



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Meeting Minutes

Meeting of September 23, 2021

A tele-conference meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, September 23, 2021. The meeting was called to order with a quorum present by Presiding Officer John Morissette at 1:00 p.m.

Council Members Present:

John Morissette
Presiding Officer
Louanne Cooley
Edward Edelson

Quat Nguyen
(designee for Chairman Gillett)
Daniel P. Lynch, Jr.
Robert Silvestri

Staff Members Present:

Melanie Bachman
Executive Director/Staff Attorney
Fred Cunliffe
Supervising Siting Analyst
Ifeanyichukwu Nwankwo
Siting Analyst

Christina Walsh
Supervising Siting Analyst
Robert Mercier
Siting Analyst
Michael Perrone
Siting Analyst

Recording Secretary:

Lisa Fontaine

1. Minutes of September 9, 2021.

Mr. Silvestri moved to approve the Minutes of September 9, 2021; seconded by Mr. Lynch. The motion passed unanimously.

2. **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. Development and Management Plan.**

Mr. Silvestri moved to approve the Development and Management Plan with the conditions noted in the staff report and the additional condition the Certificate Holder include contractor education and contact information for the spill response contractor in the Petroleum Materials Storage and Spill Prevention Plan prior to commencement of construction; seconded by Mr. Edelson. The motion passed unanimously.

3. **DOCKET NO. 500 - Arx Wireless Infrastructure, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 1061-1063 Boston Post Road, Milford, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.**

Mr. Lynch stated that he read the record of the proceeding

After reviewing the draft Findings of Fact, Opinion and Decision and Order, Mr. Edelson moved to approve the Draft Findings of Fact, Opinion, and Decision and Order, as amended, for the proposed location; seconded by Ms. Cooley. The motion passed with Mr. Edelson, Mr. Lynch, and Ms. Cooley voting in favor of the proposed location; Mr. Silvestri and Mr. Nguyen voting in favor of the alternate location; and Mr. Morissette voting to deny the application without prejudice.

4. **DOCKET NO. 503 - Arx Wireless Infrastructure, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 43 Osgood Avenue, New Britain, Connecticut. City of New Britain Request for Extension of Time to Submit Post Hearing Brief and Proposed Findings of Fact.**

Mr. Silvestri made a motion to reopen the evidentiary record and hold an additional evidentiary hearing session on October 5, 2021 at 2 PM via Zoom remote conferencing specifically limited to the consideration of whether the two additional alternative sites suggested by the City of New Britain are available and feasible options for tower development; seconded by Mr. Lynch. The motion passed unanimously.

The City's Request for an Extension of Time was rendered moot with the reopening of the evidentiary record.

5. **PETITION NO. 983 - BNE Energy, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Flagg Hill Road, Colebrook, Connecticut. Request for Extension of Time to Complete Construction.**

Mr. Edelson moved to approve BNE's Request for Extension of Time to Complete Construction of the third approved wind turbine until September 23, 2024; seconded by Ms. Cooley. The motion passed with Mr. Lynch recusing.

6. **PETITION NO. 1347A - GRE GACRUX LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 16.78-megawatt AC solar photovoltaic electric generating facility located at 117 Oil Mill Road and associated electrical interconnection to Eversource Energy's existing substation at 325 Waterford Parkway North in Waterford, Connecticut. Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Development and Management Plan.**

Mr. Silvestri moved to approve the partial Development and Management Plan; seconded by Mr. Edelson. The motion passed unanimously.

7. **PETITION NO. 1406A - Doosan Fuel Cell America, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a grid-side 9.66-megawatt fuel cell facility and associated equipment to be located at 600 Iranistan Avenue, Bridgeport, Connecticut, and associated electrical interconnection to the United Illuminating Company's existing Congress Street Substation. NuPower Bridgeport FC, LLC Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). NuPower Bridgeport FC, LLC Reopening of this petition based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Allco Renewable Energy Limited's Motion to Compel Interrogatory Responses and Motion to Strike. CGS §4-176 Deadline for Action - Set Date for Decision.**

a) Mr. Edelson moved to deny Allco Renewable Energy Limited's Motion to Compel Interrogatory Responses and Motion to Strike on the following bases:

- 1) CEPA is an intervention statute that limits participation to consideration of unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state;
- 2) Fuel cells are defined by statute as a Class I Renewable Energy source in the state;

- 3) the scope of the Council's review is defined under the Public Utility Environmental Standards Act; and
- 4) the entire record of Petition 1406, including, but not limited to, the Council's final decision, is part of the record in reopened Petition 1406A.

The motion was seconded by Mr. Silvestri and passed with Mr. Nguyen abstaining.

b) Mr. Silvestri moved to set the date by which to render a decision in accordance with Connecticut General Statutes § 4-176(e) and Section 16-50j-40(c) of the Regulations of Connecticut State Agencies, and Governor Lamont's March 25, 2020 Executive Order No. 7M, as subsequently extended, as no later than January 31, 2022; seconded by Mr. Lynch. The motion passed with Mr. Nguyen abstaining.

8. **PETITION NO. 1442 - SR Litchfield, 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 19.8-megawatt AC solar photovoltaic electric generating facility on 6 contiguous parcels located both east and west of Wilson Road south of the intersection with Litchfield Town Farm Road in Litchfield, Connecticut, and both east and west of Rossi Road, south of the intersection with Highland Avenue in Torrington, Connecticut, and associated electrical interconnection. Decision.**

Mr. Edelson moved to approve this petition with the conditions noted in the staff report and the additional condition that the petitioner submit a Development and Management Plan that includes, but is not limited to, increased setbacks to the property at 1119 Highland Avenue, Torrington; seconded by Ms. Cooley. The motion passed with Mr. Silvestri voting no.

9. **PETITION NO. 1457 - The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed 690 Line Rebuild Project consisting of: a) replacement and reconductoring of approximately 1.6 miles of its existing No. 690 69-kilovolt (kV) electric transmission line structures within existing Eversource electric transmission line right-of-way between Salisbury Substation in Salisbury and Central Hudson Gas and Electric Corporation's electric transmission system at the Connecticut/New York state line in Sharon, Connecticut; (b) installation of temporary backup electric generation at Falls Village Substation in Canaan and Salisbury Substation in Salisbury, Connecticut; and (c) related substation and electric transmission line structure improvements. Decision.**

Mr. Silvestri moved to approve this petition with the conditions noted in the staff report and the recommendation that Eversource communicate with abutters to the Salisbury Station if the generators

are expected to run for an extended period of time; seconded by Mr. Edelson. The motion passed unanimously.

10. **TS-DISH-089A-210819 - DISH Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 200 Stanley Street, New Britain, Connecticut. Decision.**

Mr. Silvestri moved to approve this tower share request with the condition that approval of any project changes be delegated to Council staff; seconded by Mr. Edelson. The motion passed unanimously.

11. **TS-DISH-089B-210819 - DISH Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 115 North Mountain Road, New Britain, Connecticut. Decision.**

Mr. Edelson moved to approve this tower share request with the condition that approval of any project changes be delegated to Council staff; seconded by Mr. Silvestri. The motion passed unanimously.

12. **TS-DISH-139A-210819 - DISH Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 44 Ff Tyler Place, Suffield, Connecticut. Decision.**

Mr. Silvestri moved to approve this tower share request with the condition that approval of any project changes be delegated to Council staff; seconded by Mr. Edelson. The motion passed unanimously.

13. **TS-DISH-139B-210819 - DISH Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 848 East Street South, Suffield, Connecticut. Decision.**

Mr. Edelson moved to approve this tower share request with the condition that approval of any project changes be delegated to Council staff; seconded by Mr. Silvestri. The motion passed unanimously.

14. **TS-DISH-154B-210819 - DISH Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 798 Toby Hill Road, Westbrook, Connecticut. Decision.**

Mr. Lynch moved to table this item; seconded by Mr. Silvestri. The motion passed unanimously.

15. TS-DISH-004-210827 - DISH Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 376 Deercliff Avenue, Avon, Connecticut. Decision.

Mr. Edelson moved to approve this tower share request with the condition that approval of any project changes be delegated to Council staff; seconded by Mr. Silvestri. The motion passed unanimously.

16. TS-DISH-089-210827 - DISH Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 167 Cocomo Circle, New Britain, Connecticut. Decision.

Mr. Edelson moved to approve this tower share request with the condition that approval of any project changes be delegated to Council staff; seconded by Mr. Lynch. The motion passed unanimously.

17. Administrative Notice.

The following energy/telecommunications meeting and public hearing dates were discussed:

- Docket No. 505, Tuesday, September 28, 2021, **evidentiary hearing session** beginning at 2:00 p.m. and **public comment session** beginning at 6:30 p.m. via Zoom remote conferencing.
- Docket No. 503, Tuesday, October 5, 2021, **evidentiary hearing session** beginning at 2:00 p.m., via Zoom remote conferencing
- Energy/Telecommunications telemeeting, Thursday, October 7, 2021, beginning at **1:00 p.m.**
- Docket No. 502, Tuesday, October 19, 2021, **evidentiary hearing session** beginning at 2:00 p.m., via Zoom remote conferencing
- Energy/Telecommunications telemeeting, Thursday, October 21, 2021, beginning at **1:00 p.m.**

Adjournment.

Mr. Edelson moved to adjourn the meeting; seconded by Mr. Silvestri. The motion passed unanimously.

Presiding Officer Morissette adjourned the meeting at 2:23 p.m.

Respectfully submitted,



**Melanie A. Bachman
Executive Director**

MAB/laf