

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Greenskies Clean Energy, LLC petition for a declaratory ruling for the proposed construction, maintenance and operation of a 3.0-megawatt-AC solar photovoltaic electric generating facility on two parcels at the Elmridge Golf Course located to the east and west of North Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut, and associated electrical interconnection.

Petition No. 1410

October 1, 2020

OBJECTION TO PETITIONER’S MOTION TO STRIKE

Proponents for Responsible Emplacement of Stonington Solar, Inc. (“PRESS”) objects to the motion to strike filed by petitioner Greenskies Clean Energy, LLC (“Greenskies”) on September 30, 2020. In that motion, Greenskies seeks to strike the supplemental testimony of Steve Trinkaus as untimely. That supplemental testimony consists of less than three pages and was submitted several days before the opening of this evidentiary hearing. That testimony includes calculations that support the opinions Mr. Trinkaus expressed in his prefiled testimony and technical review, filed with the Council on September 24, 2020. In that prefiled testimony, Mr. Trinkaus opined that Greenskies had underestimated peak rate and runoff volume by about 40% based on his review of a stormwater failure at the Antares solar project in East Lyme. The only new information in the supplemental testimony are Mr. Trinkaus’s actual calculations of runoff volume and peak rate done with the assumption that the panels are impervious in this project, which simply supports his opinion that Greenskies underestimated those numbers by about 40%. Those calculations were provided based on Greenskies’ objection to their omission in another petition before the Council (Petition 1347A).

Greenskies’ motion is based purely on the timing of Mr. Trinkaus’s submission: it argues that PRESS filed the testimony after the September 24, 2020 prefiling deadline and therefore, the Council should strike and not consider it. This argument ignores the reality that the Council

often accepts, and even requests, late-filed exhibits, revised site plans, mitigation plans, answers to questions raised at an evidentiary hearing, and more. Even in this petition, both PRESS and Greenskies submitted supplemental requests for administrative notice after the prefiling deadline, and Greenskies' request was about another Council petition that it has had notice of for months and certainly could have included on its original list. No party has moved to strike those supplemental requests.

Moreover, undersigned counsel understands that the Council has already set a continued evidentiary hearing date of October 20, 2020 in this matter, so Greenskies will have plenty of time to prepare to cross examine Mr. Trinkaus on his calculations. There is simply no prejudice to Greenskies in having this information before the Council; indeed, Greenskies *does not even argue that it is prejudiced* by the submission. The information can only serve to inform and benefit the Council as it reviews and considers the petition. Greenskies is trying to have it both ways here – on the one hand, it complains that the calculations were not provided by the opposition, so the Council should not consider Mr. Trinkaus's opinions at all, and on the other hand, when the opposition pays to have those calculations done to remedy its objections, Greenskies then argues the calculations should be ignored because of the timing of its submission. The Council should not permit this gamesmanship.

As there is no prejudice to Greenskies, and Mr. Trinkaus's supplemental prefiled testimony should be permitted to stand. The Council should sustain this objection and deny Greenskies' motion to strike.

**PROPOSERS FOR RESPONSIBLE
EMPLACEMENT OF STONINGTON SOLAR, INC.**

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CERTIFICATION

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