



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

April 29, 2021

TO: Service List dated February 26, 2021

FROM: Melanie A. Bachman, Executive Director *MAB*

RE: **PETITION NO. 1443** - SR North Stonington, 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 9.9-megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, and associated electrical interconnection.

The Connecticut Siting Council (Council) will hold a pre-remote hearing teleconference on procedural matters on Wednesday, May 5, 2021, beginning at 11:00 a.m. **All parties and intervenors are requested to participate.** The purpose of this pre-remote hearing teleconference is to expedite the remote hearing procedure without sacrificing an informative record necessary for the Council to render a decision.

Please use the call-in information below:

Call number: 866-917-7557 Passcode: 9148525

During the teleconference, parties and intervenors will be encouraged to discuss requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of pre-remote hearing interrogatories. To save the time and expense of the public, **the Council does not allow direct testimony** at the remote public hearing.

Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the remote public hearing.

For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the remote public hearing in the witness list.**

For the petitioner, please indicate in writing who shall be the **designated presenter during the 6:30 p.m. remote public comment session in the witness list and what site plan will be used for the presentation.**

MB/MP/lm

Pre-hearing Procedure

1. On or before May 25, 2021, all parties and intervenors are requested to electronically exchange pre-remote hearing interrogatories with all other parties and intervenors.
2. On or before June 1, 2021, all parties and intervenors are requested to file responses to pre-remote 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. For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the remote public hearing in the witness list**. 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 remote hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to electronically file a written petition with the Council on or before June 1, 2021.
4. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten 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 along a public road at or in the vicinity of where the proposed facility would be located. The sign shall set forth the name of the petitioner, the type of facility, the remote 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.**
5. Attached is a list of the Council's administrative notice items. Objections to any item on the list should be sent to the Council before the remote hearing.

Hearing Procedure

6. The 2:00 p.m., June 8, 2021, remote 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.
7. The order of appearances and cross-examination will be governed by a Hearing Program developed by the Council for the proceeding. The Council will issue the Hearing Program prior to the remote hearing.
8. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
9. If any party or intervenor designated representative or witness is using the Zoom dial-in option from a telephone, the phone number and name of the person must be provided in writing to the Council in advance so the phone number can be matched with the appropriate designated representative or witness. **If the phone number and name of**

the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.

10. The 6:30 p.m. remote public comment session on June 8, 2021, will be reserved for the public to make brief statements into the record. **Public statements will be limited to 3 minutes.** The Council requests that the petitioner conduct a brief presentation prior to remote public comment, describing proposed facility features from a site plan already submitted into the record. For the petitioner, please indicate in writing who shall be the **designated presenter during the 6:30 p.m. remote public comment session in the witness list. This site plan will be projected on the Zoom meeting screen during the public comment session.**
11. The Council may, at its discretion, group parties and intervenors with the same interests.
12. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
13. Pursuant to Section 16-50j-15b of the Regulations of Connecticut State Agencies, 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.
14. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
15. Any person may be removed from the Zoom remote evidentiary session or public comment session at the discretion of the Council.

Post-hearing procedure

16. A verbatim transcript of the remote hearing session will be posted on the Council's project webpage and deposited with the North Stonington Town Clerk's Office, North Stonington, Connecticut for the convenience of the public.
17. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the remote hearing.
18. Members of the public will be allowed to submit written statements into the record within 30 days after the close of the remote hearing.
19. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.



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Administrative Notice List Petition No. 1443

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 Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>
9. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2020*, January 29, 2020, available at <https://www.eia.gov/outlooks/aoe/>
10. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2020*, February 2020, available at https://www.eia.gov/outlooks/aoe/pdf/electricity_generation.pdf
11. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2021*, February 3, 2021, available at <https://www.eia.gov/outlooks/aoe/>

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_humanfac/oamtechreports/2010s/media/201512.pdf
18. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010 (updated April 2018), available at https://www.faa.gov/airports/environmental/policy_guidance/media/FAA-Airport-Solar-Guide-2018.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., *2019 Regional System Plan*, October 31, 2019, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
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28. ISO-NEW ENGLAND, INC., *2021 Regional Electricity Outlook*, March 2021, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
29. 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
30. 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
31. 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>
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41. ISO-NEW ENGLAND, INC., *FCA Results Filing in FERC Docket No. ER21-___-000*, February 26, 2021, available at https://www.iso-ne.com/static-assets/documents/2021/02/fca_15_results_filing_2-26-2021.pdf

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Connecticut Siting Council

42. CONNECTICUT SITING COUNCIL, *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised February 20, 2014, available at https://www.ct.gov/csc/lib/csc/emf_bmp/revisions_updates/754bmpfinal.pdf
43. 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
44. 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
45. 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_final rpt.pdf
46. **DOCKET NO. 470B** - NTE Connecticut, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-PendingMatters/Applications/3_DocketNos400s/Docket-No-470B-NTEKillingly
47. **PETITION NO. 1310A** - Quinebaug Solar, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, 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 and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1301-1310/Petition-No-1310A-CanterburyBrooklyn

48. **PETITION NO. 1313** - DWW Solar II, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1311-1320/Petition-No-1313-Simsbury

Department of Energy and Environmental Protection

49. 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
50. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004, and appendices, available at http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download
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52. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective February 8, 2018, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq., available at <https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7BD4AF4488-7FAF-4C01-855D-8421C5793BE6%7D>
53. 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>
54. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF ENERGY AND TECHNOLOGY POLICY, *2018 Comprehensive Energy Strategy for Connecticut*, February 8, 2018, available at https://www.ct.gov/dep/lib/dep/energy/ces/2018_comprehensive_energy_strategy.pdf

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57. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at http://www.ct.gov/dep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
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Department of Public Health

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Department of Transportation

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Other State Agencies

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65. Final Report of the Two Storm Panel, January 9, 2012, available at http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf
66. STATE OF CONNECTICUT, CONNECTICUT GREEN BANK, *Comprehensive Plan, Fiscal Year 2020 and Beyond*, available at https://ctgreenbank.com/wp-content/uploads/2020/07/Green-Bank_Revised-Comprehensive-Plan_062620a.pdf
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68. STATE OF CONNECTICUT, GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, *Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities*, 2011, available at http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf
69. PUBLIC UTILITIES REGULATORY AUTHORITY, *Cybersecurity and Connecticut's Public Utilities*, April 14, 2014, available at http://www.ct.gov/pura/lib/pura/electric/cyber_report_041414.pdf
70. PUBLIC UTILITIES REGULATORY AUTHORITY, *Connecticut Public Utilities Cybersecurity Action Plan*, April 6, 2016, available at http://www.ct.gov/pura/lib/pura/electric/cyber_report_April_6_2016.pdf
71. PUBLIC UTILITIES REGULATORY AUTHORITY, 2020 *Connecticut Public Utility Annual Cybersecurity Report*, April 5, 2021, available at <https://portal.ct.gov/-/media/PURA/2020-Connecticut-Public-Utility-Annual-Cybersecurity-Report.pdf>
72. PUBLIC UTILITIES REGULATORY AUTHORITY, *Docket No. 19-06-36 Application of Low and Zero Emissions Renewable Energy Credit Program – Year 9 and 10 Solicitations*, June 25, 2019, available at [http://www.dpuc.state.ct.us/dockcurr.nsf/\(Web%20Main%20View%5CALL%20Dockets\)?OpenView&Start=549](http://www.dpuc.state.ct.us/dockcurr.nsf/(Web%20Main%20View%5CALL%20Dockets)?OpenView&Start=549)
73. STATE OF CONNECTICUT, STATE VEGETATION MANAGEMENT TASK FORCE, *Final Report Issued to the Connecticut Department of Energy and Environmental Protection*, August 28, 2012, available at http://www.ct.gov/deep/lib/deep/forestry/vmtf/final_report/svmtf_final_report.pdf
74. STATE OF CONNECTICUT, COUNCIL ON ENVIRONMENTAL QUALITY, *Energy Sprawl in Connecticut: Why Farmland and Forests are Being Developed for Electricity Production; Recommendations for Better Siting*, February 3, 2017, available at http://www.ct.gov/ceq/lib/ceq/Energy_Sprawl_in_Connecticut.pdf
75. STATE OF CONNECTICUT, COUNCIL ON ENVIRONMENTAL QUALITY, August 26, 2020 Meeting Minutes, available at <https://portal.ct.gov/CEQ/Meetings-and-Agendas/Minutes/2020/August-26-2020>
76. STATE OF CONNECTICUT, EXECUTIVE ORDER NO. 7, Protection of Public Health and Safety During COVID-19 Pandemic and Response, March 12, 2020, and subsequent orders

related thereto, available at <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7.pdf>

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78. *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997).
79. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).
80. *Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection*, 324 Conn. 362 (2016).
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Instructions for Parties and Intervenors for Petition No. 1443 Remote Public Hearing

1. Attendees can join by clicking (or entering) the following link:
<https://zoom.us/j/99287641169?pwd=bEQwajFSdklRMG9YTIA2TWtxNDVUZz09> from a computer, smartphone, or tablet. **Meeting ID: 992 8764 1169 and Passcode: J814YK.** No prior software download is required.
2. For audio-only participation, attendees can join by dialing in at **1(929) 205-6099 (not toll free)** and then enter the **Meeting ID: 992 8764 1169 and Passcode: 143210** from a telephone
3. All participants are requested to mute sound notifications on their computer, smartphone or tablet. Telephones are often equipped with a “do not disturb” feature for the dial-in option.
4. If any participant is using the **dial-in option from a telephone**, the phone number and name of the participant must be provided in advance so the phone number can be matched with the appropriate participant by NAME. **If the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.** If using the link, unless the participant types in their name when entering the meeting, the email and name of the participant must be provided in advance so the email can be matched with the appropriate participant by NAME. If the NAME of the person is not typed in or provided when entering the meeting, they will not be admitted into the meeting. Please inform your witness panels.
5. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
6. The Presiding Officer will read an opening statement and cross examination of the petitioner by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the petitioner.
7. Once cross examination of the petitioner by the Council and all parties and intervenors concludes, cross examination of the next party listed on the Hearing Program by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the appearing party.