



STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

August 2, 2023

TO: Service List dated May 25, 2023

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

RE: **PETITION NO. 1572** – East Windsor Solar Two, 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 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection.

The Connecticut Siting Council (Council) will hold a pre-hearing conference **via Zoom Remote Conferencing** on procedural matters on Wednesday, August 9, 2023, beginning at 11:00 a.m. **All parties and intervenors are requested to participate.** The purpose of this pre-hearing conference is to expedite the hearing procedure without sacrificing an informative record necessary for the Council to render a decision.

Join Zoom Meeting

<https://us06web.zoom.us/j/82696474535?pwd=RTh1emhCcnhvZDWDWlra2VVR2hNdz09>

Meeting ID: 826 9647 4535

Passcode: Hh11fN

Dial +1 929 205 6099 US (New York)

Meeting ID: 826 9647 4535

Passcode: 992853

During the conference, 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-hearing interrogatories. To save the time and expense of the public, **the Council does not allow direct testimony** at the 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 public hearing.

For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the 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. public comment session in the witness list and what site plan will be used for the presentation.** Please submit the site plan for the presentation as a separate pdf for posting to the Council's website.

MB/MP/lm

Connecticut Siting Council
Pre-Hearing Conference: Procedure for Public Hearing of September 7, 2023

PETITION NO. 1572 – East Windsor Solar Two, 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 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection.

Pre-hearing Procedure

1. On or before August 24, 2023, all parties and intervenors are requested to electronically exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before August 31, 2023, 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. For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the 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 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 August 31, 2023.
4. Pursuant to § 16-50j-21 of the Regulations of Connecticut State Agencies (RCSA), 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 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 hearing.

Hearing Procedure

6. The 2:00 p.m., September 7, 2023, 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 public hearing.
8. All microphones will be muted upon entry into the Zoom 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. public comment session on September 7, 2023, will be reserved for the public to make oral limited appearance statements. **Public statements will be limited to 3 minutes.** The Council requests that the petitioner conduct a brief presentation prior to 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. 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 RSCA §16-50j-15b, 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 limited statements.
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 evidentiary session and/or public comment session at the discretion of the Council.

Post-hearing procedure

16. A verbatim transcript of the evidentiary and public comment hearing sessions will be posted on the Council's project webpage and deposited with the East Windsor Town Clerk's Office, East Windsor, 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 public hearing.
18. Members of the public will be allowed to submit written limited appearance statements within 30 days after the close of the public 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. 1572

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. 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>
4. 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>
5. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, last updated December 28, 2022, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. 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 https://www.nerc.com/pa/rrm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE_Outage_Report-05-31-12.pdf
7. 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>
8. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2023*, March 16, 2023, available at <https://www.eia.gov/outlooks/aoe/>
9. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2022*, March 2022, available at https://www.eia.gov/outlooks/aoe/pdf/electricity_generation.pdf
10. UNITED STATES FISH AND WILDLIFE SERVICE, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>

11. 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
12. 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.nrel.gov/docs/fy13osti/52615.pdf>
13. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.ourenergypolicy.org/wp-content/uploads/2013/08/Solar.pdf>
14. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
15. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf
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17. 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/sites/faa.gov/files/airports/environmental/FAA-Airport-Solar-Guide-2018.pdf>
18. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Review of Solar Energy System Projects on Federally-Obligated Airports*, May 11, 2021, available at <https://www.federalregister.gov/documents/2021/05/11/2021-09862/federal-aviation-administration-policy-review-of-solar-energy-system-projects-on-federally-obligated>
19. *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

20. 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
21. ISO-NEW ENGLAND, INC., *2021 Regional System Plan*, November 2, 2021, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
22. ISO-NEW ENGLAND, INC., *Regional System Plan Project List*, June 2023, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>

23. ISO-NEW ENGLAND, INC., *2022-2031 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2022, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
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25. ISO-NEW ENGLAND, INC., *2021 Regional Electricity Outlook*, March 2020, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
26. ISO-NEW ENGLAND, INC., *2022 Regional Electricity Outlook*, July 2022, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
27. ISO-NEW ENGLAND, INC., *ISO New England's Internal Market Monitor 2022 Annual Markets Report*, June 5, 2023, available at <https://www.iso-ne.com/static-assets/documents/2023/06/2022-annual-markets-report.pdf>
28. ISO-NEW ENGLAND, INC., *State of the Grid: 2020, Presentation by Gordon van Welie*, March 6, 2020, available at https://www.iso-ne.com/static-assets/documents/2020/03/20200306_stateofthegrid2020.pdf
29. ISO-NEW ENGLAND, INC., *Final 2023 PV Forecast*, April 28, 2023, available at https://www.iso-ne.com/static-assets/documents/2023/04/2023_pv_forecast_final.pdf
30. ISO-NEW ENGLAND, INC., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
31. ISO-NEW ENGLAND, INC., *New England's Capacity Auction Closes with Adequate Power System Resources for 2025-2026*, March 9, 2022, available at https://www.iso-ne.com/static-assets/documents/2022/03/20220309_pr_fca16_initial_results.pdf
32. ISO-NEW ENGLAND, INC., *FCA Results Filing in FERC Docket No. ER22-____-000*, March 21, 2022, available at https://www.iso-ne.com/static-assets/documents/2022/03/fca_16_results.pdf
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STATE

Connecticut Siting Council

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36. CONNECTICUT SITING COUNCIL, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf
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39. **DOCKET NO. 492** – Gravel Pit Solar Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-492-Gravel-Pit-Solar_East-Windsor
40. **DOCKET NO. 497** – Burlington Solar One, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 3.5-megawatt-AC solar photovoltaic electric generating facility located at Lot 33, Prospect Street, Burlington, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-497---Burlington-Solar-One
41. **DOCKET NO. 505** – Haddam Quarter Solar, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 2.8-megawatt-AC solar photovoltaic electric generating facility located south of Haddam Quarter Road and north of Johnson Lane, Durham, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-505
42. **PETITION NO. 1426** - DG Connecticut Solar III, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1421-1430/Petition-No-1426-East-Windsor-Solar-One

Department of Energy and Environmental Protection

43. 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

44. 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
45. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, PLANNING AND STANDARDS DIVISION, *Water Quality Standards, (Surface Water Quality Standards and Ground Water Quality Standards* Effective October 10, 2013, available at <https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7B2328E62B-7982-48A7-AF52-F3F382A821FA%7D>
46. 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/Title_22a/Subtitle_22a-174/
47. 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/getDocument?guid=%7b60A3E155-0600-CEB3-8088-B39D9CA5974D%7d>
48. 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://portal.ct.gov/-/media/DEEP/energy/CES/2018ComprehensiveEnergyStrategypdf.pdf>
49. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *2020 Integrated Resource Plan for Connecticut*, October 2021 ~~March 17, 2015~~, available at <https://portal.ct.gov/DEEP/Energy/Integrated-Resource-Planning/Integrated-Resource-Planning>
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51. 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/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
52. 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>
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54. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, STORMWATER PROGRAM, Stormwater Construction Filings, *available at <https://filings.deep.ct.gov/DEEPPortal/PublicSearch/SWC>*
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56. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Coldwater Habitat Interactive Map, *available at <https://ctdeepwatermonitoring.github.io/ColdWaterHab/>*

Department of Public Health

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Department of Transportation

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Other State Agencies

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62. 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*
63. 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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65. 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 <https://portal.ct.gov/-/media/DEEP/climatechange/ConnecticutClimatePreparednessPlan2011pdf.pdf>
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72. *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980).
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TECHNICAL

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Instructions for Parties and Intervenors for Petition No. 1572 Public Hearing

1. Attendees can join by clicking (or entering) the following link:
<https://us06web.zoom.us/j/81494379842?pwd=VE94b0tuQXRLejYxcEFwaFFNNVdjZz09> -from a computer, smartphone, or tablet. **Meeting ID: 814 9437 9842** and **Passcode: M31Vkn**. 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: 814 9437 9842** and **Passcode: 541520** 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.