



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
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VIA ELECTRONIC MAIL

January 28, 2022

Linda McAllister
State of Connecticut
Office of the Treasurer
Cash Management – Suite 2004
165 Capitol Ave – 2nd Floor
Hartford, CT 06106
Linda.McAllister@ct.gov

RE: **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.

Dear Ms. McAllister:

Pursuant to Connecticut General Statutes § 16-50(bb), please be advised that on July 16, 2021, the Connecticut Siting Council (Council) rendered a final decision in the above-referenced proceeding and issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Burlington Solar One, LLC (BSO).

On July 16, 2021, the Council issued correspondence to the Office of the Treasurer (OST) indicating the Town of Burlington did not become a party or intervenor to the proceeding and is not eligible to request funds for reimbursement of expenses. Therefore, after September 14, 2021, unused portions of the Municipal Participation Account for this proceeding were to be returned to Mr. William Herchel of BSO.

On September 8, 2021, pursuant to Condition No. 12 of the Certificate and prior to the expiration of the 60- day post-decision period specified in the Municipal Participation Fund statute, the Council received correspondence from Attorney Lee Hoffman (Hoffman) on behalf of BSO notifying the Council that ownership of BSO was transferred to DG Connecticut Solar III, LLC (DGIII) on or about August 13, 2021. On January 10, 2022, pursuant to Condition No. 12 of the Certificate, the Council received notification from DGIII that ownership of BSO was transferred to DGIII on or about December 3, 2021.

On January 27, 2022, in response to a January 18, 2022 inquiry from the Council as to what entity, BSO or DGIII, is authorized to receive the refund, Hoffman indicated the Municipal Participation Fund payment was remitted by BSO, an affiliate of VCP, LLC d/b/a Verogy and requested the refund to be issued to VCP, LLC d/b/a Verogy. A copy of Hoffman's January 27, 2022 correspondence with relevant portions highlighted is attached for OST's records.

Also on January 27, 2022, in response to a January 18, 2022 inquiry from the Council as to what entity, BSO or DGIII, is authorized to receive the refund, the Council received correspondence from Attorney Tracy Backer (Backer) on behalf of DGIII confirming the refund should be returned to VCP, LLC d/b/a

Verogy. A copy of Backer's January 27, 2022 correspondence with relevant portions highlighted is attached for OST's records.

Therefore, refund of the Municipal Participation Fund should be issued to: **VCP, LLC d/b/a Verogy**.

Should there be any questions, please feel free to contact our office. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with the first name being the most prominent.

Melanie A. Bachman
Executive Director

c: Robert Scalise, Assistant Treasurer, Office of the State Treasurer (Robert.Scalise@ct.gov)
Service List, dated September 10, 2021



Lee D. Hoffman
90 State House Square
Hartford, CT 06103-3702
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www.pullcom.com

January 27, 2022

VIA ELECTRONIC MAIL

Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: 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 Generating Facility Located at Lot 33, Prospect Street, Burlington, Connecticut, and Associated Electrical Interconnection.

Docket No. 497 – DG Connecticut Solar III, LLC – Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a 3.5-Megawatt AC Solar Photovoltaic Generating Facility Located at Lot 33, Prospect Street, Burlington, Connecticut, and Associated Electrical Interconnection.

Dear Ms. Bachman:

I am writing to you in response to your letter of January 20, 2022 concerning this project. I am writing to you on behalf of my client, VCP, LLC d/b/a Verogy and its affiliates, the former owner of Burlington Solar One, LLC and the current EPC contractor for the project that is the subject of this Docket.

In your letter, you reference the Council's September 24, 2021 approval of the project's Development and Management (D&M) Plan, and the four conditions contained therein. Specifically, the Council required that the project provide it with:

1. A revised Petroleum Materials Storage and Spill Prevention Plan indicating contractor education and contact information;
2. Submission of a final laydown area location;
3. Submission of the final plans for periodic cleaning of temporary sediment traps and swales and permanent stormwater basins; and

4. Submission of specific requests for Sunday work hours, if necessary.

With this letter, I am enclosing a revised Petroleum Materials Storage and Spill Prevention Plan, documentation of the final laydown area, and final plans for the cleaning of stormwater structures. The documentation of the final laydown area and final plans for the cleaning of stormwater structures are included in the attached project drawings. The revised Petroleum Materials Storage and Spill Prevention Plan is contained in a separate document, which is also included with this letter. Sunday work hours have not been necessary for this project, however, if such hours become necessary, the project will notify the Council of such necessity. With this submission, I believe all outstanding D&M Plan issues for this project have been addressed.

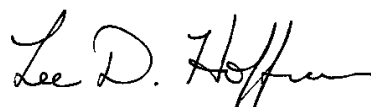
The remainder of your letter addressed the ownership issues associated with the project. It is my understanding that the project's current owner, DG Connecticut Solar III, LLC ("DG III"), will be sending additional information to the Council regarding the transfer of ownership of the project. For purposes of this letter, however, on August 13, 2021, an affiliate of VCP, LLC d/b/a Verogy ("Verogy") assigned 100% of its membership interests in Burlington Solar One, LLC to DG III. DG III therefore became the owner of Burlington Solar One, LLC. Thereafter, Burlington Solar One, LLC was merged into DG III, and DG III was the surviving entity. As such, DG III should be the holder of the project's certificate.

This does not resolve the issue of Burlington Solar One, LLC's January 28, 2021 remittance of \$25,000 to the Siting Council as a Municipal Participation Fund payment for the benefit of the Town of Burlington. That payment was made by Burlington Solar One, LLC, which, at the time, was an affiliate of Verogy. The Town of Burlington did not draw on any of the \$25,000, and it is our understanding that the Office of the State Treasurer is willing to return the \$25,000, however, it needs to be advised as to which entity the funds should be returned to.

Because an affiliate of Verogy made the original payment, the \$25,000 should be returned to an affiliate of Verogy. Accordingly, we hereby request that payment of \$25,000 be made to VCP, LLC dba Verogy. Should you need additional details for such payment, please contact the undersigned.

Thank you in advance for your prompt consideration of this matter. Should you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been made to all parties on the Petition's Service List as of this date.

Sincerely,



Lee D. Hoffman

Enclosures

January 27, 2022

Via Electronic Mail

Attn: Melanie Bachman, Esq.
Executive Director and Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

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Dear Ms. Bachman:

This correspondence serves to confirm DG Connecticut Solar III's ("DG III") agreement with the information provided in Mr. Lee Hoffman's correspondence in response to the Connecticut Siting Council's ("CSC") January 20, 2022 letter related to the above captioned Petition. As provided, DG III, an affiliate of NextEra Energy Resources, LLC, is now the owner and operator of the Burlington Solar facility ("the Project") and will continue to ensure compliance with the terms, limitations, and conditions contained in the above captioned Certificate.

For background, on August 13, 2021, an affiliate of VCP, LLC d/b/a Verogy ("Verogy") assigned 100% of its membership interests in Burlington Solar One, LLC ("BSO"), the previous owner of the Project, to DG III. DG III therefore became the owner of BSO and thereafter, BSO was merged into DG III, with DG III the surviving entity.

DG III understands that prior to its purchase of BSO, on January 28, 2021, BSO remitted \$25,000 to the CSC as a Municipal Participation Fund payment for the benefit of the Town of Burlington. At the time of that payment BSO was an affiliate of Verogy. The Town of Burlington did not draw on any of the \$25,000, and DG III understands that the Office of the State Treasurer is willing to return the \$25,000, but first needs to be advised as to what entity those funds should be paid. Since an affiliate of Verogy made the original payment, DG III agrees that the \$25,000 should be returned to an affiliate of Verogy, as requested in Mr. Hoffman's letter.

If you have any questions, please contact the undersigned or Tim Garcia.

Thank you for your consideration,



Tracy L. Backer
Senior Attorney

Cc:

Tim Garcia, DG Connecticut Solar III, LLC

Lee D. Hoffman, Esq., Pullman & Comley, LLP

Linda McAllister, Cash Management, Office of the State Treasurer

Robert Scalise, Assistant Treasurer, Office of the State Treasurer