday, March 31, 2020, beginning at 1:30 p.m.
8. The 3:00 p.m., March 31, 2020, evidentiary hearing session will provide the petitioner, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The petitioner will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the petitioner and all other parties and intervenors.
9. All participants are requested to place nameplates on the table in front of each witness at the hearing.
10. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
11. The 6:30 p.m. public comment session on March 31, 2020, will be reserved for the public to make brief statements into the record. The Council requests that the petitioner conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties. The diagrams must be from materials already submitted into the record.
12. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
13. The Council may, at its discretion, group parties and intervenors with the same interest.
14. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
15. Any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
16. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

Post-hearing procedure

17. A verbatim transcript of the hearing session will be made and deposited with the Waterford Town Clerk's Office, Waterford, Connecticut for the convenience of the public.
18. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
19. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
20. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

MB/lm

Enclosure: Administrative Notice List

Administrative Notice List
Petition No. 1347A

FEDERAL

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf
4. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
5. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
6. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, July 2010, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
7. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>
8. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review: Energy Transmission, Storage, and Distribution Infrastructure*, April 2015, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-first-installment>
9. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>
10. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2019*, January 24, 2019, available at <https://www.eia.gov/outlooks/aeo/>
11. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2019*, February 2019, available at https://www.eia.gov/outlooks/aeo/pdf/electricity_generation.pdf
12. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>

13. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf
14. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND NATIONAL RENEWABLE ENERGY LABORATORY. *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at https://www.epa.gov/sites/production/files/2015-03/documents/best_practices_siting_solar_photovoltaic_final.pdf
15. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at https://www.usda.gov/oce/reports/energy/Web_SolarEnergy_combined.pdf
16. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017, available at https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262
17. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Evaluation of Glare as a Hazard for General Aviation Pilots on Final Approach*, July 2015 available at https://www.faa.gov/data_research/research/med_humanfacs/oamtechreports/2010s/media/201512.pdf
18. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010, available at https://www.faa.gov/airports/environmental/policy_guidance/media/airport-solar-guide-print.pdf
19. UNITED STATES FEDERAL AVIATION ADMINISTRATION, Interim Policy, *FAA Review of Solar Energy System Projects on Federally Obligated Airports (inclusive of Solar Glare Hazard Analysis Tool)*, October 23, 2013, available at <https://www.federalregister.gov/documents/2013/10/23/2013-24729/interim-policy-faa-review-of-solar-energy-system-projects-on-federally-obligated-airports>
20. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

REGIONAL

21. ISO-NEW ENGLAND, INC., *Operational Fuel-Security Analysis*, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf
22. ISO-NEW ENGLAND, INC., *New England's Wholesale Electricity Prices in 2017 Were the Second-Lowest Since 2003*, March 6, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/03/20180306_pr_2017prices.pdf
23. ISO-NEW ENGLAND, INC., *2017 Regional System Plan*, November 2, 2017, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
24. ISO-NEW ENGLAND, INC., *2019 Regional System Plan*, October 31, 2019, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>

25. ISO-NEW ENGLAND, INC., *2019 Regional System Plan Project List*, June 2019, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
26. ISO-NEW ENGLAND, INC., *2018-2027 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 9, 2018, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
27. ISO-NEW ENGLAND, INC., *2019-2028 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, April 30, 2019, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
28. ISO-NEW ENGLAND, INC., *2018 Regional Electricity Outlook*, February 14, 2018, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
29. ISO-NEW ENGLAND, INC., *2019 Regional Electricity Outlook*, March 2019, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
30. ISO-NEW ENGLAND, INC., *ISO New England Installed Capacity Requirement, Local Sourcing Requirements and Capacity Requirement Values for the System-Wide Capacity Demand Curve for the 2019/20 Capacity Commitment Period*, January 2016, available at https://www.iso-ne.com/static-assets/documents/2016/01/icr_values_2019_2020_report_final.pdf
31. ISO-NEW ENGLAND, INC., *The Challenge of Ensuring System Reliability Through Wholesale Markets as the Resource Mix Evolves*, November 17, 2016, available at http://www.necbc.org/content/pages/Gordon-van-Welie_ISO-NE_NECBC_11_17_2016_final.pptx.pdf
32. ISO-NEW ENGLAND, INC., *ISO New England's Internal Market Monitor 2017 Annual Markets Report*, May 17, 2018, available at <https://www.iso-ne.com/static-assets/documents/2018/05/2017-annual-markets-report.pdf>
33. ISO-NEW ENGLAND, INC., *ISO New England's Internal Market Monitor 2018 Annual Markets Report*, May 23, 2019, available at <https://www.iso-ne.com/static-assets/documents/2019/05/2018-annual-markets-report.pdf>
34. ISO-NEW ENGLAND, INC., *State of the Grid: 2018, Presentation by Gordon van Welie*, February 27, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/02/02272018_pr_presentation_state-of-the-grid_2018.pdf
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37. ISO-NEW ENGLAND, INC., *Final 2019 PV Forecast*, April 29, 2019, available at <https://www.iso-ne.com/static-assets/documents/2019/04/final-2019-pv-forecast.pdf>
38. ISO-NEW ENGLAND, INC., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>

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45. CONNECTICUT SITING COUNCIL, *2016/2017 Forecast of Electric Loads and Resources*, November 8, 2018, available at https://www.ct.gov/csc/lib/csc/pendingproceeds/forecast_2018_2019/f2018/finalreport/f2017-18-cscfinalreport.pdf
46. CONNECTICUT SITING COUNCIL, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at http://www.ct.gov/csc/lib/csc/docket_346/whiteppr_final.pdf
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48. CONNECTICUT SITING COUNCIL, *Investigation into the Life-cycle Costs of Electric Transmission Lines*, October 11, 2018, available at https://www.ct.gov/csc/lib/csc/publications/2017-life-cycle_finalrpt.pdf
49. CONNECTICUT SITING COUNCIL, *Written Testimony in Reference to Raised Bill No. 943, An Act Concerning the Installation of Certain Solar Facilities on Productive Farmlands*, March 6, 2017, available at <https://www.cga.ct.gov/2017/ENVdata/Tmy/2017SB-00943-R000306-Stein.%20Robin%20.%20Chairman-Connecticut%20Siting%20Council-TMY.PDF>
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51. **DOCKET 192B-** CPV Towantic, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut, Council Memo Regarding Recusal of Chairman Stein and Council Memo Regarding Recusal of Michael Klemens, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=962&Q=556110&PM=1>
52. **PETITION NO. 1056** - GRE 314 East Lyme, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 5.0 MW Solar Photovoltaic Renewable Energy Generating Project located on Grassy Hill Road and Walnut Hill Road, East Lyme, Connecticut, Record, Final Decision and Development and Management Plan, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&q=517566>
53. **PETITION NO. 1310** - Quinebaug Solar, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required 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, Connecticut and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut, Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594016&PM=1>
54. **PETITION NO. 1312** – Candlewood Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 20 megawatt AC (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy’s Rocky River Substation on Kent Road in New Milford, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594294&PM=1>
55. **PETITION NO. 1345** – Pawcatuck Solar Center LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 15 MW AC solar photovoltaic electric generating facility on approximately 353 acres comprised of four abutting parcels located east of Pendleton Hill Road, north of the Pawcatuck River and south of Interstate-95 with proposed access from Ella Wheeler Road, and associated electrical interconnection to Eversource Energy’s Shunock Substation west of Pendleton Hill Road in North Stonington, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&q=602894>
56. **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. Record and Final Decision, FOIA Request and Response, and Petition for Reconsideration Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=603418&PM=1>
57. Resignation Letter of Michael Klemens from Connecticut Siting Council membership, May 15, 2019.

Department of Energy and Environmental Protection

58. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, May 2002, last revised November 2007, available at http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
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62. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq., available at <https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7BAC772FCD-E1D5-4E99-A871-13C581E951F8%7D>
63. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF ENERGY AND TECHNOLOGY POLICY, *2013 Comprehensive Energy Strategy for Connecticut*, February 19, 2013, available at http://www.ct.gov/deep/lib/deep/energy/cep/2013_ces_final.pdf
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70. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, INLAND FISHERIES DIVISION, *Habitat Conservation and Enhancement Program, Stream Crossing Guidelines*, February 26, 2008, available at <https://www.ct.gov/deep/lib/deep/fishing/restoration/streamcrossingguidelines.pdf>

Department of Public Health

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Department of Transportation

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73. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *Utility Accommodation Manual*, February 2009, available at <http://www.ct.gov/dot/lib/dot/documents/dutilities/ACCOMODATION.pdf>
74. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, BUREAU OF ENGINEERING AND HIGHWAY OPERATIONS, *Public Service Facility Policy and Procedures for Highways in Connecticut*, November 2008, available at <http://www.ct.gov/dot/lib/dot/documents/dutilities/UtilityPolicyProcedures.pdf>

Other State Agencies

75. STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies Plan for Connecticut 2013-2018*, June 5, 2013, available at [https://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_final_cd_plan_\(rev._june_2017\).pdf](https://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_final_cd_plan_(rev._june_2017).pdf)
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