



Save the River-Save the Hills, Inc.
P.O. Box 505
Waterford, CT 06385

March 7, 2020

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

RE: Proposed Photovoltaic Installation
177 Oil Mill Road – Waterford, CT
CT Siting Council Petition No. 1347A

Dear Ms. Bachman and Members of the CT Siting Council:

As you know, Save the River-Save the Hill, Inc. (STR-STH) is a Waterford, CT based grassroots environmental organization with the mission of preserving the health of the Niantic River Estuary. We are writing in response to the Council's request to comment on the Petitioner's (GRE GACRUX LLC) letter to the Council about Save the River-Save the Hills, Inc., needing to be represented by an attorney when addressing the Council. We are honestly surprised by this request as we have not been employing an attorney in this matter since October 2018.

STR-STH apologizes for sending our reasons for not reopening the Petition in our letter requesting the Council not reopen the Petition, a fact which seems to have upset the Petitioner. We might point out we were not the only ones who thought that the Council needed our comments before they could decide whether or not to reopened the Petition. Indeed, at the CSC meeting, one council member thought that discussion should happen before the Council voted. Reopening to discuss whether or not to reopen is apparently a bit confusing. Yes, if we had an attorney, we might have saved our letter until later in the proceedings. But STR-STH does not need an attorney to continue. We have a fiduciary responsibility to our members to not use their donations for things that are not necessary. At this time STR-STH feels that the Council and our members would be better served by the Council hearing from technical expertise provided by STR-STH than by hearing from an attorney. If that changes, STR-STH reserves the right to retain counsel at our discretion.

The case that Attorney Hoffman cited in his letter to the Council references a decision about parents being able to represent their child in a libel court case. We understand that that is indeed CT law, but it is also irrelevant to the Council proceedings. The case did set precedent for *pro se* authorization in a court of law. But the Council proceedings are not a court of law. On the Council's own website description for Intervenor (<https://www.ct.gov/csc/cwp/view.asp?a=947&Q=247608>) it states: "Status as a "party" or "intervenor" is an important distinction which is addressed by the "details of attaining party/intervenor status" guide. **Although legal representation is not required in order to gain and utilize such status, it is strongly encouraged.**" [bold emphasis added]

According to Sec. 16-50j-15 (c), the Council shall determine the proposed intervenor's "participation in the proceeding, taking into account whether such participation will furnish assistance to the Council in resolving the issues of the case, is in the interests of justice, and will not impair the orderly conduct of the proceedings." Per the statute, if the Council desires to hear from another point of view, it has the discretion to allow for it. Requiring representation by an attorney may inhibit the Council's ability to gain the perspective of a point of view on an issue that is different from the perspective submitted by the Petitioner.

Attorney Hoffman's assertion in his letter to the Council that intervenors need to have an attorney flies in the face of the reason the Council allows intervenors to participate. This assertion would prevent the general public from being involved in the process if they did not have the means to pay an attorney. This would, in turn, prevent the Council from learning about issues regarding a particular Petition and thus render a decision without the benefit of insights from an entity other than the Petitioner. That would affect the Council's ability to assess "the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values" as it is charged to do.

It is pretty clear in the Statutes and the information that the Council has provided the general public that an intervenor can represent themselves by their own signature at the end of a submittal. Sec. 16-50j-11 states: "Signatures. Every application, notice, motion, petition, complaint, brief, and memorandum shall be signed by the filing person **or** by one or more attorneys in their individual names on behalf of the filing person. (Effective August 16, 1979)" [bold emphasis added]. The CSC processes that were set up by statute are streamlined, efficient processes. The only time STR-STH has asked for extra time in the process was when we, in fact, retained an attorney and that attorney needed to get up to speed on the Petition. Other than that one time, STR-STH has been working within the guidelines and has been fulfilling a role of "assistance to the Council in resolving the issues in the proceeding", with the "interests of justice" and have not impaired "the orderly conduct of the proceedings pursuant to Section 4-177a of the Connecticut General Statutes", as stated in the guidelines provided by the Council.

Finally, the Council proceedings are designed to encourage public participation while being expedient. Allowing one person to speak for an intervenor prevents 50 people of an organization from speaking at a public hearing. It is not only an advantage to the Council, but to the Petitioner, to have fewer people speak. Also, STR-STH respectfully submits to the Council that if Attorney Hoffman would like to change the norms of the proceedings of the Council, that he take that up within the proper channels to change the statutes creating the Council's proceedings, not within the proceedings he is currently engaged in.

Respectfully submitted by:

D. Moshier-Dunn

Deb Moshier-Dunn, Vice President
Save the River-Save the Hills, Inc.

7 Mar 2020

Date