



LODESTAR ENERGY

**PETITION OF LSE PHOENIX LLC (“LODESTAR ENERGY”) FOR A
DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED IS REQUIRED FOR THE CONSTRUCTION,
OPERATION, AND MAINTENANCE OF A 1.99 MW AC SOLAR PHOTOVOLTAIC
FACILITY IN NORTH CANAAN, CONNECTICUT**

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STATE OF CONNECTICUT SITING COUNCIL

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THAT NO CERTIFICATE OF ENVIRONMENTAL
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PETITION NO. _____

June 11, 2020

I. INTRODUCTION

Pursuant to Conn. Gen. Stat. §§ 4-176 and 16-50k(a) and Conn. Agencies Regs. § 16-50j-38 *et seq.*, LSE Phoenix LLC, a Connecticut limited liability company (“Lodestar” or “Petitioner”) requests that the Connecticut Siting Council (“Council”) approve by declaratory ruling the location, construction, operation, and maintenance of a solar photovoltaic facility capable of up to 1.99 MW AC, and associated equipment (“Project”) consisting of approximately 10.79 acres (inclusive of all of solar panels, transformers, electrical switchgear, monitoring equipment and access roadways) to be constructed on an approximately 23 acre parcel located at 100 Sand Road, North Canaan, Connecticut, also known as assessor’s parcel #07/111-0 (the “Project Site”). The Project Site is currently undeveloped.

Conn. Gen. Stat. § 16-50k(a) provides:

Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling... the construction or location of any customer-side distributed resources Project or facility or grid-side distributed resources Project or facility with a capacity of not more than sixty-five megawatts, as long as such Project meets air and water quality standards of the Department of Energy and Environmental Protection.

As discussed in this petition, the Petitioner's goal is to design an environmentally compatible Project that produces the maximum amount of energy while avoiding and minimizing adverse environmental impacts. Based on the evaluation presented in this report, the Project will not have a substantial adverse environmental impact to the immediate and surrounding area. Accordingly, the construction, operation, and maintenance of the Project satisfies the criteria of Conn. Gen. Stat. § 16-50k(a).

II. PETITIONER

Lodestar is a Connecticut-based limited liability company that develops renewable energy projects in Connecticut and New England. Lodestar's principal place of business is located in Avon, Connecticut at 40 Tower Lane, Suite 201. Lodestar will lead the Project's development, construction and financing and will be the long-term owner and operator of the Project. Lodestar's team has worked with utilities, school districts, cities, housing authorities, counties, Fortune 500 companies, private businesses, commercial and industrial clients and many others to develop more than five hundred (500) MW of solar projects with a value of more than \$1 billion across North America including four (4) operating projects in Connecticut, one (1) additional project under construction pursuant to Council Petition #1380 and an additional project pending in Petition #1398.

Please address all correspondence and/or communications regarding this Petition to:

Carrie Larson Ortolano, Esq.
Associate General Counsel
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Please also provide a copy of all such correspondence and/or communications to:

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III. PROPOSED PROJECT

A. PROJECT BACKGROUND

In developing this Project, the Petitioner has taken into account the State’s energy policy and goals to “develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent.” Conn. Gen. Stat. § 16a-35k. As a solar development, the proposed Project is considered a Class I renewable energy source under Conn. Gen. Stat. § 16-1(a)(26).

Through Public Act 11-80, the Connecticut Light and Power Company (“Eversource”), *inter alia*, was required to procure class I renewable energy credits (RECs) to reach Connecticut’s renewal energy goals and established the Low and Zero Emissions Renewable Energy Credit Program (“LREC”). The proposed Project was submitted into the state-wide competitive LREC/ZREC solicitation and granted an award from Eversource on December 9, 2019. In addition, the Project will be subject to a virtual net metering agreement(s) with at least one municipality in the State of Connecticut (“VNM”) providing discounted net metering credits and savings of over \$1,500,000 across the life of the Project. Lodestar currently has a signed letter of intent with the Town of South Windsor. The VNM agreements related to the Project are currently being negotiated with several municipalities including South Windsor.

B. SITE SELECTION

The Company utilized its internal expertise and that of outside consultants and industry leaders to base its site selection for the Project on a detailed evaluation of the following key criteria:

- Site suitability (size, topography, and apparent lack of biological and hydrological conflicts in initial fatal flaw screening);
- Site availability;
- Proximity of existing electrical infrastructure and the approval to interconnect to this infrastructure from EDC; and
- Utilization of the existing access driveway and infrastructure and, in addition, a temporary construction access from Ryan Avenue on an existing access driveway.

After performing an initial site evaluation, the Company began a preliminary design of a site layout that would best avoid or minimize any potential negative environmental impacts. The Project Site is an undeveloped parcel with several large, open fields. Upon approval of the Project, the Petitioner will purchase the Project Site from the current owner.

The Company performed significant public outreach with Town leadership and administration including attending in-person meetings on December 2, 2019, January 31, 2020 and February 12, 2020. The Company has offered to meet with various boards in the Town for a public informational session and, as a result of meeting cancellations due to the COVID-19 pandemic, those meetings were delayed and occurred on June 1, 2020 (with the Board of Selectmen) and June 8, 2020 (with the planning and zoning commission).

As noted above, the Petitioner is actively negotiating virtual net metering credit agreements with several Connecticut municipalities so that those towns can save over \$1,500,000

from the Project. During the site selection and evaluation process, Lodestar has retained the following consultants to assist in the evaluation and design of the Project:

- All Points Technology (“APT”) – wetlands delineation, NDDB and habitat review, SHPO review and follow-up and civil engineering services

- RBI Solar – geotechnical and solar design services

- D&E – mechanical engineering and design

- CES – electrical engineering and testing

- ArcDesign – interconnection design and medium voltage analysis

C. PROPERTY DESCRIPTION

The Project will occupy approximately 10.79 acres of the entire 23 acre parcel located on the west side of Sand Road. A vicinity map is included in **Exhibit 1**. The property is currently owned by John and Cecelia Bates (the “Landowner”) and is undeveloped. Property uses in the immediate vicinity consist of residential properties and a cemetery. In addition, the Project Site is in close proximity to an existing solar photovoltaic facility, approved by the Council in Petition #1234, located at 7 Grace Way, North Canaan. **Exhibit 1** includes the vicinity and land use maps which depicts the surrounding land uses within one-half mile of the Project Site based on the Town of North Canaan’s zoning map and regulations.

The Project Site is located in the central portion of the parcel. The location of the Facility was selected to maximize use of the open fields on the Site and minimize tree clearing that would be required to develop the Facility. The Project Site will be accessible from Sand Road via the existing access driveway from Sand Road and, in addition, via a temporary construction access from an existing driveway on Ryan Avenue. The temporary access driveway on Ryan Avenue will require an easement from the neighboring property for its frontage, and will utilize

an already existing roadway. Petitioner has an option to purchase the Site, which will be exercised upon Siting Council approval.

D. PROJECT DESCRIPTION

If this Project is approved by the Siting Council, Lodestar will exercise its option to purchase the Site and will proceed to construct, operate, and maintain the solar facility at the Project Site. The Project will involve the construction of approximately 10.79 acres of ground-mounted solar photovoltaic panels and related improvements. The work will include clearing and grubbing, improvement of the access road; layout and placement of foundation systems, racking, approximately 7,560 solar PV panels and (16) x 125kW inverters; installation of utility pads and associated electrical equipment; installation of electrical conduit, conduit supports, electrical poles, and overhead wire; installation of a transmission line and associated transmission line tap and installation of security fencing. The existing gravel access driveway located off of Sand Road will be upgraded to ensure that construction vehicles can travel to and from the Site. In addition, as noted in **Exhibit 1**, Petitioner is seeking to utilize a second, temporary construction access over an existing access driveway from Ryan Avenue. Emergency access will be available via Ryan Avenue and will be designed in accordance with local requirements to accommodate emergency vehicles and fire trucks. The security fence will completely enclose the Project and will consist of a seven and one half (7.5) foot chain-link fence with gated access.

The PV panels will be mounted on a driven post racking system at a 25 degree fixed tilt facing due south. Inverters will be mounted on a concrete pad to the northwest of the array. The maximum height of the panels will be approximately eleven (11) feet. The image below is an example of the type of panels and racking system that will be utilized.



Construction of the Project will require clearing of approximately 6.39 acres. At the end of the operational life of the Project, the Company will remove all equipment (*e.g.* racking system, panels, inverters, electrical collection system, equipment pads, etc.) from the Project Site.

The Company will install the Project in the area shown on the Site Plans in **Exhibit 1**. The images below are examples of a similar solar array field installed by the Petitioner.



The Project construction period is estimated to take approximately 4-6 months from issuance of all required permits. Subject to regulatory approval, Petitioners anticipate commencing construction in the fall of 2020 or upon approval from the Siting Council.

Project Schedule:

Task	Approximate Duration
Mobilization and site preparation	2 weeks
Civil work: road construction, tree clearing, grading	2 weeks

Racking, panel & electrical installation	8 weeks
Interconnection and medium voltage	3 weeks
System testing	1 week
Approvals & commissioning	2 weeks

E. UTILITIES AND INTERCONNECTION

Lodestar proposes interconnecting the Project to an existing 13.2 kV overhead circuit that runs along Ryan Avenue to the northwest of the Site, which is part of Eversource’s distribution system. The existing electrical infrastructure was one of the key reasons the Project was sited here. Petitioner has already completed an interconnection application. Completion of the interconnection study and impact study has resulted in the execution of an interconnection services agreement, which will allow the Project to interconnect in the manner set forth above.

The interconnection will require the installation of three (3) new poles extending from the existing utility pole, located in the vicinity of the northwest corner of the Site at the entrance to the access road off of Ryan Avenue as depicted in **Exhibit 1**. Eversource will own and install a load break on the first new pole, a pole-mounted recloser on the second new pole, and an overhead primary metering cluster on the third new pole. The point of common coupling will be on the load side of the primary metering cluster. The extension will follow the path of the access road with poles installed adjacent to the access road on its east side. The Company will install a riser pole with a load break and fuse cutouts and will direct the interconnection circuit

underground. The Company will install an underground 3-phase 13.2 kV line running approximately sixty (60) feet from the point of common coupling/riser pole to the pad mounted switchgear at the array location. This is the same process and configuration that has been used on the Company's previous projects in other locations across Connecticut.

F. LOCAL INPUT & NOTICE

The Company has actively sought input and approval from the Town of North Canaan throughout the planning and development of this Project, and remains committed to providing the Town with as much information regarding the Project as possible. In support of this goal, the Company attended meetings on:

- December 2, 2019 meeting with a member of the Board of Selectmen;
- January 31, 2020 presentation via conference call with members of the Board of Selectmen and the Planning and Zoning Commission;
- February – May, 2020 meeting and conversations with several nearby property owners and numerous conversations with town officials.
- June 1, 2020 -- meeting with Board of Selectmen via video conference
- June 8, 2020 – meeting with planning and zoning commission

Additionally, as required by the Regulations of Connecticut State Agencies § 16-50j-40(a), the Company provided notice of this petition to all required persons and appropriate municipal officials and governmental agencies. Attached as **Exhibits 5 and 6** are copies of the certifications of service to abutters and required officials respectively. As a result of Petitioner's significant outreach to the Town, the Town has issued a letter of support for the Project, which is attached hereto as **Exhibit 14**.

IV. EQUIPMENT AND ENERGY PRODUCTION

The design of the Project focuses on maximizing the efficiency of the system based on existing conditions of the Project Site and local weather patterns while, at the same time, minimizing environmental impacts. The array layout was chosen to maximize the use of the open field portions of the Site. Within this layout, approximately 7,560 photovoltaic modules will be installed at a 25 degree fixed tilt with an azimuth of 180 degrees due south. The racking configuration will mount two modules on top of one another in a longitudinal format achieving a maximum height of approximately eleven (11) feet. The photovoltaic array will feed sixteen (16) Sungrow Model SG125HV 600 Volt inverters for a total output of 1.99MW AC.

Eversource reviewed the Project's designed output during their system impact study process which is identical to the electrical design of previous approved projects Lodestar has developed including Suffield (Petition #1159), Norcap North and NorCap South in East Windsor (Petition #1294 & #1295) and Enfield (Petition #1380). Eversource determined that the distribution circuit 29J1 located to the northwest of the Site on Ryan Avenue is suitable for the additional output from the Project. This new incremental clean energy generation will improve grid resiliency in Connecticut by providing distributed energy where it is needed.

The operational life of the Project is based on the designed life expectancy of the equipment. The equipment for the Project consists of modules, racking and inverters. Photovoltaic modules and racking equipment have a designed life and warranty extending for twenty (20) years or greater. The inverters have a designed life and warranty of approximately ten (10) years or greater. Therefore, the anticipated operational life of the Project is twenty (20) plus years. At the end of the operational life of the Project, the Company will remove all

equipment (*e.g.* racking system, panels, inverters, electrical collection system, etc.) from the Project Site.

In the event of a fault or power outage within the solar facility and/or the Eversource distribution circuit, the Project is required to be isolated from the distribution circuit within two (2) seconds of fault detection. The Project performs this isolation via a SEL 351 Vista Switchgear which continually monitors for deviations in frequency, current and voltage outside of Eversource parameters. If a fault is detected, the switchgear automatically opens the circuit and restricts the Project from production. The equipment specifications for the proposed equipment is attached hereto as **Exhibit 2**.

V. NO SUBSTANTIAL ENVIRONMENTAL IMPACTS

Conn. Gen. Stat. § 16-50k (a) provides that a Certificate is not required if an electric generating facility meets the air and water quality standards of the Department of Energy and Environmental Protection (“DEEP”) and does not have a substantial adverse environmental effect. The Company engaged various environmental professionals to conduct a comprehensive environmental analysis. See **Exhibits 8** (wetlands report), **9** (Federal Aviation Administration (“FAA”) determination), **10** (State Historic Preservation Office (“SHPO”) determination and follow-up), **11** (Natural Diversity Database (NDDDB”) and habitat follow-up), **12** (noise analysis) and **13** (carbon debt analysis). The Company consulted with CT DEEP and other relevant agencies, evaluated potential environmental impacts. For these reasons and those addressed further below, this Project avoids, reduces, and mitigates potential environmental impacts.

A. AIR QUALITY

The Project will not generate any emissions but rather, as demonstrated in **Exhibit 13**, the Project will contribute to carbon reduction. See Carbon Debt Analysis attached hereto as **Exhibit 13**. The Project will have no air emissions during operation and only very minor air emissions of regulated air pollutants and greenhouse gases during construction. The Company will control any temporary emissions at the Project Site by enacting appropriate mitigation measures (*e.g.*, water for dust control; avoid mass early morning vehicle startups, etc.).

Accordingly, any potential air effects produced by the Project's temporary construction activities will be *de minimus*. During operation, the Project will produce no regulated air pollutants or greenhouse gases (*e.g.*, PM, VOCs, GHG or Ozone). No air permit will be required for either construction or operation of the Project. The Project will reduce particulate disruption by replacing the existing gravel operations on the Site (which is causing significant disturbance) thereby improving air quality for the immediate surrounding area.

B. WILDLIFE RESOURCES

Petitioner submitted the Project Site information to CT DEEP natural diversity database ("NDDB") and received the initial response on February 26, 2020, included in **Exhibit 11**. Based on the results of this preliminary screening NDDB, Lodestar retained APT to conduct follow-up habitat assessments. As demonstrated from the initial habitat assessment also attached in **Exhibit 11**, the only species of concern identified with potential habitat at the Site thus far is the smooth green snake. Petitioner is proposing to incorporate the mitigation efforts recommended by APT with regard to the smooth green snake, including the recommended construction time limitations. As noted in the APT report in **Exhibit 11**, Petitioner will complete all studies and obtain NDDB sign-off prior to the commencement of construction of the Project.

C. WETLANDS

The Project Site was investigated for the presence of state and federal wetlands by APT. As noted herein and in **Exhibit 8**, the Project Site hosts one wetland system along the northeastern corner of the open field on the Site. Petitioner has designed the Site to avoid any impacts to this wetland system and Petitioner has located the Facility over one hundred (100) feet from this wetland system. As a result, the proposed Project is not anticipated to have any impact on this single wetland resource on the Project Site.

D. STORMWATER MANAGEMENT

Petitioner completed a drainage analysis to review pre-and post-development runoff at the Site. Petitioner's report is attached hereto as **Exhibit 7**. As can be seen from **Exhibit 7** and herein, construction and operation of the Project at the Site will fully comply with requirements of the Department and Energy and Environmental Protection ("DEEP") stormwater requirements, including the now proposed but not implemented Appendix I.

E. FLOODPLAINS

The attached Federal Emergency Management Agency (FEMA) Flood Map, included in **Exhibit 1**, indicates that no portion of the Project Site is located within the one hundred (100) year flood zone or special flood hazard areas.

F. DRINKING WATER RESOURCES

A review of the Connecticut Aquifer Protection Area Map prepared by the CT DEEP Bureau of Water Protection and Land Reuse, included in **Exhibit 1** attached hereto, shows that the Project Site is not located in an aquifer protection area.

G. HISTORIC RESOURCES

Lodestar received a response from the SHPO dated March 11, 2020 confirming that the Project will have no adverse effects on historic resources. See SHPO response letter attached hereto as **Exhibit 13**. While SHPO has determined that no historic or archeological sites or resources have been reported in the vicinity of the Project Site, the SHPO has requested that the Petitioner complete a professional cultural resources survey prior to construction activities on that Site. The Petitioner has engaged a third-party professional to conduct such surveys, which are also attached hereto as **Exhibit 13**. Those surveys demonstrate that the proposed Facility will have no impact on any historic, cultural or archeological resources at the Site. The surveys have been forwarded back to the SHPO and, as shown in **Exhibit 13**, SHPO has determined that the Project will have no impact on historic, cultural or archeological resources at the Site.

H. SCENIC VALUES

The Project is located approximately six hundred ninety (690) feet west of Sand Road. The existing vegetation along the frontage on Sand Road will remain.

The nearest potentially sensitive visual receptor to the Project was determined to be a residential structure one hundred (100) feet to the north. Given the existing dense vegetation surrounding the Project Site and the topography of the Project Site and surrounding area, it is anticipated that there will be no visual impact of the Project to the surrounding area. In addition, Petitioner has met with the owner of this property to inform the owner of the proposed Project and, to date, the owner has not expressed any concerns about the Project.

I. PUBLIC HEALTH AND SAFETY

The Company is immensely concerned with safety. Overall, the Project will meet or exceed all health and safety requirements applicable for electric power generation. The Project

would be designed to applicable industry, State and local codes and standards and will not pose a safety concern or create undue hazard to the public. The Project includes a proposed seven and one half (7.5) foot high safety fence and locked gate (which is mandated by National Electric Code), which will limit access to authorized or emergency personnel only. Each employee working on the Project Site will:

- Receive required general and Site-specific health and safety training;
- Comply with all health and safety controls as directed by local, state, and federal requirements;
- Understand and employ the Site health and safety plan;
- Know the location of local emergency care facilities, travel times, ingress and egress routes; and
- Immediately report all unsafe conditions to the construction manager.

During construction, heavy equipment will be required to access the Project Site and higher levels of noise are anticipated; however, the Company will conduct all activities during normal working hours.¹

J. NOISE

While no formal noise study was completed for the Project, the Project is not anticipated to be a source of noise and will be in compliance with DEEP and Town of North Canaan regulations. Once the Project is constructed and operational, the only equipment that will emit noise consists of the three (3) inch cooling fans for the sixteen (16) inverters, which cannot be heard outside of the Project fence line. The noise output for those inverters is contained in

¹ If we are still working under state of Connecticut COVID-19 guideline at the time of construction, Petitioner will abide by all health requirements outlined for outdoor construction including washing stations, worker distances and other applicable requirements.

Exhibit 1 attached hereto and Lodestar’s analysis and compliance with applicable noise regulations is attached hereto as **Exhibit 12**. Those inverters are not active at night.

K. FAA

Pursuant to 14 CFR § 77.9 regarding the FAA Notice of Proposed Construction or Alteration, the FAA must be notified of “any construction or alteration that exceeds an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport.” 14 CFR § 77.9(b)(1) The Project Site information has been submitted to the FAA for review and approval and a copy of the FAA determination of no hazard is attached hereto as **Exhibit 9**.

L. CARBON DEBT ANALYSIS

Lodestar has conducted an independent analysis of the Carbon Debt and Carbon Offsets of this Project. The Project calls for the removal of no more than 6.39 acres of forested vegetation or trees. Lodestar’s analysis is based upon the United States Environmental Protection Agency conversion factor to identify the amount of carbon sequestered in one year by one acre of average U.S. forest: 0.85 metric tons (MT) CO₂ (EPA, 2017). Accordingly, the Project will begin with a Carbon Debt of 5.43 metric tons.

The expected annual output of the Project will be approximately 3,625,000 kWhs per year. Using the EPA Greenhouse Gas Equivalencies Calculator, the estimated annual carbon offset of the Project is 2,564 MT CO₂. Greenhouse gas equivalencies for this estimated offset include:

- 544 passenger vehicles driven for one year;
- 2,803,173 pounds of coal burned; and
- 307 homes’ energy use for one year.

Anticipating an annual “carbon debt” of 5.43 MT CO₂ and an annual carbon offset of 2,564 MT CO₂, Lodestar performed the following calculation to determine the duration of time to offset the carbon debt of the tree clearing:

$$\text{Offset Time in Days} = \text{Annual Carbon Debt} / (\text{Annual MT CO}_2 \text{ Offset/days Per year})$$

Using this formula, Petitioner has determined that it would take approximately 0.77 days to produce a net improvement in carbon reduction. It would take approximately 15.47 days to recover the loss of carbon sequestration by the 6.39 acres of cleared trees over 20 years.

VI. PROJECT CONSTRUCTION AND MAINTENANCE

The construction of the Project will have an anticipated duration of approximately four (4) to six (6) months requiring the services of local electrical, civil and structural contractors. The initial phase of construction will be the improvement of the temporary construction access road, and construction of the internal road located on the western boundary of the photovoltaic array. Next, steel foundations will be driven into the ground. Steel racking components will be mounted on these foundations followed by the installation of photovoltaic modules. The electrical contractor will then install conductors from the photovoltaic modules to the inverters and then to a single transformer on a single pad on the western edge of the array. A single SEL 351 Vista Switchgear will also be mounted to this pad. In parallel, Eversource will install (3) utility poles at the site access and provide utility interconnection to the site. The electrical contractor will then install a medium voltage circuit from the SEL 351 Vista Switchgear to the Eversource point of common coupling. Construction schedule will be based on a six (6) day work week Monday through Saturday between the hours of 7:00 AM and 5:00 PM but will be modified if required to comply with Town of North Canaan requirements. As noted above, the

Petitioner will utilize erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Erosion and Sedimentation Control throughout construction of the Project.

Once construction is complete and the Project is operational, the Project Site will be monitored remotely twenty-four (24) hours a day, seven (7) days a week through a data acquisition system (DAS). The DAS is capable of detecting weather, production from all equipment at the Project Site and safety concerns related to grid outages or faults. See **Exhibit 3 and 4**. An operations and maintenance team will perform detailed scheduled annual inspections of all equipment at the Project Site. In addition, the Petitioner's operations and maintenance team is on-call at all times in the event of unscheduled equipment maintenance or safety related concerns. Site vegetation is typically mowed three (3) times annually or as needed.

VII. CONCLUSION

The Project, a grid-side distributed resources Project with a capacity of less than 65 MW, is among the types of Projects that the Council can approve by declaratory ruling. Accordingly, and for the reasons stated herein, because the proposed Project will meet state air and water quality standards and will not have a substantial adverse effect on the environment, Petitioner respectfully requests that the Council approve the location and construction of the proposed Project by declaratory ruling.

Respectfully submitted,

Petitioner
LSE PHOENIX LLC

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